

## Chapter 34 ZONING<sup>1</sup>

### ***ARTICLE I. IN GENERAL***

#### **Sec. 34-1. Short title.**

This chapter shall be known as the White Pigeon Township zoning ordinance.

#### **Sec. 34-2. Purpose.**

This chapter has been established for the purpose of:

- (1) Promoting and protecting the public health, safety, and general welfare;
- (2) Protecting the character and the stability of the agricultural, residential, and commercial areas within the unincorporated portions of the township and promoting the orderly and beneficial development of such areas;
- (3) Providing adequate light, air, privacy and convenience of access to property;
- (4) Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
- (5) Lessening and avoiding congestion in the public highways and streets;
- (6) Providing for the needs of agriculture, residences, and commerce in future growth;
- (7) Promoting healthful surroundings for family life in residential and rural areas;
- (8) Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
- (9) Preventing the overcrowding of land and undue concentration of buildings and structures as appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- (10) Enhancing social and economic stability in the township;
- (11) Conserving the taxable value of land, buildings and structures in the township;
- (12) Enhancing the aesthetic desirability of the environment throughout the township;
- (13) Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land; and

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<sup>1</sup>Cross reference(s)—Any ordinance pertaining to rezoning saved from repeal, § 1-11(a)(15); buildings and building regulations, ch. 6; environment, ch. 10; land divisions and subdivisions, ch. 14; telecommunications, ch. 22; franchises, app. A.

State law reference(s)—Township zoning act, MCL 125.271 et seq.; township planning, MCL 125.321 et seq.

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(14) Reflecting the intent, goals and objectives of the current township master plan.

### **Sec. 34-3. Construction of language.**

For the purpose of this chapter certain terms are defined. The term "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The term "used" or "occupied" includes the term "intended," "designed," or "arranged" to be used or occupied.

### **Sec. 34-4. Definitions.**

A term not defined in this section shall have the meaning customarily assigned to it in the latest edition of Webster's Unabridged Dictionary. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandonment* means the cessation of activity in or use of a dwelling, structure, or lot, other than that which would normally occur on a seasonal basis, for a period of 12 months or longer.

*Access* means a way of approaching or entering a property. For purposes of this chapter, all lots of record shall have legal access to a public street or highway or to a private street meeting public standards.

*Accessory structure* and *accessory building* mean a structure or building customarily incidental and subordinate to the principal building and located on the same zoning lot as the principal building.

*Accessory use* means a use customarily incidental and subordinate to the principal use of the land or building and located on the same zoning lot as the principal use.

*Agricultural retail facility* means a booth or stall located on a farm from which produce and farm products are sold to the general public.

*Agriculture* means any land or building used for the business of cultivating the soil, producing crops and/or raising livestock.

*Air right* means the right to the space above a property, for development.

*Airport* means a place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

*Alteration* means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, the consummated act of which may be referred to as "altered" or "reconstructed."

*Alternative support structure* means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of wireless communications support structures or wireless communications equipment.

*Animal hospital* means a facility staffed by licensed veterinary medicine practitioners for the purpose of providing medical care, including surgery, to large and small animals and temporarily housing such animals during recovery.

*Ancillary solar equipment* means any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

*Antenna* means any exterior transmitting or receiving device mounted on a wireless communications support structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies excluding radar signals, wireless telecommunications signals or other communication signals.

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*Apartment house* means a suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

*Apiary* means a place in which bees are kept for production of honey.

*Appeal* means the process, as prescribed in this chapter, for contesting a zoning interpretation made by the zoning administrator or decision made by the planning commission.

*Applicant* means a person submitting an application for review and action by the township or any of its departments or commissions.

*Area*. See *Lot area*.

*Assembly activity* relates to the assembly and accessibility of finished goods such as autos, trailers, vans, furniture, etc., excluding raw material, manufacturing, stamping, or processing.

*Assembly structure* means a building used for the primary purpose of group gatherings of 50 people or more for any purpose.

*Automatic carwash* means a structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water and/or heat for drying.

*Automobile or vehicle repair* means general repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

*Automobile or vehicle sales area* means an area used for the display, sale and rental of new and used motor vehicles, boats, trailers, farm equipment, construction equipment or manufactured homes, all in operable condition.

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

*Automobile service station or filling station* means a place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for the operation of motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises, but in no case to include automobile or truck major mechanical repair. Convenience food sales and/or fast food restaurants may also be provided on the premises.

*Backhaul network* means the lines that connect a provider's wireless communications support structure sites to one or more wireless communications switching offices, and/or long distance providers, or the public switched telephone network.

*Balcony* means a platform projecting from an upper story and enclosed by a railing.

*Basement* means a portion of a building, more than one-half of which is below the average grade level

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

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

*Breezeway* means any covered passageway between two buildings, the sides of which may be enclosed by lattice, screens, or other material allowing the passage of air.

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*Buffer* means a strip of land used to visibly separate one land use from another or to shield or block noise, lights, or other nuisances.

*Buildable area* means the space remaining on a lot of record after the minimum setback and open space requirements have been met.

*Building* means any structure, either temporary or permanent, erected on site, having a roof, and used or built for the shelter and enclosure of persons, animals, or property of any kind, a manufactured home or mobile structure, a premanufactured or precut structure, above or below ground.

*Building administrator* means the appointed official of the township or his delegated representative charged with the issuance of building, electrical, mechanical and any other applicable permits associated with construction or structural changes.

*Building coverage* means the horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

*Building height* means the vertical distance measured from the highest point of the roof to the average grade.

*Building inspector* means the appointed officials of the township or their delegated representatives responsible for inspecting various phases of construction to ascertain the construction is in compliance with applicable building codes adopted by the township.

*Building line* means a line parallel to the front lot line at the minimum required front setback line.

*Building permit* means a permit signifying compliance with the provisions of this chapter as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the township.

*Business services* means establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

*Caliper* means the diameter of a tree trunk measured two feet above grade.

*Canopy* means a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

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

*Certificate of occupancy* means a document issued by the proper authority (building official and zoning administrator) allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and approved plans and specifications.

*Certificate of zoning compliance* means a certificate issued by the zoning administrator to a party intending to initiate any work or change any use of property in the township.

*Child care organization, child care center, day care center, foster family home, foster family group home, family day care home, and group day care home* shall have the meanings given to these terms under Michigan Public Act No. 116 of 1973, as amended (MCL 722.111 et seq.).

*Church* means a building or structure, or groups of buildings or structures, which by design and construction is primarily intended for organized religious services and accessory uses associated therewith.

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*Clear vision* means an area 20 feet along each street at its intersection with another street, drive or alley where no visual obstruction of sight may exist.

*Club* means an organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

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

*Commercial* is a term relating to the use of property in connection with the purchase, sale or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprises or garage/basement/porch sales lasting more than nine days during any 12-month period.

*Commercial recreation* means establishments engaged in providing amusement or entertainment for a fee or admission charge, and including such activities as dancehalls, studios, bowling alleys and billiard and pool establishments; commercial sports such as arenas, rings, racetracks, golf courses; amusement parks; carnival operations; expositions; game parlors; and swimming pools.

*Commission* means the planning commission of the township.

*Condominium* means the individual ownership of a unit or parcel of real property within a multiunit parcel or structure located as a permitted use within a zoning classification and requirements of this chapter.

*Contiguous* means next to, abutting, or touching and having a common boundary or portion thereof.

*Deck* means a horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck must be open and cannot be partially or completely covered by a roof and wall structure.

*Density* means the intensity of development in any given area, measured in this chapter by the number of dwelling units per acre.

*Dish-type satellite signal-receiving antennas*, also referred to as "earth stations" or "ground stations," means one or a combination of two or more of the following: a signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit.

*District* means an area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

*Dog breeding establishment* means any establishment where dogs are intentionally mated to produce puppies to be sold.

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

*Dwelling, underground*, means a residence, the roof of which is covered with earth and which on at least three sides does not extend upward more than the surrounding grade levels within 50 feet and which must have one exposed side at least 14 feet in width with a height of not less than seven feet six inches; and also meet all building codes and regulations pertaining thereto.

*Dwelling unit* means a building or portion thereof, which is occupied as the home, residence, or sleeping place of one family, either permanently or transiently. In no case shall a travel trailer, motor home, automobile chassis, tent, or other portable building be considered a dwelling in single-family, two-family, or multiple-family residential areas.

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- (1) *Dwelling* means a house or building, or portion thereof, which is occupied as the home, residence, or sleeping place by one or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling.
    - a. It is firmly attached to a permanent foundation and shall meet all applicable building codes and other state and federal regulations.
    - b. It does not have exposed wheels, towing mechanism, undercarriage, or chassis.
    - c. It is connected to a public sewer and water supply, or to private facilities approved by the local health department.
    - d. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the building official upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the zoning board of appeals. Any determination of compatibility shall be based upon the standards set forth in the definition of "dwelling" in this chapter, as well as the character of the (conforming) residential development of the neighborhood, excluding manufactured home parks.

In the case of mixed occupancy, a dwelling is a building which is occupied as the home, residence, or sleeping place by one or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered a dwelling.

- (2) *Dwelling, multiple*, means a building used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, condominiums, and apartment hotels.
- (3) *Dwelling, one-family*, means a detached building occupied by one family and so designed and arranged as to provide living accommodations for one family only. Every one-family dwelling shall have a minimum width throughout the entire length of the dwelling of 24 feet, measured between the exterior part of the walls having the greatest length. Also known as a single-family dwelling.
- (4) *Dwelling, two-family*, means a detached building occupied by two families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.
- (5) *Group dwelling (congregate living)* means a building or group of buildings designed and used for residential habitation where joint and/or separate sleeping rooms share common living facilities, housing persons unrelated by blood or marriage.

*Easement* means any private or dedicated public way, other than a street or alley, providing a secondary means of access to a property, having a width of not less than 20 feet.

*Eave* means the projecting lower edges of a roof overhanging the wall of a building.

*Environmentally sensitive area* means an area with one or more of the following characteristics.

- (1) Slopes in excess of 20 percent.
- (2) Floodplain.
- (3) Soils classified as having a high water table.
- (4) Soils classified as highly erodible, subject to erosion, or highly acidic.
- (5) Land incapable of meeting percolation requirements.
- (6) Land formerly used for landfill operations or hazardous industrial uses.
- (7) Fault areas.

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- (8) Stream corridors.
  - (9) Estuaries.
  - (10) Mature stands of native vegetation.
  - (11) Aquifer recharge and discharge areas.

*Equipment compound* means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

*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* means the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, electrical, steam, fuel or water transmission or distribution systems and collection, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police callboxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings or maintenance depots.

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

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communications Commission.

*Fabrication* relates to stamping, cutting or otherwise shaping the processed materials into useful objects, excluding the refining or other initial processing of basic raw materials such as metal, ores or rubber.

*Family* means:

- (1) One or more persons related by blood, marriage, or adoption, with their direct lineal descendants and including the domestic employees thereof living as a single, nonprofit housekeeping unit or
- (2) A collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor does it include a group of individuals whose association is temporary and resort-seasonal in character or nature.

*Farm* means any parcel of land containing at least ten acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes the necessary farm structures within prescribed boundaries and the storage of farm equipment used. It excludes the raising of fur-bearing animals; commercial dog kennels; and stone, gravel or sand quarries.

*Farm building* means any detached accessory building or portion of a main building used for the storage or housing of farm implements, produce, or animals.

*Farm dwelling* means a dwelling occupied by a single family or individual and which is currently associated with agricultural activities on the premises or surrounding properties.

*Farm stand* means a booth or stall located on a farm, from which produce and farm products are sold to the general public.

*Fence* means an artificially constructed barrier of wood, metal, stone, or any other manufactured materials erected for the enclosure of yard areas.

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*Filling* means the depositing or dumping of any matter into or onto the ground, except common household gardening and general care.

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

*Floor area, gross*, means the sum of all gross horizontal areas of the several floors of a building, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios, whether covered or uncovered, shall not be considered as a part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor equipment.

*Floor area, usable*, for purposes of computing parking requirements, means that area to be used for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways and elevator shafts, or for utilities or sanitary facilities shall be excluded from this 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.

*Fraternal organization* means a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals and formal written membership requirements.

*Funeral home* means a building used for the preparation of the deceased for burial and display and for ceremonies connected therewith before burial or cremation.

*Funneling*, also "key-holing", means the use of an inland waterfront parcel or property as common open space, providing waterfront and waterfront access for; 1) a larger development that has lots which are not contiguous to the waterfront, 2) individuals who are not riparian property owners (not considering the funneling property) on the same body of water; or 3) individuals who may be riparian property owners (not considering the funneling property) but who combine with non-riparian property owners for purposes of gaining access. The key characteristics of a waterfront-funneling situation include but are not limited to the following:

- (1) Non-riparian property owners being provided access to the water.
- (2) Non-waterfront property under a separate legal description.
- (3) Riparian and non-riparian parcels are often separated by a public roadway.
- (4) Property owners who combine ownership for purposes of having waterfront and water access.

*Garage* includes the following:

- (1) *Private garage* means a detached accessory building or portion of a main building used for the storage of four or less vehicles not rated more than 1½ tons without provision for repair or servicing such vehicles for profit.
- (2) *Service garage* means any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

*Gasoline service station* means a structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, motor repair, or servicing, but not including bumping and painting, refinishing or conveyor-type carwash operations.

*Generally accepted agricultural and management practices (GAAMPs)* means practices adopted by the state to provide uniform, statewide standards and acceptable management practices based on sound science for livestock operations.



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*Grade* means a ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

*Green area* means land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

*Greenbelt* means a designated strip of natural vegetation or all land within 50 feet of the water's edge.

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

*Hazardous materials* means any materials that have been declared to be hazardous to any agency of the state or of the United States, including but not limited to toxic materials and metal hydroxides.

*Health care (service) facility* means a facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including but not limited to a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care; medical, surgical, and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services; and bioanalytical laboratory or central services facilities serving one or more such institutions; but excluding institutions that provide healing solely by prayer.

*Height* means, when referring to a wireless communications support structure or other structure, the distance measured from the finished grade of the parcel to the highest point on the wireless communications support structure or other structure, including the base pad and any antenna.

*Home occupation* means an occupation conducted in a dwelling unit or accessory structure, provided that:

- (1) No more than one person, other than members of the family residing on the premises, shall be engaged in such occupation;
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of floor area of the dwelling unit and/or 50 percent of an accessory structure shall be used in the conduct of the home occupation;
- (3) There shall be no change in the outside appearance of the building or other visible evidence of the conduct of such home occupation, other than one sign of not more than four square feet in size, in single-family and multiple-family residential districts, flush with building;
- (4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any (need for) parking generated by the conduct of such home occupation shall meet the offstreet parking requirements as specified in this chapter and shall not be located in a required front yard; and
- (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television, or other like receiving device off the premises or causes fluctuations in line voltage off the premises.

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- (6) Garage sales, rummage sales, yard sales, and similar activities may be conducted for no longer than three days and no more than three times per calendar year on the same property.

*Hospice* means a home-like facility for the care of the terminally ill, with acute care facility capabilities.

*Impervious surface* means any material which reduces and prevents the absorption of stormwater into previously undeveloped land.

*Intensive livestock operation* means a farm which has animals stabled or confined, other than on grazing areas, and fed for a total of 45 days or more in any 12-month period and which contains more than the following numbers and types of confined animals:

300 slaughter or feeder cattle

300 mature dairy cattle (milked and dry)

600 swine

3,000 sheep or lambs

15,000 turkeys

20,000 laying hens and/or broilers

300 animal units (one animal unit means the number of animals equivalent to a 1,000-pound bovine animal in terms of feed consumption and waste production)

Generally accepted agricultural management practices (GAAMP's) and their corresponding guidelines as adopted by the state are applicable for new and/or expanding livestock facilities.

*Junk* means any motor vehicles, machinery, appliances, products or merchandise with parts missing or scrap metals or other scrap materials that are damaged or deteriorated.

*Junk motor vehicle* means an automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power and will require major repairs before being made usable; or such a vehicle which does not comply with state or township laws or ordinances.

*Junkyard* includes any place in which a person engages in the handling, purchase, exchange, accumulation, receipt, storage, sale or other disposition of any junk. Excepted from this definition shall be any retail merchants who repossess their own merchandise sold on a title-retaining contract or chattel mortgage basis.

*Kennel* means any dog breeding establishment regardless of the number of dogs kept on site and/or any establishment wherein or whereon four or more dogs over the age of six months are kept overnight (regardless of whether or not the dogs are owned by the owner or occupant of the subject property) excluding an animal hospital. Notwithstanding the foregoing, a kennel shall not include an establishment wherein or whereon four dogs are kept if all such dogs are kept as pets and are spayed or neutered and proof of the same is provided to the township.

*Laboratory* is defined as follows:

- (1) *Experimental laboratory* means a building or part of a building devoted to the testing and analysis of any product or animal.
- (2) *Medical or dental laboratory* means a laboratory which provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
- (3) See *Health care (service) facility*.

*Livestock* means those species of animals used for human food and fiber or those species of animals used for service to humans. "Livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison,

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privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats.

*Loading space* means an offstreet space on the same lot with a building, or a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

*Lot* means land occupied or to be occupied by a building, structure, land use of a group of buildings, together with such open spaces or yards as are required under this chapter, and having its principal frontage upon a street.

*Lot area* means the total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

*Lot, corner*, means a lot which has at least two contiguous sides abutting upon a street for their full length.

*Lot depth* means the mean distance from the street line of the lot to its opposite rear line measured in the general direction of the sidelines of the lot.

*Lot line* means any line bounding a lot, including the following:

- (1) *Front lot line* means the line separating the lot from the street, except a waterfront lot where the front lot line is on the water's edge. In the case of a corner lot, the front lot line shall be the line separating the lot from the street upon which the lot principally fronts which shall be the street used to assign an address to the lot. In the case of a lot that does not have frontage on a public or private road and is served by an easement, the front lot line shall be the lot line that is closest to and most parallel to the road from which an address has or would be assigned to the lot.
- (2) *Rear lot line* means the line opposite to and most distant from the front lot line; in irregular shaped lots, it shall be the straight line entirely within the lot, at least ten feet long, and parallel to and most distant from the front lot line.
- (3) *Side lot line* means any line other than front or rear lot lines.
- (4) *Street lot line and alley lot line* mean any line separating a lot from a street or alley.

*Lot of record* means a lot which is part of a subdivision, the map of which has been recorded in the office of the register of deeds in the county, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the office of the register of deeds in the county prior to the adoption of the ordinance from which this chapter is derived.

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

*Lot width* means the straight-line horizontal distance between the side lot lines, measured at the front lot line.

*Lot, zoning*, means a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. The term shall not include pickup campers, travel trailers, converted buses, or tent trailers.

*Manufactured home park* means a parcel of land under the control of a person upon which three or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that

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purpose, regardless whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

*Manufactured home site* means a measured parcel of land within a manufactured home site which is delineated by lot lines on a final development plan and which is intended for the placement of a manufactured home and the exclusive use of the occupants of such manufactured home.

*Manufactured home subdivision* means a manufactured home park, except that the manufactured home lots are subdivided, surveyed, recorded, and sold in accordance with the Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).

*Manufacturing facility* means an establishment engaged in the mechanical, chemical, or electrical transformation of materials or substances into new products, including the assembling of component parts; the manufacturing of products; and the blending of materials such as lubricating oils, plastics, resins, or liquids.

*Marquee* means any hood, canopy, awning, or permanent structure which projects from a wall of a building, usually above an entrance.

*Master plan and comprehensive development plan* mean the statement of policy by the planning commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner, thereby creating the very best community living conditions.

*Ministorage* means a structure containing separate storage of varying sizes leased or rented on an individual basis.

*Mixed use zoning* means regulations which permit a combination of different uses within a single development, under special regulations.

*Modular and sectional home* means a dwelling unit consisting of two or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for conventional residence.

*Mortuary* means a place for the storage of dead human bodies prior to burial or cremation.

*Motel* means a group of furnished rooms or separate structures providing sleeping and parking accommodations for the transient tourist trade, as distinguished from furnished rooms for overnight or weekly rent in an existing residential building.

*Natural retention area* means a naturally occurring pond or wetland which retains stormwater runoff.

*Nonconforming building* means any building or portion thereof lawfully existing at the time the ordinance from which this chapter is derived became effective and which does not comply with the regulations of this chapter.

*Nonconforming lot* means a lot, the area, dimensions or location of which was lawful prior to the adoption, revision, or amendment of the ordinance from which this chapter is derived, but which fails, by reason of such adoption, revision, or amendment, to conform to current requirements of the zoning district.

*Nonconforming sign* means any sign lawfully existing on the effective date of the ordinance from which this chapter is derived, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

*Nonconforming use* means a building, structure, or use of land lawfully in existence at the time of enactment of the ordinance from which this chapter is derived, and which does not conform with the regulations of the district or zone in which it is situated.

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*Nuisance* means an offensive, annoying, unpleasant or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being; or the generation of an excessive or concentrated movement of people or things such as:

- (1) Noise.
- (2) Dust.
- (3) Smoke.
- (4) Odor.
- (5) Glare.
- (6) Fumes.
- (7) Flashes.
- (8) Vibration.
- (9) Shock waves.
- (10) Heat.
- (11) Electronic or atomic radiation.
- (12) Objectionable effluent.
- (13) noise of a congregation of people, particularly at night.
- (14) Passing traffic.
- (15) Invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

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

*Offstreet parking space* means an area of not less than 20 feet in length or ten feet in width, exclusive of drives, aisles, or entrances giving access thereto, and which shall be fully accessible for parking of permitted vehicles.

*Open space* means that part of a zoning lot, including courts or yards, which:

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

*Outdoor wood furnace* (also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater) means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals; and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

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*Parental sheltering living unit* means a separate living unit attached to the main dwelling, for the temporary use of elderly or handicapped relatives of the occupants of the main dwelling, containing a kitchenette, bathroom, sleeping and living area and having access to the main dwelling through an interior door and direct access to the outside through an exterior door. The parental sheltering living unit shall not be larger than 640 square feet. All applicable setback requirements shall be met.

*Parking lot* means an offstreet, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

*Patio porch* means an open courtyard or terrace.

*Performance standards* means a set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) which a particular use or process may not exceed.

*Permanently affixed* means to affix a structure to the ground or to another structure in accordance with the design and material specifications of applicable building codes.

*Permitted use* means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

*Planned residential development (PRD)* means an area of minimum contiguous size, as specified by this chapter, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and one or more open space or recreation areas in such range or ratios of nonresidential to residential uses as shall be specified.

*Pool, private swimming pool (over 500 gallons)* means any artificially constructed basin or other structure for the holding of water for use for swimming, diving, and other aquatic sports and recreation. The term "swimming pool" does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

*Porch* means a covered extension or attachment to a front, rear or side entrance to a building. A porch may be open or enclosed.

*Preexisting wireless communications support structure and preexisting wireless communications equipment* mean any wireless communications support structure or wireless communications equipment for which a building permit or special use permit has been properly issued prior to the effective date of the ordinance that added division 6 to article IV of this chapter, including those permitted that have not yet been constructed, so long as such approval is current and not expired.

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

*Principal building* means a dwelling unit in all zoning districts except commercial districts and industrial districts.

*Principal use* means the primary and predominate use of the premises, including customary accessory uses.

*Private recreation* means recreational, playground and park activities which are not open to the general public and for which a fee may or may not be charged.

*Processing* means any operation changing the nature of material such as the chemical composition, physical qualities, or size or shape. The term does not include operations described as fabrication or assembly.

*Public facilities* means facilities which are owned and operated by a municipality, government agency, or publicly owned utility.

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*Public utility* means any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water, sanitary sewer and storm sewer.

*Public way* means a highway, street, avenue, boulevard, road, lane, alley or other area specifically designated and continuously maintained for public access.

*Recreational vehicle* means a vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

*Research and development facility* means any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed, which is the interim step between full research and development and ultimate full scale production.

*Resource recovery facility* means a fully enclosed building where waste is sorted and classified by type and material, such as ferrous metal, nonferrous metal, aluminum, paper, newsprint, boxed board, plastic and glass colors. The purpose is to reuse the recovered materials.

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

*Restrictive covenant* means a restriction on the use of land usually set forth in a deed or other appropriate document.

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

*Right-of-way* means a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

*Road or street, private* means an irrevocable easement running with and providing access to two or more parcels or lots adjacent to the road and which has not been dedicated for general public use.

*Road or street, public*, means any public right-of-way which provides vehicular access to adjacent properties.

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

*Salvage yard* means a place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. The term "salvage yard" does not include uses conducted entirely within a completely enclosed building; pawnshops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment; and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

*Seasonal business* means a retail business or service business that is not normally used as a business for more than eight months during any one calendar year.

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*Seasonal residence* means a dwelling unit not normally the permanent residence of the occupants and not normally used as a dwelling unit for more than six months during any calendar year.

*Setback* means the minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot.

*Shadow flicker* means alternating changes in light intensity caused by the moving blade of a wind energy conversion system casting shadows on the ground and stationary objects such as dwellings.

*Shopping center* means a business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.

*Sign* means any device designed to inform or attract the attention of persons not on the premises on which the sign is located. Specific types of signs are defined in section 34-512. However, the following shall not be included in the application of the regulations in this chapter:

- (1) Signs not exceeding one square foot in area bearing only property numbers, postbox numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- (2) Flags and insignias of any government, except when displayed in connection with commercial connotations.
- (3) Legal notices or identification, information, or directional signs erected or required by governmental bodies.
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or flashing lights.
- (5) Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

*Single ownership* means ownership by one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

*Site condominium* means a form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.).

*Site plan* means the development plan for one or more lots, on which is shown the existing and proposed conditions of the lot under the terms of section 34-622.

*Site plan review and approval* means the submission of plans for review and approval, as required by this chapter, and special use permits.

*Sketch plan* means a rough map of the proposed subdivision or site plan, of sufficient accuracy to be used for the purpose of discussion and classification.

*Solar collector surface* means any part of solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

*Solar energy* means radiate energy received from the sun that can be collected in the form of heat or light by a solar energy system.

*Solar energy system (SES)* means a system (including solar collectors and ancillary equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and



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distributes solar energy for heating or cooling, generating electricity, or heating water. Solar energy systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

- (1) *Personal-scale SES* means a solar energy system that is accessory to the principal use on the site. The total surface area of all solar collector surfaces within a personal-scale SES shall not exceed 1,500 square feet. The sale and distribution of excess available energy, if permitted, to an authorized public utility for distribution shall be incidental to this type of system, and not its primary purpose. Sale of excess energy to anything other than an authorized public utility shall be prohibited.
- (2) *Utility-scale SES* means a solar system that meets one or more of the following:
  - a. Is primarily used for generating electricity for sale and distribution to an authorized public utility;
  - b. The total surface area of all solar collector surfaces exceeds 1,500 square feet; and/or
  - c. Is not an accessory use or structure.
- (3) *Building-mounted SES* means a solar energy system affixed to a permanent principal or accessory building (i.e., roof or wall).
- (4) *Ground-mounted SES* means a freestanding solar energy system that is not attached to and is separate from any building on the parcel of land on which the solar energy system is located.

*Special use permit* means a permit issued by the township board after application and review by the planning commission allowing a use that is listed as a use allowed by special use permit in a specific zoning district.

*Spot zoning* means rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the township comprehensive plan.

*Stable, private*, means any building for shelter of horses or other animals not kept for remuneration, hire or sale.

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

*Story* means that portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or, if there is no floor above it, the space between the floor and the ceiling next above it.

*Story, half*, means an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet of clear height between the floor and ceiling.

*Stripping* means any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

*Structure* means anything constructed or erected which requires permanent location on the ground or attached to something having such location on the ground, including but not limited to all buildings, freestanding signs, satellite dishes, swimming pools, and non-agricultural fences, but excluding sidewalks, drives and patios.

*Studio* means a building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

*Subdivide and subdivision* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from platting requirements by sections 108 and 109 of the Land

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Division Act (MCL 560.108, 560.109). The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act (MCL 150.101 et seq.) or the requirements of an applicable township ordinance.

*Supply yard* means a fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.

*Temporary building or use* means a structure or use permitted by the building inspector, to exist during periods of construction of the main building or for special events, but not to exceed six months' duration.

*Temporary certificate of occupancy* means a certificate of occupancy which is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.

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

*Use by right* means any use which is listed as a use by right in any given zoning district in this chapter. Uses by right are not required to show need for their location.

*Use, lawful*, means the use of any structure or land that conforms with all of the regulations of this chapter or any amendment to this chapter and which conforms with all of the codes, ordinances, and other legal requirements that exist at the time of the enactment of the ordinance from which this chapter is derived or any amendment thereto.

*Use, transitional*, means a use of land or structures located or permitted to be located on certain lots abutting a zoning boundary line, in the more restricted of the two zoning districts on either side of such a boundary line.

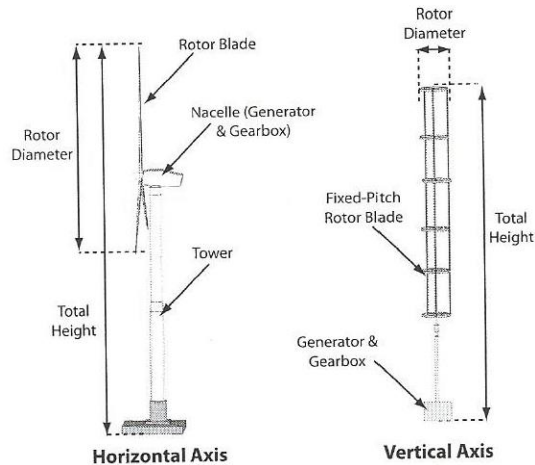
*Variance* means a modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the property is granted.

*Waterfront lot, front*, means the portion of a single parcel of property which lies between the building line of a dwelling unit and the mean high-water mark of the river, stream, or lake.

*Waterfront lot, rear*, means the portion of a single parcel of property which lies between the lot line furthest from the water's edge and the building line of a dwelling unit furthest from the mean high-water mark of the lake, river or stream.

*Wetlands* means as defined by section 30301 of Public Act No. 451 of 1994 (MCL 324.30301).

*Wind energy conversion systems (WECS)*.



- (1) *Generally* shall mean a combination of:
- A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power; and
  - 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
  - The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, generally housed in a nacelle; and
  - The tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted.
  - 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* means 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* means 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* means 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) *Single WECS for commercial purposes* means 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.
- (6) *WECS testing facility* means a structure and equipment used to determine the potential for the placement of a WECS.

*Wind farm* shall mean clusters of two or more wind energy conversion systems (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.

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*Wireless communications equipment* means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

*Wireless communications support structure* means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

*Yards.*

- (1) *Front yard* means the open space extending the full width of the lot or parcel, the uniform depth of which is measured at right angles to the front lot line.
- (2) *Rear yard* means that portion of the yard opposite the front yard.
- (3) *Side yard* means the open space extending from the front yard to the rear yard between the main building and the side lot line.

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

*Zoning administrator* means the township official or his authorized representative charged with the responsibility of administering this chapter.

*Zoning board* means the township planning commission.

(Ord. No. 10, § 1, 12-4-1975; Ord. of 9-5-2006, eff. 9-26-2006; Ord. No. 66, § 1, 2-7-2012; Ord. No. 69, § 2A—C, 6-4-2013; Ord. No. 73, § 1, 5-7-2014; Ord. No. 78, § 1, 1-5-2016; Ord. No. 81, § 1, 9-5-2017; Ord. No. 83, § 1A., 10-2-2018; Ord. No. 86, § 1A.—C., 8-6-2019; Ord. No. 90, § 1, 2-4-2020; Ord. No. 93, § 1, 7-6-2021; Ord. No. 94, § 1, 7-6-2021)

Cross reference(s)—Definitions generally, § 1-2.

**Secs. 34-5—34-30. Reserved.**

## ***ARTICLE II. ADMINISTRATION AND ENFORCEMENT<sup>2</sup>***

### ***DIVISION 1. GENERALLY***

#### **Sec. 34-31. Responsibility.**

The administration and enforcement of this chapter shall be the responsibility of the township supervisor. The supervisor shall have the right to delegate such responsibility to appropriate township officers or employees. The person administering and enforcing this chapter shall be known as the zoning administrator.

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<sup>2</sup>Cross reference(s)—Administration, ch. 2.

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### **Sec. 34-32. Zoning administrator.**

If the zoning administrator shall find that any provision of this chapter is being violated, he/she may, in his/her discretion, provide a violator with notice of the violation and give the violator time to correct the violation before issuing a municipal ordinance violation notice or municipal civil infraction citation. The zoning administrator shall order discontinuance of any illegal work being done.

(Ord. No. 63, § 12, 3-1-2011)

Editor's note(s)—Ord. No. 63, § 12, adopted March 1, 2011, amended § 34-32 in its entirety to read as set out herein. Former § 34-32 pertained to notice of violation given by zoning administrator and derived from the Code of 2005.

### **Sec. 34-33. Violations.**

Any person who violates any provisions of this chapter shall be deemed to be responsible for a municipal civil infraction punishable as specified in subsection 1-7(e) of this Code. Any violation of this chapter shall also be deemed a public nuisance and shall be a basis for injunctive and other relief against the violator in addition to any other relief or sanction set forth in this Code or allowed by law.

(Ord. No. 63, § 13, 3-1-2011)

### **Sec. 34-34. Zoning permits and plans.**

- (a) Except as provided herein, no building, structure, or part thereof (including portable buildings or structures) (hereinafter referred to as a "structure") shall be erected, moved, enlarged or altered on any premises until application for a zoning permit has been filed with the zoning administrator and the zoning administrator has approved/issued a zoning permit for the structure. A zoning permit must be obtained before any work, excavation, or construction has begun. A zoning permit is not required for the following:
- (1) Repair or maintenance work on an existing structure for which a prior zoning permit was issued if the original shape and size of the foundation and the use of the structure is not altered. This exception does not apply to a legal, nonconforming structure.
  - (2) One or more accessory structures if those structures are being built/erected at the same time as the principal structure for which a zoning permit has been obtained and the accessory structure(s) is/are shown on the plans submitted with the application for the zoning permit for the principal structure.

The zoning administrator has the authority to determine whether a zoning permit is necessary. Any appeal of the zoning administrator's decision may be taken to the zoning board of appeals.

- (b) An application for a zoning permit shall be filed by the owner or the owner's agent and it shall state the intended use of the structure and of the land. Building plans, a plot plan and/or such other information as determined by the zoning administrator to be necessary to provide for the enforcement of this chapter shall be submitted with the application for a zoning permit. Plans shall be drawn to scale and shall show dimensions and, in the case of multi-family, business or industrial buildings, by complete specifications. Building plans and/or plot plans shall be signed by the person preparing them and by the owner(s) of the property or structure(s) involved.
- (c) The township board shall, by resolution, set a filing fee for a zoning permit application and fees for zoning inspections. The established filing fee shall accompany each zoning permit application.

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- (d) No zoning permit shall be issued unless the plans and intended use conform in all respects to the provisions of this chapter. A zoning permit is nontransferable and all zoning permits shall expire six months from their date of issuance.
  - (e) The zoning administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with any provision of this chapter or if the zoning administrator determines that a false statement or misrepresentation was made in the zoning permit application. The zoning administrator shall promptly provide written notice to the building official if a zoning permit is revoked or cancelled.
  - (f) A building official shall not issue a certificate of occupancy for a structure if the zoning permit has been revoked for noncompliance and/or if the structure is not in compliance with this chapter. In the case of a legal, nonconforming structure, a certificate of occupancy for the structure shall not be issued until it is determined that the structure is in compliance with the nonconformity requirements of this chapter.
  - (g) The zoning administrator shall maintain a record of all zoning permit applications and all actions taken on those applications, including actions taken with regard to a zoning permit after its issuance.
  - (h) These regulations are in addition to the requirements imposed by the Stille-DeRossett-Hale Single State Construction Code Act (MCL 125.1501 et seq.) and the construction code implemented under that Act.

(Ord. No. 77, § 1, 9-1-2015)

Editor's note(s)—Ord. No. 77, § 1, adopted Sept. 1, 2015, amended § 34-34 in its entirety to read as set out herein. Former § 34-34 pertained to building permits and certificates of zoning compliance and derived from Ord. No. 60, adopted April 6, 2010.

### **Sec. 34-35. Fees.**

The township board shall periodically establish by resolution a schedule of fees for administering this chapter. The schedule shall be posted on public display in the office of the zoning administrator and may be changed only by the township board. No certificate shall be issued unless such fees have been paid in full.

### **Sec. 34-36. Vested right.**

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

### **Secs. 34-37—34-60. Reserved.**

## *DIVISION 2. BOARD OF APPEALS<sup>3</sup>*

### **Sec. 34-61. Established; membership.**

- (a) *A board of appeals has been established.* The board shall consist of three regular members: a member of the planning commission, a member of the township board, and a third member appointed from the electors

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<sup>3</sup>Cross reference(s)—Boards and commissions, § 2-201 et seq.

State law reference(s)—Township board of appeals, MCL 125.288 et seq.

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residing in the unincorporated area of the township. Not more than two alternate members may also be appointed to the board as provided in the zoning act. The township board appoints the members of the board of appeals. The term of office of the member from the township board and the planning commission shall not exceed his/her term of office on the township board.

- (b) *Members may be reappointed.* No elected officer of the township or any employee of the township may serve simultaneously as such officer or employee and as a member of the board of appeals except for the member of the planning commission and the member of the township board that serve on the board of appeals.

(Ord. No. 69, § 3A, 6-4-2013)

### **Sec. 34-62. Procedures.**

- (a) The board of appeals shall adopt rules and regulations to govern its procedures.
- (b) The board of appeals shall appoint one of its members as chairman.
- (c) The concurring vote of a majority of the members of the board of appeals shall be necessary to revise any order, requirement, decision or interpretation under this chapter or to effect any variation in this chapter.
- (d) Meetings of the board of appeals shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. Minutes shall be kept of each meeting, and the board shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the township clerk.

### **Sec. 34-63. Hearings and notice of hearings.**

Upon the filing of any appeal or other matter over which the board of appeals has jurisdiction, the board of appeals shall place such application or appeal on the calendar for hearing and shall give notice of the hearing as follows:

- (1) If the application requests a variance, notice shall be given as provided in the zoning act (currently MCL 125.3103 and 125.3604(4)).
- (2) If the application is for an interpretation of the regulations set forth in this chapter or an appeal of administrative decision, notice shall be given as provided in the zoning act (currently 125.3103 and 125.3604(5)).

(Ord. No. 69, § 3B, 6-4-2013)

Editor's note(s)—Ord. No. 69, § 3B, adopted June 4, 2013, changed the title of § 34-63 from "Hearings" to "Hearings and notice of hearings." This historic notation has been preserved for reference purposes.

### **Sec. 34-64. Duties and powers.**

- (a) The board of appeals shall perform its duties and exercise its powers as provided in the zoning act so that the objective of this chapter shall be attained; the public health, safety, and welfare secured; and substantial justice done. The board of appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein, i.e., administrative review, variance, and expansions of nonconforming buildings and structures.

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- (b) The board of appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or the intent of this chapter, but does have the power to act on those matters for which this chapter provides an administrative review, interpretation variance or exception.
  - (c) The board of appeals shall hear and decide appeals from and review any order, requirement, decision or determination of the zoning administrator.
  - (d) The board of appeals shall have the power to:
    - (1) Interpret, upon request, the provisions of this chapter in such a way as to carry out the intent and purpose of this chapter.
    - (2) Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the zoning administrator.
    - (3) Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
    - (4) Determine the parking space requirements of any use not specifically mentioned in division 3 of article IV of this chapter either by classifying it with one of the groups listed in that division by an analysis of the specific need.

(Ord. No. 69, § 3C, 6-4-2013)

### **Sec. 34-65. Variances.**

- (a) The board of appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship or practical difficulty.
- (b) A variance shall not be granted by the board of appeals unless and until the following conditions are met:
  - (1) A written application for a variance is submitted, demonstrating that:
    - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district.
    - b. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
    - c. The special conditions and circumstances do not result from the actions of the applicant.
    - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
  - (2) Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
  - (3) The board of appeals shall make findings that the requirements of this section have been met by the applicant.
  - (4) The board of appeals shall further find that the reasons set forth in the application justify the granting of the variance and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.



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- (5) The board of appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public interest.
  - (6) In granting any variance, the board of appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under section 34-33.
  - (7) Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in such district.
- (c) In exercising the powers in this section, the board of appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal is taken.

### **Sec. 34-66. Voiding of and reapplication for variance.**

The following shall apply in the voiding of and reapplication for a variance from this chapter:

- (1) Each variance granted under this chapter shall become null and void unless:
  - a. The construction authorized by such variance or permit has proceeded to at least 50 percent of completion within 180 days after the granting of such variance and is pursued diligently to completion; or
  - b. The occupancy of land and buildings authorized by such variance has taken place within 180 days after the granting of such variance.
- (2) No application for a variance which has been denied wholly or in part by the board of appeals shall be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the board of appeals to be valid.

### **Sec. 34-67. Procedures for appeals.**

- (a) Appeals to the board of appeals concerning interpretation and administration of this chapter may be taken by any person aggrieved or by any officer of the township affected by any decision of the zoning administrator. Appeals shall be taken within a reasonable time, not to exceed 30 days following action by the zoning administrator or township board, by filing with the zoning administrator and with the board of appeals a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of appeals copies of all papers constituting the record upon which the action appealed from was taken.
- (b) A fee shall be paid to the township treasurer at the time of filing the notice of appeal and shall be deposited in the township's general fund. The appeal fee shall be established by the township board.
- (c) Any party may appear at the hearing in person or by agent or attorney.
- (d) The board of appeals shall decide upon all matters within a reasonable time. The decision of the board of appeals shall be in the form of a resolution containing a full record of its findings and determination in each case.

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- (e) An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator from whom the appeal is taken certifies to the board of appeals, after the notice is filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the zoning administrator from whom the appeal is taken and on due cause shown.

**Sec. 34-68. Duties on matters of appeal.**

All questions concerning application of the provisions of this chapter shall first be presented to the zoning administrator. Such questions shall be presented to the board of appeals only on appeal from the decisions of the zoning administrator. Recourse from decisions of the board of appeals shall be to the courts as provided by law.

**Secs. 34-69—34-90. Reserved.**

*DIVISION 3. CHANGES AND AMENDMENTS*

**Sec. 34-91. Initiation.**

Only the township board may amend this chapter, including amending the zoning map. Proposals for amendments or changes may be initiated by the township board on its own motion, by the planning commission, or by petition of one or more owners of property to be affected by the proposed amendment.

(Ord. No. 69, § 3D, 6-4-2013)

**Sec. 34-92. Procedures.**

- (a) The procedure for making amendments to this chapter shall be in accordance with the zoning act.
- (b) A petition, together with a completed and signed application and fees, shall be filed with the township clerk. The clerk shall review the application as to form and, when it is approved, transmit the application to the planning commission for review, a public hearing, and a recommendation.
- (c) Public hearing requirements shall also apply to amendments initiated by the township board or the planning commission.

(Ord. No. 69, § 3E, 6-4-2013)

**Sec. 34-93. Notice of hearing.**

Notice of the public hearing on an amendment to this chapter, including any amendment to the zoning map, shall be given in accordance with the zoning act. If notice is delivered by mail, an affidavit of mailing shall be filed with the planning commission prior to the hearing.

(Ord. No. 69, § 3F, 6-4-2013)

**Sec. 34-94. Information required.**

The petitioner for the amendment shall submit a detailed description of the petition to the township clerk. When the petition involves a change in the zoning map, the petitioner shall submit the following information:

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- (1) A legal description of the property.
  - (2) A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
  - (3) The name and address of the petitioner.
  - (4) The petitioner's interest in the property and, if the petitioner is not the owner, the name and address of the owner.
  - (5) The date of filing with the township clerk.
  - (6) Signatures of the petitioner and owner certifying the accuracy of the required information.
  - (7) The desired change and reason for such change.

### **Sec. 34-95. Steps in making change.**

Steps in making a zoning change shall be as follows:

- (1) The petitioner submits the application and fee.
- (2) The clerk transmits the application to the planning commission.
- (3) The planning commission takes the following steps: Sets a date for a public hearing; provides notice of the proposed amendment and public hearing as prescribed in the zoning act; holds the public hearing; makes a recommendation; and transmits its recommendation to the county planning commission and to the township board.
- (4) The township board either enacts or rejects the proposed change as an ordinance amendment and publishes the text of the change in the newspaper.

(Ord. No. 69, § 3G, 6-4-2013)

### **Sec. 34-96. Findings of fact required.**

- (a) In reviewing any petition for a zoning amendment, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full, along with its recommendations for disposition of the petition, to the township board, within 60 days of the filing date of the petition.
- (b) The facts to be considered by the planning commission shall include but not be limited to the following:
  - (1) Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
  - (2) The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
  - (3) The compatibility of the township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition was approved.
  - (4) The effect of approval of the petition on adopted development policies of the township and other government units.
- (c) All findings of fact shall be made a part of the public records of the meetings of the planning commission and township board. An amendment shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of the township or of other civil divisions, where applicable.

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**Secs. 34-97—34-130. Reserved.**

## ***ARTICLE III. ZONING DISTRICT REGULATIONS***

### ***DIVISION 1. GENERALLY***

#### **Sec. 34-131. Districts established.**

For the purposes of this chapter, the township is hereby divided into the following districts:

*Residential Districts:*

AG Agricultural district

RR Rural residential district

R-1 Medium density residential district

R-2 Manufactured home park district

R-3 Waterfront residential district

*Nonresidential Districts:*

C Commercial district

I Industrial district

#### **Sec. 34-132. District boundaries.**

The boundaries of the zoning districts are hereby established as shown on the official zoning map of the township, with all notations, references and other information shown thereon, and the official zoning map shall be as much a part of this chapter as if fully described in this chapter. The official zoning map shall be identified by the signature of the township supervisor attested by the township clerk, under the following words: "This is to certify that this is the Official Zoning Map with districts referred to in Section 34-131 of the Zoning Ordinance of the Township of White Pigeon, as adopted." If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map after an amendment has been approved by the township board together with an entry on the official zoning map as follows: "On (date), by official action of the Township Board, the following change(s) were made: (brief description with reference number to Board proceedings)." One copy of the official zoning map is to be maintained and kept up to date by the township clerk, accessible to the public, and shall be the final authority as to the current zoning status of properties in the township.

#### **Sec. 34-133. District boundaries interpreted.**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

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- (3) Boundaries indicated as approximately following township limits shall be construed as following township limits.
  - (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  - (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and if a change occurs in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of a stream, river, canal, lake, or other body of water shall be construed to follow such centerline.
  - (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
  - (7) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) of this section, the board of appeals shall interpret the district boundaries.
  - (8) Unless otherwise specifically noted in this section or on the official zoning map, any land that is platted or subdivided for residential purposes, or any parcel or lot less than one acre in size, which is all or in part within 500 feet of any lake, river, or other body of water, shall be designated R-3 waterfront residential.

**Sec. 34-134. District requirements.**

All buildings and uses in any zoning district shall be subject to the provisions of article IV of this chapter.

**Sec. 34-135. Uses not permitted in any district.**

The following uses are not permitted in any zoning district, subject to conditions imposed:

- (1) The wrecking, storage or dismantling of automobiles or the maintenance and/or operation of junkyards is prohibited, except as provided in article V of this chapter pertaining to special use permits.
- (2) No condition shall be allowed to exist which will constitute a hazard to health, safety or welfare; which is inconsistent with the accepted appearance of the zoning district; or which in any way creates a nuisance or damages adjoining property.
- (3) The keeping of livestock shall not be permitted in any district except the AG agricultural district or except as part of a lawful nonconforming use (as governed by this chapter).

(Ord. No. 73, § 2, 5-7-2014)

**Secs. 34-136—34-160. Reserved.**

*DIVISION 2. AG AGRICULTURAL DISTRICT*

**Sec. 34-161. Purpose.**

It is the purpose of the AG agricultural district to preserve prime soils for agricultural use and to protect viable agricultural enterprises. It is to be applied to areas which have soils well suited to agricultural activities. The district is designed to preserve these areas by prohibiting the intrusion of nonagricultural and incompatible uses

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into the prime agricultural areas. The district is intended to create large contiguous blocks of agricultural land, both by original designation and by future annexation of smaller holdings, at the owner's request, to existing blocks. It is also the intent of this district to help maintain land values at levels which farm activities can support and to avoid property value increases through speculation for higher density uses, which force prime farmland into nonagricultural uses.

**Sec. 34-162. Uses permitted by right.**

The following uses are permitted by right in the AG agricultural district:

- (1) Farm dwellings.
- (2) Nonfarming dwellings, subject to the restrictions as set forth in section 34-164.
- (3) General farming. This includes general or specialized farming, truck gardening, vineyards, orchards, raising of livestock, providing that no killing shall be done on the farm other than those animals for personal use. With regard to parcels of land that are less than ten acres, the keeping of livestock shall be limited as follows: For each animal weighing over 25 pounds, there shall be a minimum area of two acres for each such animal kept on the property (e.g., if four horses, minimum of eight acres required).
- (4) Housing for migrant labor and seasonal agricultural employees, with adequate water supply and sewage disposal facilities as may be approved by the county health department, and minimum dwelling unit size shall be 600 square feet, and the gross floor area shall average a minimum of 120 square feet per occupant. Such housing shall not be used for habitation between November 15 of any year and April 1 of the following year.
- (5) State licensed residential facilities, as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206), and as defined by section 102 of Public Act No. 110 of 2006 (MCL 125.3102), but excluding adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- (6) Public or private conservation area.
- (7) Accessory uses, including the following:
  - a. Barns, silos, sheds, equipment storage, and similar structures and uses customarily incidental to the permitted principal uses and structures.
  - b. Garages, barns, sheds, playhouses, etc. associated with non-farm dwellings provided they do not precede the construction of the non-farm dwelling.
  - c. Roadside stands for agricultural produce raised on the property.
  - d. Home occupations.

The general examples of accessory uses listed in this subsection shall not be interpreted as allowing an accessory use that is specifically prohibited or restricted by more specific provisions governing that accessory use that appear elsewhere in this chapter.
- (8) Lot, yard and area requirements. Except as elsewhere specified in this section, the lot, yard and area requirements shall be as specified in section 34-164.

(Ord. No. 72, § 1, 1-7-14; Ord. No. 73, § 3, 5-7-14; Ord. No. 80, § 1, 12-6-2016; Ord. No. 94, § 2, 7-6-2021)

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### **Sec. 34-163. Uses allowed by special use permit.**

The following uses are permitted in the AG agricultural district, subject to obtaining a special use permit as provided for in article V of this chapter:

- (1) The removal of soil, sand, gravel and other materials.
- (2) Public and private parks, camps, golf courses, clubs, garden nurseries, greenhouses, commercial stables.
- (3) Campgrounds, as regulated by part 125 of Public Act No. 368 of 1978 (MCL 333.12501 et seq.).
- (4) Public and private hospitals, schools, cemeteries, churches, and government buildings.
- (5) Bed and breakfast establishments.
- (6) Airports.
- (7) Public utility structures and substations.
- (8) Veterinary clinics or hospitals, kennels, and dog breeding establishments. Kennels and/or dog breeding establishments may be considered an accessory use only when approved by a special land use permit but shall not qualify as a home occupation.
- (9) Transient amusements (carnivals, circuses, and similar amusements).
- (10) Central sewage treatment facility in accordance with state and county health department standards.
- (11) Planned residential development, subject to conditions set forth in sections 34-164 and 34-654.
- (12) Site condominiums, subject to conditions set forth in sections 34-164 and 34-655.
- (13) Living units for the purpose of parental sheltering (see section 34-658).
- (14) Intensive livestock operations. Conditions and safeguards which must be met before a special use permit may be granted shall include the following:
  - a. *State requirements for facilities.* The state department of agriculture's generally accepted agricultural and management practices (GAAMPs) for new and expanding livestock facilities shall be followed.
  - b. *Site/facilities locational requirements.* The applicant for an intensive livestock operation permit shall submit with the application a detailed site plan showing that the property upon which the operation is proposed to be sited and the buildings, structures, and enclosures thereon, including animal waste storage areas, structures and excavations, fully comply with the following locational requirements:
    1. The property shall be zoned AG agricultural pursuant to this chapter and the township zoning map.
    2. The property shall have a minimum lot area of 40 contiguous tillable acres.
  - c. *Correction and/or revocation of intensive livestock operation permit.* All uses for which a permit has been granted by the planning commission shall be subject to the following, as a condition upon every such approved use:
    1. *Correction and/or suspension of intensive livestock use permit.* Upon a finding of a violation of the intensive livestock operation permit by the zoning administrator, the township ordinances, or the laws of the state, the planning commission may require the permit holder or operator to suspend, correct, or cease use of the property for the purposes for

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which the intensive livestock operations permit was previously granted. Notice of the suspension shall be provided to the permit holder/property owner by personal delivery or by certified mail, return receipt requested.

2. *Planning commission review of correction/suspension.* The planning commission shall review the status of the correction/suspension at the earliest feasible opportunity. A majority of the planning commission members present and voting may vacate the correction/suspension upon a determination that the violations causing the suspension have been cured or may modify or extend the suspension upon a finding that the violations causing the suspension have not been corrected but are reasonably likely to be corrected in a further period of time to be specified by the planning commission.
3. *Revocation of intensive livestock operation permit.* A majority of the planning commission members present and voting may, after notice and public hearing as provided in this subsection, determine to revoke an intensive livestock operation permit which has been suspended, upon a finding that the violations causing the suspension have not been corrected within a reasonable period of time as established by the planning commission. Notification of a planning commission determination to revoke an intensive livestock operation permit shall be provided to the permit holder and property owner by personal delivery or by certified mail, return receipt requested. A determination of the planning commission revoking an intensive livestock operations permit may be appealed to the zoning board of appeals within 21 days of the determination. Premises for which an intensive livestock operation permit has been revoked by the planning commission shall be used only as allowed pursuant to the relevant sections of this chapter for the applicable use district.

(Ord. No. 73, § 4, 5-7-2014; Ord. No. 86, § 2, 8-6-2019)

### **Sec. 34-164. Regulations and standards.**

The following maximum and minimum standards shall apply to all uses and structures in the AG agricultural district:

- (1) *Minimum lot areas.* The minimum lot area shall be 35 acres for a primary farm dwelling and 15,000 square feet for a nonfarm dwelling. Each 40 acres of agricultural zoned property may be divided to form an additional parcel or parcels each having a minimum lot size of 15,000 square feet up to a maximum lot size of five acres for the placement of a one-family nonfarm dwelling, subject to the following:
  - a. The limitations imposed by the Land Division Act, MCL 560.101 et seq.; and
  - b. The total acreage divided from the agriculturally zoned property shall not exceed five acres for each 40 acres of property.Cluster/open space development shall be allowed in both planned residential developments and site condominium developments (see sections 34-654 and 34-655 for standards).
- (2) *Reserved.*
- (3) *Yard and setback requirements.* Yard and setback requirements shall be as follows:
  - a. Front yard: 40 feet measured from the nearest edge of the road or street right-of-way or easement upon which the lot or parcel principally fronts.



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- b. Side yard: ten feet except for a corner lot where the side yard on the street side shall not be less than the setback required for the front yard.
  - c. Rear yard: 20 feet.
  - (4) *Maximum height requirements.* For dwelling and nonfarm structures, height shall not exceed 35 feet. See section 34-408 for specific exceptions to this requirement.
  - (5) *Minimum building floor area.* No residential dwelling unit shall have less than 1,000 square feet of living area, exclusive of garages or basements, plus 150 square feet for each additional bedroom or sleeping area exceeding two. The minimum core area of each single-family dwelling unit shall not be less than 24 feet in width as documented on the construction drawings.
  - (6) *Parking space.* Parking space requirements are subject to residential conditions as set forth in section 34-483.
  - (7) *Signage.* Signage in the AG agricultural district shall meet the requirements of division 4 of article IV of this chapter.

(Ord. No. 90, §§ 2, 3, 2-4-2020)

**Secs. 34-165—34-190. Reserved.**

*DIVISION 3. RR RURAL RESIDENTIAL DISTRICT*

**Sec. 34-191. Purpose.**

The RR rural residential district is intended to accommodate single-family dwellings in areas that are semirural in character in order to provide for new housing development while preserving open space and rural qualities and promoting appropriate nonfarm uses of land.

**Sec. 34-192. Uses permitted by right.**

The following uses are permitted by right in the RR rural residential district:

- (1) Single-family dwellings.
- (2) Home occupations.
- (3) State licensed residential facilities, as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206), and as defined by section 102 of Public Act No. 110 of 2006 (MCL 125.3102), but excluding adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- (4) Accessory uses associated with single-family residential structures, such as garages, barns, sheds, playhouses, etc., providing they do not precede the construction of the principal building. The general examples of accessory uses listed in this subsection shall not be interpreted as allowing an accessory use that is specifically prohibited or restricted by more specific provisions governing that accessory use that appear elsewhere in this chapter.

(Ord. No. 69, §§ 4A—C, 6-4-2013; Ord. No. 72, § 2, 1-7-2014; Ord. No. 94, § 2, 7-6-2021)

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### **Sec. 34-193. Uses allowed by special use permit.**

The following uses are allowed by special use permit in the RR rural residential district:

- (1) Greenhouses not selling at retail on the premises.
- (2) Planned residential development, including cluster/open space development, subject to conditions set forth in section 34-654.
- (3) Site condominiums, including cluster/open space development, subject to conditions set forth in section 34-655.
- (4) Bed and breakfasts.
- (5) Golf courses and country clubs, excluding miniature golf courses.
- (6) Cemeteries, public buildings, public service installations, ponds.
- (7) Religious, social, educational and human care institutions.
- (8) Living unit for the purpose of parental sheltering (see section 34-658).
- (9) Child care/day care centers (see section 34-657).
- (10) Off-street parking (see division 3 of article IV of this chapter).
- (11) Other customary accessory uses and buildings. Accessory uses that are customarily incidental to any principal use permitted in this district are permitted to the extent that those accessory uses do not constitute, create, or increase a nuisance in fact which adversely affects a legally conforming use of adjoining or nearby premises. Such accessory uses shall include home occupations as defined and limited in section 34-4.

(Ord. No. 73, § 5, 5-7-2014)

### **Sec. 34-194. Regulations and standards.**

The following are maximum and minimum standards for the RR rural residential district:

- (1) *Minimum lot area.* No single-family residential dwelling shall be established on a lot of less than 15,000 square feet in area, unless within a cluster/open space development.
- (2) *Reserved.*
- (3) *Yard and setback requirements.* Yard and setback requirements shall be as follows:
  - a. Front yard: 40 feet measured from the nearest edge of the road or street right-of-way or easement upon which the lot or parcel principally fronts.
  - b. Side yard: ten feet, except for a corner lot where the minimum side yard shall not be less than the minimum setback required for the front yard.
  - c. Rear yard: 20 feet.
- (4) *Maximum height requirements.* Height shall not exceed 35 feet for dwelling units and 50 feet for all other accessory farm buildings.
- (5) *Minimum building floor area.* Each single-family residential dwelling shall contain a minimum of 1,000 square feet of floor area, exclusive of walls, stairways, basements, garages, or storage areas, plus an additional 150 square feet for each additional bedroom or sleeping area exceeding two, for each

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dwelling unit. The minimum core area of each single-family dwelling unit shall not be less than 24 feet in width, as documented on the construction drawings.

- (6) *Parking space.* Parking space requirements are subject to residential conditions as set forth in section 34-483.
- (7) *Signage.* Signage in the RR rural residential district shall meet the requirements of division 4 of article IV of this chapter.

(Ord. No. 90, §§ 4, 5, 2-4-2020)

**Secs. 34-195—34-220. Reserved.**

*DIVISION 4. R-1 MEDIUM DENSITY RESIDENTIAL DISTRICT*

**Sec. 34-221. Purpose.**

It is the purpose of the R-1 medium density residential district to provide for a variety of housing types: single-family, duplex, apartments, and townhouses. This housing is intended to provide a low to moderately high density living environment. However, it must be recognized that, without sanitary sewage treatment facilities, allowable densities for such housing must respect the limitations of septic systems.

**Sec. 34-222. Uses permitted by right.**

The following uses are permitted by right in the R-1 medium density residential district:

- (1) Single-family residential dwellings, provided that each dwelling meets the minimum lot area requirements.
- (2) Duplex or two-family residential dwelling, provided that each dwelling meets the minimum lot area requirements.
- (3) State licensed residential facilities, as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206), and as defined by section 102 of Public Act No. 110 of 2006 (MCL 125.3102), but excluding adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- (4) Accessory uses associated with single-family residential structures, such as garages, barns, sheds, playhouses, etc., providing they do not precede the construction of the principal building. The general examples of accessory uses listed in this subsection shall not be interpreted as allowing an accessory use that is specifically prohibited or restricted by more specific provisions governing that accessory use that appear elsewhere in this chapter.
- (5) Home occupations.

(Ord. No. 69, §§ 4D—F, 6-4-2013; Ord. No. 72, § 3, 1-7-2014; Ord. No. 90, § 6, 2-4-2020; Ord. No. 94, § 2, 7-6-2021)

**Sec. 34-223. Uses allowed by special use permit.**

The following uses are permitted in the R-1 medium density residential district subject to obtaining a special use permit as provided for in article V of this chapter:

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- (1) Structures containing three or more living units on a parcel having at least 24,000 square feet, unless otherwise specified. See additional information and conditions set forth in section 34-653.
  - (2) Community buildings associated with a multiple-family housing development or development containing multiple detached dwellings.
  - (3) Planned residential development, including cluster/open space development, subject to conditions set forth in section 34-654.
  - (4) Site condominiums, including cluster/open space development, subject to conditions set forth in section 34-655.
  - (5) Central sewage treatment facility in accordance with state and county health department standards.
  - (6) Public and private parks, clubs, camps, and golf courses.
  - (7) Public and private hospitals, schools, churches, and governmental buildings.
  - (8) Public utility structures and substations.

(Ord. No. 73, § 6, 5-7-2014)

### **Sec. 34-224. Regulations and standards.**

The following maximum and minimum standards shall apply to all uses and structures in the R-1 medium density residential district:

- (1) *Minimum lot area.* Minimum lot area shall be as follows:
  - a. Single-family detached dwellings and duplex or two-family dwellings shall require a minimum lot area of 15,000 square feet.
  - b. Structures containing three or more dwelling units shall require 8,000 square feet of land area for each unit.
  - c. When public sewers are available, duplex and multiple-family residential units may be constructed on the basis of six units per acre.
- (2) *Minimum lot width.* The minimum lot width shall be 100 feet for single-family and duplex dwellings and 150 feet for multiple-family residential dwellings. The minimum lot width shall be measured at the front lot line.
- (3) *Yard and setback requirements.* Yard and setback requirements shall be as follows:
  - a. Front yard: 40 feet measured from the nearest edge of the road or street right-of-way or easement upon which the lot or parcel principally fronts.
  - b. Side yards: ten feet, except for a corner lot where the side yard on the street side shall not be less than the setback required for the front yard. Side yards shall be increased by five additional feet for each unit over one on the parcel.
  - c. Rear yards: 20 feet. Rear yards shall be increased by five additional feet for each unit over one on the parcel
- (4) *Maximum height requirement.* Height shall not exceed 35 feet.
- (5) *Building floor area requirements.* The minimum core area of each single-family dwelling unit shall not be less than 24 feet in width, as documented on the construction drawings.

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- a. Efficiency apartment is a dwelling unit containing not over 640 square feet of floor area and consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities. For the purpose of computing density, an efficiency apartment shall be considered as a one-room unit.
  - b. One-bedroom unit is a dwelling unit containing a minimum floor area of at least 640 square feet per unit, consisting of not more than two rooms in addition to kitchen, dining and sanitary facilities. For the purposes of computing density, a one-bedroom unit shall be considered a two-room unit.
  - c. Two-bedroom unit is a dwelling unit containing a minimum floor area of at least 800 square feet per unit, consisting of not more than three rooms in addition to kitchen, dining and necessary sanitary facilities. For the purposes of computing density, a two-bedroom unit shall be considered as a three-room unit.
  - d. Three-bedroom unit or more is a dwelling unit wherein for each room, in addition to the three rooms permitted in a two-bedroom unit, there shall be provided an additional area of 200 square feet to the minimum floor area of 800 square feet. For the purpose of computing density, a three-bedroom unit shall be considered a four-room unit, and each increase in a bedroom over three shall be an increase in the room count by one over the four.
- (6) *Minimum open space.* At least 30 percent of the land within multiple-housing developments and subdivisions containing lots of less than 20,000 square feet shall be set aside or dedicated and permanently maintained for open space and/or recreational use.
  - (7) *Parking space.* Parking space requirements are subject to residential conditions as set forth in section 34-483.
  - (8) *Signage.* Signage in the R-1 medium density residential district shall meet the requirements of division 4 of article IV of this chapter.

(Ord. No. 90, § 7, 2-4-2020)

**Secs. 34-225—34-250. Reserved.**

*DIVISION 5. R-2 MANUFACTURED HOME PARK DISTRICT<sup>4</sup>*

**Sec. 34-251. Purpose.**

It is the purpose of the R-2 manufactured home park district to provide for the location of manufactured home dwellings in an attractive and orderly manner in the township. It is the particular purpose to concentrate such dwelling units in areas of similar housing and to avoid whenever possible scattering of such units throughout the township. The township recognizes that manufactured home dwellings provide respectable, lower cost housing for persons who might otherwise be unable to economically locate within the township. No travel trailer, camper trailer, or other manufactured living unit may be used or occupied for dwelling purposes in any area of the township; provided, however, manufactured homes designed for permanent residential living may be located in the residential districts or in areas zoned as manufactured home park districts as approved by the planning commission and township board following a public hearing to be advertised in the same manner as prescribed for amendment to this chapter in accordance with the zoning act. Determination by the planning commission and the

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<sup>4</sup>State law reference(s)—Mobile Home Commission Act, MCL 125.2301 et seq.

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township board shall be made based upon the requirements and standards set forth in the Mobile Home Commission Act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.), and the mobile home code and the standards for manufactured home parks as set forth in this division.

(Ord. No. 69, § 4J, 6-4-2013)

### **Sec. 34-252. Uses permitted by right.**

The following uses are permitted by right in the R-2 manufactured home park district, subject to the conditions set forth in sections 34-254, 34-255 and 34-256:

- (1) Manufactured home dwellings within a manufactured home park.
- (2) State licensed residential facilities, as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206), and as defined by section 102 of Public Act No. 110 of 2006 (MCL 125.3102), but excluding adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- (3) The following accessory uses: Those associated with single-family residential structures, such as garages and storage sheds; community buildings; and park maintenance and equipment storage buildings. The general examples of accessory uses listed in this subsection shall not be interpreted as allowing an accessory use that is specifically prohibited or restricted by more specific provisions governing that accessory use that appear elsewhere in this chapter.

(Ord. No. 69, § 4G—I, 6-4-2013; Ord. No. 72, § 4, 1-7-2014; Ord. No. 90, § 8, 2-4-2020; Ord. No. 94, § 2, 7-6-2021)

### **Sec. 34-253. Reserved.**

Editor's note(s)—Ord. No. 73, § 7, adopted May 7, 2014, repealed § 34-253 in its entirety. Former § 34-253 pertained to uses allowed by special use permit and derived from the Code of 2005.

### **Sec. 34-254. Procedures and permits for development of manufactured home park.**

The following describes the procedures and permits necessary for the development of a manufactured home park:

- (1) *Planning stage.* In addition to those procedures prescribed in this chapter, the developer of a manufactured home park shall first obtain a construction permit from the state department of consumer and industry services and shall otherwise satisfy all requirements and receive state approval as required in Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- (2) *Construction permit.* The developer shall further obtain a building permit from the building administrator as required in the township building code.
- (3) *Periodic inspections.* The building inspector or other agents authorized by the township board are granted the power and authority to enter upon the premises of such park at any time for the purpose of determining and/or enforcing any provision of this chapter or any township ordinance applicable to the conduct and operation of manufactured home parks. The management shall maintain a current list of all persons occupying (permanently or temporarily) any manufactured home located in the park which shall be available for inspection by authorized township representatives.

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### **Sec. 34-255. Compliance with mobile home commission rules.**

No manufactured home park shall be established within the R-2 manufactured home park district unless the park complies with the rules of the state mobile home commission.

### **Sec. 34-256. Regulations and standards for manufactured home parks.**

- (a) The land area of a manufactured home park shall not be less than 15 acres.
- (b) Each manufactured home within such park shall contain a flush toilet, sleeping accommodations, a tub or showerbath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.
  - (1) The manufactured home shall be connected to a public sewer or water supply system or to such private facilities approved by the local health department.
  - (2) Manufactured homes shall in all respects comply with all construction, plumbing, electrical and insulation requirements of a type and quality conforming to the Mobile Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, and as from time to time such standards may be amended.
  - (3) Installation of manufactured homes upon each manufactured home site shall be accomplished in accordance with part 6 of the mobile home commission rules. All manufactured homes shall be connected to utilities and shall be skirted and anchored in accordance with part 6 of the mobile home commission rules.
- (c) All yard and dimensional requirements shall be as required by Mich. Admin. Code Rules 125.1941 and 125.1944.
- (d) No multiple decking of manufactured homes shall be allowed. Maximum height shall not exceed 15 feet.
- (e) Each manufactured home site shall be provided with a stand consisting of a solid pad of reinforced concrete not less than four inches thick and not less than the length and width of the manufactured home that will use that site. Tiedown facilities will also be incorporated into the concrete so that guy lines shall be installed under the manufactured home at sufficient intervals to prevent upheaval of manufactured homes during severe winds and storms. This pad shall be so constructed, graded and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
- (f) Each manufactured home shall be supported on uniform jacks or blocks supplied by the manufactured home park management.
- (g) No manufactured home shall be occupied by more than one family.
- (h) Uniform skirting of each manufactured home base shall be required, within 30 days after initial placement. Such skirting shall be of 26-gauge solid sheetmetal, aluminum or other noncorrosive metal or material of equal strength and so constructed and attached to this manufactured home as to deter and prevent entry of rodents and insects. Storage of goods and articles underneath any manufactured home shall be prohibited. Skirting shall be vented and shall provide access to water supply and sewage disposal systems for inspection purposes.
- (i) Canopies and awnings may be attached to any manufactured home and may be enclosed and used for recreation or sunroom purposes. When enclosed for living purposes, such devices shall be considered as part of the manufactured home and a permit is required, issued by the building administrator, before such enclosure can be used for living purposes.

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- (j) On-site indoor and outdoor laundry facilities (coin-operated washers and dryers are acceptable) of adequate area and suitable location shall be provided. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-imbedded socket at each site.
  - (k) All manufactured homes within such parks shall be suitably connected to sewer and water services provided at each manufactured home site, the cost to be assumed totally by the developer, and shall meet the requirements and shall be approved by the county health department.
    - (1) All sanitary sewer facilities, including plumbing connections to each manufactured home site, shall be constructed so that all facilities and lines are protected from freezing, from pumping or from creating any type of nuisance or health hazard. Sewer facilities shall be of such capacity to adequately serve all users of park at peak periods. Running water from a state-tested and -approved supply, designed for a minimum flow of 200 gallons per day per manufactured home site, shall be piped to each manufactured home. Sewer connections shall not exceed ten feet in length above ground.
    - (2) Storm drainage facilities shall be so constructed as to protect those who will reside in the manufactured home park, as well as the property owners adjacent to the park.
  - (l) Disposal of garbage and trash shall be in accordance with the following:
    - (1) All garbage and trash shall be placed in an approved container, and the removal shall take place not less than once a week. Individual incinerators shall be prohibited.
    - (2) The method used for such removal shall be approved by the state and inspected periodically by the county health department.
    - (3) Disposal of garbage and trash is the responsibility of park management.
  - (m) All electric, telephone and other lines from supply poles outside the park or other sources to each manufactured home site shall be underground. In addition, streetlights shall be provided as required by Mich. Admin. Code Rule 125.1929.
  - (n) Every manufactured home park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park to satisfy regulations of the state fire marshal and the township fire chief.
  - (o) Open space and recreation shall be in accordance with the following:
    - (1) A buffer of trees and shrubs not less than 50 feet in depth shall be located and maintained along all boundaries of such park except at established entrances and exits serving such park. When necessary for health, safety and welfare, a fence shall be required to be erected by the developer to separate the park from adjacent property.
    - (2) Any and all plantings in the park shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant material shall be replaced within a reasonable period of time, but no longer than one growing season.
    - (3) A recreation space shall be developed and maintained by the management. This area shall not be less than 100 feet in its smallest dimension and its boundary no further than 500 feet from any manufactured home site served. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area.
  - (p) Street systems shall be provided as follows:
    - (1) All manufactured home parks shall be provided with at least two points of safe and convenient vehicular access from an abutting street. No entrance to a park shall be located closer than 125 feet from the proposed rights-of-way of any two streets.



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- (2) Each individual manufactured home site shall abut, face, or have clear, unobstructed access to a drive, road or street, within the park. All streets shall have an approved cross section in accordance with the standards of the county road commission, and the paved surface shall not be less than 21 feet in width. No park shall provide or have direct access through any recorded single-family subdivision.
- (q) Parking areas shall be required as follows:
- (1) Parking facilities shall be provided as required by Mich. Admin. code Rules 125.1925 and 125.1926.
  - (2) No motor vehicles shall be permitted to be parked or stored within any required open space between manufactured homes or stored on any drive or street within the park. The park developer or owner shall provide a separate area within the park for the storage of tenants' camping trailers, boats, snowmobiles, and other similar recreational equipment, and such items shall not be stored in any other area of the park.
  - (3) If carports are provided, they shall comply with all setback and open space requirements for manufactured homes.
- (r) Use of park areas for nonresidential purposes shall be in accordance with the following:
- (1) No part of any manufactured home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of the park residents and for the management and maintenance of the park. However, retail sales of new or used manufactured homes may be made from the park, by the owners of the park or the sole licensee or agent of the owners, but all such manufactured homes held for sale shall be displayed on regular manufactured home sites of the park, and the manufactured homes on display shall be limited to 15 percent of the available sites in the park.
  - (2) Nothing contained in this section shall be deemed as prohibiting the sale of manufactured homes located on a manufactured home stand by the individual owner or his agent.
- (s) Signage in the R-2 manufactured home park district shall meet the requirements of division 4 of article IV of this chapter.

### **Sec. 34-257. Site plan review.**

An application for approval of any land for a manufactured home park shall be submitted and processed under the following procedures:

- (1) *Submission of preliminary sketch site plan.* In accordance with part 9 of the mobile home commission rules, a preliminary plan shall be submitted to the planning commission for approval, and the planning commission shall render its response within 60 days. Each application shall be accompanied by the payment of a preliminary sketch plan review fee, and the amount of such fee shall be determined by resolution of the township board. As a part of the application, the applicant shall file at least ten copies of a sketch site plan. All plans submitted shall conform to the rules of the mobile home commission and to this chapter. The sketch site plan shall conform to the following minimum requirements:
  - a. The sketch site plan shall contain as many illustrations as necessary to show the required data in sufficient detail to allow the planning commission and township board to determine compliance with the sketch plan requirements.
  - b. The applicant shall provide a legal description and shall show the location, size and shape of the property involved.
  - c. The sketch site plan shall be drawn to such a scale to adequately reflect the size, shape, and location of existing and proposed manmade and natural facilities to be part of the site.
  - d. The sketch site plan shall show a vicinity sketch, scale and north point.

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- e. The sketch site plan shall contain a list of the names and financial interest in the project of all owners. If owners are corporations, the names of the officers and major stockholders of these corporations should be included.
  - f. The sketch site plan shall contain any other information deemed necessary by the township board.
  - g. The developer shall submit his plans to the following agencies, and those agencies shall comment in writing to the township:
    - 1. County road commission.
    - 2. County drain commission.
    - 3. County health department.
    - 4. County planning commission.
    - 5. Fire chief.
    - 6. State department of environmental quality.

The clerk shall transmit the remaining copies of the sketch site plan to the planning commission and township board for their review. The planning commission shall, upon receiving the comments of the agencies, undertake a study of the sketch site plan and shall report its findings to the township board within 45 days of the receipt of the application, unless extended by mutual agreement between the petitioner and the planning commission.

- (2) *Hearing.* After adequate review and study of any application, the township planning commission shall hold a public hearing. Following the hearing (not necessarily the same day) the planning commission and township board may impose any additional conditions and safeguards deemed necessary for the general welfare, then either approve or deny the sketch site plan.
- (3) *Final detailed site plan.* Following approval of the sketch site plan, the petitioner shall submit to the planning commission ten copies of the detailed construction documents and site plan, as well as any other data, exhibits and information required.
  - a. Every final detailed site plan submitted to the planning commission shall be in accordance with the following requirements:
    - 1. The final detailed site plan shall contain as many illustrations as necessary to show required data in sufficient detail to allow the planning commission and township board to determine compliance with the detailed site plan requirements.
    - 2. The final detailed site plan shall contain a vicinity sketch of a scale of one inch to 1,000 feet.
    - 3. Drawings other than the vicinity sketch shall be of a scale of one inch equals 100 feet.
    - 4. The final detailed site plan shall contain the scale, north point and all boundary dimensions.
    - 5. The final detailed site plan shall contain lot lines, including accurate dimensions, angles, and sizes correlated with the legal description of the property.
    - 6. The final detailed site plan shall show existing natural features, topography, woodlots, streams, rivers, lakes, drains, wetlands, and similar features.
    - 7. The final detailed site plan shall show existing manmade features such as buildings, structures, high tension towers, pipelines, existing utilities, excavations, bridges, culverts, drains and casements.

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8. The final detailed site plan shall indicate any changes in existing natural or manmade features intended, e.g., grading plan, landscape plan, etc.
  9. The final detailed site plan shall show the location, area and dimensions of proposed manufactured home sites and stands; accessory buildings; height of all principal and accessory structures and buildings; and a density schedule showing the number of proposed manufactured home units.
  10. The final detailed site plan shall show proposed streets, driveways, sidewalks, exterior lights and other vehicular and pedestrian circulation features with and adjacent to the site; location, area, number and dimensions of parking spaces; and identification of service lanes and services parking areas. Details of roads and drives shall be included.
  11. The final detailed site plan shall show the location, use and size of all utility service facilities, including any common fuel storage tank facilities, water and fire hydrants.
  12. Plans shall be designated and prepared by a qualified and registered professional architect, engineer, landscape architect, planner, or other professional.
  13. The final detailed site plan shall contain any other information deemed necessary by the planning commission.
- b. The developer shall submit his plans to the following agencies, and those agencies shall comment in writing to the township:
1. County road commission.
  2. County health department.
  3. County drain commission.
  4. County planning commission.
  5. Fire chief.
  6. State department of environmental quality.

The clerk shall transmit the remaining copies of the final detailed site plan to the planning commission and township board prior to its next regularly scheduled meeting. The planning commission and township board shall, upon reviewing the comments of the agencies, undertake a study of the detailed final site plan and shall, within 60 days after the clerk's acceptance or within an extension of the 60 days if there is mutual acceptance of this extension between the petitioner and the planning commission, give their approval or disapproval of the final detailed site plan. Construction of manufactured home parks shall not commence until the mobile home commission has reviewed the owner's or developer's construction plans and issued its permit for construction.

**Secs. 34-258—34-280. Reserved.**

### *DIVISION 6. R-3 WATERFRONT RESIDENTIAL DISTRICT*

#### **Sec. 34-281. Purpose.**

It is the purpose of the R-3 waterfront residential district to provide for single-family residential uses, at moderate densities, in areas adjacent to lakes, streams and rivers. It is further the purpose to require lot areas

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large enough to protect township lakes, streams, rivers and groundwaters from excessive pollution due to an overconcentration of septic tank systems adjacent to them. It is further the desire and intent of the township to control, regulate and maintain the physical characteristics of its waterfront districts and to prevent overpopulation, overuse, safety and pollution of the waters, streams, ponds and drainageways within the township. It is a further desire and purpose to protect the integrity of riparian rights associated with the lakes, streams, rivers, ponds, and drainageways of the township and to regulate and prohibit the funneling to such waters.

### **Sec. 34-282. Uses permitted by right.**

The following uses are permitted by right in the R-3 waterfront residential district:

- (1) Single-family residential dwellings, with each dwelling on a parcel having an area of at least 15,000 square feet.
- (2) State licensed residential facilities, as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206), and as defined by section 102 of Public Act No. 110 of 2006 (MCL 125.3102), but excluding adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- (3) Accessory uses associated with single-family residential structures, such as garages, barns, sheds, playhouses, etc., providing they do not precede the construction of the principal building. The general examples of accessory uses listed in this subsection shall not be interpreted as allowing an accessory use that is specifically prohibited or restricted by more specific provisions governing that accessory use that appear elsewhere in this chapter.
- (4) Home occupations.

(Ord. No. 69, § 4K—M., 6-4-2013; Ord. No. 72, § 5, 1-7-2014; Ord. No. 94, § 2, 7-6-2021)

### **Sec. 34-283. Uses allowed by special use permit.**

The following uses are permitted in the R-3 waterfront residential district subject to obtaining a special use permit as provided in article V of this chapter:

- (1) Public and private parks, clubs, camps, golf courses, and eating establishments.
- (2) Public and private hospitals, schools, churches and government buildings.
- (3) Public utility structures and substations.
- (4) Commercial, business, commercial outdoor recreation and entertainment facilities and institutional facilities.

(Ord. No. 73, § 8, 5-7-2014)

### **Sec. 34-284. Regulations and standards of the R3 waterfront residential district.**

The following maximum and minimum standards shall apply to all uses and structures in the R-3 waterfront residential district:

- (1) *Minimum lot area.* No building or structure shall be established on any parcel of less than 15,000 square feet in area.
- (2) *Minimum lot width.* The minimum lot width shall be 80 feet at the front lot line (water's edge).

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- (3) *Yard and setback requirements.* Yard and setback requirements shall be as follows:
- a. Front yards. No building or structure shall be located closer than 30 feet to the usual and normal summer water's edge or from the front property line, excluding docks or similar unenclosed structures. However, when two or more principal buildings exist within 300 feet on either side and are in the same zoned district and on the same side of the street, the setback from the water's edge or from the front property line shall not be less than the average setback of the existing principal buildings within 300 feet on either side.
  - b. Side yards: ten feet, except for a corner lot where the side yard on the street side shall be not less than the setback required of the front yard.
  - c. Rear yards: 20 feet measured from the nearest road right-of-way, easement, or abutting property lines which for property with water frontage refers to the property line opposite the waterfront side.
  - d. Decks, as defined in section 34-4, may be constructed no closer to the front, rear, and side property lines than four feet provided that the deck floor height not exceed 18 inches above ground level. Decks with floor height exceeding 18 inches above ground level, or decks covered wholly, or in part, by any type of roof, including, but not limited to, shingle, pergola, or lattice, must meet all standard setbacks.
- (4) *Maximum height requirements.* No building or structure shall exceed 35 feet in height.
- (5) *Minimum building floor area.* No residential dwelling unit shall have less than 1,000 square feet of living area, exclusive of garages or basements, plus an additional 150 square feet of living area for each additional bedroom or sleeping area exceeding two. The minimum core area of each single-family dwelling unit shall not be less than 24 feet in width, documented on the construction drawings.
- (6) *Floor area and height of accessory buildings.* No accessory building shall have a ground floor area exceeding 960 square feet based on the external horizontal dimensions. The building height shall not exceed 16 feet.
- (7) *Parking space.* Parking space requirements are subject to residential conditions as set forth in section 34-483.
- (8) *Signage.* Signage in the R-3 waterfront residential district shall meet the requirements of division 4 of article IV of this chapter.

(Ord. of 9-5-2006, eff. 9-26-2006; Ord. No. 66, § 2, 2-7-2012)

Editor's note(s)—Ord. No. 66, § 2, adopted Feb. 7, 2012, changed the title of § 34-284 from "Regulations and standards" to "Regulations and standards of the R3 waterfront residential district". This historical notation has been preserved for reference purposes.

### **Sec. 34-285. Garages and/or boat storage units.**

Garages and/or boat storage units or structures in the R-3 waterfront residential district must comply with all setbacks established in this division.

### **Sec. 34-286. Reserved.**

Editor's note(s)—Ord. No. 96, § 1, adopted August 3, 2021, repealed § 34-286, which pertained to access to bodies of water and derived from Ord. of September 5, 2006.

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**Secs. 34-287—34-310. Reserved.**

*DIVISION 7. C COMMERCIAL DISTRICT*

**Sec. 34-311. Purpose.**

It is the purpose of the C commercial district to provide a variety of commercial land uses. This district is designed to provide locations for business within the township in a manner which serves residential needs while at the same time does not encroach in an undesirable manner on such uses.

**Sec. 34-312. Uses permitted by right.**

The following uses are permitted by right in the C commercial district:

- (1) Any retail business whose principal activity is the sale of merchandise in an enclosed building.
- (2) Service establishments which perform services on the premises, such as but not limited to repair shops, beauty parlors or barbershops, dry cleaning, self-service laundries, and photographic studios.
- (3) Offices for personal or business services, such as but not limited to medical doctors, dentists, insurance, attorneys, banks, and veterinary services.
- (4) Gasoline service stations.
- (5) Public utility structures.
- (6) Funeral homes.
- (7) Indoor theaters.
- (8) Restaurants, taverns and nightclubs, except drive-ins.
- (9) Residential dwellings.

**Sec. 34-313. Uses allowed by special use permit.**

The following uses are permitted in the C commercial district subject to obtaining a special use permit as provided for in article V of this chapter:

- (1) Shopping centers.
- (2) Drive-in restaurants.
- (3) Outdoor motor vehicle, boat, manufactured home sales, rental, repair, and display or storage, provided that when such activities occur within a building such use shall be permitted by right.
- (4) Hotels, motels, motor hotels.
- (5) Bowling alleys, pool halls, and mechanical amusement centers.
- (6) Outdoor theaters.
- (7) Carwashes, automatic and self-serve.
- (8) Transient amusement enterprises such as carnivals, circuses, and tent shows.
- (9) Commercial beaches.

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- (10) Other uses not specifically mentioned elsewhere of a commercial nature.

### **Sec. 34-314. Regulations and standards.**

The following maximum and minimum standards shall apply to all uses and structures in the C commercial district:

- (1) *Minimum lot area.* All uses permitted in this district shall provide a minimum lot of 15,000 square feet in area.
- (2) *Minimum lot width.* The minimum lot width shall be 100 feet, measured at the front lot line.
- (3) *Yard and setback requirements.* Yard and setback requirements shall be as follows:
  - a. Front yard: 40 feet measured from the nearest edge of the road or street right-of-way or easement upon which the lot or parcel principally fronts.
  - b. Side yard: 15 feet, except for a corner lot where the side yard on the side street shall not be less than the setback required for the front yard.
  - c. Rear yard: 20 feet.
  - d. In any case, no structure shall be located any closer than 20 feet to a residential district line.
- (4) *Maximum height requirements.* The maximum height shall be 40 feet, measured from the average finished grade at the front setback line. See section 34-408 for exceptions.
- (5) *Landscaping.* All commercial buildings and their parking areas shall be landscaped in a manner which is both attractive and which provides a buffer between adjacent noncommercial uses and roadways. Such landscaped areas shall be adequately maintained. Plans for such landscaping shall be approved by the planning commission.
- (6) *Offstreet parking.* Offstreet parking lots shall be arranged and marked with adequate drives and aisles for safe and convenient maneuvering giving access to parking spaces, and in no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk. See division 3 of article IV of this chapter for further parking requirements.
- (7) *Signage.* Signage in the C commercial district shall meet the requirements of division 4 of article IV of this chapter.

### **Secs. 34-315—34-340. Reserved.**

## *DIVISION 8. I INDUSTRIAL DISTRICT*

### **Sec. 34-341. Purpose.**

It is the purpose of the I industrial district to provide for a variety of industrial land uses. This district is designed to provide for the location of industry in a manner which is compatible with and serves those persons living and working within the township.

### **Sec. 34-342. Uses permitted by right.**

The following uses are permitted by right in the I industrial district:

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- (1) Any production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and products not involving a retail activity on the same site.
  - (2) Public buildings and public utility structures.
  - (3) Contractor's establishment.
  - (4) Accessory uses relating directly to and servicing the principal use on the site, including:
    - a. Restaurant or cafeteria for employees.
    - b. Office facilities.

The general examples of accessory uses listed in this subsection shall not be interpreted as allowing an accessory use that is specifically prohibited or restricted by more specific provisions governing that accessory use that appear elsewhere in this chapter.

(Ord. No. 94, § 2, 7-6-2021)

### **Sec. 34-343. Uses allowed by special use permit.**

Junkyards, salvage yards and recycling facilities are permitted in the I industrial district subject to obtaining a special use permit as provided for in article V of this chapter, provided there is compliance with the following:

- (1) Plans and specifications shall be submitted to the planning commission and shall include the following:
  - a. The specific location of the facility shown on a vicinity map.
  - b. Location of public roadways, habitable structures, and places of public use on the site and other properties influenced by the project.
  - c. Legal description and site boundaries.
  - d. Means of limiting access, including fencing, gates, natural barriers, or other methods.
  - e. Details of the method of treating or disposing of liquid waste resulting from operation of the facility, in conjunction with state department of environmental quality's standards for hazardous waste disposal.
  - f. The location of all structures and equipment.
  - g. A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items; store refuse beyond the end of the working day; and control dust, odors, and fire as they comply with state and federal regulations.
  - h. The location of existing proposed utilities available to the site.
  - i. The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.
  - j. Daily cleanup procedures.
  - k. The operation shall be limited between the hours of 7:00 a.m. and 7:00 p.m. No operation shall occur on Sunday.
  - l. Other details necessary as required by the planning commission.
  - m. If the facility is to be used as a resource recovery facility, the average length of storage and the means of processing must be identified.



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- (2) A facility shall be located not less than 500 feet from the nearest residential zone and must be screened by a fence of not less than eight feet in height and not less than 90 percent solid. It must also be screened by fences from streets, roads, or highways open to public vehicle travel.
  - (3) The site must be located on a major arterial road and not on a residential or local-type road. Roadways on the property shall be all-weather roads and shall be maintained in a condition to prevent a dust nuisance.
  - (4) Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration or a nuisance to an adjoining property.
  - (5) Highly flammable or explosive materials shall not be accepted unless approved by the health department.
  - (6) The site shall not be less than five acres in size.
  - (7) Open burning shall not be carried on in a facility.
  - (8) The area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.
  - (9) Necessary operations of the area shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
  - (10) Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances.

### **Sec. 34-344. Regulations and standards.**

The following maximum and minimum standards shall apply to all uses and structures in the I industrial district:

- (1) *Minimum lot area.* All uses permitted in this district shall require a minimum lot area of 15,000 square feet.
- (2) *Minimum lot width.* The minimum lot width shall be 100 feet measured at the front lot line.
- (3) *Maximum lot coverage.* The maximum lot coverage shall not exceed 50 percent.
- (4) *Yard and setback requirements.* Yard and setback requirements shall be as follows:
  - a. Front yard: 40 feet measured from the nearest edge of the road or street right-of-way or easement upon which the lot or parcel principally fronts.
  - b. Side yards: ten feet, except for a corner lot where the side yard on the side street shall not be less than the setback required for the front yard.
  - c. Rear yard: 20 feet.
  - d. In any case, no structure shall be located any closer than 50 feet to a residential district line.
- (5) *Maximum height requirements.* The maximum height shall be 40 feet, measured from the average finished grade at the front setback line. See section 34-408 for exceptions.
- (6) *Landscaping.* All industrial buildings and their parking areas shall be landscaped in a manner which is both attractive and which provides a buffer between adjacent nonindustrial uses and roadways. Such landscaped areas shall be adequately maintained. Plans for such landscaping shall be approved by the zoning board.

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- (7) *Offstreet parking.* Offstreet parking lots shall be arranged and marked with adequate drives and aisles for safe and convenient maneuvering giving access to parking spaces, and in no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk. See division 3 of article IV of this chapter for further parking requirements.
  - (8) *Signage.* Signage in the I industrial district shall meet the requirements of division 4 of article IV of this chapter.
  - (9) *Performance standards.* Before the issuance of any building permit or certificate of occupancy, the applicant shall sign an agreement stating that the use of the property will meet the requirements of division 5 of article IV of this chapter.

(Ord. No. 90, § 9, 2-4-2020)

**Secs. 34-345—34-400. Reserved.**

***ARTICLE IV. SUPPLEMENTARY REGULATIONS AND EXCEPTIONS***

***DIVISION 1. GENERALLY***

**Sec. 34-401. Single-family dwellings.**

Any single-family dwelling erected on site; a manufactured, modular home; or a premanufactured or precut structure shall be permitted in the appropriate zoned districts only if in conformance with all of the following requirements:

- (1) A manufactured home must either be:
  - a. New and certified by the manufacturer and/or appropriate inspection agency as meeting the mobile home construction and safety standards of the Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or
  - b. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1)a. of this section and found, on inspection by the building inspector, to be in excellent condition and safe and fit for residential occupancy.
- (2) The dwelling shall comply with all the single state construction code and other applicable codes. However, where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by township codes, such federal or state standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the building inspector.
- (3) The dwelling shall comply with all restrictions and requirements of this chapter, including without limitation floor area, yard requirements and lot area for the zoned district within which it is located.
- (4) If the dwelling is a manufactured home, the manufactured home shall be installed with the wheels removed.
- (5) The dwelling shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling and to

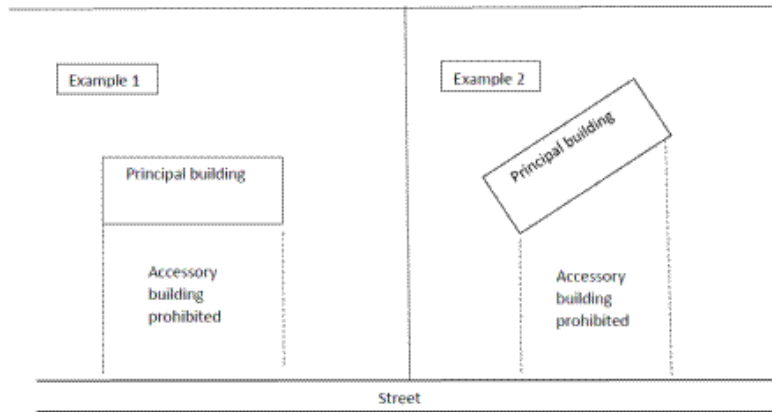
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be constructed of such materials and type as required by the single state construction code for on-site-constructed single-family dwellings. If the dwelling is a manufactured home, its foundation shall hide the chassis, undercarriage and towing mechanism.

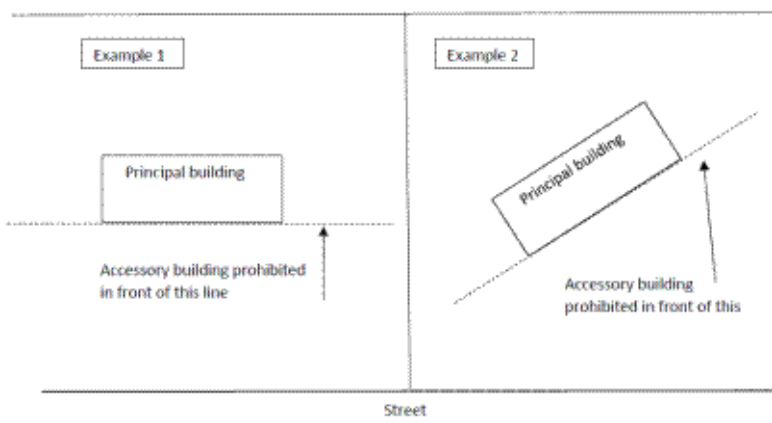
- (6) If the dwelling is a manufactured home, the manufactured home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the appropriate state agency or any similar or successor agency having regulatory responsibility for manufactured home parks.
- (7) The dwelling shall have a maximum length-to-width ratio of three to one.
- (8) The dwelling shall have a minimum width across any front, side or rear elevation of 24 feet.
- (9) Storage areas totaling no less than 120 square feet shall be provided. These storage areas may consist of a basement, closet area, attic and/or a separate accessory building whose construction is of equal or better quality to that of the dwelling and which is in compliance with all other applicable sections of this chapter pertaining to accessory buildings.
- (10) The dwelling shall be constructed with construction materials of consistent quality. The dwelling shall contain no additions, rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required by this section.
- (11) Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation differential greater than eight inches between the dwelling's first floor and ground level.
- (12) Private garages or carports are permitted, provided their construction is of equal or better quality to that of the dwelling, architecturally compatible with the dwelling, and in conformance with all other requirements of this chapter.
- (13) The pitch of the main roof of the dwelling shall not be less than 2½ feet of rise for each 12 feet of horizontal run. There shall be a roof overhang of not less than eight inches, excluding its gable ends.
- (14) The exterior finish of the dwelling shall not cause a reflection that is greater than that from siding coated with clean, white, gloss, exterior enamel.
- (15) The dwelling shall be so located on the lot or parcel on which it is placed that the portions nearest the principal street frontage are at least 34 feet in total dimension parallel to the street.
- (16) The dwelling shall have no less than two exterior doors, with the second one being in either the rear or the side of the dwelling.

### **Sec. 34-402. Accessory buildings.**

- (a) In this chapter, accessory buildings are subject to all setback requirements applying to the principal building.
- (b) An accessory building shall be located as follows:
  - (1) In the AG agricultural district and R-1 medium density residential district:
    - In the rear yard or side yards if the lot is less than five acres and is not a corner lot.
    - In the rear yard or side yard that is not adjacent to a street if the lot is less than five acres and is a corner lot.
    - In any yard if the lot is more than five acres, but not directly in front of the principal building. See diagram below:



- (2) In the C commercial district:
- No closer to the street than the principal building.
- (3) In the R-3 waterfront residential district:
- In a side yard behind the front of the principal building or in the rear yard.
- (c) An accessory building placed in the side yard of a lot less than five acres as allowed above must be located behind the front of the principal building. See diagram below:



- (d) An accessory building may be allowed on a single lot that is divided by a public or private road and which contains the main building on the opposite side of the road except that an accessory building shall not be allowed on the portion of such a lot that is adjacent to a lake or river in the R-3 waterfront residential district.
- (e) Accessory buildings shall not be used as sleeping quarters or contain sleeping quarters for humans unless such use is part of a permitted use (e.g., migrant labor housing in the agricultural district) or a specific special land use that is recognized in this chapter and has been approved (e.g., campground or camp). Using an accessory building as sleeping quarters or having sleeping quarters in an accessory building shall not be considered an accessory use associated with a principal building, including single-family residential structures.
- (f) Notwithstanding anything to the contrary in this chapter, one portable shed may be located on a vacant lot in any zoning district for the storage of yard maintenance equipment. A zoning permit is required for a portable shed and the shed shall be placed in what would be considered the rear yard of the vacant lot. If a

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principal building is later built or placed on the lot which causes the portable shed not to be in compliance with section 34-402, then the portable shed shall be moved to a location that complies with section 34-402 or it shall be removed from the lot. For purposes of this subsection, the following definitions shall apply:

A "*portable shed*" shall mean a shed less than 200 square feet in size designed and built to be movable rather than permanently located.

A "*vacant lot*" shall mean a lot with no buildings located on the lot.

(Ord. No. 78, § 2, 1-5-2016; Ord. No. 81, § 2, 9-5-2017; Ord. No. 90, § 10, 2-4-2020)

Cross reference(s)—Buildings and building regulations, ch. 6.

### **Sec. 34-403. Fences, walls, screens.**

The following shall apply to all fences, walls, screens or similar devices of structural or plant materials under this chapter, excluding those fences associated with agriculture:

- (1) No fence, wall, or screen of any material, including plant materials, shall be erected higher than six feet from the average grade elevation of the property, except those fences constructed for security purposes in commercial and industrial zones.
- (2) No fence, wall, or screen or any planting shall obstruct visibility of motorists at driveway entrances to streets.
- (3) No privacy fence, wall, screen, or any plantings shall be higher than three feet if within 20 feet of the front property line. However, in waterfront residential districts privacy fences, walls, screens, or any plantings shall not be higher than three feet within 30 feet of the waterfront property line or within 20 feet of the rear property line if the property has water frontage.
- (4) Fences, walls, or screens shall have the finished side facing the adjoining properties.

### **Sec. 34-404. Variance of requirements for lots of record.**

Any residential lot created and recorded prior to the effective date of the ordinance from which this chapter is derived may be used for residential purposes, even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided that:

- (1) Requirements of the district are met.
- (2) Proper application is made and action taken approving the use by the board of appeals under the provisions of division 2 of article II of this chapter.

### **Sec. 34-405. Lot area allocated once.**

No portion of a lot can be used more than once in complying with the provisions of this chapter for lot area and yard dimensions for construction or alteration of buildings.

### **Sec. 34-406. Yard encroachments permitted.**

The following elements of structures are not considered in determining yard requirements under this chapter: Uncovered and ground level terraces or patios. The following elements of structures are considered in determining yard requirements under this chapter: Cornices, chimneys, gutters, eaves, air conditioning units, and other similar structures.

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(Ord. No. 93, § 2, 7-6-2021)

**Sec. 34-407. Swimming pools.**

All swimming pools are subject to the same requirements established for accessory buildings under this chapter.

**Sec. 34-408. Height requirement exceptions.**

The following are exempted from height limit requirements of this chapter, provided that no portion of the excepted structure may be used for human occupancy:

- (1) Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles, monuments.
- (2) Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, grain elevators, silos, ventilators, bulkheads, fire and hose towers, wire transmission structures, cooling towers.
- (3) Those structural extensions deemed necessary for appropriate building design such as cornices or parapet walls may extend a maximum of five feet above height limitations and shall have no window openings.
- (4) Public utility structures.

**Sec. 34-409. One building to a lot.**

No more than one principal building may be permitted on a lot or parcel, unless specifically provided elsewhere in this chapter.

**Sec. 34-410. Unsafe buildings.**

Nothing in this chapter shall prevent compliance with an order by an appropriate authority to correct, improve, strengthen, or restore to a safe condition any building or any part of a building declared to be unsafe.

Cross reference(s)—Buildings and building regulations, ch. 6; environment, ch. 10.

**Sec. 34-411. Building grades.**

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and for collection that inconvenience or damage to adjacent properties shall not occur.

Cross reference(s)—Buildings and building regulations, ch. 6.

**Sec. 34-412. Required water supply and sanitary sewer facilities.**

Any structure erected for human occupancy after the effective date of the ordinance from which this chapter is derived and used for dwelling, business, industrial, or recreational purposes shall be provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, commercial, or industrial wastes. All such installations shall comply with the requirements of the state and the county health department. No outdoor sanitary facilities (privies) shall be allowed.

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(Supp. No. 7)

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**Sec. 34-413. Recreational vehicles.**

- (a) *Use.* A recreational vehicle shall not be used or occupied for temporary or permanent dwelling purposes except as follows:
- (1) When located in a properly licensed and zoned campground;
  - (2) To temporarily house a guest of the owner or lessee of the parcel on which a recreational vehicle is located if all of the following conditions are met:
    - a. The owner or lessee of the parcel applies for and receives a temporary dwelling permit from the township prior to the occupation of a recreational vehicle. Any fee for such a permit shall be set (and subsequently changed) by a resolution adopted by the township board. The application for the permit shall state the name of the owner or lessee of the parcel and the beginning and ending dates when a recreational vehicle is proposed to be used as a temporary dwelling.
    - b. There must be a primary and occupied dwelling on the parcel. A vacant parcel that shares a boundary with the parcel on which the permit applicant's home is located may be considered as the same parcel for the purposes of meeting this condition.
    - c. The use shall be limited to no more than 21 days in a calendar year, whether consecutive or non-consecutive. This 21 day maximum shall be determined by counting each day a permit was in effect regardless of the number of recreational vehicles permitted.
    - d. Each recreational vehicle shall have a current and valid license plate/registration.
    - e. No recreational vehicle shall be connected to a sewer or septic system.
    - f. A recreational vehicle shall not be parked in any required setback or in the front yard of a waterfront parcel.
    - g. More than one recreational vehicle may be permitted under this subsection.
  - (3) To temporarily house the occupants of the primary dwelling on the parcel if all the conditions are met:
    - a. The primary dwelling on the parcel is being constructed or re-constructed/remodeled pursuant to a validly issued building permit.
    - b. The owner of the parcel applies for and receives a temporary dwelling permit from the township prior to the occupation of the recreational vehicle. The fee for such a permit shall be set (and subsequently changed) by a resolution adopted by the township board. The application for the permit shall state the name of the owner or lessee of the parcel and the beginning and ending dates when the recreational vehicle is proposed to be used as a temporary dwelling.
    - c. Only one recreational vehicle may be used for this purpose.
    - d. The use shall be limited to no more than six months from the date of issuance of the building permit, unless extended by the township due to extenuating circumstances.
    - e. The recreational vehicle shall have a current and valid license plate/registration.
    - f. The recreational vehicle shall not be parked in any required setback or in the front yard of a waterfront parcel.
- (b) *Storage.* A recreational vehicle may only be stored outside if all of the following conditions are met:
- (1) A primary dwelling or structure is present on the parcel;
  - (2) The recreational vehicle is titled in the name of the owner of the parcel or of the lessee of the parcel and the lessee is leasing the entire parcel from the owner of the parcel.

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- (3) The recreational vehicle shall not be parked in any required setback or in the front yard of a waterfront parcel.
  - (4) Only one recreational vehicle may be stored outside on the parcel.

(Ord. No. 95, § 1, 8-3-2021)

### **Sec. 34-414. Moving of buildings.**

Approval shall be required from the building administrator for moving a building larger than 200 square feet in floor area.

Cross reference(s)—Buildings and building regulations, ch. 6.

### **Sec. 34-415. Required permits.**

The township requires the property owner to obtain a building, electrical, mechanical, plumbing and any other applicable permit prior to beginning any construction or alteration of any dwelling, accessory structure, or structure within the township. Any issued permit is subject to being voided if the specified purpose is not initiated or is not sustained within any 180-day period.

### **Sec. 34-416. Private drives and private roads.**

- (a) *Access requirements.* All parcels of land shall have access to a dedicated public street or access to a private road as described herein.
- (b) *Private drive.* A permanent/irrevocable easement running with the land and providing access to only one lot may be created. Such an easement shall hereafter be referred to as a "private drive." A private drive is not subject to the requirements for a private road but the easement for a private drive must: Be a minimum of 40 feet in width for the entire length of the easement; provide for the construction and maintenance of public utilities, including natural gas, electric, telephone, sewer, water, and storm water within the easement to serve the lot served by the private drive; and be legally described and recorded in the register of deeds office for St. Joseph County, Michigan, when the lot served by the private drive is created.
- (c) *Approval for private road.* No person shall create or construct a private road within the township without prior approval of the township board. Applications for approval shall be on a form or forms established by the township and shall include any required fees. The application shall include two proposed names for the road. The developer of the road shall submit the following with the application: Road construction plans drawn by an engineer registered in Michigan; a survey of the right-of-way prepared by a land surveyor registered in Michigan; and, the irrevocable easement and maintenance agreement prepared by an attorney licensed to practice in Michigan.

A construction permit for a private road as approved by the township board shall be valid for a period of not more than two years. Once approved, the road shall be built in accordance with the approved drawings and may not extend beyond the length shown on the drawings. The developer of a private road shall be responsible for maintenance of the private road until a dwelling served by the road is built and occupied or a maintenance agreement is in effect.

- (d) *Private road standards.*
  - (1) All private roads constructed or created after the effective date of this section shall:
    - a. Have a permanent/irrevocable easement with a minimum width of at least 66 feet that provides for the construction and maintenance of public utilities, including natural gas, electric, telephone,



sewer, water, and storm water within the easement to serve the lots served by the private road. The easement shall be legally described and recorded in the register of deeds office for St. Joseph County, Michigan, when the lots to be served by the private road are created.

- b. Have a maintenance agreement that: Binds all benefitted lots; requires the property owners served by the road to be responsible for snow removal, repairs and maintenance to the road and contains a method for apportioning the related costs among the owners; and is recorded with the register of deeds for St. Joseph County, Michigan, when the lots to be served by the private are legally created.
- c. Have a minimum width of 25 feet of traveled surface if the road serves two parcels or lots.
- d. Be constructed as a paved road to standards that are equal to or greater than the standards required by the St. Joseph County Road Commission (Michigan) for acceptance as a county road if the road serves more than two lots.

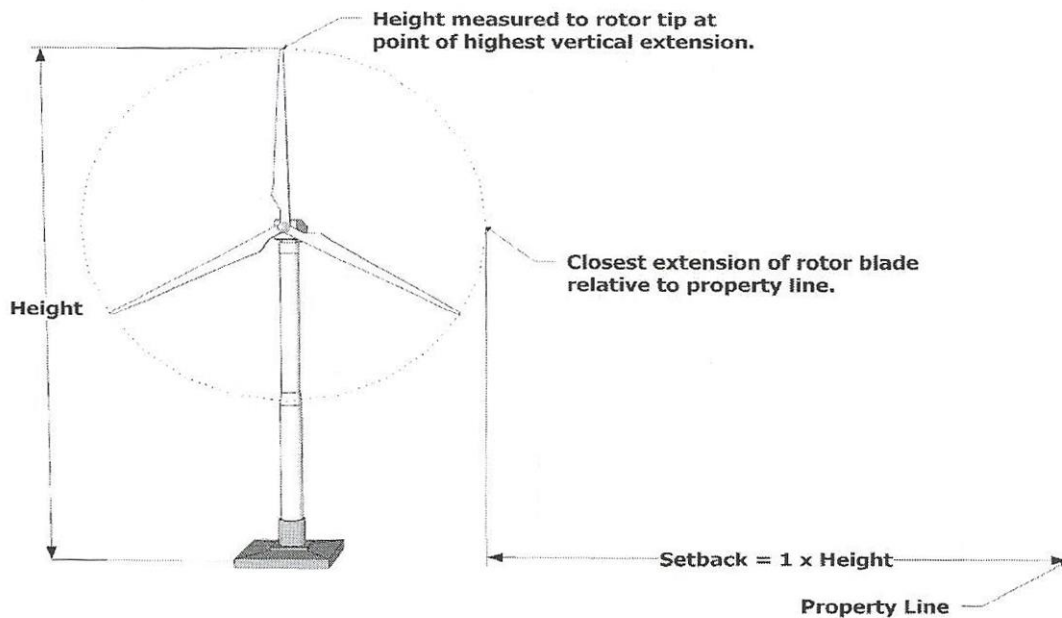
The township may require the developer to deposit into an escrow account sufficient funds to insure the construction of the road. The amount of the escrowed funds shall be based upon an engineer's estimate of the cost (obtained at the developer's cost) to complete the road.

- (2) No private road shall:
  - a. Provide access to more than one dedicated public road.
  - b. Provide access to another private road.

(Ord. No. 63, § 14, 3-1-2011; Ord. No. 90, § 11, 2-4-2020)

### Sec. 34-417. 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 the township.



**Measuring WECS Height and Setback**

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(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. An on-site service WECS shall be subject to the general requirements of this section as well as site plan review, as required in article V, division 2 of this chapter.
- (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 are subject to the general requirements of this section as well as the general standards for special use permits in section 34-593 and the specific standards set forth in subsection (e) of this section.

(c) *General requirements for all WECS.*

- (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 square feet in area.
- (5) There shall be no lighting on or directed to the WECS, unless a beacon is required by the FAA.
- (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, retransmission 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 this code.
- (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 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

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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 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 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.

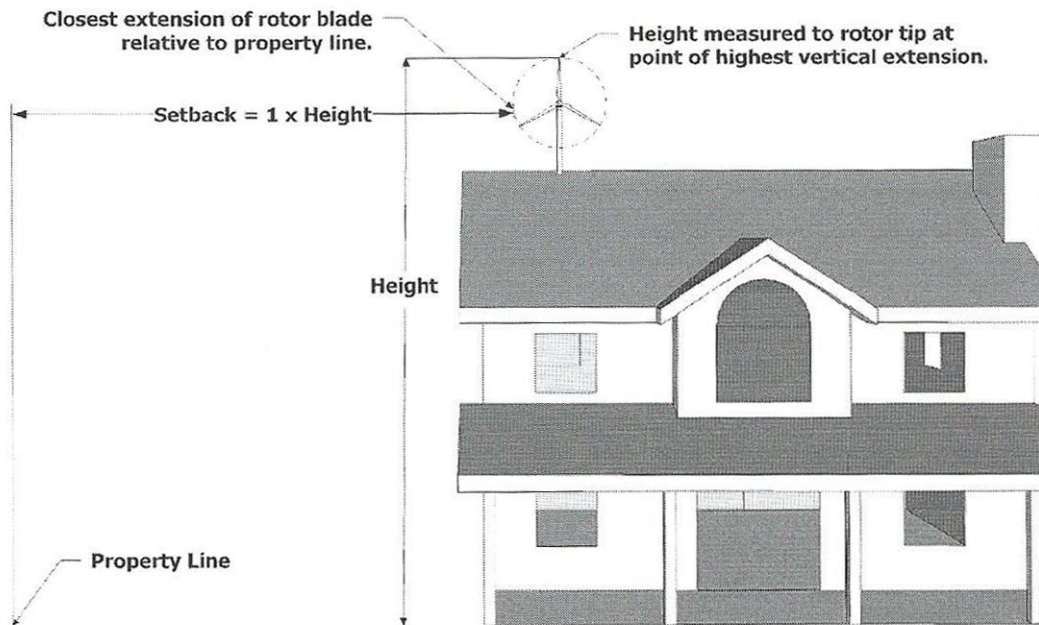
(3) *Ground-mounted on-site service WECS.*

- a. There shall be no more than one 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, 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 this section; however, no WECS height shall exceed 50 feet on a property less than one acre in area; 75 feet on a property at least one acre but less than three acres in area; or 100 feet on a property three acres in area or greater.
- d. The minimum rotor blade tip clearance from grade shall be 20 feet.
- e. The minimum rotor blade tip clearance from any structure shall be 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 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 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 feet, measured between the maximum extension of the rotors.
- b. The diameter of the rotor shall not exceed 20 feet.
- c. The WECS height shall not exceed the maximum height for principal buildings in the district, plus 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).



### Building Mounted WECS Height and Setback

- 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.

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(e) *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 subsection, all requirements of subsection 34-417(c) (general requirements) shall be met.
- b. *Minimum area.* Minimum project area shall be 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 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 250 feet, subject to setback limitations. Towers shall be required to be less than 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 set back from the closest property line a minimum distance equal to one and one-half (1.5) feet for every one foot of WECS height. No portion of a WECS or WECS testing facility shall be located within 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 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 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 feet high.
- h. *Signs.* Each WECS may have one sign not exceeding three 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 sign, not to exceed two 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).*

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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.
  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 use permits in article V of this chapter, 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 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 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 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 Michigan's Construction Code.
    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.

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- (3) *Approval of testing facilities.* The township's grant of a special 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 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 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 use is approved pursuant to this chapter, the township board shall require a performance guarantee in accordance with the provisions of section 34-595 of this chapter, 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 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 code 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 30 years from the date of the special 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 use approval and this code, and will subject the applicant to all available remedies to the township, including possible enforcement action and revocation of the special 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 \$2,000,000.00 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.

(Ord. No. 69, § 5, 6-4-2013)

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## Sec. 34-418. Solar energy systems.

- (a) *Purpose.* This section establishes requirements and procedures by which the installation and operation of solar energy systems (SES) shall be governed within the township.
- (b) *Review requirements.*
- (1) A personal-scale SES shall be allowed as an accessory use in any zoning district, subject to the requirements of this section. A personal-scale SES shall be subject to the general requirements of this section as well as site plan review, as required in article V, division 2 of this chapter. The following situations do not require site plan review, but shall still comply with all other standards of this Code:
    - a. The installation of one building-mounted SES with a total solar collector surface area of less than eight square feet.
    - b. The installation of one ground-mounted SES with a height of less than six feet and a solar collector surface of less than eight square feet.
    - c. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the SES.
  - (2) A utility-scale SES may be permitted only as a special land use in the AG agricultural district and is subject to the general requirements of this section as well as the general standards for special use permits in section 34-593 and the specific standards set forth in subsection (e) of this section.
- (c) *General requirements for all personal-scale SES.*
- (1) The system shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of the directions shall be submitted with the site plan application.
  - (2) The system shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways. Any finding of "a significant visual impact" shall be supported by findings of fact recorded in the minutes of applicable meetings.
  - (3) The system and the installation thereof shall comply with this Code, Michigan's State construction code, with applicable ANSI (American National Standards Institute), NEC (National Electric Code), the National Building Code, and any other applicable federal, state and county requirements.
  - (4) The system shall be removed when the device or equipment is no longer operating or when it has been abandoned. A SES shall be deemed abandoned when it has not produced electrical energy for 12 consecutive months or longer.
  - (5) Where feasible, ancillary solar equipment shall be located inside of a building or be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, batteries, and plumbing shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of Michigan's Construction Code and when no longer in use shall be disposed of in accordance with applicable laws and regulations.
- (d) *General requirements for ground-mounted, personal-scale SES.*
- (1) The height shall not exceed 16 feet measured from the ground at the base of such equipment to the highest point of the system.
  - (2) The system shall be located only in the rear or side yard in all zoning districts and shall be located at least ten feet from the property line. Setbacks shall be measured from the property line (considered as



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- a plane extending from the ground to the highest point of the SES) to the closest extension of the system. No part of the system shall be located within or above any required setback.
- (3) The system shall be permanently and safely attached to the ground. Proof of safety and reliability of the means of such attachment, in the form of certification by a professional engineer or other qualified person, shall be submitted with the application.
- (e) *General requirements for building-mounted, personal-scale SES.*
- (1) If roof mounted, the system shall not project more than five feet above the highest point of the roof and, in any circumstances, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof. If wall mounted, the system shall not exceed the height of the building wall to which it is attached.
- (2) The system shall only be of such weight as can safely be supported by the roof or wall. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the township prior to installation.
- (3) The system shall be permanently and safely attached to the building or structure. Proof of safety and reliability of the means of such attachment shall be submitted to the township prior to installation.
- (f) *Approval of personal-scale SES, 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 personal-scale SES. 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 SES.
- b. The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a SES.
- c. Altering the location of the SES to prevent impacts on neighboring properties, provided that all other requirements of this section are met.
- d. Requiring that the SES not result in excessive glare on neighboring properties.
- (g) *Utility-scale SES.*
- (1) *Site requirements.*
- a. *Minimum area.* Minimum project area shall be 100 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 50 feet. All setback requirements shall be measured from the project limits.
- b. *Setbacks.* No part of a SES facility shall be located within or above any required front, side or rear yard setback. When the system is adjacent to a residentially-zoned or used parcel, side and rear yard screening may be required as a condition of granting a special use permit.
- c. *Signs.* One sign not exceeding 32 square feet in area shall be allowed identifying the owner of the system. This provision shall not prohibit necessary warning signs, e.g. high voltage, etc., or any other signs required under these regulations.
- d. *Utility company interconnection (Interconnected SES).*
- (1) No SES shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the SES with the utility company shall adhere to the National Electrical Code.
- (2) All wiring from the SES facility to the connection to the utility grid shall be underground.

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- (2) *Application requirements.* In addition to the application requirements for special use permits in article V of this chapter, an application for a utility-scale SES 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, security fencing, and other above ground structures associated with the SES. Where feasible, ancillary solar equipment shall be located inside of a building or be screened from public view.
    - (3) Location and type of all outdoor lighting. Lighting shall be directed downward and shielded from abutting properties.
    - (4) Existing and proposed setbacks of all structures located on the project site.
    - (5) Sketch elevation of the premises accurately depicting the proposed SES installation and its relationship to all structures within 300 feet.
    - (6) Access road to the SES with detail on dimensions, composition, and maintenance.
  - b. Planned security measures to prevent unauthorized trespass and access.
  - c. SES facility maintenance programs—Provide a description of the maintenance program used to maintain the SES facility, including removal when determined to be obsolete.
  - d. Glare studies showing how glare from solar collector surfaces 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 SES and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of Michigan's Construction Code.
    - (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 SES will be placed.
- (3) *Performance requirements.*
- a. Inspection: The township shall have the right upon issuing a SES facility a special use permit to inspect the premises on which the SES facility is located at all reasonable times. The township may hire a consultant to assist with any inspection of a SES facility at the applicant's cost.
  - b. Each SES facility must be kept and maintained in good repair and condition at all times. If a SES facility 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 the SES facility which the township can review on a monthly basis.
  - c. Security: If a special use is approved pursuant to this chapter, the township board shall require a performance guarantee in accordance with the provisions of section 34-595 of this chapter,

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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 use has been approved but before approval of a building permit for construction of the SES facility.
  - (3) At a minimum, the performance guarantee shall be in an amount determined by the township to be sufficient to have the SES facility fully removed (and all components properly disposed of and the land returned to its original state) should the facility become abandoned, dangerous or obsolete, or not in compliance with this code or the special use approval. The performance guarantee shall be kept in full force and effect during the entire time while a SES 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 SES facility) for at least 30 years from the date of the special use approval. Failure to keep the performance guarantee in full force and effect at all times while a SES facility exists or is in place shall constitute a material and significant violation of a special use approval and this code, and will subject the applicant to all available remedies to the township, including possible enforcement action and revocation of the special use approval.
- d. Road repair: Any damages to a public road located within the township resulting from the construction, maintenance, or operation of a SES facility shall be repaired at the applicant's expense.
  - e. Liability: The applicant shall insure the SES facility 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 SES, including damage caused by stray voltage from a SES.
  - g. Emergency services. Upon request, the owner/operator of the system shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the system shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
  - h. Glare. The granting of a special use permit may be conditioned upon the SES not resulting in excessive glare on neighboring properties. The applicant shall take and shall continue to take (including implementing new technologies developed after the permit is issued) all reasonable steps to eliminate or significantly reduce any glare from the SES imposed on neighboring properties.
- (4) *Building-mounted, utility-scale SES.* In addition to the regulations set forth in this subsection 34-418(g), a building-mounted, utility scale SES shall also be subject to the general requirements applicable to a building-mounted, personal-scale SES as set forth in section 34-418(e).

(Ord. No. 83, § 2, 10-2-2018)

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### **Sec. 34-419. Outdoor storage containers.**

Shipping containers, enclosed trailer bodies, enclosed truck boxes, school bus bodies, railway cars, and similar items shall not be used as an accessory building or storage building in any zoning district. This section does not prohibit:

- (1) The use of a ministorage structure for a period not to exceed 14 days;
- (2) Roll-off waste material containers that are temporarily on site to remove trash, waste, and/or debris;
- (3) Trucks, semi-trailers, railway cars, shipping containers located in a commercial district or industrial district and actively being used for the shipment or receiving of goods (and not for the storage of goods or items) related to the business conducted on the premises; and/or
- (4) Mobile offices or storage trailers permitted by the building inspector to exist during periods of construction of the main building or for special events.
- (5) A building made of repurposed materials that complies with all federal, state and local laws, including the Michigan Construction Code, and the presence and location of which has been approved by the issuance of a zoning permit.

(Ord. No. 93, § 3, 7-6-2021)

### **Sec. 34-420. Access to bodies of water.**

The following restrictions are intended to limit the number of users of lake, river or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the township.

- (1) The restrictions in this section shall apply to all lots and parcels on or abutting any lake, river, or stream in all zoning 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; and, shall be fully applicable to all planned residential development (PRD) and special use projects or developments.
- (2) There shall be at least 80 feet of lake, river, or stream frontage (hereinafter "water frontage") for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the water frontage. Notwithstanding the foregoing, if a property is located within a zoning district where the minimum lot width requirement is greater than 80 feet, then the minimum water frontage requirement shall be equal to the minimum lot width requirement of that district. The minimum frontage requirements established in this subsection shall be measured along the ordinary high-water mark of the lake, river, or stream and shall hereafter be referred to the "required frontage." Thus, a multiple-unit residential development that shares common water frontage, must meet the required frontage for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment utilizing or accessing the water frontage or water. Example: If access is being provided for two site condominium units and the required frontage in the district is 80 feet, then the required frontage would be 160 feet.
- (3) A multiple-unit residential development is limited to one dock per each Required Frontage that exists for that development. All such docks and docking or mooring shall also comply with all other applicable township regulations in this code.
- (4) In all zoning districts, no water access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake, river or stream shall be utilized for commercial, business, outdoor recreational (or

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entertainment) facilities, institutional or nonresidential or nonagricultural uses or purposes unless such use is allowed in the zoning district where the property is located and is authorized pursuant to a special use approval or a planned residential development (PRD) approval.

- (5) In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake, river, or stream shall be used to permit access to the lake, river, or stream for more than one single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use.
- (6) Any lawful nonconforming use shall retain its nonconforming status under this chapter without the consideration of the termination clause contained in section 34-450.
- (7) Any dredging, filling of water areas or creation of channels or canals shall be permitted only after review and approval by the state, the county drain commissioner, and the township board.
- (8) Waterfront funneling or key-holing practices, as defined in section 34-4, are prohibited. This prohibition shall not apply against the use of any public park or public access site maintained by a unit of government.

(Ord. No. 96, § 2, 8-3-2021)

### **Sec. 34-421. Outdoor wood furnaces/boilers.**

- (a) *Purpose.* This section establishes requirements and procedures by which the installation and operation of outdoor wood furnaces will be governed.
- (b) *Where permitted and review requirements.* Outdoor wood furnaces shall only be allowed as an accessory use in the AG agricultural district, the RR rural residential district, and in the R-1 medium density residential district subject to the general requirements listed in this section and the following:
  - (1) An outdoor wood furnace shall not be installed on a lot that is less than two and one-half acres.
  - (2) An outdoor wood furnace may only be permitted on a lot that is greater than two and one-half acres but less than five acres as a special land use.
  - (3) An outdoor wood furnace may be permitted on a lot that is five acres or more upon the issuance of a zoning permit by the zoning administrator.
- (c) *General requirements for all outdoor wood furnaces.*
  - (1) A copy of the manufacturer's installation and operation instructions shall be submitted to the township as part of the special land use or zoning permit application.
  - (2) The outdoor wood furnace shall comply with and be installed in compliance with all federal, state, county, and township laws and regulations in effect at the time of installation and must also be installed in compliance with the manufacturer's instructions. The outdoor wood furnace shall thereafter be operated in compliance with all federal, state, county and township laws and the manufacturer's instructions.
  - (3) The outdoor wood furnace shall be a minimum of 25 feet from any other structure except for a structure built and used only for sheltering wood or other approved fuel for the furnace which may be located no less than five feet from the furnace.
  - (4) The outdoor wood furnace shall be located a minimum of 200 feet from any property line.
  - (5) The outdoor wood furnace shall not be located in the front yard; however, on a lot where the main building is set back more than 250 feet, the furnace may be located in the front yard provided it is set back at least 200 feet from the front lot line.

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- (6) Other than woodpiles and other approved combustibles used for fuel, an area at least 30 feet in diameter around the unit shall be free of ignitable vegetation and debris.
  - (7) Only those materials that the furnace is designed to burn according to the manufacturer's operation instructions shall be used for fuel.

(Ord. No. 94, § 3, 7-6-2021)

**Secs. 34-422—34-440. Reserved.**

*DIVISION 2. NONCONFORMING USES<sup>5</sup>*

**Sec. 34-441. Purpose.**

It is the intent of this chapter to permit the continuance of a lawful use of any building or land existing at the effective date of the ordinance from which this chapter is derived, although such use of land or structure may not conform with the provisions of this chapter. Further, it is the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended nor used as grounds for adding other structures or uses prohibited elsewhere in the same district. The continuance of all nonconforming uses and structures within the township shall be subject to the conditions and requirements in this division.

**Sec. 34-442. Structural changes.**

The building that is nonconforming shall not be structurally changed or enlarged unless the resultant changed, altered, or enlarged building conforms to the provisions of this chapter for the district in which it is located, except as provided in sections 34-443, 34-444 and 34-445.

**Sec. 34-443. Repairs.**

Any lawful nonconforming building may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost of 60 percent of the state equalized value of the building unless the subject building is changed by such repair to a conforming building or structure.

**Sec. 34-444. Alterations and improvements.**

Nothing in this chapter shall prohibit the alteration, improvement, or modernizing of a lawful nonconforming building, provided that such alteration does not increase the height, area, bulk, or use of the building and provided that such improvements do not exceed an aggregate cost of 60 percent of the state equalized value of the building unless the subject building is changed by such improvement to a conforming structure.

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<sup>5</sup>Cross reference(s)—Buildings and building regulations, ch. 6.

State law reference(s)—Nonconforming uses, MCL 125.286.

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**Sec. 34-445. Restoration of damage.**

Any lawful nonconforming use damaged by fire, explosion, an act of God, or other causes may be restored, rebuilt, or repaired, provided that the structure housing the nonconforming use has not been more than 50 percent destroyed as measured by the usable cubic space previously existing in such structure.

**Sec. 34-446. Prior construction approval.**

Nothing in this chapter shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of the ordinance from which this chapter is derived, provided that construction is commenced within 90 days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of 30 days, and that the entire building shall have been completed according to the plans filed with the permit application within one year after issuance of the building permit.

**Sec. 34-447. Discontinuance or abandonment.**

Whenever a nonconforming use has been discontinued for three consecutive months or for nine months during any two-year period, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this chapter.

**Sec. 34-448. Reversion of permitted use to nonconforming use.**

If a nonconforming use is changed to a use permitted in the zoning district in which it is located, it shall not revert or be changed back to a nonconforming use.

**Sec. 34-449. Change of nonconforming use to another nonconforming use.**

The board of appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced.

**Sec. 34-450. Termination of nonconforming land use.**

The nonconforming use of land, where no building is located, existing at the effective date of the ordinance from which this chapter is derived may be continued, provided that the nonconforming land use shall be terminated and converted to conform with the provisions of this chapter within one year after the effective date of the ordinance from which this chapter is derived and provided, further, that the nonconforming land use shall not in any way be expanded or extended during this one-year interval, either on the same property or on adjoining property. However, vacant lands may be used for agricultural cultivation and crops.

**Sec. 34-451. Illegal nonconforming uses.**

Those alleged nonconforming uses which cannot be proved conclusively to have been existing prior to the effective date of the ordinance from which this chapter is derived shall be declared illegal nonconforming uses and shall be discontinued following the effective date of the ordinance from which this chapter is derived.

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**Sec. 34-452. District boundary change.**

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one district to another district or another classification, the provisions of this division shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

**Sec. 34-453. Elimination of nonconforming uses.**

The township board may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the township for a public purpose. The net cost of such acquisition may be assessed against a benefit district or may be paid from other sources of revenue.

**Secs. 34-454—34-480. Reserved.**

*DIVISION 3. PARKING REQUIREMENTS<sup>6</sup>*

**Sec. 34-481. Purpose.**

It is the purpose of this division that parking space shall be provided and adequately maintained by each property owner in every zoning district for the offstreet storage of motor vehicles used by the occupants, employees, or patrons of each building constructed or altered under the provisions of this chapter.

**Sec. 34-482. Use of parking areas.**

No commercial repair work, servicing or selling of any kind shall be conducted on any parking area except that which is specifically permitted by this chapter.

**Sec. 34-483. Schedule of requirements for parking space.**

Parking space shall be provided in accordance with the following schedule:

Barbershops, beauty shops	2 per each customer service station
Bowling alleys	5 per each alley
Carwashes, automatic	15 standing spaces per each bay
Carwashes, self-service	3 standing spaces per each bay
Gasoline service stations	2 per each service bay plus 1 per each employee
Housing for the elderly	1 per each 2 living units
Industrial	1 per each 2 employees in the largest working shift
Institutional, churches, hospitals, auditoriums, theaters, clubs (public and private)	1 per every 4 persons permitted by state law to occupy the building
Motels, hotels	1 per each occupancy unit

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<sup>6</sup>Cross reference(s)—Traffic and vehicles, ch. 26.



Offices, banks	1 per 200 square feet of usable floor area
Professional offices (doctor, dentists, etc.)	1 per each 200 square feet of gross floor area
Residential	2 per dwelling unit
Restaurants, taverns	1 per every 4 patron seats
Retail businesses	1 per 500 square feet of usable floor area
Schools	1 per each fulltime teacher or administrator and 1 per each 3 students

**Sec. 34-484. Design and construction requirements.**

Design and construction requirements for parking areas and spaces shall be as follows:

- (1) The minimum area per space shall be 200 square feet, exclusive of drives, aisles, or entrances giving access thereto.
- (2) Each space shall be clearly accessible to a public street.
- (3) Parking areas shall be accessible by drives or curb cuts at least 20 feet wide, except in residential districts.
- (4) Commercial and industrial parking areas shall be paved and provided with adequate drainage.
- (5) Parking areas for more than ten vehicles shall be lighted, if used after dark, to ensure safety of users, in a manner which minimizes the glare of lights visible to adjacent properties on the street.
- (6) Parking adjoining a residential district shall not be closer than ten feet to the property line, and a screen shall be provided to buffer adjacent residential properties.
- (7) Parking areas shall not be located closer than ten feet to the street right-of-way line.
- (8) Parking areas shall be landscaped in an attractive manner and shall be maintained in a litter-free condition.
- (9) Handicapped spaces. Offstreet handicapped parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicapped persons. Signs shall be located approximately six feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance:

Total in Parking Lot	Required Number of Accessible Spaces for Handicapped
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9

500 to 1,000	2% of total
Over 1,000	20, plus 1 for each 100 over 1,000

- (10) Stacking area. Offstreet parking facilities shall have an on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to at least five percent of the spaces in the parking area.
- (11) Manufactured housing parking requirements. See section 34-256(q) for additional parking criteria and requirements for manufactured home parks.

**Secs. 34-485—34-510. Reserved.**

*DIVISION 4. SIGN REGULATIONS<sup>7</sup>*

**Sec. 34-511. Purpose.**

It is the purpose of this division to regulate the size, placement, and general appearance of all privately owned signs in order to promote the public health, safety, morals, convenience and general welfare and the stated purposes of this chapter. These purposes include the enhancement of the aesthetic desirability of the environment and the reduction of hazards to life and property in the township.

**Sec. 34-512. Definitions.**

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

*Billboard* and *signboard* mean any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body.

*Freestanding sign* means a structure erected for the purpose of advertising a business or activity on the same parcel. Such structure shall not be attached to a building which may also be located on the same parcel. Such a sign may also be known as a pylon sign.

*Identification sign* means a sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.

*Illuminated sign* means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.

*Institutional bulletin board* means a sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its institutional services or activities.

*Marquee sign* means an identification sign attached to a marquee, canopy or awning projecting from and supported by the building.

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<sup>7</sup>State law reference(s)—Highway advertising act, MCL 252.301 et seq.

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*Offsite sign* means a sign advertising a business, activity or event, and located on a parcel of land different from the parcel on which the business, activity or event is located.

*Pole sign* means a sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and having a sign area of not more than 100 square feet.

*Portable sign* means a freestanding sign not permanently anchored or secured to either a building or the ground.

*Projecting sign* means a sign which is generally perpendicular to, and is supported by, a wall of a building.

*Pylon sign* means a sign supported by one post placed in the ground, not attached to any building. A pylon sign is of a height and dimension that can be seen from a substantial distance, primarily by freeway traffic, with the bottom of the sign at a higher elevation than the highest point of any building on the lot on which the sign is located.

*Real estate sign* means a sign located on premises containing land or buildings for sale, rent or lease or buildings under construction and intended for sale, rent or lease.

*Roof sign* means any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

*Subdivision sign* means a sign placed at the primary entrance to a subdivision, containing information only about the subdivision. This term also refers to signs at the primary entrance to a manufactured home park. Such signs shall be without moving parts, not higher than ten feet from the ground, and no closer than 20 feet to any public right-of-way line.

*Temporary sign* means a display, information sign, banner or other advertising device, with or without a structural frame, and intended for a period of display limited to two weeks, including seasonal produce sales, decorative displays for holidays or public demonstrations.

*Wall sign* means a sign which is attached directly to or painted upon a building wall and which does not extend more than 13 inches therefrom nor more than five feet above the roofline, with the exposed face of the sign in a plane parallel to the building wall.

Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 34-513. Permit procedure.**

- (a) Application for a permit to construct or locate a permanent sign shall be obtained from the zoning administrator. The application shall include the following information:
  - (1) The name, address, telephone number of the landowner, developer, or petitioner.
  - (2) A map of the property at a scale of one inch equals 25 feet showing the location and type of existing structures on the site, property boundaries, the location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and the approximate location of the proposed sign.
  - (3) An elevation drawing of the proposed sign depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length and width of the sign and the height between the ground elevation and the bottom of the sign shall be noted.
  - (4) For a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
  - (5) The proposed dates of construction and completion of the sign.

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- (6) Other information or data as may be required by the zoning administrator.
  - (7) For a temporary sign, the length of time the proposed sign will be on the site.
- (b) The zoning administrator shall approve, disapprove, or approve subject to specified conditions the request for a permit, based upon the standards for this division.

**Sec. 34-514. Measurement of area of sign.**

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed, but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign. However, where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area or as the area of the larger face if the two faces are of unequal area. For a sphere, the total area of the sphere shall be divided by four to determine the maximum permitted sign area.

**Sec. 34-515. Signs permitted in residential districts.**

Signs in accordance with the definition of the term "sign" set forth in section 34-4 shall be permitted in residential districts subject to the following restrictions:

- (1) Signs no larger than ten square feet in area shall be permitted for any of the following purposes:
  - a. Sale or lease of property (real or personal).
  - b. Advertising a home occupation.
  - c. Political advertising.
- (2) Signs advertising new subdivisions or major developments may be permitted by the zoning commission for no more than one year, provided they do not exceed 25 square feet in area.
- (3) Public institutions and churches permitted in residential districts shall comply with regulations for commercial uses.

**Sec. 34-516. Signs in commercial or industrial districts.**

Signs shall be permitted in commercial or industrial districts subject to the following restrictions:

- (1) The sign shall pertain exclusively to the business carried on within the building.
- (2) Signs shall be placed flat against the main building or parallel to the building on a canopy and may face only the public street or parking areas of the development.
- (3) Signs may be illuminated. The source of illumination shall be shielded from traffic and adjacent properties.
- (4) Freestanding signs shall:
  - a. Not obstruct a clear view of traffic.
  - b. Not exceed 25 feet in height.
  - c. Not exceed one per property, regardless of the number of businesses.

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- d. Be set back at least ten feet, measured from the right-of-way line to the leading edge of the sign.

### **Sec. 34-517. Signs prohibited.**

The following signs shall be prohibited:

- (1) Billboards.
- (2) Offsite signs, except for the I district.
- (3) Signs which:
  - a. Contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
  - b. Contain or are an imitation of an official traffic sign or signal or contain the term "stop," "go slow," "caution," "danger," "warning," or similar terms. Traffic directional signs in a private parking area are exempted from this subsection.
  - c. Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
  - d. Obstruct a motorist's view of any traffic sign, street sign, or traffic signal.
  - e. Contain or consist of banners, pennants, pinwheels, ribbons, streamers, strings of lightbulbs other than holiday decorations, or similar devices. Upon site plan review, the planning commission may approve specific modifications of this subsection.
  - f. Have a moving part, except for the conveyance of noncommercial information.
  - g. Are freestanding exterior signs and are not anchored or secured to a building or the ground.
  - h. Are a part of a structure designed to be moved from one location to another with a change in message.

### **Sec. 34-518. Illumination.**

There shall be no flashing, oscillating, intermittent, red, blue, or green illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light therefrom being cast upon adjoining residences and shall be located at least 150 feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the zoning administrator.

### **Sec. 34-519. Freestanding pylon signs.**

In the C commercial and I industrial districts, any permitted use may erect one freestanding pylon sign, provided all of the following conditions are met:

- (1) The principal building sets back at least 25 feet more than the district setback requirement and is located on a lot of 90 feet or more in width.
- (2) The total area of one side of such pylon or freestanding sign shall be at a ratio of two square feet for each linear foot of setback of the building beyond the district setback requirement, in no case exceeding 150 square feet.

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- (3) The sign structure shall be located not closer than seven feet to the front street right-of-way and at least 40 feet from any adjacent property, except for uses regulated under section 34-516.
  - (4) The sign background shall not be higher than the principal building nor closer than ten feet to grade level.
  - (5) Any use located within 1,000 feet of a limited access highway interchange may erect a pylon sign of such height as to be visible from the travel lanes of the highway, provided that such sign shall set back from any street or property line a distance equal to its height. The area of such sign shall not exceed 300 square feet on each side.

**Sec. 34-520. Nonconforming signs.**

- (a) Signs lawfully erected prior to the effective date of the ordinance from which this division is derived which do not meet the standards thereof may be maintained except as provided in this section.
- (b) No nonconforming sign:
  - (1) Shall be changed to another nonconforming sign.
  - (2) Shall have any changes made in the message displayed unless the sign is specifically designed for a periodic change of message.
  - (3) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign, unless such change renders the sign conforming.
- (c) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this division.

**Sec. 34-521. Signs for nonconforming uses.**

- (a) An on-site sign for any building or land use not conforming to the zoning provisions for the district in which it is located shall not exceed the following size limitations, whichever results in the larger sign area:
  - (1) One-half square foot of sign area for each lineal foot of building frontage or one-fourth square foot of sign area for each lineal foot of lot frontage, whichever is greater, not to exceed a maximum of 25 square feet in area; or
  - (2) The maximum sign area permitted for the zoning district in which the sign is located.
- (b) Offsite signs shall comply with all the provisions of the district in which the nonconforming use is located.

**Sec. 34-522. Height and overhang.**

Except as identified in Section 34-519(5), no sign otherwise permitted shall exceed the maximum height limitations of the zoning district in which it is located.

**Sec. 34-523. Reserved.**

Editor's note(s)—Ord. No. 93, § 4, adopted July 6, 2021, repealed § 34-523, which pertained to violations and removal of signs in noncompliance and derived from the Prior Code.

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**Sec. 34-524. Modifications by board of appeals.**

The board of appeals may, upon application by a property owner, modify the specifications of this division where no good purpose would be served by strict compliance with this division.

**Sec. 34-525. Directional signs.**

All directional signs for orientation of the general public, when erected by the township, county or state, shall be permitted in all zoning districts.

**Secs. 34-526—34-550. Reserved.**

*DIVISION 5. SITE AND BUILDING HAZARD AND NUISANCE PREVENTION<sup>8</sup>*

**Sec. 34-551. Smoke.**

- (a) It shall be unlawful for any person to permit the emission of any smoke from any source whatever to a density greater than that density described as no. 1 of the Ringelmann chart, provided that the following exceptions are permitted; smoke, the shade or appearance of which is equal to, but not darker than no. 2 of the Ringelmann chart for a period aggregating four minutes in any 30 minutes.
- (b) For the purpose of grading the density of smoke, the Ringelmann chart, as published and used by the U.S. Bureau of Mines, shall be the standard.

**Sec. 34-552. Dust, dirt and fly ash.**

- (a) No person shall operate or maintain any process for any purpose, increasing the quantity of gasborne or airborne solids or fumes emitted into the open air. The quantity of gasborne or airborne solids shall not exceed 0.20 grain per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit. This shall not be construed to preclude standard accepted farm practices.
- (b) For the purpose of determining the adequacy of such devices as provided in subsection (a) of this section, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. This requirement shall be measured by the ASME test code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

**Sec. 34-553. Glare and radioactive materials.**

Glare from any process, such as or similar to arc welding or acetylene torch cutting, which emits harmful rays shall be performed in such a manner as not to extend beyond the property line and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such

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<sup>8</sup>Cross reference(s)—Buildings and building regulations, ch. 6.

State law reference(s)—Natural resources and environmental protection act, MCL 324.101 et seq.

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as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

**Sec. 34-554. Dumping of hazardous/radioactive wastes.**

Dumping of hazardous waste materials and/or nuclear wastes shall not be allowed within the township, except as permitted by federal and state regulations.

Cross reference(s)—Environment, ch. 10.

**Sec. 34-555. Fire and explosive hazards.**

The storage, utilization of, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the fire chief, is permitted subject to compliance with all other applicable yard requirements and performance standards included in this chapter and providing that the following conditions are met:

- (1) The materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the single state construction code.
- (2) All such buildings or structures shall be set back at least 40 feet from lot lines, and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.
- (3) The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq.).

**Sec. 34-556. Noise.**

There shall be no noise emanating from the operation of the use which will create a public nuisance or adversely affect surrounding areas.

**Sec. 34-557. Vibration.**

There shall be no vibration which is discernable to the human sense of feeling beyond the lot lines of the property on which such use is conducted.

**Sec. 34-558. Odor.**

The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one or more volumes of odorous air to four volumes of clean air, so as to produce a public nuisance or hazard beyond the lot line, is prohibited.

**Sec. 34-559. Gases.**

The escape or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. Standards for the regulation of ambient air quality shall be the same as the federal air quality standards published in the Federal Register on Friday, April 30, 1971. Should these be revised at any time, the revised standards are to apply.

**Secs. 34-560—35-569. Reserved.**



## *DIVISION 6. WIRELESS TELECOMMUNICATIONS EQUIPMENT AND SUPPORT STRUCTURES*

### **Sec. 34-570. Purpose; goals.**

- (a) The purpose of this division is to establish general guidelines for the siting of a wireless communications support structure (referred to as a "support structure" in this division) and/or wireless communications equipment (referred to as "equipment" in this division). The goals of this article are to:
- (1) Protect residential areas and land uses from potential adverse impacts of support structures and equipment;
  - (2) Encourage the location of support structures in nonresidential areas;
  - (3) Minimize the total number of support structures throughout the community;
  - (4) Strongly encourage the joint use of new and existing support structure sites as a primary option rather than construction of additional single-use support structures;
  - (5) Encourage users of support structures and equipment to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
  - (6) Encourage users of support structures and equipment to configure them in a way that minimizes the adverse visual impact of the support structures and equipment through careful design, siting, landscape screening, and innovative camouflaging techniques;
  - (7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
  - (8) Consider the public health and safety of support structures and equipment; and
  - (9) Avoid potential damage to adjacent properties from support structure failure through engineering and careful siting of support structures.
- (b) In furtherance of these goals, the township shall give due consideration to its master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of support structures and equipment.

(Ord. No. 69, § 6, 6-4-2013)

### **Sec. 34-571. Applicability.**

- (a) *New support structures and equipment.* All new support structures and/or equipment in the township shall be subject to this division, except as provided in this section.
- (b) *Amateur radio station operators; receive only antennas.* This division shall not govern any support structure or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

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- (c) *Preexisting support structure and equipment.* Preexisting support structures and equipment shall not be required to meet the requirements of this division, other than the requirements of section 34-572 and the requirements in place when the support structure was constructed or the equipment was installed.
  - (d) *AM array.* For purposes of implementing this division, an AM array, consisting of one or more support structures and supporting ground system which functions as one AM broadcasting antenna, shall be considered one support structure. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the support structures included in the AM array. Additional support structures may be added within the perimeter of the AM array by right.

(Ord. No. 69, § 6, 6-4-2013)

### **Sec. 34-572. General requirements.**

- (a) *Principal or accessory use.* Support structures and/or equipment may be considered either principal or accessory uses. A different existing use on the same lot shall not preclude the installation of a support structure or equipment on such lot.
- (b) *Lot size.* For purposes of determining whether the installation of a support structure and/or equipment comply/complies with district development regulations, including but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the equipment and/or support structure may be located on leased parcels within such lot.
- (c) *Inventory of existing sites.* Each applicant for a support structure and/or equipment shall provide to the zoning administrator an inventory of its existing support structures, equipment, and equipment compounds that are either within the jurisdiction of the township or within one mile of the border thereof, including specific information about the location, height, and design of each support structure. The zoning administrator may share such information with other applicants applying for administrative approvals or special use permits under this division or other organizations seeking to locate equipment within the jurisdiction of the township; provided, however, that the zoning administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (d) *Aesthetics.* Support structures and equipment shall meet the following requirements:
  - (1) Support structures shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - (2) At an equipment compound, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding areas.
  - (3) Equipment installed on a supporting structure must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the equipment as visually unobtrusive as possible.
- (e) *Lighting.* Supporting structures shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (f) *State or federal requirements.* All supporting structures and/or equipment must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate supporting structures and equipment. If such standards and regulations are changed, the owners of the supporting structures and equipment governed by this division shall bring such supporting structures and equipment into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is

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mandated by the controlling state or federal agency. Failure to bring supporting structures and/or equipment into compliance with such revised standards and regulations shall constitute grounds for the removal of the supporting structure and/or equipment or offending portion thereof, at the owner's expense.

- (g) *Building codes; safety standards.* To ensure the structural integrity of supporting structures, the owner of a supporting structure shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for supporting structures that are published by the Electronic Industries Association, as amended from time to time. If upon inspection, the township concludes that a supporting structure fails to comply with such codes and standards and constitutes a danger to persons or property, upon notice being provided to the owner of the supporting structure, the owner shall have 30 days to bring such supporting structure into compliance with such standards. Failure to bring such supporting structure into compliance within 30 days shall constitute grounds for the removal of the supporting structure, equipment, and/or offending portion thereof, at the owner's expense.
- (h) *Measurement.* For purposes of measurement, the supporting structure setbacks and separation distances shall be calculated and applied to facilities located in the township, irrespective of municipal and county jurisdictional boundaries.
- (i) *No regulation as essential services.* Supporting structures and equipment shall be regulated and permitted pursuant to this division and shall not be regulated or permitted as essential services, public utilities or private utilities.
- (j) *Franchises.* Owners and/or operators of supporting structures and/or equipment shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the township have been obtained and shall file a copy of all required franchises with the zoning administrator.
- (k) *Public notice.* For purposes of this division, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in table 2 in section 34-575, in addition to any notice otherwise required by this chapter.
- (l) *Signs.* No signs, with the exception of warning signs, shall be allowed on any support structure or on any equipment attached to the support structure.
- (m) *Buildings.* Buildings used as supporting structures shall comply with the requirements of section 34-576.
- (n) *Multiple support structure plan.* The township encourages the users of support structures to submit a single application for approval of multiple support structures and/or equipment compound sites. Applications for approval of multiple equipment compounds shall be given priority in the review process.

(Ord. No. 69, § 6, 6-4-2013)

### **Sec. 34-573. Permitted uses.**

The uses listed below in this section are deemed to be permitted uses. All other uses related to support structures or equipment will be considered under section 34-574 or 34-575.

- (1) Support structures and/or equipment located on property owned, leased, or otherwise controlled by the township, provided a license or lease authorizing such support structure and/or equipment has been approved by the township.
- (2) Equipment that meets all of the following requirements:
  - a. The equipment will be collocated on an existing support structure or in an existing equipment compound;

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- b. The existing support structure or equipment compound is in compliance with this code or was approved by the appropriate township official;
  - c. The proposed collocation does not do any of the following:
    - 1. Increase the overall height of the support structure by more than 20 feet or ten percent of its original height, whichever is greater.
    - 2. Increase the width of the support structure by more than the minimum necessary to permit collocation.
    - 3. Increase the area of the existing equipment compound to greater than 2,500 square feet.
  - d. The proposed collocation complies with the terms and conditions of any previous final approval of the support structure and/or equipment compound by the appropriate township official.
- (3) Equipment that meets the requirements of subsections 34-573(2)a. and b. but does not meet the requirements listed in subsections 34-573(2)c. and d., if special use approval is received. Special land use approval for such equipment may be made expressly conditional only on the equipment meeting the requirements of this code and of federal and state laws before the equipment begins operation.

(Ord. No. 69, § 6, 6-4-2013)

### **Sec. 34-574. Administratively approved uses.**

- (a) *Generally.* The following shall govern the issuance of administrative approvals for supporting structures and/or equipment:
- (1) The zoning administrator may administratively approve the uses listed in this section.
  - (2) Each applicant for administrative approval shall apply to the zoning administrator providing the information set forth in subsection 34-575(b) and shall submit a nonrefundable fee as established by resolution of the township board to reimburse the township for the costs of reviewing the application.
  - (3) The zoning administrator shall review the application for administrative approval and determine if the proposed use complies with this division. The building inspector shall also be involved in this review when necessary to determine compliance with any applicable building codes.
  - (4) The zoning administrator shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the zoning administrator fails to respond to the applicant within 60 days, the application shall be deemed to be approved.
  - (5) In connection with any such administrative approval, the zoning administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements or separation distances between support structures by up to 50 percent.
  - (6) In connection with any such administrative approval, the zoning administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing support structures to monopole construction.
  - (7) If an administrative approval is denied, the applicant shall file an application for a special use permit prior to filing any appeal that may be available under this chapter.
- (b) *List of administratively approved uses.* The following uses may be approved by the zoning administrator after conducting an administrative review:
- (1) Locating a support structure and/or equipment, in any industrial or commercial zoning district.
  - (2) Locating equipment on a building consistent with the terms of this article.

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(Supp. No. 7)

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- a. Any equipment proposed to be attached to a building may be approved by the zoning administrator as an accessory use to any commercial, industrial, professional, institutional structure, or multifamily structure of eight or more dwelling units, provided:
    1. The equipment does not extend more than 30 feet above the highest point of the structure;
    2. The equipment complies with all applicable FCC and FAA regulations; and
    3. The equipment complies with all applicable building codes.
  - (3) The rebuilding of a support structure to accommodate the collocation of additional equipment, including moving the support structure on site within 50 feet of its existing location, subject to the following:
    - a. After the support structure is rebuilt to accommodate collocation, only one support structure may remain on the site.
    - b. A relocated on-site support structure shall continue to be measured from the original support structure location for purposes of calculating separation distances between support structures. The relocation of a support structure shall in no way be deemed to cause a violation.
    - c. The on-site relocation of a support structure which comes within the separation distances to residential units or residentially zoned lands shall only be permitted when approved by the zoning administrator.
  - (4) Locating any new support structure in a nonresidential zoning district other than industrial or commercial, provided a licensed professional engineer certifies the support structure can structurally accommodate the number of shared users proposed by the applicant, the zoning administrator concludes the support structure is in conformity with the goals set forth in this article and the requirements of this article, the support structure meets the setback requirements and separation distances, and the support structure meets the following height and usage criteria:
    - a. For a single user, up to 90 feet in height;
    - b. For two users, up to 120 feet in height; and
    - c. For three or more users, up to 150 feet in height.
  - (5) Locating any alternative support structure in a zoning district other than industrial or commercial that, in the judgment of the zoning administrator, is in conformity with the goals set forth in this article.
  - (6) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of support structures.

(Ord. No. 69, § 6, 6-4-2013)

### **Sec. 34-575. Special use permits.**

- (a) *Generally.* The following shall govern the issuance of special use permits for support structures and/or equipment by the township board:
  - (1) If the support structure and/or equipment are/is not a permitted use under this article or permitted to be approved administratively pursuant to this article, a special use permit shall be required for the construction of a support structure and/or the placement of equipment in all zoning districts.

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- (2) Applications for special use permits under this section shall be subject to the procedures and requirements set forth in this chapter for other special use permits, except as modified in this section. The following time requirements shall apply:
- a. Within 14 days after a special use application is filed with the township, the township shall determine whether the application is complete (including whether the required application fee has been paid) and, if it is not complete, the township must provide the applicant with written notification specifying why the application is not complete.
  - b. If the application is for equipment that meets the requirements in subsection 34-573(2)a., then the application shall be approved or denied not more than 60 days after the application is considered to be administratively complete. If the application is for equipment that does not meet the requirements in subsection 34-573(2)a. or if the application is for a support structure, then the application shall be approved or denied not more than 90 days after the application is considered to be administratively complete. If an application is not approved or denied within the time periods set forth within this subsection, then the township shall be considered to have made any determination required for approval.
- (3) Except as provided in subsection 34-573(3), in granting a special use permit, the township board may impose conditions to the extent the township board concludes such conditions are necessary to minimize any adverse effect of the proposed support structure and/or equipment on adjoining properties.
- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
- (5) An applicant for a special use permit shall submit the information described in this section and a nonrefundable fee as established by resolution of the township board to reimburse the township for the costs of reviewing the application. The application fee shall not exceed the township's actual reasonable costs to review and process the application or \$1,000.00, whichever is less.
- (b) *Support structures.* Special use permits for support structures may be granted in accordance with the following:
- (1) *Information required.* In addition to any information required for applications for other special use permits under this chapter, applicants for a special use permit for a support structure shall submit the following information:
    - a. A scaled site plan clearly indicating the following:
      1. The location, type and height of the proposed support structure;
      2. On-site land uses and zoning;
      3. Adjacent land uses and zoning, including when adjacent to other municipalities;
      4. Master plan classification of the site and all properties within the applicable separation distances set forth in this division;
      5. Adjacent roadways;
      6. Proposed means of access;
      7. Setbacks from property lines;
      8. Elevation drawings of the proposed support structure and any other structures;
      9. Topography;
      10. Parking; and

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11. Other information deemed by the zoning administrator to be necessary to assess compliance with this division.
    - b. Legal description of the parent tract and leased parcel, if applicable.
    - c. The setback distance between the proposed support structure and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
    - d. The separation distance from other support structures described in the inventory of existing sites submitted pursuant to this division shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing support structures and the owner/operator of the existing support structures, if known.
    - e. A landscape plan showing specific landscape materials.
    - f. The method of fencing and finished color and, if applicable, the method of camouflage and illumination.
    - g. A description of compliance with subsections 34-572(c), (d), (e), (f), (g), (j), (l) and (m) and subsections (b)(4) and (b)(5) of this section, as well as all applicable federal, state or local laws.
    - h. A notarized statement by the applicant as to whether construction of the support structure will accommodate collocation of additional equipment for future users.
    - i. Identification of the entities providing the backhaul network for the support structure described in the application and other wireless sites owned or operated by the applicant in the township.
    - j. A description of the suitability of the use of existing support structures, or alternative technology not requiring the use of support structures to provide the services to be provided through the use of the proposed new support structure.
    - k. A description of the feasible locations for future support structures or equipment within the township based upon existing physical, engineering, technological or geographical limitations if the proposed support structure is erected.
  - (2) *Factors considered in granting special use permits for support structures.* In addition to any standards for consideration of special use permit applications under this chapter, the township board shall consider the following factors in determining whether to issue a special use permit for a new support structure, although the township board may waive or reduce the burden on the applicant of one or more of these criteria if the township board concludes that the goals of this article are better served thereby:
    - a. Height of the proposed support structure;
    - b. Proximity of the support structure to residential structures and residential district boundaries;
    - c. Nature of uses on adjacent and nearby properties;
    - d. Surrounding topography;
    - e. Surrounding tree coverage and foliage;
    - f. Design of the support structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
    - g. Proposed ingress and egress; and
    - h. Availability of suitable existing support structures or alternative technologies not requiring the use of support structures, as discussed in subsection (b)(3) of this section.

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- (3) *Availability of suitable existing support structures or alternative technology.* No new support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the township board that no existing support structure or alternative technology that does not require the use of support structures can accommodate the applicant's proposed equipment. An applicant shall submit information requested by the planning commission or township board related to the availability of suitable existing support structures or alternative technology. Evidence submitted to demonstrate that no existing support structure or alternative technology can accommodate the applicant's proposed equipment may consist of any of the following:
- a. No existing support structures are located within the geographic area which meet applicant's engineering requirements.
  - b. Existing support structures are not of sufficient height to meet the applicant's engineering requirements.
  - c. Existing support structures do not have sufficient structural strength to support the applicant's proposed equipment.
  - d. The applicant's proposed equipment would cause electromagnetic interference with the equipment on the existing support structures, or the equipment on the existing support structures would cause interference with the applicant's proposed equipment.
  - e. The fees, costs, or contractual provisions required by the owner in order to share an existing support structure or to adapt an existing support structure for sharing are unreasonable. Costs exceeding new support structure development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing support structures unsuitable.
  - g. The applicant demonstrates that an alternative technology that does not require the use of support structures, such as a cable microcell network using multiple low powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new support structure or equipment development shall not be presumed to render the technology unsuitable.
- (4) *Setbacks.* The following setback requirements shall apply to all support structures for which a special use permit is required; provided, however, that the township board may reduce the standard setback requirements if the goals of this division would be better served thereby:
- a. Support structures must be set back a distance equal to at least 75 percent of the height of the support structure from any adjoining lot line.
  - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (5) *Separation.* The following separation requirements shall apply to all support structures and equipment for which a special use permit is required; provided, however, that the township board may reduce the standard separation requirements if the goals of this division would be better served thereby:
- a. *Separation from offsite uses/designated areas.* Separation from offsite uses and/or designated areas shall be as follows:
    1. Support structure separation shall be measured from the base of the support structure to the lot line of the offsite uses and/or designated areas as specified in Table 1, except as otherwise provided in table 1.
    2. Separation requirements for support structures shall comply with the minimum standards established in table 1 as follows:



TABLE 1

<i>Offsite Use/Designated Area</i>	<i>Separation Distance</i>
Single-family or duplex residential units*	200 feet or 300% of height of the Support Structure, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% of height of the Support Structure, ** whichever is greater
Vacant unplatted residentially zoned lands***	100 feet or 100% of height of the Support Structure, whichever is greater
Existing multifamily residential units greater than duplex units	100 feet or 100% of height of the Support Structure, whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply
* Includes modular homes and mobile homes used for living purposes	
** Separation measured from base of Support Structure to closest building setback line	
*** Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex	

- b. *Separation distances between support structures.* Separation distances between support structures shall be applicable for and measured between the proposed support structure and preexisting support structures. The separation distances shall be measured by drawing or following a straight line between the base of the existing support structure and the proposed base, pursuant to a site plan, of the proposed support structure. The separation distances (listed in linear feet) shall be as shown in table 2 as follows:

TABLE 2. EXISTING SUPPORT STRUCTURES—TYPES

	<i>Lattice</i>	<i>Guyed</i>	<i>Monopole 75 Feet in Height or Greater</i>	<i>Monopole Less Than 75 Feet in Height</i>
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in height or greater	1,500	1,500	1,500	750
Monopole less than 75 feet in height	750	750	750	750

- (6) *Security fencing.* Support structures shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the township board may waive such requirements as it deems appropriate.
- (7) *Landscaping.* The following requirements shall govern the landscaping surrounding support structures for which a special use permit is required; provided, however, that the township board may waive such requirements if the goals of this division would be better served thereby:
- a. Support structures shall be landscaped with a buffer of plant materials that effectively screens the view of the equipment compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the equipment compound.
  - b. In locations where the visual impact of the support structure would be minimal, the landscaping requirement may be reduced or waived.

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- c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as support structures sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(Ord. No. 69, § 6, 6-4-2013)

**Sec. 34-576. Buildings or other equipment storage.**

- (a) *Equipment mounted on rooftops.* When equipment is mounted on the roof of a building, the cabinet or structure used to house the equipment shall comply with the following:
  - (1) The cabinet or structure shall not contain more than 175 square feet of gross floor area or be more than 14 feet in height. In addition, for buildings which are less than 65 feet in height, the related unmanned cabinet/structure, if over 100 square feet of gross floor area or eight feet in height, shall be located on the ground and shall not be located on the roof of the building.
  - (2) If the cabinet/structure is located on the roof of a building, the area of the cabinet/structure and other equipment shall not occupy more than ten percent of the roof area.
  - (3) The cabinet/structure shall comply with all applicable building codes.
- (b) *Equipment mounted on utility poles or light poles.* When equipment is mounted on utility poles or light poles, the equipment cabinet or structure used to house the equipment shall be located in accordance with the following:
  - (1) In residential districts, the cabinet/structure may be located:
    - a. In a front or side yard, provided the cabinet/structure is no greater than three feet in height or 16 square feet of gross floor area and the cabinet/structure is located a minimum of three feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42 to 48 inches and a planted height of at least 36 inches.
    - b. In a rear yard, provided the cabinet/structure is no greater than four feet in height or 25 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
  - (2) In commercial or industrial districts, the equipment cabinet/structure shall be no greater than 14 feet in height or 175 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, cabinets/structures shall be screened from view of all residential properties which abut or are directly across the street from the cabinet/structure by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
- (c) *Equipment located on support structures other than buildings, utility poles or light poles.* The related unmanned cabinet/structure shall not contain more than 175 square feet of gross floor area or be more than 14 feet in height and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
- (d) *Modification of building size requirements.* The requirements of this section may be modified by the zoning administrator for administratively approved uses or by the township board for uses permitted by special use to encourage collocation.

(Ord. No. 69, § 6, 6-4-2013)

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**Sec. 34-577. Removal of abandoned equipment and/or support structures.**

Any equipment and/or support structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner or such equipment and/or support structure shall remove the equipment and/or support structure within 90 days of receipt of notice from the township notifying the owner of such abandonment. Failure to remove abandoned equipment or a support structure within 90 days shall be grounds to remove the equipment and/or support structure at the owner's expense. If there are two or more users of a single support structure, this section shall not become effective until all users cease using the support structure.

(Ord. No. 69, § 6, 6-4-2013)

**Sec. 34-578. Nonconforming uses.**

- (a) *Expansion of nonconforming use.* Support structures that are constructed and equipment that is installed in accordance with this division shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (b) *Preexisting support structures.* Preexisting support structures shall be allowed to continue their usage as they exist on the effective date of the ordinance that added this division 6. Routine maintenance, including replacement with a new support structure of like construction and height, shall be permitted on such preexisting support structures. New construction other than routine maintenance on a preexisting support structure shall comply with the requirements of this division.
- (c) *Rebuilding damaged or destroyed nonconforming support structures or equipment.* Notwithstanding section 34-577 pertaining to removal of abandoned support structures and/or equipment, a bona fide nonconforming support structure and/or equipment that are/is damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in this article. The type, height, and location of the support structure on site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, the support structure and/or equipment shall be deemed abandoned as specified in section 34-577.

(Ord. No. 69, § 6, 6-4-2013)

**Secs. 34-579—34-590. Reserved.**

**ARTICLE V. SPECIAL USE PERMITS AND SITE PLAN REVIEW<sup>9</sup>**

**DIVISION 1. GENERALLY**

**Sec. 34-591. Purpose.**

- (a) It is recognized that certain uses may not be totally compatible with the uses permitted in any zoning district without careful attention to design features, location, and the public health, safety, and welfare of adjacent

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<sup>9</sup>State law reference(s)—Special land uses, MCL 125.286b; site plan, MCL 125.286e.

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uses, as well as that of the entire community. For this reason, certain uses shall be required to obtain special use permits prior to their establishment in the appropriate zoning district. The alternative would be to establish special, limited zoning districts for each use, which reduces flexibility for both the public and private property owner, and which is therefore less desirable.

- (b) Therefore, the special use permit is created in order to provide for a more detailed consideration of certain specified activities as they may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors.

**Sec. 34-592. Procedures for making application.**

- (a) *Submission.* The application for a special use permit shall be submitted through the township clerk to the planning commission as described in section 34-623. Each application shall be accompanied by the payment of a fee in accordance with the duly adopted schedule of fees to cover the cost of processing the application. No part of any fee shall be refundable.
- (b) *Data required in application.* Every application shall be accompanied by the following information and data:
  - (1) Site plan, plot plan, or development plan, as identified in section 34-622.
  - (2) Preliminary plans and outline specifications of the proposed development.
  - (3) A statement with supporting evidence regarding the required findings specified in section 34-593.

**Sec. 34-593. General standards for making determinations.**

The planning commission, in making recommendations to the township board regarding a special use permit, shall establish the facts and shall find adequate evidence showing the proposed use:

- (1) Will be harmonious with and in accordance with the general objectives or with any specific objectives of the township master plan of current adoption.
- (2) Will 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 such use will not change the essential character of the same area.
- (3) Will not be hazardous or disturbing to existing or future neighboring uses.
- (4) Will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (5) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (7) Will not involve uses, activities, processes, materials, and equipment and 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.
- (8) Will be consistent with the intent and purposes of this chapter.

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**Sec. 34-594. Time periods and re-registration.**

- (a) *Time periods.* Special use permits may be issued for time periods as determined by the township board. In any case, if the approved special use has not been established on the subject premises within one year of issuance of the special use permit, the permit will become null and void. Special use permits may be renewed in the same manner as originally applied for. If a use established under a special use permit is discontinued for a period of one year, the special use permit shall expire at the end of that one-year period. To re-establish a special use after such an expiration, the property owner(s) must submit a new special land use application.
- (b) *Re-registration.* If a lot or parcel to which a special land use applies changes ownership, the new owner(s) shall notify the township in writing within 30 days after the change in ownership as to whether the special land use will be continued.

(Ord. No. 93, § 5, 7-6-2021)

**Sec. 34-595. Financial guarantee.**

In authorizing a special use permit, the township board may require that a bond or other financial guarantee acceptable to the township, of ample sum, be furnished by the developer to ensure compliance with such requirements as drives, walks, utilities, parking, landscaping, and the like.

**Sec. 34-596. Fees.**

Accompanying the request for approval of a special use permit or site plan, a fee, to be determined by the township board, shall be submitted. The fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by the township for expert consultation relative to the application.

**Sec. 34-597. Revocation.**

- (a) If the zoning administrator shall find that the conditions and stipulations of an approved special use permit or site plan are not being adhered to, the township board shall give notice to the applicant of its intent to revoke the prior approval given to the special use permit or site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the chairman of the township board. The letter shall be received by the applicant 30 days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.
- (b) If the applicant notifies the township board within ten days of the receipt of the letter of his intent to rectify the violation, the township board, through official act, may defer the revocation.

**Sec. 34-598. Appeal.**

The decision of the township board made pursuant to this article may be appealed by the property owner to the circuit court.

**Sec. 34-599. Public notice of hearings.**

- (a) For special use permits other than planned residential developments, notice of the application for the permit and of the public hearing shall be given as provided for in the zoning act.

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- (b) For site plan reviews for any planned residential developments including site condominiums (including outline, preliminary concept, preliminary and final) notice of notice of the request to approve the development and of the public hearing shall be given as provided for in the zoning act.

(Ord. No. 69, § 7, 6-4-2013)

**Sec. 34-600. Amendment of special use permit.**

The same process outlined in this chapter with regard to the granting of a special use permit shall be followed when the owner of property that is subject to a special use permit requests that the terms and conditions of the special land use permit be amended, including the filing of a new application seeking the amendment of the permit and payment of an application fee. Notwithstanding the foregoing, the township may correct clerical errors or make other non-material changes to the terms and conditions of an existing special use permit without following the formal process for the granting of a special use permit.

(Ord. No. 90, § 12, 2-4-2020)

**Secs. 34-601—34-620. Reserved.**

*DIVISION 2. SITE PLAN REVIEW<sup>10</sup>*

**Sec. 34-621. Circumstances requiring site plan.**

- (a) Site plans are subject to review for the following uses:
- (1) All uses permitted by special approval in all zoning districts listed in article III of this chapter as provided in division 1 of this article.
  - (2) All planned residential developments, including site condominiums.
  - (3) Commercial, office, industrial, warehouse, institutional and multiple-family residential uses and structures, including signs, permitted by right, in specified zoning districts.
  - (4) An on-site service WECS.
  - (5) Personal-scale solar energy system (SES).
- (b) All site plans, except for individual single-family and duplex residences permitted by right and agricultural accessory buildings or structures, must be reviewed by the planning commission and approved, disapproved or approved with conditions by the township board in accordance with the standards defined in this article. The township clerk shall process site plan applications for planning commission review.

(Ord. No. 69, § 8, 6-4-2013; Ord. No. 83, § 3, 10-2-2018)

**Sec. 34-622. Site plan data required.**

Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the planning commission:

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<sup>10</sup>State law reference(s)—Site plan, MCL 125.286e.

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- (1) The date, north arrow, scale and name of the individual or firm responsible for preparing the plan. The scale must be at least one inch equals 20 feet for parcels under three acres and not less than one inch equals 50 feet for parcels three acres or more.
  - (2) The boundary lines of the property, to include all dimensions and the legal description.
  - (3) The location of all structures on the site, including proposed drives; walkways; signs; exterior lighting; parking, showing the dimensions of a typical parking area; loading and unloading areas; common use areas; and recreational areas and facilities.
  - (4) The location and widths of all abutting rights-of-way.
  - (5) The location of unusual environmental features, such as streams, wetlands, shorelands, etc.
  - (6) The location and identification of all existing structures within a 200-foot radius of the site.
  - (7) The name and address of the property owner.
  - (8) The existing zoning district in which the site is located and, for a request for a zoning change, the classification of the proposed new district.
  - (9) The location of all existing and proposed landscaping as well as all existing and proposed fences and walls.
  - (10) A location sketch of the proposed use or structure.
  - (11) The type, location and size of all utilities existing and proposed for the site.
  - (12) The location, size and slope of all subsurface drainage facilities.
  - (13) A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:
    - a. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
    - b. The residential area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
    - c. Typical elevation drawings of the front and rear of each building.
  - (14) For multiple-family and manufactured home developments, the contour intervals of the topography of the existing and finished site shall be shown, where the existing slope on any part of the building site is ten percent or greater. Such contour shall be shown at height intervals of five feet.

**Sec. 34-623. Submission and approval procedures.**

- (a) All site plans and applications for special use permits, required as stated within this chapter, shall be submitted by the petitioner (the property owner or designated agent) to the office of the township clerk. A request for site plan approval for permitted and special uses shall require ten copies of the site plan. The township clerk shall submit one copy of the site plan to the zoning administrator. The township clerk shall cause the request for approval to be put on the agenda of the next regularly scheduled planning commission meeting that allows sufficient time for the township to give proper notice of the applicable proceeding.
- (b) The planning commission shall give notice of a public hearing to be held to review the site plan/application for a special use permit. After the hearing, the planning commission shall forward the site plan/application for a special use permit to the township board with a written recommendation, including a summary of the comments received at the public hearing, and reasons for the recommendation. The township board shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the

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applicant's request. Both the planning commission and township board shall use the standards for site plan review included in this chapter as a basis for their recommendation and/or decision.

Unless otherwise notified by the planning commission, where a site plan is required in conjunction with an individual permitted single-family or duplex residential use or agricultural related building or structure, the zoning administrator shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant's request.

- (c) Any conditions or changes stipulated by the planning commission in review of a site plan/application for a special use permit shall be recorded in the minutes of the meeting and a copy of the recommended conditions or changes given to the applicant and to the township board. An approved site plan request shall contain the signatures of the township supervisor, the chairman of the planning commission, and the zoning administrator.

Any conditions or changes stipulated by the zoning administrator in review of a site plan associated with a permitted single-family or duplex residence or agricultural related building or structure shall be recorded by the zoning administrator and a copy of the conditions or changes given to the applicant. An approved site plan request for a permitted single-family or duplex residence or agricultural related structures shall contain the signature of the zoning administrator.

- (d) Of the ten copies of the site plan/application for a special use permit submitted by the applicant for review and approval, one copy shall be kept on file by the township clerk, one copy shall be kept on file by the planning commission secretary, one copy shall be retained in the zoning administrator's files, and one copy shall be retained by the applicant.

For a permitted use subject to the conditions in subsection (b) of this section one copy shall be kept on file by the township clerk, one copy shall be retained by the zoning administrator and one copy shall be retained by the applicant.

(Ord. No. 69, § 7, 6-4-2013)

**Secs. 34-624—34-650. Reserved.**

*DIVISION 3. APPROVAL REQUIREMENTS*

**Sec. 34-651. General requirements for approval.**

- (a) *Review.* The request for approval of a permitted use and special land use requiring a site plan, except for individual permitted single-family and duplex residential uses and agricultural related buildings and structures, must meet the following general standards. The planning commission and township board shall review each application for the purpose of determining that each use on its proposed location will be in accordance with the following:
  - (1) The use will be harmonious with and in accordance with the general principles and objectives of the township master plan.
  - (2) The use will 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, for a special use, the use will not change the essential character of the area in which it is proposed.
  - (3) There is a proper relationship between the thoroughfares and proposed service drives, driveways, and parking areas.



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- (4) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas are such that the adverse effects of such uses will be minimized for occupants of that use and the occupants of surrounding areas.
  - (5) All buildings or groups of buildings shall be so arranged as to permit emergency vehicles access by some practical means to all sides.
  - (6) Natural resources are preserved by development in a manner, which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes and woodlands.
  - (7) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.
  - (8) The location of buildings, parking, drives, landscaping, and other improvements on the site is appropriate for the lot size and configuration.
  - (9) Landscaping, including trees, shrubs and other vegetative material, is provided to maintain and improve the aesthetic quality of the site and the area.
  - (10) The use will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.
  - (11) The use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors.
  - (12) The use will be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this chapter for the land use or activities under consideration; and be necessary to ensure compliance with those standards.
  - (13) The use will be related to the valid exercise of police powers and purposes which are affected by the proposed use or activity.
- (b) *Industrial use standards.* In addition to the general standards in subsection (a) of this section, the following shall apply to industrial land use:
- (1) Activities shall be carried on in completely enclosed buildings. Storage may be permitted outdoors but shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates. Such walls or fences may exceed the usual six-foot limit if approved by the township.
  - (2) Industries which emit odorous gases, smoke, dust, heat, vibrations, or radiation which are humanly perceptible at the property boundaries shall be required to submit a plan for the control of dangerous or objectionable emissions to the township board as a condition of approval.

### **Sec. 34-652. Specific requirements.**

The general standards in section 34-651 are basic to all special uses. The specific requirements accompanying the following sections through the end of this chapter are in addition to the general standards.

### **Sec. 34-653. Multiple housing developments.**

- (a) *Uses requiring special use permit.* A special use permit is required for any structure containing three or more living units.
- (b) *Additional information required.* The following additional information is required for issuance of a special use permit for multiple housing developments:

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- (1) The developer shall submit his plans to the following agencies, and those agencies shall comment in writing to the township:
    - a. County road commission.
    - b. County drain commission.
    - c. County health department.
    - d. County planning commission.
    - e. Fire chief.
    - f. State department of environmental quality.
  - (2) The developer shall submit a report including the following:
    - a. The number, size and dimensions of buildings.
    - b. The number and size of living units.
    - c. The number, size and type of parking areas.
    - d. The basis of calculations for determining required parking and density.
    - e. A description of utility (sewer, water, storm drainage) systems planned.
- (c) *Standards.* Standards for multiple housing developments shall be as follows:
- (1) No building shall be closer than 50 feet to another, except when abutting walls contain no windows, in which case the distance may be reduced to 25 feet.
  - (2) Motor vehicle entrances and exits shall be only from a major street (minor arterial or collector) to avoid the impact of traffic generated on neighboring residential uses.
  - (3) Recreational facilities for the residents shall be provided in easily accessible areas, including play equipment for children as well as adult recreation areas.
  - (4) Plantings. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features, when practical; and additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds and to screen objectionable features. The landscaping plan shall be submitted in conjunction with the site plan with the application.
  - (5) Land use pattern. All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be in favorable relationship to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site.
  - (6) Community buildings shall be of sound construction, attractively designed, and located in convenient proximity to the greatest possible number of residential living units.

### **Sec. 34-654. Planned residential development.**

- (a) *Intent and purpose.* It is the purpose of this section to encourage more imaginative and livable housing environments within the township through a planned reduction, or averaging, of the individual lot area requirements for the AG, RR and R-1, districts, providing the overall density requirements for each district remain the same. Such averaging or reduction of lot area requirements shall only be permitted when a landowner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of

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individual buildings located on separate, unrelated lots. Cluster/open space development is a form of planned residential development that promotes protection and conservation of open spaces and natural areas through the clustering of residential units on smaller lots than normally required within the district in which the development is located. Under these conditions, a special use permit may be issued for the construction and occupancy of a planned residential development, providing the standards, procedure, and requirements set forth in this article can be complied with.

- (b) *Objectives.* In reviewing any application for a special use permit for planned residential development, consideration shall be given the following objectives to:
- (1) Provide a more desirable living environment by preserving the natural amenities of the site.
  - (2) Encourage the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
  - (3) Encourage developers to use a more creative and imaginative approach in the development of residential areas.
  - (4) Provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
  - (5) Encourage variety in the physical development pattern of the township by providing a mixture of housing types.
- (c) *Qualifying conditions.* Any application for a special use permit shall meet the following conditions to qualify for consideration as planned residential development:
- (1) The planned residential development site shall be not less than five acres in area, shall be under the control of one owner or group of owners acting jointly, and shall be capable of being planned and developed as one integral unit.
  - (2) The planned residential development shall meet or exceed all of the standards and requirements of the county road commission, the county drain commission, and the county health department and, if applicable, the requirements of section 34-655 pertaining to site condominium development.
  - (3) The planned residential development site shall be located within zoned residential districts or the AG district. Note: Planned residential development shall be allowed within the AG district only when utilizing cluster/open space development design.
  - (4) The proposed population density of the planned residential development shall be no greater than if the tract were developed with the lot area requirements of the particular zoning district in which it is located.
  - (5) For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be set aside for the common use of homeowners or lot owners within the planned residential development under legal procedures which shall also give an association that must be formed a covenant or interest therein, so that there are assurances that the required open space shall remain open. The township may, upon the decision of the township board, take over maintenance of such common land if the association is dissolved or unable to maintain the property or under other such circumstances the board determines is in the best interest of the township.
  - (6) Access to bodies of water. Planned residential developments, including site condominiums, shall meet or exceed the requirements of section 34-286.
  - (7) The proposed planned residential development shall meet all of the standards outlined in this section and the general standards of section 34-651.

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- (d) *Permitted uses.* The following uses of land and structures may be permitted within planned residential developments:
- (1) All uses permitted by right or by special use permit in the AG, RR and R-1 districts, subject to all applicable specified restrictions.
  - (2) Group housing, row houses, garden apartments, townhouses, or other similar housing types which can be defined as a single-family dwelling with no side yards between adjacent dwelling units, provided that there shall be no more than 12 dwelling units in any building or contiguous group of buildings.
  - (3) Recreation and open space, provided that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this section:
    - a. Private recreation facilities, such as golf courses, swimming pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned residential development.
    - b. Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, lowlands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
    - c. Customary accessory uses as permitted in residential districts.
    - d. Group laundry facilities, so long as they have been designed and located in such a manner as to serve only inhabitants of the site of the planned residential development. No advertising of any type shall be permitted with such facilities.
    - e. Offstreet parking at the rate of two spaces per dwelling unit.
    - f. Garages and accessory buildings and uses exclusively for the use of residents of the planned residential development and for proper maintenance of the development.
- (e) *Application and review procedures.* Planned residential developments shall follow the application and review procedures outlined in this subsection. The review procedures are intended to explicitly state the requirements at each stage of the review process. The applicant shall have the option to submit an application for approval of the planned residential development at the outline stage and shall be required to submit the application at the preliminary and final development plan stages, providing the requirements at each stage are fulfilled according to this chapter. For cluster/open space residential development, the procedures and requirements for submitting a preliminary concept plan shall include subsections (e)(1), (2) and (3) of this section.
- (1) *Preapplication conference.* Before submitting an application for a planned residential development, an applicant at his option may confer with the zoning administrator to obtain procedural information.
  - (2) *Outline development plan.* An applicant may, when making application for the approval of a planned residential development, submit an outline development plan as follows; while this submittal is not mandatory, it is encouraged to facilitate early communication and concurrence between the township and the developer:
    - a. An outline development plan should include both maps and a written statement and must show enough of the area surrounding the proposed planned residential development to demonstrate the relationship of the planned residential development to adjoining uses, both existing and proposed.
    - b. The maps which are part of the outline development plan may be in general schematic form, at a scale of 100 feet to one inch, and shall contain the following information:

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1. The existing topographic character of the land with contours shown at intervals of not greater than five-foot intervals, except that, where the land slope is less than five percent, the contour interval shall be two feet;
  2. Existing and proposed land uses and the approximate location of buildings and other accessory structures;
  3. The character, type, number, and density of dwelling units proposed;
  4. The approximate location of major arterial and collector streets;
  5. The location and tabulation of all public or common open space; and
  6. The approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, and telephone lines and street lighting.
- c. The written statement to accompany the outline development plan shall contain the following information:
1. An explanation of the character of the planned residential development and the manner in which it has been planned to take advantage of the planned residential development regulations.
  2. A statement and legal description of the present ownership of all of the land included within the planned residential development.
  3. A general indication of the expected schedule and/or phase of development.
  4. A written environmental analysis statement which technically discusses impacts of the proposed project on existing adjacent land uses and values, traffic, school enrollment, sanitary and storm sewers, natural drainage systems, water systems, subsurface water tables, soils, natural vegetation, air qualities, visual qualities, and energy supplies, as well as any other factors the project will affect.

The township may also request the developer to dedicate some portion of the site as public open space. To facilitate such a dedication, the developer may increase the number of proposed units by one for each five acres of open space dedicated for public use.

- (3) *Cluster/open space planned residential developments.* For cluster/open space planned residential developments, the following will be required for review and approval prior to submission of the preliminary development plan:
- a. The information identified in section 34-654, if applicable, and subsections (e)(1) and (2) of this section will be required. Where perceived conflicts exist, the requirements of this subsection will be applied.
  - b. The developer will be required to submit an existing features site analysis identifying the site's special natural features to be preserved as open space. The analysis will contain (i) a topographic contour map based upon five-foot intervals; (ii) the location of constraining features, such as wetlands, watercourses, 100-year floodplains, rights-of-way and easements; and (iii) location of significant features such as tree lines, woodlands, scenic views, watershed divides, drainageways, existing roads and structures. A general soils map of the site based upon the USDA soils inventory of the county shall also be submitted. As an option, the planning commission may conduct an on-site visit to walk the site and become familiar with the setting and special features.
  - c. The developer will be required to submit a preliminary concept plan that describes initial thoughts about the overall layout of the proposed development, including location for house sites, greenways, and roads, as well as conservation areas.

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- d. The preliminary concept plan shall be developed according to the following five-step process:
1. All potential open space/conservation areas shall be identified. Those areas shall be divided into (i) primary and (ii) secondary. Primary conservation areas will consist of special features, such as wetlands, floodplains, and soils susceptible to slumping. Secondary conservation areas shall include the most noteworthy natural, scenic and cultural resources. The total area devoted to primary and secondary conservation shall constitute at least 50 percent of the total development.
  2. The developer shall calculate the number of units that would be allowed on the site considering the minimum lot size requirements of the district in which the site is located. This determination shall be based upon the following formula:  
$$\text{Gross site area minus area designated as primary and/or secondary conservation minus 20 percent for streets and roads equals net buildable area. Net buildable area divided by minimum lot size equals maximum number of allowed lots.}$$

The number of allowable building sites shall be equal to at least the number of buildable sites that would otherwise be allowed on the entire site under the zoning district in which the development is proposed. In addition, the number of allowable building lots may be increased within a cluster/open space design by 15 percent if no public water and/or sewer utilities will be available within the site and by 25 percent if public water and/or sewer facilities will be available. This "density bonus" calculation may be used as the basis for identifying the number and location of houses proposed for the site.
  3. Potential house sites shall be identified. These should be located not closer than 100 feet to the boundary of a primary conservation area or 50 feet to the boundary of a secondary conservation area.
  4. Street and lot layout shall be identified. Streets shall be designed to provide access to each house in the most reasonable and economical fashion possible. Streets shall avoid, as much as possible, impacting primary conservation features. Streets shall be designed to minimize the amount of area devoted to road surface while providing access to all houses and to maximize the views of open space from each house.
  5. Lot lines shall be drawn between house footprints, meeting the required lot sizes and setbacks as identified in this chapter, as adjusted to conform to the density bonuses identified in subsection (e)(3)d.2. of this section.
- e. The applicant shall submit a preliminary engineering certification that the approximate layout of proposed streets, house lots, and open space lands complies with any applicable township ordinances.
- f. Common open space within the development will be maintained by the developer or homeowners' association, unless the Township accepts such responsibility under subsection (c)(5) of this section.
- g. The township may also request the developer to dedicate some portion of the site as public open space. To facilitate such a dedication, the developer may increase the number of proposed units by one for each two acres of open space dedicated for public use.
- (4) *Approval of outline development or preliminary concept plan.* Procedures for approval of outline development or a preliminary concept plan shall be as follows:
- a. For planned residential developments, review of the optional outline development plan shall proceed as set forth in section 34-623.

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- b. For cluster/open space developments, review of the mandatory preliminary concept plan shall proceed as set forth in section 34-623.
  - c. No building permits may be issued on land within any planned residential development, including site condominiums, until the final development plans for the total project area have been approved by the township board under the procedures required by this article.
- (5) *Preliminary development plan.* A preliminary development plan may be submitted as follows:
- a. An applicant seeking approval of a planned residential development may submit a preliminary development plan if no outline development plan has been submitted and approved, at the time of the application. An applicant seeking approval of a cluster/open space development may submit a preliminary development plan only if a preliminary concept plan as described in this subsection (e) has been submitted and approved.
  - b. The preliminary development plan shall include all the following required information:
    - 1. A map showing the entire street system of arterial, collector and local streets and their proposed construction standards and if they are publicly dedicated or privately owned and its related walkways.
    - 2. A map showing the entire location of the utility system of sanitary sewer, storm sewer, water, electric, gas, cable and telephone lines.
    - 3. Statistical calculations of areas dedicated as common and usable open space and all areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and semipublic uses.
    - 4. A lot plan and statistical tabulation for the entire planned residential development of all the land uses proposed and showing the approximate size and location of all lot lines, buildings, structures, parking areas, and improvements, both existing and proposed.
    - 5. A map indicating the areas allocated for common open spaces and allocated for usable open spaces per building at grade level or above grade, whichever applies.
    - 6. Preliminary elevation and/or perspective drawings of typical structures and improvements. These drawings must indicate substantially the architectural intent, but need not show final decisions or details. A development model of the entire project area may be substituted for any elevation and/or perspective drawings.
    - 7. A plan showing the general location of trees and plantings.
    - 8. A development schedule indicating the following:
      - i. The approximate date when construction of the project can be expected to begin;
      - ii. The stages in which the project will be built and the approximate date when construction of each anticipated stage of development will begin;
      - iii. The approximate dates when the development of each of the stages in the development will be completed; and
      - iv. The area and location of common open space that will be provided at each stage.
    - 9. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common and usable open space areas.

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10. Any additional statements, plans and diagrams may be required insofar as the planning commission finds that the planned development creates special problems of traffic, parking, landscaping, utilities including sewer and water facilities, or any other factors; and
  11. If no outline development plan has been filed, the preliminary plan must contain the written statement required by subsection (e)(2)c. of this section and must include enough of the area surrounding the proposed planned residential development to show the relationship of the planned residential development to adjacent uses, both existing and proposed.
- (6) *Approval of preliminary development plan.* The preliminary development plan shall be reviewed in the manner set forth in section 34-623, to determine if it complies with all other standards required under this chapter for site plan review and special land use and/or to determine if it is in substantial compliance with the submitted and approved outline development plan, if any, or preliminary concept plan. The preliminary development plan shall be deemed in substantial compliance provided any modification does not violate any provision of this article or involve a change of one or more of the following:
- a. Vary the lot area requirement by more than ten percent;
  - b. Involve a reduction of more than ten percent of the area reserved for the common open space/or usable open space; and
  - c. Increase the total ground area covered by buildings by more than five percent.
- (7) *Approval of final development plan.* Following the approval of the preliminary development plan, the applicant shall file a final development plan containing in final detailed form the information required under this article for site plan review and special land use. The final development plan shall be reviewed in the manner set forth in section 34-623 to determine if it is in substantial compliance with the submitted and approved preliminary development plan. The final development plan shall be deemed in substantial compliance provided any modification does not violate any provision of this article or involve a change of one or more of the following:
- a. Vary the lot area requirement by more than ten percent;
  - b. Involve a reduction of more than ten percent of the area reserved for the common open space/or usable open space; and
  - c. Increase the total ground area covered by buildings by more than five percent.
- The township clerk shall record the final development plan in the manner provided for recording plats or subdivisions.
- (8) *Delay of final approval.* The township board shall delay final approval for a specified period of time until the applicant has taken title to, or executed a binding sales contract for, all the property so that the acquisition of title to the land can then be coordinated with the approval of project stages.
- (f) *Conditions and restrictions; escrow agreement and account; issuance.* Prior to the granting of any planned residential development, the planning commission may recommend, and the township board may adopt, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned residential development as the township board deems necessary for the protection of the public interest and to secure compliance with the criteria specified in this chapter.

An escrow agreement and account, approved by the township board as to form and content, shall be required, based on the estimated construction cost and engineering. These funds may be dispersed upon certification by the project engineer and the township acting through the township supervisor. The escrow shall accompany the



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request for final approval to ensure completion of all public site improvements, streets, parking areas, sewers, utilities, landscaping, planting, screening, etc., as determined by the township board.

- (1) The township board shall issue a certificate certifying approval of the planned residential development, and the township clerk shall note the issuance of the certificate on the recorded final development plan.
  - (2) After the certificate of approval has been issued, the use of land and the construction, modification or alteration of any buildings or structures within the planned residential development will be governed by the approved final development plan rather than by any other provisions of this chapter.
  - (3) After the certificate of final approval has been issued, no changes may be made in the approved final development plan except upon application to the planning commission under the following procedures:
    - a. Minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the planning commission if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cubic content of any building or structure by more than ten percent.
    - b. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved.
    - c. Changes in the use of common open space may be authorized by an amendment to the final development plan.
  - (4) No changes in the final development plan which are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the planned residential development, and all rights to enforce these covenants against any changes permitted by this chapter are expressly reserved.
- (g) *Lot size variation procedure.* The lot area for a planned residential development within the AG, RR and R-1 residential districts may be averaged or reduced from those sizes required by the applicable zoning district within which the development is located by compliance with the following procedures:
- (1) *Site acreage computation.* The gross acreage proposed for a planned residential development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned residential development is located. In arriving at a gross acreage figure, land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements, shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure.
  - (2) *Maximum number of lots and dwelling units.* After the total gross area is determined by the procedure in subsection (g)(1) of this section, the maximum number of lots and/or dwelling units that may be approved within a planned residential development shall be computed by subtracting from the total gross area available a fixed percentage of such total for street right-of-way purposes and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned residential development is located.
    - a. The fixed percentage for street right-of-way purposes to be subtracted from the total gross area available for development shall be 20 percent. This percentage shall apply regardless of the amount of land actually required for street right-of-way.

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- b. Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zoning district in which the planned residential development is located, provided that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zone district in which it is located.
- (3) *Permissive minimum lot area.* Notwithstanding other procedures set forth in the section, lot areas within planned residential developments shall not be varied or reduced below the following minimum standards:
- a. One-family detached dwelling units:
1. Within the AG district, 16,500-square-foot lot if public water and sewer are available, and 37,000-square-foot lot if public water and sewer are not available. Within the AG district, only cluster residential development shall be allowed. See subsection (g)(3)e. of this section.
  2. within the RR district, 37,000 square feet unless within a cluster development. See subsection (g)(3)e. of this section.
  3. Within the R-1 district, 12,000 square feet.
- b. Two-family and multiple-family housing dwellings:
1. For two-family dwellings, 20,000 square feet within the R-1 district.
  2. For multiple-family dwellings (structures containing three or more dwelling units), 8,000 square feet within the R-1 district.
- c. Residential lots not served by a public water system but served by public sanitary sewer service shall not be less than 90 feet wide at the building line, nor less than 12,000 square feet in area.
- d. Residential lots served by neither public water nor a public sewer system shall not be less than 100 feet wide nor less than 15,000 square feet in area.
- e. Where a cluster residential development is proposed, minimum lot widths, minimum lot sizes, and minimum yard setbacks may be reduced according to the density standards set forth in subsection (e)(3)d.2. of this section, provided the amount of land representing the difference between the required lot sizes and the reduced lot sizes is allocated to common open space or parkland.
- (4) *Permissive minimum yard requirements.* Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:
- a. Front yard: 20 feet for all dwellings, provided that front yard requirements may be varied under consideration of common greens or other common open space if such space provides an average of 25 feet of front yard area per dwelling unit.
- b. Side yard: seven feet on each side for all one- and two-family dwellings, provided that there shall be minimum of 15 feet between ends of contiguous groups of dwelling units.
- c. Rear yard: ten feet for all dwellings, provided that rear yard requirements may be varied after consideration of common open space lands or parks or waterfront areas which abut the rear yard area.
- (5) *Maximum permissive building height.* The maximum permissive building height is 2½ stories, but not exceeding 35 feet. Accessory buildings shall not exceed a height of 16 feet.

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- (h) *Open space requirements.* For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this section, equal amounts of land shall be provided in open space. All open space, tree cover, recreational areas, scenic vistas, or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot owners or homeowners within the development or shall be dedicated to the township or as parkland for the use of the general public. The planning commission shall utilize one of the following options most appropriate as part of its approval of a special use permit for a planned residential development:
- (1) Open space land shall be conveyed by proper legal procedures from the tract owner to a homeowners' association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, provided that suitable arrangements have been made for the maintenance of the land and any buildings thereon and provided, further, that an open space easement for the land shall be conveyed to the township to ensure that open space land shall remain open.
  - (2) Open space land shall be dedicated to the general public for park or recreational purposes by the tract owner, provided that the location and extent of park or recreation land conforms in intent to the township master plan and provided, further, that the access to and the characteristics of the open space land is such that it will be readily available to and desirable for public use, development and maintenance.

It is the intent of this section that, when the option in subsection (h)(2) of this section is determined to be in the best interest of the community, the owners or developers of the planned residential development shall not be compelled or required to improve the natural condition of the open space land.

- (i) *Planned residential development in more than one zoning district.* Where a planned residential development is to be located in more than one zoning district, the lot sizes and the number of allowable dwelling units must be separately calculated and separately distributed in each individual zone in the planned residential development.
- (j) *Perimeter setback requirements.* In all planned residential developments that abut property that permits developments of less intensity than permitted by the planned residential development, a peripheral transition area shall be incorporated in the planned residential development that provides development similar in density and character as that existing or permitted on the abutting land. For the purpose of this subsection, the planning commission and township board shall have the authority to determine the extent and development of the transition area.
- (k) *Subdivision or resubdivision.* The subdivision or resubdivision of an approved planned residential development shall be in accordance with the following:
  - (1) If the subdivision or resubdivision of an approved planned residential development will create a new plat line, the applicant shall make application to the planning commission for the approval of the subdivision or resubdivision plat. The planning commission and township board shall approve the subdivision or resubdivision if each section of the subdivided or resubdivided planned residential development meets the provisions of this chapter governing density, common and usable open space, and dimensional requirements and if it is in compliance with requirements contained within the Michigan Land Division Act.
  - (2) All lots of a subdivided or resubdivided planned residential development are to be controlled by the final development plan rather than by the provisions of this chapter that otherwise would be applicable. The provisions of subsections (e)(7) and (f) of this section covering changes in the final development plan will apply.

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- (l) *Development standards.* The following standards are intended to supplement the requirements of the county road commission, the county drain commission and the county health department. Where conflicts or discrepancies may occur, the more stringent requirements shall take precedence:
- (1) *Streets.* Standards for streets are as follows:
- a. The arrangement, the character, the extent and location of all streets shall conform to any official thoroughfare plan for streets and highways and shall be considered in their relation to existing and planned streets, topographical conditions, public conveniences and safety, and to the proposed uses of the land to be served by such streets.
  - b. Where a subdivision abuts or contains an existing or proposed primary road or other major street, the township board may require marginal access streets, a reversed frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
  - c. All road construction shall be completed at least to the applicable road specifications and shall comply with such additional specifications as are set forth in this chapter.
  - d. If adjoining property is not subdivided, provision shall be made for the projection of proposed roads by continuing the full widths of right-of-way with rough grading of the roads to the boundaries of the subdivision. This shall not prevent the establishment of culs-de-sac within the subdivision.
  - e. No street names shall be used which will duplicate or be confused with the names of existing streets.
  - f. All roads and streets shall have a 66-foot right-of-way. The township board may determine the necessity for declaring some streets in the plat to be collector or major streets.
  - g. Permanent cul-de-sac streets shall not be longer than 800 feet in length and shall be provided at the closed end with a paved circular turnaround area having an outside diameter of at least 80 feet and a street property line diameter of at least 100 feet in residential districts. The township board may require larger rights-of-ways in industrial or commercial districts, depending upon anticipated uses. Temporary dead-end streets shall be provided at the closed end with a turnaround constructed to the full width of the right-of-way and in accordance with applicable specifications.
  - h. Street jogs with centerline offsets of less than 125 feet shall be avoided.
  - i. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 60 degrees.
  - j. Minor streets shall be so laid out that their use by through traffic will be discouraged.
  - k. Half streets, except where it is essential to the reasonable development of the subdivision, are prohibited.
- (2) *Blocks.* The maximum lengths of blocks shall be 1,500 feet measured between the centerlines of intersections, except as follows:
- a. In subdivisions where the width of lots at the building line is 200 feet or more, the block length may be up to 2,000 feet.
  - b. Under extreme topographical conditions, the township board may approve blocks exceeding the 1,500-foot maximum length, but in no case shall the length exceed 2,000 feet.
- (3) *Easements.* Standards for easements are as follows:

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- a. Easements across lots or centered on rear or side lot lines shall be provided for utilities where considered necessary by the township board and shall have a minimum total width of 12 feet.
  - b. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection with the easement.
- (4) *Lots.* Standards for lots are as follows:
- a. The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
  - b. Lot dimensions shall conform to the requirements of this chapter, including lot size variations as permitted in subsection (g) of this section.
  - c. Corner lots for residential use shall have sufficient width to permit appropriate building setback from, and orientation to, both streets.
  - d. The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to all existing public streets.
  - e. Double-frontage and reverse-frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
  - f. Side lot lines shall be substantially at right angles or radial to street lines, except where conditions of topography or more efficient layout warrants otherwise.
  - g. If, by necessity, a lot is irregular in shape, the lot shall have frontage equal to not less than one-half of the minimum required lot width at the building line on an existing or an approved dedicated public road.
  - h. A plat having riverfront or streamfront lots should include a statement that the lot lines extend to the water's edge, established floodplain or lot line, whichever is closest to the dwelling, regardless of the fluctuation in the water level.
- (5) *Utility and street improvements.* The proprietor shall provide the following public improvements in connection with the subdivision. All such improvements shall be constructed in accordance with the specifications and requirements of the applicable codes, ordinances or regulations of the township:
- a. Roads, including such related improvements as are required in this chapter.
  - b. Stormwater drainage as required in this chapter. If storm sewers are not feasible, leaching basins must be installed. The installation of either storm sewers or leaching basins must be done in accordance with the plans and specifications of the township and well-established engineering practices and approved by an engineer retained by the township.
  - c. Water supply and sanitary sewer. Every portion of a subdivision shall be supplied with adequate water and sanitary sewer facilities. Public water and sanitary sewer facilities shall be provided in all plats to which such facilities are determined reasonably available by the township board.
  - d. Sidewalks may be provided as required by the planning commission and the township board.
  - e. Pedestrian ways may be required within public easements, as determined by the planning commission.
  - f. Provision for underground utilities.

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- g. Street and/or pedestrian scale lighting, of a type and location approved by the township engineer, shall be provided.

**Sec. 34-655. Site condominium development.**

- (a) *Condominium subdivision approval.* Pursuant to authority conferred by section 141 of the condominium act, Public Act No. 59 of 1978 (MCL 559.241), all condominium subdivision plans must be approved by the planning commission. The proposed condominium project shall undergo site plan review and approval pursuant to division 2 of this article.
- (b) *Definitions.* The following terms, as used in this section, are defined both in the context of the condominium act and in a manner intended to make comparison possible between the terms of this chapter and the condominium act:

*Condominium act* means Public Act No. 59 of 1978 (MCL 559.101 et seq.).

*Condominium subdivision* is equivalent to the term "subdivision" as used in this chapter.

*Condominiums subdivision plan* means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed airspace. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

*Condominium unit* means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

*Consolidating master deed* means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

*Contractible condominium* means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this chapter and the condominium act.

*Conversion condominium* means a condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

*Convertible area* means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this chapter and the condominium act.

*Expandable condominium* means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this chapter and the condominium act.

*Front yard setback* shall be equal to the distance between the front yard area line and the condominium dwelling.

*Lot* means the same as the terms "homesite" and "condominium unit."

*Master deed* means the condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

*Rear yard setback* shall be equal to the distance between the rear yard area line and the condominium dwelling.

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*Side yard setback* shall be equal to the distance between the side yard area line and the condominium dwelling.

- (c) *Condominium projects.* The following shall apply to all condominium projects within the township:
- (1) *Initial information.* Concurrently with notice required to be given the township pursuant to section 71 of the condominium act (MCL 559.171), a person intending to develop a condominium project shall provide the following information with respect to the project:
    - a. The name, address and telephone number of:
      1. All persons with an ownership interest in the land on which the condominium project will be located, together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
      2. All engineers, attorneys, architects or registered land surveyors associated with the project.
    - b. The developer or proprietor of the condominium project.
    - c. The legal description of the land on which the condominium project will be developed, together with appropriate tax identification numbers.
    - d. The acreage content of the land on which the condominium project will be developed.
    - e. The purpose of the project (for example, residential, commercial, industrial, etc.).
    - f. Approximate number of condominium units to be developed on the subject parcel.
    - g. For cluster/open space residential developments, the procedures and standards of section 34-654(e)(3) shall be applied.
  - (2) *Information to be kept current.* The information shall be furnished to the zoning administrator and shall be kept updated until such time as a certificate of occupancy has been issued.
  - (3) *Site plans for new projects; master deed; and engineering and inspections.* Procedures for approval of site plans for new projects shall be as follows:
    - a. Prior to recording to the master deed required by section 72 of the condominium act (MCL 559.172), the condominium project shall undergo application and review procedures pursuant to the standards of section 34-654(e).
    - b. In determining whether to approve a condominium subdivision plan, the planning commission shall consult with the zoning administrator, township attorney and township engineer regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the condominium act.
- (d) *Required content of condominium subdivision plan.* All condominium subdivision plans shall include the information required by section 66 of the condominium act (MCL 559.166) and the following:
- (1) A survey plan of the condominium subdivision.
  - (2) A floodplain plan, when appropriate.
  - (3) A site plan showing the location, size, shape, area and width of all condominium units.
  - (4) A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the township for installation, repair and maintenance of all utilities.
  - (5) A street construction, paving and maintenance plan for all private streets within the proposed condominium subdivision.

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- (6) A storm drainage and stormwater management plan, including all lines, swales, drains, basins and other facilities.
  - (7) Location and placement of street and/or pedestrian scale lighting.
  - (8) Location, size, area and placement of sidewalks, if included.
  - (9) Pedestrian ways, if included in the plan.
- (e) *Site plans for expandable or convertible projects.* Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval pursuant to division 2 of this article. The condominium project developer or proprietor shall furnish the zoning administrator with the following: one copy of the recorded master deed, one copy of all restrictive covenants and two copies of an as-built survey. The as-built survey shall be reviewed by the township engineer or zoning administrator for compliance with township ordinances. Fees for this review shall be established by resolution of the township board.
- (f) *Monuments required for site condominium projects.*
- (1) All condominium projects which consist in whole or in part of condominium units which are building sites or recreational sites shall be marked with monuments as provided in this subsection. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets:
    - a. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
    - b. Monuments shall be located in the ground at the following places:
      - 1. All angles in the boundaries of the condominium project;
      - 2. The intersection lines of streets and the intersection of the lines of streets with the boundaries of the condominium project and the intersection of alleys with the boundaries of the condominium project;
      - 3. All points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the sidelines of streets and alleys;
      - 4. All angles of an intermediate traverse line; and
      - 5. The intersection of all limited common elements and all common elements.
    - c. If the required location of the monument is an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby, and the precise location thereof shall be clearly indicated on the plans and referenced to the true point.
    - d. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches.
    - e. All required monuments shall be placed flush with the ground where practicable.
    - f. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or other approved markers.
  - (2) The township board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the township clerk cash or a certified check or irrevocable bank letter of credit running to the township,



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whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$100.00 in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

- (g) *Easements for utilities.* The condominium subdivision plan shall include all necessary easements granted to the township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (collectively called public structures) for the purpose of providing public utilities, including conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and refilling ditches and trenches necessary for the location of such public structures.
- (h) *Private streets.* If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of section 34-654(l). In addition, all private streets in a condominium subdivision shall have a paved driving surface of asphalt or concrete.
- (i) *Encroachment prohibited.* Encroachment of one condominium unit upon another, as described in section 40 of the condominium act (MCL 559.140), shall be prohibited by the condominium bylaws and recorded as part of the master deed.
- (j) *Relocation of boundaries.* The relocation of boundaries, as described in section 48 of the condominium act MCL 559.148), shall conform to all setback requirements of this chapter for the district in which the project is located and shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and recorded as part of the master deed.
- (k) *Subdivision of condominium units.* All subdivisions of individual condominium units shall conform to the requirements of this chapter for minimum lot width, lot area, and building setback requirements for the district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.
- (l) *Compliance with federal, state and local law.* All condominium projects shall comply with federal and state statutes and local ordinances. The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh-water system for the proposed project and with regard to the wastewater disposal system for the proposed project.
- (m) *Temporary occupancy.* The zoning administrator may allow occupancy of the condominium project before all improvements required by this chapter are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary certificate of occupancy without expense to the township.
- (n) *Condominium subdivision layout, design and approval.* All condominium subdivision plans shall conform to the design, layout and improvement standards of section 34-654(l). Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under the Land Division Act (MCL 560.101 et seq.).

### **Sec. 34-656. Shopping centers.**

Standards for shopping centers shall be as follows:

- (1) Motor vehicle entrances and exits shall be only from a major street (minor arterial or collector).
- (2) Where possible, existing trees on the site shall be preserved. In addition, new landscaping shall be added to enhance the beauty of the development. A landscaping plan shall be included with the site plan.

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### **Sec. 34-657. Child care centers, day care centers.**

Standards for child care centers and day care centers shall be as follows:

- (1) Such uses shall be duly licensed by the state independent family agency.
- (2) Buildings and lots so used shall conform to all state and local code requirements, except that such uses or structures shall not be permitted in buildings and lots which are nonconforming uses or structures as defined in this chapter.
- (3) A minimum of 35 square feet of indoor play area shall be provided for each child. Play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, and areas used exclusively for rest or sleep.
- (4) All outdoor play areas shall be enclosed by a nonclimbable fence that is at least 48 inches high.
- (5) The proposed use shall be served adequately by essential public facilities and services.
- (6) The proposed building shall not be out of harmony with the predominate type of building in the particular zone by reason of its size, character or location.
- (7) The proposed building shall be of a sustained desirability and stability so that the property contiguous to the development will not be unreasonably affected.
- (8) The proposed use shall conform to the building height, area and yard requirements of the district in which it is located.
- (9) The proposed use shall not cause significant damage to the natural environment within the immediate neighborhood or the community as a whole.
- (10) One offstreet parking space shall be provided for each nonfamily employee of the child care/day care center in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement.
- (11) Hours of operation shall not exceed 16 hours in a 24-hour period, and activity shall be limited to the hours between 6:00 a.m. and 10:00 p.m.

### **Sec. 34-658. Living unit for the purpose of parental sheltering.**

A living unit for the purpose of parental sheltering shall be an addition to the primary dwelling, no larger than 640 square feet, containing separate living facilities for the parents of the property owner, and shall be subject to the following:

- (1) The addition must be a part of, and shall conform to, the design and character of the primary dwelling.
- (2) Under no circumstance may the addition be separated from the primary dwelling by a garage, breezeway, or other structure.
- (3) The living unit may contain a bedroom, bath, sitting area, and kitchenette.
- (4) When the need of separate living facilities ceases, the kitchenette must be removed.
- (5) The special use permit allowing the separate living unit must be reviewed on a yearly basis.
- (6) No more than one such living unit may be added to any primary dwelling.
- (7) The living unit must meet setback requirements.
- (8) The addition must have direct access to the primary unit through an interior door.

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## **Sec. 34-659. Kennels.**

Requirements for kennels shall be as follows:

- (1) The site plan submitted as part of the application for the special land use permit shall include a detailed drawing that:
  - a. Shows all buildings on the subject property (including dimensions and square footage);
  - b. Clearly identifies any building(s) that will be used for kennel operations;
  - c. Shows all enclosures where the dogs will be kept (including overall size, size of each separately enclosed area, height, construction materials, proposed floor or ground materials, etc.;
  - d. Shows all shelters that will be provided for the dogs (including size and construction materials); and,
  - e. Shows the distance between all buildings and enclosures used as part of the kennel and the property lines of the subject property.
- (2) A plan detailing maintenance and cleaning of the kennel areas shall be submitted along with the special land use application, which shall include a description of how the kennel areas will be cleaned and maintained, a schedule for cleaning, and plans for dog waste removal and disposal. If the plan is approved and a permit issued, the kennel operator's adherence to this plan shall be a condition of maintaining the permit. A record of actual maintenance and/or cleaning performed with regard to the kennel areas shall be kept and made available during any inspections.
- (3) The special land use permit shall specify the maximum number of dogs that may be kept on the on the subject property.
- (4) All dogs kept on the subject property shall be kept in compliance with all federal, state and local laws and regulations, including licensing and vaccination requirements. Licenses, vaccinations records, and other similar records related to the dogs shall be maintained and made available for review during inspections.
- (5) An applicant applying for and receiving a special use permit for a kennel consents to reasonable inspections (including unannounced inspections) of the kennel operation by the township's ordinance enforcement officer and/or zoning administrator. Refusal to allow an inspection shall constitute grounds for revocation of the special land use permit.
- (6) The township shall have the discretion to add other requirements and/or conditions.

(Ord. No. 86, § 4, 8-6-2019)

## **Sec. 34-660. Dog breeding establishments.**

Requirements for dog breeding establishments shall be as follows:

- (1) A dog breeding establishment must have a special land use permit for a kennel regardless of the number of dogs kept on the subject property.
- (2) All requirements for kennels as set forth in section 34-659 shall also apply to dog breeding establishments.
- (3) The owner and/or operator of a dog breeding establishment shall maintain records that include the following in addition to the records required to be maintained for a kennel:

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- a. A photograph of each dog used for the purpose of breeding labeled with the name, age, and sex of the dog and the date the dog was acquired.
  - b. The date of each breeding event along with the names of the dogs bred.
  - c. The date any puppies are born along with the names of the parents, the number of female puppies in the litter, and the number of male puppies in the litter.
  - d. All veterinary and/or medical records related to the dogs on the subject property;
  - e. Sale information for each puppy/dog sold, including the following:
    1. Date of sale;
    2. Date of birth of the dog and the dog's mother's name;
    3. Purchaser's name, address, and telephone number.
- (4) The sale of any dog (including puppies) to an unlicensed and/or illegal facility that does experiments or testing on animals and/or is involved in any illegal activity involving dogs shall constitute grounds for revocation of the special land use permit.

(Ord. No. 86, § 5, 8-6-2019)

### **Sec. 34-661. Miscellaneous special uses.**

For the purposes of this section, the general standards in section 34-651 shall apply. The following uses require a special use permit, except when listed in this chapter as a use permitted by right:

- (1) Airports.
- (2) Beaches, commercial.
- (3) Bed and breakfast establishments.
- (4) Bowling alleys, pool halls, and mechanical amusement centers.
- (5) Campgrounds.
- (6) Carwashes, automatic and self-service.
- (7) Central sewage treatment facility in accordance with state and county standards.
- (8) Commercial, business, commercial outdoor recreation and entertainment facilities and institutional facilities.
- (9) Contractor's storage yard, permanent.
- (10) Drive-in restaurants.
- (11) Group day care homes.
- (12) Hospitals, schools, cemeteries, churches, and government buildings, public and private.
- (13) Hotels, motels, motor hotels.
- (14) Intensive livestock operations.
- (15) Junkyards/salvage yards/recycling facilities.
- (16) Manufacturing and processing.

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- (17) Outdoor motor vehicle, boat, manufactured home sales, rental, repair, and display or storage. However, when such activities occur within a building, such use shall be permitted by right.
  - (18) Outdoor theaters.
  - (19) Parks, camps, golf courses, eating establishments, clubs, garden nurseries, greenhouses, and commercial stables, public and private.
  - (20) Ponds.
  - (21) Public service installations.
  - (22) Religious, social, educational and human care institutions.
  - (23) Sanitary landfills, public or private.
  - (24) Soil, sand, gravel and other material removal.
  - (25) Transient amusement enterprises such as carnivals, circuses, and tent shows.
  - (26) Utility structures and substations, public.
  - (27) Veterinary clinics or hospitals.
  - (28) Warehousing, storage, truck terminals.

(Ord. No. 73, § 9, 5-7-2014; Ord. No. 86, § 3, 8-6-2019)

Note(s)—Formerly, § 34-659.