

**PUBLIC HEARING DRAFT
11/3/16**

Owosso Charter Township, Shiawassee County, Michigan

Zoning Ordinance

Originally prepared by Gary L. Palmer along with the Owosso Charter Township Planning Commission in 1998, updated by the Owosso Charter Township in 2016 with assistance from ROWE Professional Services Company

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ZONING ORDINANCE
OF THE
CHARTER TOWNSHIP OF OWOSSO, MICHIGAN

PREAMBLE

An ordinance to provide for the establishment of Zoning Regulations and Districts for Owosso Township, Shiawassee County, Michigan, in order to encourage and regulate the proper use of land and natural resources, to provide for the administration, enforcement, and penalties for violation, to provide for the establishment of a Zoning Board of Appeals and to provide duties for the Township Planning Commission pursuant to Act 110 of the Public Acts of 2006, as amended.

Whereas, after careful study of the proposed ordinance, the Owosso Charter Township Planning Commission has recommended the aforementioned ordinance to the Owosso Charter Township Board of Trustees.

Therefore, the Board of Trustees of the Charter Township of Owosso, Shiawassee, County, Michigan ordains:

ARTICLE 1: SHORT TITLE

This Ordinance shall be known, and may be cited, as the "Owosso Township Zoning Ordinance." All article, section, and other topical headings are for reference only and shall not be construed to be part of this Ordinance.

ARTICLE 2: INTENT AND PURPOSES

SECTION 2.1 INTENT

The provisions of this Ordinance are based upon the Township Land Use Plan. This Ordinance is designed to promote the public health, safety, and general welfare through the establishment of land development regulations and districts, in accordance with Act 110 of the Public Acts of 2006, as amended.

SECTION 2.2 PURPOSES

The purposes of this Ordinance are to:

- 2.2.1 Encourage the use of lands in accordance with their character and adaptability
- 2.2.2 Limit the improper use of land
- 2.2.3 Conserve natural resources and energy
- 2.2.4 Meet the needs of the state's citizens for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land
- 2.2.5 Insure that uses of land shall be situated in appropriate locations and relationships
- 2.2.6 Avoid the overcrowding of populations
- 2.2.7 Lessen congestion on public roads and streets
- 2.2.8 Reduce hazards to life and property
- 2.2.9 Facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public needs
- 2.2.10 Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties
- 2.2.11 Conserve the value of property and natural resources

SECTION 2.3 RIGHT TO FARM

. Agriculture is the preferred use of land in the Prime Agricultural and Agricultural Land Development District. Owosso Charter Township shall bring no legal action against an agricultural operator for maintaining a public nuisance for reasons of noise; odors; dust; fumes; operation of machinery; ground or aerial seeding and spraying; the application of chemical fertilizers, insecticides, and herbicides provided the agricultural operation conforms to generally accepted agricultural practices and is not otherwise in violation of this Ordinance.

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

SECTION 3.0 Open Meetings Act and Freedom of Information Act Compliance

3.0.1 All meetings subject to this act shall be conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

3.0.2 A writing prepared, owned, used, in the possession of, or retained as required by this act shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246

SECTION 3.1 ADMINISTRATION

The administration of this Ordinance shall be supervised by the Township Planning Commission and the Township Board of Trustees in accordance with Public Act A 110 of 2006, as amended. The Planning Commission shall have the primary responsibility for the supervision.

3.1.1 The Planning Commission shall recommend to the Board of Trustees, policies to assist the Township Zoning Administrator in the administration and enforcement of this Ordinance. The Board of Trustees, upon the recommendation of the Planning Commission, may adopt said policies.

3.1.2 Zoning Administrator: The Board of Trustees shall employ a Zoning Administrator to act as its officer to effect the proper and consistent administration and enforcement of this Ordinance. The terms and conditions of employment shall be established by the Board of Trustees. The Development Official or his/her agent, shall have all power and authority granted by law, and necessary to enforce this Ordinance. Acting in this capacity, the Zoning Administrator shall among other responsibilities, be empowered to issue appearance summons, seek the issuance of warrants for the arrest of alleged violators through the Township Attorney and bring civil action in the name of the Township against the violators of the provisions of this Ordinance.

SECTION 3.2 RELIEF FROM PERSONAL RESPONSIBILITY

The Zoning Administrator, Planning Commissioners, Members of the Board of Appeals or any other Township employee or officer charged with duties and responsibilities pursuant to this Ordinance, while acting within the scope of their authority, are hereby relieved from all personal liability for damages to persons or property resulting from the exercise or discharge of their duties. In accordance with 1970 P.A. 55 M.C.L.A. 691.1408, any civil or criminal action brought against an officer or employee of the Township, a member of the Planning Commission, or a member of the Board of Appeals, while acting within the scope of his or her authority shall be defended by the legal representative of the Township until final termination of proceedings. If a judgment for damages is awarded against the above mentioned officers, employees, or members as a result of a civil action for personal injuries or property damage caused while acting within the scope of the individual's employment or while acting within the scope of his or her authority, the Township of Owosso shall pay, or compromise the judgment.

SECTION 3.3 DUTIES OF THE ZONING ADMINISTRATOR

It shall be the responsibility of the Zoning Administrator to enforce the provisions of this

Ordinance and in so doing shall perform the following duties:

3.3.1 Issue Permits: All applications for permits required by this Ordinance shall be submitted to the Zoning Administrator which shall issue permits when all applicable provisions of this Ordinance have been complied with.

3.3.2 File Applications: The Zoning Administrator shall maintain files of all applications for permits and shall keep records of all permits issued. These files and records shall be kept open to public inspection. Copies shall be furnished at cost upon request, to any person.

3.3.3 Official Copies: The Zoning Administrator shall maintain one official copy of this Ordinance including the district map, as amended, in accordance with Article 7 of this Ordinance.

3.3.4 Inspections: The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.

3.3.5 Record of Complaints: The Zoning Administrator shall keep a record of every properly filed complaint of violation of the provisions of this Ordinance and of the action taken as a consequence of that complaint.

SECTION 3.4 DUTIES OF THE PLANNING COMMISSION

The Planning Commission shall:

3.4.1 Recommend Policies to the Board of Trustees, and adopt guidelines for the proper administration and enforcement of this Ordinance.

3.4.2 Act on policy matters that may arise and are not covered by adopted policies or guidelines.

3.4.3 Conduct Public Hearings as required by this Ordinance, and Public Act PA 110 of 2006, as amended, making specific findings of fact and a determination on each matter.

3.4.4 Make a comprehensive review and recommend changes to this Ordinance at least every five (5) years in cooperation with affected Township Boards of Trustees.

3.4.5 Conduct studies and make authoritative recommendations to the Township Board of Trustees on matters pertaining to this Ordinance.

3.4.6 Act on site plans on accordance with section 8.5 of this Ordinance.

3.4.7 The zoning commission shall hold a minimum of 2 regular meetings annually, giving notice of the time and place by publication in a newspaper of general circulation in the zoning jurisdiction. Notice shall be given not less than 15 days before the meeting. The zoning commission is subject to the open meetings act.

SECTION 3.5 ZONING PERMITS

The Zoning Administrator is hereby authorized and directed to issue Zoning permits in accordance with the following provisions, in addition to any other requirements contained in this Ordinance:

3.5.1 Jurisdiction: Excavation for buildings or structures shall not be commenced, the erection, addition to, structural alteration of, or moving of any building or structure shall not be undertaken nor shall any use of land regulated by this Ordinance, be changed to a use of a different use group or land use classification until a Zoning permit has been secured from the Zoning Administrator. A Zoning permit shall not be issued for those uses requiring a Conditional Use Permit as provided in this Ordinance, until a Conditional Use Permit has been approved in compliance with the provisions of Article 9 of this Ordinance. A Zoning permit shall not be issued for those uses requiring Parking and Loading Plan Review pursuant to Section 10.2.1 of this Ordinance until such approval is granted. In the case of signs and other structures under the jurisdiction of Article 11 of this Ordinance, a Sign Permit shall be considered a Zoning permit. Except upon written order of the Board of Appeals or Court Order, no Zoning permit shall be issued that would otherwise be a violation of any provision of this Ordinance.

3.5.2 Application for Zoning permits: An application for a Zoning permit shall be considered for approval by the Zoning Administrator when said application contains the following information:

- A. In the case of a permit for buildings proposed for human occupancy or required by law to have plumbing fixtures, either a report from the Shiawassee County Health Department certifying in writing the approval of a private sanitary sewage disposal system, or when public sanitary sewage service are available or required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
- B. When a municipal, public or private water supply system is required by law or proposed by the applicant, either a report from the Shiawassee County Health Department, certifying approval of private water supply systems, or when municipal or public water supply is required by local ordinance or state law, a written notice of acceptance or hook-up fee shall be required.
- C. When a new or rehabilitated driveway is required or proposed, a receipt of application for Driveway Permit from the County Road Commission, or in the case of driveways off M-21 or M-52 a ROW Permit from MDOT, shall be required.
- D. Whenever more than one (1) acre of land is disturbed or when development is proposed within 500 feet of a river, stream, open drain, lake, or other water body, a receipt of application for a Soil Erosion and Sedimentation Control Permit shall be required.
- E. Proof of ownership and a legal description of the property consisting of either a tax notice or tax role entry containing said description or a copy of the instrument of transfer or conveyance running to the applicant shall be required.
- F. An accurate, scaled drawing showing the following shall be required except in the case of minor alteration, repair and demolition:

1. the legal dimensions of the lot;
 2. the dimensions location and height of buildings, structures and signs existing and proposed site elements, drive, parking lots, walks, major vegetation, septic and well location, etc.
 3. a scaled drawing of all proposed buildings including floor plans, foundation plans, front, side and rear elevations;
 4. all proposed changes in elevation of the existing ground surface of the lot involved; and,
 5. the location of utilities.
- G. The applicant(s) consent to permit the Zoning Administrator and other employees of the Township to making reasonable inspection of the property for the purpose of determining compliance with the Ordinance.

3.5.3 Affidavit of Compliance: Each application form shall contain a signed affidavit stating that the applicant agrees to comply with all applicable state, federal and local laws, rules and regulations including, but not limited to, the following laws which shall be available for review at the Zoning Administrator.

- A. Land Division Act No. 288 of I 967, as amended
- B. Shiawassee County Sanitary Code
- C. Water Resources Commission Act 245 of I 929," as amended, specifically, Sections 2 through 5
- D. Michigan Public Health Code, Public Act 368 of 1978, as amended
- E. Farmland and Open Space Preservation Act 116 of I 975, as amended
- F. Wetlands Protection Act 203 of 1979, as amended
- G. Inland Lakes and Streams Act 346 of 1972, as amended
- H. "Miss Dig Law", Act 53 of I974, as amended
- I. Airport Zoning Act 23 of 1950, as amended

SECTION 3.6 COORDINATED PERMIT PROCESS

3.6.1 Administration of Development and Construction Permits: In cases where a Construction Permit is required under the State Construction Code, the application for a Zoning permit and a Construction Permit shall be fully coordinated and integrated into a single application and inspection process.

3.6.2 Site Inspection: A site inspection and records search shall be made on all

applications for a Zoning permit to insure compliance with the provisions of this Ordinance and other applicable state, Township and local regulations. Site inspection approval shall be required before issuance of a Zoning permit.

3.6.3 Certificates of Occupancy: Occupancy Certificates shall be granted pursuant to the State Construction Code, provided that the provisions of the State Construction Code, this Ordinance, and any conditions of approval attached to a Conditional Use Permit, Planned Unit Development, or Site Plan Approval are complied with in full.

3.6.4 Agricultural Buildings: In the case of Agricultural Buildings and Structures which are exempt from the provision of the State Construction Code the following shall apply:

- A. The applicant may make a verbal request for a Zoning permit by telephone call to the Zoning Administrator during normal working hours, rather than a formal application as required by Section 3.5.2 of this Ordinance.
- B. Agricultural Buildings and Structures shall be exempt from the provisions of Sections 3.5.2 E, 3.5.2 F, 3.5.3, 3.6.2, and 3.6.3 of this Ordinance.
- C. Upon receipt of an application or verbal request, the Township Zoning Administrator shall advise the applicant by letter of the relevant provision of this Ordinance.

SECTION 3.7 FEES

A schedule of fees shall be established by resolution of the Board of Trustees, and revised periodically, as necessary.

SECTION 3.8 ENFORCEMENT, VIOLATIONS, PENALTIES

3.8.1 General Enforcement Procedures:

The Zoning Administrator shall enforce the provisions of this Ordinance in cooperation with the Township Attorney. The Township Attorney shall take legal action against alleged violators of this Ordinance when presented sufficient evidence of violation by the Zoning Administrator.

3.8.2 Violation Procedures:

All violations of this Ordinance noted by the Zoning Administrator and all complaints received by the Zoning Administrator shall be recorded on a form designed for that purpose and filed in accordance with Section 3.3.5 of this Ordinance. The name of the person who files a complaint with the Zoning Administrator shall not be released without the prior consent of the complaining person. Upon receipt of a complaint, or upon other determination of probable cause to believe that a violation may exist, the Zoning Administrator shall make an inspection to determine whether a violation of this Ordinance exists. When a violation is found, the Zoning Administrator shall classify it as an active or passive violation, and proceed as follows:

- A. Active Violations: Active violations are violations which involve ongoing construction, excavation, or other activities which increase the extent of the violation as time passes. All active violations shall be issued a written "Stop Work Order" or Cease and Desist Order which shall be posted on the site and either delivered in

person or mailed to the property owner by certified mail. A "Stop Work Order" or Cease and Desist Order shall state the nature of the violation, the date the violation was observed, the corrective action necessary, and the penalty for continued violation. If the person responsible fails to stop all work in furtherance of the violation of this upon receipt of a "Stop Work Order" or Cease and Desist Order, the Department shall seek an immediate Temporary Restraining Order from the Circuit Court or request criminal prosecution.

- B. **Passive Violations:** Passive violations are violations which do not involve ongoing construction, excavation, or other activities which increase the extent of violation as time passes. The property owner maintaining a passive violation shall be contacted in person or by mail by the Zoning Administrator. The Zoning Administrator shall explain the intent of this Ordinance, the nature of the violation and the corrective action necessary to comply with this Ordinance. When a property owner or other party who has violated this Ordinance manifested by word or action and intent not to comply with the Ordinance, the Zoning Administrator may proceed without delay with the appropriate legal action. When a property owner or other party who has violated this Ordinance expresses an intent to correct the violation the Zoning Administrator may allow a reasonable time period, not to exceed thirty (30) days, for correction of the violation.
1. At the end of the correction period, the Zoning Administrator shall make a formal inspection of the property to determine if the noted violations have been corrected. A record of this inspection shall be made and shall contain photographs, instrument reading, and other information necessary to establish the nature and extent of any remaining violation.
 2. If corrective action has been taken by the property owner or other person responsible for the violation, the Zoning Administrator shall indicate that the property is in compliance with this Ordinance in a letter to the property owner. If the noted violations remain and are evident in the record of formal inspections, the Zoning Administrator shall issue a "Notice of Violation". Said notice shall be delivered in person or by first class mail to the property owner or other person responsible for the violation and shall contain the date of formal inspection, the provisions of this Ordinance violated, the penalties which may be imposed, and the amount of time allowed for corrective action not to exceed fifteen (15) calendar days.
 3. At the end of this correction period, the Zoning Administrator shall again make a formal inspection of the property to determine whether or not the indicated corrective actions have been taken.
 4. If the violation remains, the Zoning Administrator shall issuance a ticket under the Township's Municipal Civil Infraction Ordinance or seek other appropriate civil action against the property owner or other person responsible for the violation.
- C. **Appearance Summons:** The use of an appearance summons in connection is hereby authorized.

3.8.3 **Appeals:** Any person receiving a Notice of Violation or who is aggrieved by

action taken by the Township Zoning Administrator pursuant to Section 3.8.4 of this Ordinance may appeal the decision of the Zoning Administrator pursuant to Section 4.6.1 of this Ordinance provided a Notice of Appeal is filed within ten (10) working days of receipt of Notice of Violation or Notice of Action taken pursuant to Section 3.8.4 of this Ordinance.

3.8.4 Administrative Sanction: The Zoning Administrator shall refuse to issue Zoning permits to any person who has failed to take corrective action upon receipt of a Notice of Violation, Stop Work Order, or who is currently maintaining a violation of this Ordinance, or the Michigan Construction Code Act 230 of 1977, as amended.

3.8.5 Civil and Criminal Penalties: Enforcement may be accomplished by civil action, criminal prosecution, along with any other remedies provided by law. Any person convicted of violating any of the provisions of this Ordinance shall, be punished by imprisonment in the County Jail for not more than ninety (90) days, or by a fine of not more than five-hundred dollars (\$500.00) and the cost of prosecution, or by both such fine and imprisonment at the discretion of the Court. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Violation of the Ordinance is hereby declared a nuisance, per se, and conviction of the penal provisions shall not preclude other civil proceedings to abate such nuisance.

3.8.6 Certain Violations as Nuisance Per Se: Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance or regulation adopted under this act is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land is liable for maintaining a nuisance per se. The legislative body shall in the zoning ordinance enacted under this act designate the proper official or officials who shall administer and enforce the zoning ordinance and do either of the following for each violation of the zoning ordinance:

- A. Impose a penalty for the violation.
- B. Designate the violation as a municipal civil infraction and impose a civil fine for the violation.

SECTION 3.9 STREET ADDRESS NUMBERING

In order to assist in the administration and enforcement of this Ordinance and in order to provide for the orderly provision of emergency services, the Zoning Administrator is hereby authorized to assign street address numbers to new buildings and structures in the Shiawassee County building number ordinance. No street address number shall be assigned for a new building or structure which does not fully conform with this Ordinance.

SECTION 3.10 Performance Guarantee

3.10.1 To ensure compliance with a zoning ordinance and any conditions imposed under a zoning ordinance, a local unit of government may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the local unit of

government covering the estimated cost of improvements be deposited with the clerk of the legislative body to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity of project. The local unit of government may not require the deposit of the performance guarantee until it is prepared to issue the permit. The local unit of government shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses

3.10.2 This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the land division act, 1967 PA 288, MCL 560.101 to 560.293

ARTICLE 4: OWOSSO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

SECTION 4.1 PURPOSE AND INTENT

The purpose of this Article is to insure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured and substantial justice done.

SECTION 4.2 MEMBERSHIP, COMPENSATION, AND REMOVAL

4.2.1 Membership: The Board of Appeals shall consist of five (5) members. The term of each member shall be for three (3) years. Each member of the Board of Appeals shall be chosen from electors residing in Owosso Charter Township. . One regular member may be a member of the legislative body but shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the legislative body may not serve as a member of the Zoning board of Appeals. One member of the Board of Appeals shall be a member of the Township Planning Commission. In addition the Township Board may appoint not more than two (2) alternate members of the Zoning Board of Appeals to serve for three (3) year terms. An alternate member of the Zoning Board of Appeals shall serve as a regular member of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of a conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall be called to serve by the Chairman of the Zoning Board of Appeals or the Acting Chairman in the absence of the Chairman, when the absence, unavailability or conflict of interest of a regular member becomes known to the Chairman or Acting Chairman

4.2.2 Compensation: The members of the Board of Appeals shall be compensated a per diem amount as shall be determined by the Board of Trustees and in addition shall be reimbursed for reasonable expenses incurred in the performance of their duties. The total amount allowed to members of the Board of Appeals in one year shall not exceed a reasonable sum which shall be provided in advance by the Township Board of Trustees.

4.2.3 Removal: The Township Board of Trustees may remove a member of the Appeals Board for nonfeasance, malfeasance or misfeasance in office,

SECTION 4.3 ORGANIZATION

4.3.1 Rules of Procedure: The Board of Appeals shall adopt rules of procedure for the conduct of its meetings and implementation of its duties. The Board shall annually elect a chairperson, a vice- chairperson, and a secretary.

4.3.2 Meetings and Quorum: Meeting with the Board of Appeals shall be held in compliance with Public Act 267 of 1976, as amended. A majority of the total membership of the Board of Appeals shall comprise a quorum.

4.3.3 Oaths and Witnesses: The chairperson may administer oaths and compel the

attendance of any witness in order to insure a fair and proper hearing.

4.3.4 Records: The minutes of all meetings shall contain the grounds for every determination made by the Board of Appeals including all evidence and data considered, all findings of fact and conclusion drawn by the Board of Appeals for every case, along with the vote of each member and the final ruling on each case. The Board of Appeals shall file its minutes in the Office of the Township Clerk.

4.3.5 Counsel: Legal Counsel may be retained by the Board of Appeals for any purpose deemed necessary provided that such appointment or retainer shall be approved in advance by the Township Board of Trustees.

SECTION 4.4 PROCEDURES

4.4.1 Fees: Appeal fees shall be established by the Board of Trustees. The Board of Appeals may waive the appeal fee upon finding that the fee represents a financial hardship to the appellant.

4.4.2 Procedures on Hearings: An application for a hearing before the Board of Appeals shall be filed with the Zoning Administrator along with the required fees. The Chairman of the Board of Appeals shall fix a reasonable time and date for a Public Hearing not to exceed forty-five (45) days from the date of filing of the application. Upon determination of the date and time of Public Hearing, the Zoning Administrator shall publish a hearing notice and shall also notify the following by first class mail or in person not less than fifteen (15) days before the public hearing:

- A. To the appellant;
- B. In the case of an administrative appeal, to the officer or agency from which the appeal is taken;
- C. To all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet;

4.4.3 Notice of Public Hearing: The notices referred to in Section 4.4.2 shall publish a notice of public hearing in a newspaper which circulates in the Township pursuant to Public Act 110 of 2006, as amended. Both the published and mailed notices shall contain the date, time, and place of hearing, a description of the matter under consideration, a general description of the property involved, the name of the applicant and where further information can be obtained.

4.4.4 Decisions: The Board of Appeals shall render its decision within 45 days of filing of Notice of Appeal unless an extension of time is necessary to review new information pertinent to making the decision agreed upon by the applicant and a majority of the members of the Board of Appeals present. The zoning board of appeals shall state the grounds of any determination made by the board. The concurring vote of a majority of the members of the zoning board of appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance.. The

Board of Appeals may impose conditions with an affirmative decision. The decision of the Board of Appeals may be appealed to the Circuit Court pursuant to Public Act 110, of 2006, as amended.

SECTION 4.5 JURISDICTION

The Owosso Charter Township Board of Appeals shall have the following powers:

4.5.1 Appeals of Administrative Decisions.

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the zoning ordinance including site plans and Conditional Use Permits. An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or local unit of government.
- B. An appeal under this section shall be taken within 30 days of the date of the decision being appealed, by the filing with the officer from whom the appeal is taken and with the zoning board of appeals of a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.
- C. An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.
- D. The zoning board of appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

4.5.2 Interpretation of the Ordinance: The Board of Appeals shall hear and decide on requests to:

- A. Interpret the provision of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such requests, the Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance and the Article in which the language in question is contained. The Board of Appeals may adopt a Dictionary of Land Development Terms to assist such interpretations.
- B. Determine the precise location of the boundary lines between zoning districts in

accordance with Section 7.1.1 of this Ordinance, and records, surveys, maps, and aerial photographs.

- C. Determine the classification of a use of land not specifically mentioned as a part of the provisions of any district, so that it conforms to a comparable permitted or prohibited use of land, in accordance with the purpose and intent of each district.
- D. Determine the off-street parking and loading requirements of a use of land not specifically mentioned in Article 10 of this ordinance such that it conforms to a comparable use of land contained in Article 10 of this Ordinance.

4.5.3 Variance: The Board of Appeals may authorize specific variances to site development requirements, regulations and conditions, parking, and loading requirements advertising structure requirements of this Ordinance and other nonuse requirements of the zoning ordinance

- A. In order to approve a nonuse variance a finding of practical difficulty must be reached based on the request meeting all the required standards below and the record of proceedings of the Board of Appeals contains evidence supporting each conclusion.
 - 1. The standard for which the variance is being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome.
 - 2. The variance would do substantial justice to the applicant as well as to other property owners in the zoning district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others.
 - 3. The problem is due to circumstances unique to the property and not to general conditions in the area
 - 4. The problem that resulted in the need for the variance was not created by the applicant or previous owners of the property
 - 5. Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.
- B. Every variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance has been commenced within six (6) months after the granting of the variance
- C. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be submitted for a period of one (1) year from the date of denial, except on the grounds of newly discovered evidence of proof of changed conditions found, upon inspection by the Board of Appeals, to be valid

4.5.4 Nonconformity Appeals: Nonconforming uses or structures may be structurally

altered, expanded, moved, re-established, or substituted with another nonconformity upon appeal, in cases of necessary hardship or other extenuating circumstances, when approval of said appeal will not have an adverse effect on surrounding property, public health, or safety, and will not substantially increase the level of nonconformity of the property.

SECTION 4.6 CONDITIONS OF APPROVAL

The Board of Appeals may impose, in writing, specific conditions with the affirmative decision pursuant to Public Act 110 of 2006, as amended. An affirmative decision will remain valid only as long as the applicant begins the proposed land use, building or structure within six (6) months of written notification of the decision. The breach of any such condition shall be a violation of this Ordinance.

SECTION 4.7 BONDING

The Board of Appeals may require that a bond be furnished to insure compliance with certain conditions imposed with the granting of any appeal, variance, or Site Plan Review approval. The amount and type of the bond shall be determined by the Owosso Charter Township Board of Appeals by estimating the scale of said operation. The bond shall be reasonable, appropriate, and commensurate with the scope of the project. The amount of the bond shall be reduced at a rate equal to the ratio of work completed on the required improvements as work progresses. The term "improvements" shall not be construed to mean the project itself, but rather those features associated with the project which are deemed necessary to protect the health, safety and welfare of Owosso Charter Township's resources and future users or inhabitants of the proposed project.

SECTION 4.8 DECISION AS FINAL; APPEAL TO CIRCUIT COURT

The decision of the zoning board of appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located as provided under section 4.10.

SECTION 4.9 CIRCUIT COURT; REVIEW; DUTIES

4.9.1 Any party aggrieved by a decision of the zoning board of appeals may appeal to the circuit court for the county in which the property is located. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

- A. Complies with the constitution and laws of the state.
- B. Is based upon proper procedure.
- C. Is supported by competent, material, and substantial evidence on the record.
- D. Represents the reasonable exercise of discretion granted by law to the zoning board of appeals.

4.9.2 If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The zoning board of appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

4.9.3 An appeal under this section shall be filed within 30 days after the zoning board of appeals certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals.

ARTICLE 5: DEFINITIONS AND INTERPRETATIONS

SECTION 5.1 INTENT AND PURPOSES

The purpose of this Article is to establish rules for the interpretation of the text of this Ordinance, to define certain words and terms, and to provide for the interpretation of this Ordinance by adoption of a technical dictionary.

SECTION 5.2 USE OF WORDS AND TERMS

5.2.1 Words used in the present tense shall include the future tense, words in the singular shall include the plural, and words in the plural number shall include the singular, unless the context clearly indicates and stipulates the contrary.

5.2.2 The words person, proprietor, property owner, and operator shall be interpreted to include co-partnerships, corporations and joint tenants.

5.2.3 The words property, lot, parcel, real estate, premises, plot, and land shall be interpreted to mean real property as delineated and described by legal documents and instruments.

5.2.4 The word road shall also mean highway, street, alley, drive, lane or other public thoroughfare.

5.2.5 The word building shall include the word structure.

5.2.6 The words used or occupied when applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

5.2.7 The word shall is always interpreted as mandatory and never as permissive or discretionary.

5.2.8 The word may shall be interpreted as permissive or discretionary.

5.2.9 The word required shall be construed to be mandatory.

5.2.10 Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunctions "and", "or", either...or", the conjunction shall be interpreted as follows: "And" indicates that all shall apply; "Or" indicates that one or any combination shall apply; and "Either ... or" indicates that one shall apply but not in combination.

5.2.11 Terms not defined in this Ordinance shall be given the customary meaning.

SECTION 5.3 DEFINITIONS

5.3.1 "A"

Accessory Structure: A building or structure located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use.

Accessory Use: A use of land or of a building or portion thereof which is customarily and

naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or building and located on the same lot with the principal use.

Addition: A structure added to the existing structure after the completion of the existing structure which extends or increases the floor area, or height of a building or structure.

Adult Foster Care Family Homes: Private homes with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The number of occupants in a home, other than the licensee and the licensee's spouse, shall not exceed ten (10) persons. The adult foster care family home licensees must provide the care and be a member of the household and an occupant of the home. The ratio of responsible persons to residents shall not be less than one (1) responsible person to six (6) residents and two (2) children under the age of twelve (12) years or ratio thereof. The two (2) previous statements do not apply to those adult foster care family home applicants or licensees who applied for a license or who were issued a license before the promulgation of these rules.

Adult Foster Care Large Group Homes (13-20 persons): A group home that has an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity.

Adult Foster Care Small Group Homes (1-6 persons): A group home that has the capacity to receive six (6) or fewer adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

Adult Foster Care Small Group Homes (7-12 persons): A group home that has the capacity to receive not less than seven (7) or more than twelve (12) adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

Advertising Structure: A structural poster panel or painted sign, either free-standing or attached to a building for the purpose of conveying information, knowledge or ideas to the public about a subject unrelated to the premises upon which it is located.

Agriculture: See Farm.

Agricultural Building or Structure: An accessory building or structure which is used in an agricultural district.

Agricultural Land: means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops,

field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Airport: means an airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86.

Airport Approach Plan and Airport Layout Plan: mean a plan, or an amendment to a plan, filed with the zoning commission under section 151 of the aeronautics code of the State of Michigan, 1945 PA 327, MCL 259.151.

Airport manager: means that term as defined in section 10 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.10.

Airport Zoning Regulations: means airport zoning regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.

Alteration: Any modification, remodeling, change or rearrangement in the structural or supporting members such as bearing walls, columns or girders, as well as any change in the doors or windows which affect the means of egress which is undertaken without adding to the floor area height or physical size of the building or structure.

5.3.2 "B"

Base Flood Elevation: The highest elevation of a flood having a one percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building which is partly or completely below grade having at least one-half (½) its height below grade.

Building: A combination of material, whether portable or fixed forming a structure having a roof supported by columns or by walls affording a facility or shelter for use or occupancy by person, animals, or property.

Building Official: The officer or other designated authority charged with the administration and enforcement of the State Construction Code, or his duly authorized representative.

5.3.3 "C"

Caliper: The diameter of a tree trunk.

Campground: As defined in Public Act 368 of 1978, Part 125, as amended.

Change of Use: A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State

Construction Code, as amended.

Commercial Use: An activity carried out for pecuniary gain including but not limited to retail sales, repair service or salvage operators, business offices, food service, entertainment, and brokerages.

Conservation Easement: means that term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.

Construction: The erection, alteration, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, and grading of a lot in connection therewith.

Construction Contractors Establishment: A parcel of land, building or structure, or a portion thereof used to store trucks, excavation equipment, supplies, tools, materials utilized by construction contractor, subcontractors, and builders.

Coordinating Zoning Committee: means a coordinating zoning committee as described under section 307

Customary Agricultural Operation: A condition or activity which occurs on a parcel of land in connection with the commercial production of farm products and includes but is not limited to noise, odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, insecticides and herbicides and the employment of labor when such conditions or activities are conducted in usually or generally accepted manner. (See Farm.)

Contiguous: Lots that share a common lot line or land uses which share a common boundary line.

5.3.4 "D"

Demolition: The purposeful razing or destruction, or disassembly of a building or structure.

Density: The number of dwelling units per unit of lot area (See lot area).

Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, land filling or land disturbance, and any extension of an existing use of land.

Development Rights: means the rights to develop land to the maximum intensity of development authorized by law.

Disturbed Land: A parcel of land which is graded, filled, excavated or mined or stripped of its natural vegetative cover or grass for a purpose other than agricultural land use.

Driveway: A private path of travel, which must remain accessible, over which an automobile and/or emergency vehicle may be driven which provides vehicular access from a parcel of land to a public or private road.

Dwelling: Any building, structure or portion thereof, which is designed or used exclusively for human habitation, or as a sleeping place for one (1) or more persons either temporarily or

permanently

Dwelling Unit: A building, or portion of a building, designed exclusively for human occupancy providing complete independent living facilities for one (1) or more persons including permanent provisions for sleeping, cooking and bathroom facilities.

5.3.5 "E"

Erection: The construction, alteration, reconstruction or moving of a structure.

Essential Cropland: Land having soil quality and slopes which are well suited for agricultural crops when treated and managed in accordance with modern agricultural practices. The following soils as listed in the Soil Survey of Shiawassee County, Michigan, United States Department of Agriculture 1978, and represented in said document by these initials: Bm, Br, ChB, ChB2, Ct, En, Fo, Gm, Is, Iv, KhB, Kn, Lm, Ls, Ma, Me, Mm, Mn, Mo, Mr, Ms, Mu, Ny, Ok, Om, Rh, Sh, Sp, Ts, We. When less than 12% slope

Essential Services: The erection, construction, alteration, or maintenance of underground, surface or overhead electrical, telecommunications, cable television, natural gas, public water, and sewage transmission and collection systems, and equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

Excavation: Removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, marrow, shale, limestone, clay or other mineral or organic substances, other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Existing Use: The use of a parcel of land or a structure on the effective date of this Ordinance.

5.3.6 "F"

Family: One or more individuals occupying a dwelling unit and living as a single non-profit housekeeping unit with a single kitchen facility as distinguished from a group of persons occupying a boarding house, tourist home, lodging house, hotel, motel, fraternity or sorority house, or a dormitory.

Family Day-Care Home and "Group Day-Care Home mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group day-care home.

Farm: Real property which is used for commercial agriculture or horticultural, comprising at least twenty (20) contiguous acres but may contain additional noncontiguous acreage, and including all necessary buildings and structures.

Frontage: The total length of the front lot line.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters

- (2) the unusual and rapid accumulation or runoff of surface waters from any source

Flood Hazard Area: Land which on the basis of available flood-plain information is subject to a one percent or greater chance of flooding in any given area.

Flood Hazard Boundary Map: An official map of a community, issued by the Federal Insurance Administration, the boundaries of the areas of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map: An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special hazards and the risk premium zones applicable to the community.

Flood Insurance Study: Flood Insurance Study is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway: The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base flood.

Floor Area: Floor Area is the sum of all horizontal areas of the several floors of a building or dwelling unit, measured from the exterior faces of exterior walls, or from the centerline of walls separating dwelling units. Unenclosed porches, courtyards, patios and cellars shall not be considered as part of floor area, except when utilized for commercial or industrial purposes.

5.3.7 "G"

Garage: A detached or attached accessory building/structure or a portion of a principal building or structure used for the parking or storage of motor vehicles, boats, recreational vehicles, travel trailers and similar items owned by the occupants of the principal building or structure located on the same lot, and not operated as a commercial enterprise.

Grade: The average elevation of the finished surface of ground after the development, filling, or excavation of a parcel of land.

Greenhouse and Nursery, Commercial: 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 for personal enjoyment. Retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display. (See Nursery).

Greenway: means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes

Ground Cover: Grasses or other plants grown to keep soil from being blown or washed away.

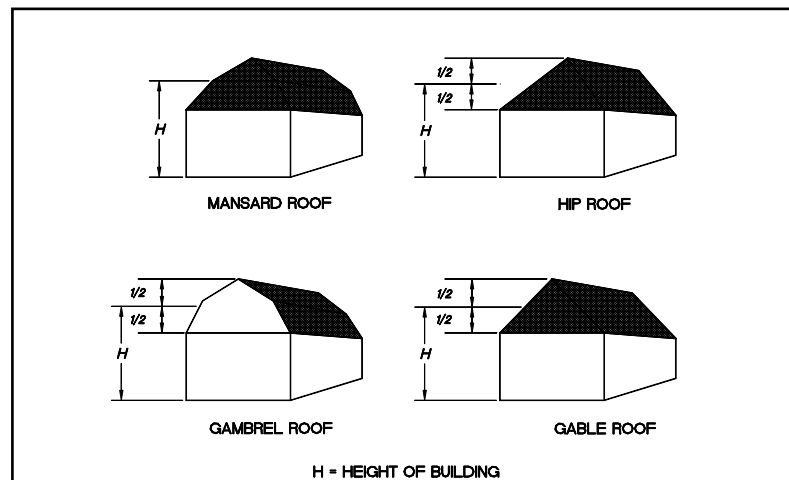
5.3.8 "H"

Heavy Equipment: Commercial vehicles with a Gross Vehicle Weight in excess often-thousand (10,000) pounds, and excavating, grading, road building, earth moving, demolition, loading and

similar equipment.

Height of Building: The vertical distance measured from the established grade at the center of the front of the building to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs (See Figure 5-1).

Figure 5-1



Height of Structure: The vertical distance of a structure measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure.

Highway: a type of major road (see 5.3.13) which is designed to provide for commerce and/or high volume traffic between communities.

Human Occupancy: A building or portion thereof primarily used or intended to be used for individuals to congregate for any purpose and which is equipped with means of egress, light, and ventilation facilities in accordance with the Michigan Construction Code, excluding a building or portion thereof incidental to the use for agricultural purposes of the land on which the building is located or a building used exclusively for the purpose of storage in which there are no employees or occupants.

Home Occupation: An accessory use of a dwelling unit involving the manufacture, provision, or sale of goods and/or services which is conducted entirely within the dwelling and is clearly incidental and secondary to the use of the dwelling as a residence.

Home Occupation, Intensive: An accessory use of a dwelling unit involving the manufacture, provision, or sale of goods and/or services which is conducted within the dwelling or accessory building and is clearly incidental and secondary to the use of the dwelling as a residence.

5.3.9 "I"

Improvements: means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or

inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

Industrial Use: A structure, building, or parcel of land, or portion thereof utilized or inherently designed to be utilized for the purpose of production, manufacturing, processing, cleaning, testing, rebuilding, assembly, distribution, finishing, constructing, and printing of goods or products, and related research and development facilities.

Intensity of Development: means the height, bulk, area, density, setback, use, and other similar characteristics of development.

5.3.10 "J"

Junk: Miscellaneous solid waste, rubbish, scrap, debris, and reclaimable material located outside of a fully enclosed building, including but not limited to tires, vehicle parts, paper, rags, scrap metal and equipment, wood, glass, household appliances, garbage, and partially dismantled, wrecked, unlicensed or abandoned motor vehicles, excluding farm machinery.

5.3.11 "K"

Kennel: The housing or keeping of more than four (4) animals on a lot or in a structure. Kennels, Commercial (7 or more dogs) - The housing or keeping of seven (7) or more dogs over four (4) months of age, for any purposes or the keeping of any number of dogs for commercial training, breeding or boarding.

5.3.12 "L"

Zoning Ordinance: The title given to this Ordinance which is more commonly referred to and known as a Zoning Ordinance.

Zoning Administrator: The public official whose duty is to administer and enforce this Ordinance also known as Zoning Administrator.

Land Use: A description of how land is occupied or utilized.

Land Use Policies: Statements of policy for various types of development adopted pursuant to Public Act 33 of 2008, as amended.

Local Unit of Government: means a county, township, city, or village.

Lot: A parcel of land, or contiguous parcels of land under one ownership described with fixed boundaries, of sufficient size and configuration to meet the site development requirements of this Ordinance and having access to a public or private road which has been approved under the Land Division Act No. 288, of 1967, as amended, previous state law such as the Plat Act or as a condominium unit under the Condominium Act.

Lot Area: The total area within the described lot lines of a parcel of land, excluding land in the road right-of-way.

Lot, Corner: A parcel of land abutting upon two or more streets at their intersection, or upon parts of the same street forming an interior angle of less than one-hundred thirty-five (135) degrees.

Lot Coverage: That portion of the area of lot that contains buildings and structures, decks, patios, driveways, sidewalks or other paved or built on land and measured as a percent of the entire lot area.

Lot Depth: The distance from the front lot line to the rear lot line measured in the general direction of the side lines of the lot.

Lot, Interior: A lot other than a corner lot.

Lot Line: The boundaries of a lot which divide one lot from another lot or from a public or existing private road or any other publicly owned parcel of land.

Lot Line, Front: That side of the lot abutting upon a public or private street right-of-way ; in the case of a corner lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage. The side of a corner lot to be considered the front shall be identified by the developer of a subdivision or condominium on the plat or by a property owner on their zoning permit plot plan or site plan drawing.

Lot Line, Rear: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line forty (40) feet entirely within the lot parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Width: The length measured in linear feet of the front lot line.

5.3.13 "M"

Major Road: Those public thoroughfares shown in the Township's Master Plan as collector, major, primary, arterial, or highways.

Massage: Means offering for sale through the use of physical, mechanical or other devices, the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating of the body of another.

Master Plan: A plan and set of policies for the development of the Township created by the Owosso Charter Township Planning Commission pursuant to Public Act 168 of 1959, as amended.

Medical Marijuana Dispensary (or Clinic): Means any retail store, store front, office building or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or provides, in any manner, marijuana or cannabis, any product containing marijuana or cannabis, or medical marijuana paraphernalia as described herein. This definition does not apply to patients or caregivers operating pursuant to code provisions as set forth in the residential zoning districts.

Medical Marijuana Growing Facility: Means any building, or portion thereof, that allows

cultivation, growing, processing or distribution of medical marijuana, excluding the cultivation, growing or processing allowed inside a qualifying patient's primary, legal residence.

Mobile Home Park: Any parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used, or intended for use, accessory and incidental of such a mobile home.

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Mobile Home Subdivision: A development reviewed and approved under the subdivision standards of the Land Division Act in which mobile homes not otherwise meeting the standards for single-family residences in the township are permitted

Motor Home: A motor vehicle designed to be utilized as a temporary living quarters normally for recreational, camping or travel purposes, having kitchen and bathroom facilities.

Moving: The purposeful removal of a building or structure from a particular location in order to re-establish the building or structure in another location.

Municipal Water Supply: A water supply system owned by a village, township, charter township, city, the State of Michigan, or an authority or commission comprised of these governmental units.

5.3.14 "N"

Natural Watercourse: A open swale stream or other naturally occurring conduit which periodically or continuously contains moving water. Man made ditches dikes berms and established county drains are not considered natural watercourses.

Nursery: A parcel of land utilized for the purpose of growing ornamental trees, shrubbery, house plants, flowers, or perennial ground covers from seed or seedlings for the purpose of retail or wholesale trade.

5.3.15 "O"

Occupancy Certificate: A written document received from the Building Official stating that the State Construction Codes, as amended, and this Ordinance have been complied with as they apply to the construction of a building or structure and the use of a lot and that the building may now be occupied for its previously declared purpose.

Occupy: The residing of an individual or individuals overnight on a parcel of land, or the installation, storage or use of equipment, merchandise or machinery in any institutional, commercial, agricultural, or industrial building.

Open Space: That portion of a lot which is not covered with structures and is open to the sky.

Open Space, Common: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

Other Eligible Land: means land that has a common property line with agricultural land from

which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.

Owner: The owner of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

5.3.16 "P"

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Permit: An official document or certificate issued by an authorized official, empowering the holder thereof to perform a specified activity which is not forbidden by law, but not allowed without such authorization.

Personal Service Establishment: A business which serves the needs of individuals, people, or families.

Examples include: Barber, beauty and nail shops or salons, nails, watch and shoe repair, tailor shops, locksmith, coin operated laundromats, laundry or dry cleaning customer outlets (pick-up stations only), laundry pick-up stations, tanning, fitness or health clubs, physical culture or health establishments, reducing salons, gymnasiums, masseurs, steam baths, upholstering, photographic studios and animal grooming and other uses similar to and compatible with the above establishments.

Planned Unit Development: A parcel of land of a minimum size, as specified in this Ordinance, which is planned and developed as a single entity containing residential clusters and common open space and may contain public, institutional and commercial uses.

Population: means the population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

Preliminary Plat: A proposal for the subdivision of land which is filed with a governmental agency pursuant to the Land Division Act, 1967, as amended.

Principal Use: The primary or predominant purpose to which a parcel of land is devoted as distinguished from an Accessory Use.

Private Sanitary Sewage Disposal System: An individual, on-site sewage disposal system as defined in the Shiawassee County Health Department Sanitary Code.

Private Water Supply: A well or other water supply system approved by the Shiawassee County Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended.

Prohibited Use: A use of land which is not permitted within a particular land development

district.

Public Sanitary Sewer: A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of discharge.

Public Water Supply: A waters works system which provides water for drinking or household purposes to persons other than the supplier of water, except those water works systems which supply water to only one living unit, further defined in Public Act 399 of 1976, as amended.

5.3.17 "Q"

5.3.18 "R"

Recorded: A grant of one or more property rights from a property owner to another person which is permanent and appurtenant to the land and is recorded in the office of the Shiawassee County Register of Deeds

Rehabilitation: The upgrading of an existing building or part thereof which is in a dilapidated or substandard condition.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

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

Residential Use: The use of a building or portion thereof as living quarters, a residence, a domicile or any building or portion thereof designed to be used as a dwelling.

Right-of-Way: A strip of land acquired by reservation, dedication, easement, prescription, purchase or commendation and permanently established for the passage of persons, vehicles, railroads, water, public and private utility lines, and similar uses.

Road, Private: A vehicular way, not under the jurisdiction of a government agency, providing access to two or more parcels of land.

Road, Public: Any vehicular way which is under the jurisdiction of a state, county, municipality, or other governmental authority.

5.3.19 "S"

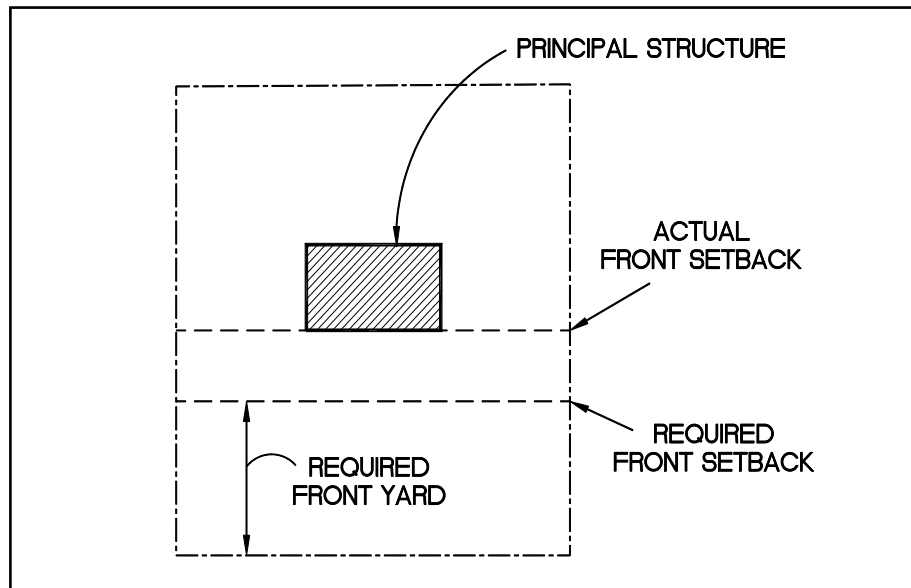
Setback: The minimum horizontal distance between a lot line and a building or structure.

Setback, Actual: The minimum horizontal distance between the principal building, excluding steps and unenclosed porches and the lot line. In the case of a lot on a cul-de-sac or curvilinear street, the setback is measured from the midpoint of the lot width on the front lot line (See Figure 5-2).

Setback, Required: The minimum front, rear and side setbacks as required by the ordinance. In the case of a lot on a cul-de-sac or curvilinear street, the setback shall be measured from the

midpoint of the lot width on the front lot line.

Figure 5-2



Setback Line: A line parallel with and at the minimum required distance from the road right-of-way line.

Sexually Oriented Business: Includes the following subcategories of definition;

- (1) “Adult bookstore” means an establishment which excludes minors and has, as a significant portion of its stock in trade, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films and/or videotapes, or novelty items or paraphernalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, or an establishment with a segment or section devoted to the sale or display of such material which exceeds thirty-five percent of the floor area of the establishment.
- (2) “Adult business” means adult bookstores, adult movie theaters, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors and nude modeling studios, or any combination thereof, “”

- (3) “Adult business, significant portion” means a business where a significant portion of the stock in trade or services provided meets at least one of the following criteria:
 - A. Thirty-five percent or more of the stock, materials, novelties or services provided are classified as adult materials and/or services as defined herein.
 - B. Thirty-five percent or more of the usable floor area of the building is used for the sale, display and/or provision of services as defined herein.
 - C. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business depicts, describes or relates to specified sexual activities and/or specified anatomical areas.
- (4) “Adult cabaret” means an establishment (which may or may not include the service of food or beverages) having as an activity the presentation or display of male or female impersonators, dancer, entertainers, waiters, waitresses or employees who display specified anatomical areas, as defined herein.
- (5) “Adult motion picture theater” means an establishment, in completely enclosed building or room, which excludes minors, and offers, for an admission fee, membership fee or other valuable consideration, the viewing of motion pictures or photographs, cable television, satellite transmissions or other visual media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, as defined herein, for the observation of patrons therein.
- (6) “Adult novelties” means objects, items and/or devices offered for sale which are designed for sexual stimulation or which simulate human genitals.
- (7) “Adult personal service business” means a business having as its principal activity a person, while nude or while displaying specified anatomical areas, as defined herein, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios and conversation parlors.
- (8) “Buttock” includes the perineum and anus of any person.
- (9) “Massage parlor” means an establishment wherein private massage is practiced, used or made available as a principal use of the premises. An establishment primarily in the business of providing massage services and is not a myotherapy establishment, is not licensed by the State of Michigan and the staff do not have proof of graduation from a school of massage licensed by the State of Michigan.
- (10) “Nude Modeling Studio” means a place which offers as its principal activity the providing of models to display specified anatomical areas, as defined herein, for artists and photographers for a fee.
- (11) “Offered for sale” means offered in exchange for money, a membership fee or any other valuable consideration.

- (12) "Sodomy" means sexual bestiality.
- (13) "Specified anatomical areas" means:
- A. Human male genitals in a discernible turgid state, even if completely and opaquely covered; or
 - B. Less than completely and opaquely covered;
 - 1. Female breasts below a point immediately above the top of the areola.
 - 2. Human genitalia and the pubic region; and
 - 3. A buttock and anus.
- (14) "Sexual intercourse" includes genital coitus, fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, or any person's body, or of any object into the genital or anal openings of another's body:
- (15) "Specified sexual activities" are defined as:
- A. Acts of human masturbation, sexual intercourse or sodomy;
 - B. Fondling or other erotic touching of human genitalia, a pubic region, a buttock, an anus or female breast;
 - C. Human genitalia in a state of sexual stimulation or arousal.

Shopping center: A group of four (4) or more adjacent commercial and/or office buildings with a central parking area that is developed as a single project.

Signs

- (1) Sign: Sign shall mean and include every individual announcement, declarations, demonstration, display, illustration, insignia, surface or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person. This definition shall include billboard signs, signs painted directly on walls of structures, and portable signs.
- (2) Sign, Advertising: Any sign erected for the purpose of advertising a business, product, service, event, person or subject not relating on the premises on which said sign is located.
- (3) Sign, Billboard: An off-premise sign applied to panels with over three-hundred (300) square feet of display area and used for out-door advertising of a business, product, service, event, person or subject including those signs as regulated by the Michigan Department of Transportation pursuant to Public Act 106 of 1972," as amended.
- (4) Sign, Business: Any sign erected for the purpose of advertising a business, product, or subject related to the premises on which said sign is located.

- (5) Sign, Display Area: Display area means the entire area within a circle, triangle or parallelogram enclosing the extreme limits or writing, lighting, representation, emblem or any figure of similar character, together with any frame or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign; except that where two such faces are placed back to back and area at no point is more than three feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, and the area of the larger face if the two faces are of unequal area.

EXCEPTION 1: The display area of signs painted directly on building wall surfaces shall be that area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, letters, or numbers.

EXCEPTION 2: Time and temperature displays including clock facings shall not herein be defined as sign display area.

- (6) Sign, Ground: A sign which is supported by one or more uprights in or upon the ground where parts of the display surface are less than eight (8) feet above the grade to the bottom of the display area.
- (7) Sign, Height: The height of sign shall mean the maximum vertical distance from the uppermost extremity of a sign or sign support to the average ground level at the base of the sign.
- (8) Sign, Home Occupation: A sign containing only the name and occupation used for the purpose of advertising services in conjunction with a lawful home occupation.
- (9) Sign, Identification: A sign giving the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.
- (10) Sign, Marquee: A sign which is attached to or hung from the underside of a marquee, awning, canopy, or other covered structure projecting from and supported by a building and does not project horizontally beyond or vertically above said marquee, awning, canopy, or covered structure.
- (11) Sign, Name Plate: A sign located on premises, giving the name or address, or both, or the owner or occupant of a building or premises.
- (12) Sign, Off-Premise: A sign located on a different parcel of land or lot or premise than where the business, product, service, event, or person or subject is being advertised.

- (13) Sign, On-Premise: A sign located on the parcel of land or lot advertising a business, product, service, event, person or subject being offered on said parcel of land or lot.
- (14) Sign Pole: An advertising structure which is supported by one or more uprights with all parts of the display surface of the sign eight (8) feet or more above the grade at the base of the sign.
- (15) Sign, Portable: A sign that is not permanent, affixed to a building, structure or the ground including signs supported on mobile chassis other than motor vehicles.
- (16) Sign, Projecting: A sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.
- (17) Sign, Roof: A sign which is erected, constructed and maintained upon or above the roof of a building, or parapet wall and which is wholly or partially supported by said building.

EXCEPTION: For the purpose of this definition of roof sign, a sign that is mounted on a mansard roof, roof overhang, parapet wall, above a marquee, or on a wall with a roof below, shall not be considered as a roof sign but shall instead be considered as a wall sign for that side of the building, provided that no part of such sign extends above the uppermost building line not including chimneys, flag poles, electrical, mechanical equipment, TV antennas and other similar equipment and extensions.

- (18) Sign, Setback: The minimum linear distance as measured from the road right-of-way line to the nearest part of the sign or advertising structure.
- (19) Sign, Wall: A sign that is attached directly to a wall, mansard roof, roof overhang, parapet, wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, and which projects not more than fifteen (15) inches from the building or structure wall, and which does not have any part of such sign or sign supports extending above the uppermost building line not including chimneys, flag poles, electrical or mechanical equipment, TV antennas or any other similar equipment or extensions

Single-Family Dwelling: A dwelling which is constructed in accordance with the State Construction Code or the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards, and is capable of containing a twenty (20) foot by twenty (20) foot square within the outside dimensions of the floor plan, and which is designed for and occupied by not more than one family and is not attached to any other dwelling by any means.

Site Plan: includes the documents and drawings required by the zoning ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

Solid Waste: Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolish building materials, ashes, incinerator residue, street cleaning, municipal and industrial sludge's, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or a re-user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a re-user of slag or slag products.

State Construction Code: Michigan Law governing the construction, alteration, demolition, moving, occupancy, and use of buildings and structures. Specifically, Act 230 of the Public Acts of 1972, as amended.

Stop Work Order: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Structural Alterations: Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or in the dimensions or configurations, or of the roof and exterior walls or means of egress.

Structure: A combination of materials whether fixed or portable, anything constructed, erected, or artificially built-up which requires a location on or below the surface of land or water including a part or parts thereof and all equipment within the structure.

Subdivision: The partitioning or dividing 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, where the act of division creates more lots than the number of exempt land divisions permitted under the Land Division Control Act of 1967, as amended.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include: (1) any project for improvement of a structure to comply with existing state of local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming or Bathing Pool: A nonporous container containing water having a depth of greater than twenty-four (24) inches or having a surface area of greater than two-hundred fifty (250) square feet, or a pool permanently equipped with a water recirculating system or constructed of structural materials.

6.2.15 “T”

Tower, Freestanding: Towers erected for the purpose of radio wave communications which are more than eighty-five (85) feet in height above the grade at the base of the structure.

Travel Trailer: A vehicular portable structure built on a chassis which is less than thirty-two (32) feet in length and is of such a width and weight not to require special highway movement permits when drawn by a vehicle.

6.2.15 “U”

Undeveloped State: means a natural state preserving natural resources, natural features scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

Use: The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

Use Group: The classification of a building or structure based upon its purpose as contained in the State Construction Code.

6.2.15 “V”

Variance: Permission given to a property owner to depart from the literal requirements of this Ordinance which may occur when compliance with this Ordinance would create a practical difficulty on the property owner. A nonuse variance is a variance from the requirements of the ordinance other than those that regulate the type of use allowed. A use variance is a variance that allows a use on a parcel that would otherwise not be allowed on that property under the terms of the ordinance.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, or road, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Veterinary Clinic: A facility for the examination and treatment of animals, excluding temporary boarding facilities.

Veterinary Hospital: A facility for the examination and treatment of animals, including temporary boarding facilities.

6.2.15 “W”

Wall: The vertical exterior surface of a building and the vertical interior surfaces which divide a building’s space into rooms.

Watercourse: An open conduit either naturally or artificially created which periodically or

continuously contains moving water draining an area of at least two (2) acres.

6.2.15 “X”

6.2.15 “Y”

Yard: An open space on the same lot with a building which lies between the building and the nearest lot line or road right-of-way line, unoccupied and unobstructed from the ground upward, except as otherwise specifically provided for in this Ordinance. The measurement of a yard shall be the horizontal distance between the lot line and the building line.

Yard, Minimum Front: A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto at a distance therefrom equal to the depth of the minimum required yard.

Yard, Minimum Rear: A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto at a distance therefrom equal to the depth of the minimum required yard.

Yard, Minimum Side: A yard on the same lot as a building situated between the side lot line and a line parallel thereto at a distance therefrom equal to the depth of the minimum required yard.

6.2.15 “Z”

Zoning: The dividing of the Township outside the limits of cities, villages, and townships having a zoning ordinance, into districts of a number and shape considered best suited to carry-out the purposes of the Township Rural Zoning Enabling Act, Public Act 110 of 2006, as amended, and the creation of uniform regulations throughout each individual district. Such districts are referred to as Land Development Districts in this Ordinance.

Zoning Board: means a county zoning commission created under the county zoning act, 1943 PA 185, MCL 125.201 to 125.240, or a township zoning board created under the township zoning act, 1943 PA 184, MCL 125.271 to 125.310, that existed on the effective date of this act.

Zoning Commission: means a zoning commission as described under section 301.

Zoning Jurisdiction: refers to the area encompassed by the legal boundaries of a city or village or to the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to township zoning by a township that has adopted a zoning ordinance under this act.

Zoning permit: A permit issued to a person proposing a development which is regulated by this Ordinance, which indicates compliance with the Ordinance and thereby permission to proceed.

ARTICLE 6: GENERAL PROVISIONS

SECTION 6.1 INTENT AND PURPOSE

It is the purpose of this Article to establish within this Article regulations and conditions generally applicable to all districts of this Ordinance.

SECTION 6.2 GENERAL REGULATIONS AND SPECIFICATIONS

The following regulations shall apply to all districts of this Ordinance unless specifically exempted elsewhere in this Ordinance.

6.2.1 Minimum Lot Requirements: Every principal structure shall be placed on its own lot unless otherwise permitted under this ordinance such as apartment complexes and shopping center. Principal structures shall not share lots. A legal description of the lot must be presented when application is made for a Zoning permit.

6.2.2 Access Required: All lots created after the effective date of this Ordinance, shall have the required minimum lot width along and adjacent to a public road or the required minimum lot width and access provided to a public road by either of the following:

- A. Flag Lots, a single lot may be provided access to a public road by right-of-way of not less than sixty six (66) feet in width. The right-of-way shall be established by recording transfers of legal or equitable title or permanent easement with the County Register of Deeds. A-right-of-way shall provide access for a single lot without overlapping any existing access rights-of-way.
- B. Private Roads, one or more lots may be provided access to a public road by a private road. Lots served by private roads shall have the minimum lot width along and adjacent to the private road. A private drive meeting the following requirements must be established prior to the issuance of a zoning permit.
 - 1. Minimum right-of-way width of sixty-six (66') feet.
 - 2. Road name approved by the County Emergency 911 Agency
 - 3. Road name sign of a type approved by the County Road Commission and placed at the intersections of the private road and all public or private roads.
 - 4. The Road shall be constructed to the standards adopted and publish by the County Road Commission for "rural" subdivision streets, except the bituminous surface may be omitted for roads serving less the nine (9)residential lots.

6.2.3 Required Water Supply and Sanitary Sewage Facilities: No structure for human occupancy shall be erected, altered, or moved upon any premises and used in whole or in part for residential assembly, business, industrial, institutional, or mercantile purpose unless said structure shall be provided with a water supply and waste water disposal system that conforms with the requirements of the Shiawassee County Health Department, Michigan Construction Code Act, Public Act 368 of 1978, as amended, and any local ordinances, applicable to public sanitary sewer and public water supply.

6.2.4 Earth Removal, Grading, and Filling: In order to protect adjacent properties, public roads, public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

- A. The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flow away from the building or structure and is managed in a manner which avoids: Increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse or the creation of standing water over a private sewage disposal drainage field.
- B. Filling with earth or other materials a parcel of land to an elevation above the established grade of adjacent developed land is prohibited without the expressed written approval of the Zoning Administrator
- C. Any land development which disturbs the existing grade more than one (1) acre of land or lies within five-hundred (500) feet of a river, stream, lake, or open drain, shall require a Soil Erosion and Sedimentation Control Permit pursuant to Public Act 347 of I 972, as amended.
- D. Any development or use of property which proposed to fill or excavate the site such that more than three-hundred (300) cubic yards of earth will be removed from the site or hauled to the site from another location, shall require the written approval of the Zoning Administrator

6.2.5 Lot Frontage/Depth Ratio: In order to conserve land resources including productive farmland; and in order to limit overcrowding of land, all lots created after the effective date of this Ordinance having a lot area of less than fifteen (15) acres, shall be required have frontage which is equal to or greater than one-third (1/3) the depth of said lot. Lots of fifteen (15) acres or more, but less than twenty five (25) acres shall be required to have frontage which is equal to or greater than one-fourth (1/4) the depth of said lot.

6.2.6 Temporary Dwellings: No building or structure hereafter erected or moved upon a lot which does not meet the requirements of this Ordinance shall be used or occupied as a dwelling. No garage, barn, or accessory buildings, travel trailer, motor home, or cellar, whether fixed or portable, shall be used or occupied as a dwelling for a period of time greater than thirty (30) consecutive days within a one (1) year period. The Zoning Administrator may grant thirty (30) day extensions of the time limitation when the occupant is actively constructing a site-built single family dwelling. These extensions shall not exceed one hundred eighty (180) consecutive or nonconsecutive days during the construction of the dwelling. The extension shall not be granted if construction ceases or the property is found in violation of any Local, State or Federal regulations.

6.2.7 Temporary Buildings: Mobile offices, tool sheds, storage trailers, shall be permitted during the time of actual construction, provided they are located pursuant to Section 6.2.10 of this Ordinance, and are in compliance with the Shiawassee County Sanitary Code. Said structures shall be removed within twelve (12) working days after the completion or abandonment of construction work on the property.

6.2.8 Swimming Pools: Pools used for swimming or bathing shall be constructed in conformance with the Michigan State Construction Code Act and shall conform to the setback requirements for accessory uses pursuant to Section 6.2.10 of this Ordinance. No swimming or bathing pool shall be located within twenty (20) feet of a septic tank, sewer line, dry well, drain field, or over any area designated as reserved for a replacement drain field.

6.2.9 Junk: No person shall store, place, abandon, or allow to be stored, placed, or abandoned, or allowed to remain on property in their ownership, or control, material defined as junk in Article 5 of this Ordinance, except as provided for in Section 14.2 of this Ordinance.

6.2.10 Accessory Uses, Buildings and Structures: Accessory uses, buildings, and structures that are customarily incidental to that of the principal use of a parcel shall be permitted provided said accessory uses, buildings, and structures are not otherwise regulated by this Ordinance and are in compliance with the following:

- A. Attached accessory buildings and structures shall be considered part of the principal building and shall conform to the site development standards of the land development district in which the structure is located.
- B. Detached accessory buildings or structures shall not be located within the area required for the setback requirements pursuant to Section 16.4 of this Ordinance, and shall be no closer than ten (10) feet from the principal building or any lot line, provided that bus shelters, not to exceed one-hundred forty four (144) square feet in floor area, may be constructed with a minimum setback from the road right-of-way of eight (8) feet.
- C. The lot coverage created by accessory buildings and structures when added to the lot coverage created by principal buildings and structures shall not exceed the maximum lot coverage for each land development district as specified in Section 16.7 of this Ordinance.
- D. Detached single story accessory buildings of less than one-hundred (100) square feet in floor area may be erected or moved onto a lot and situated in compliance with 6.2.10 B without obtaining a zoning permit.
- E. Accessory structures on lots under five (5) acres in area in residential zoning districts shall not exceed fifteen (15) feet in height and shall not exceed twenty (20) feet in height on lots five acres or more in area. For the purpose of this provision, residential districts shall mean the R-1, R-2, R-3, R-4 and R-5 districts.
- F. The total area of accessory structures in residential zoning districts shall not exceed nine hundreds (900) square feet, except that in the R-1 district the total square footage on lots over 22,500 square feet may exceed 900 square feet by 1 square foot for every 100 square feet the lot exceeds 22,500 square feet, but not to exceed 2,000 square feet. For example a lot that is 30,000 square feet in area would be allowed a total of 975 square feet ($30,000 - 22,500 = 7,500$. $7,500/100=75$. $900+75=975$).

6.2.11 Permitted Yard Encroachments: The minimum yard size and setback requirements of this Ordinance subject to the following permitted encroachments.

- A. Existing buildings or structures shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants such as cornices, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features may project into a required yard area no more than five (5) feet.
- B. Terraces, patios, porches and decks provided that they are not covered with a roof, or that the deck or paved area is not more than thirty (30) inches above the average surrounding final grade, or that the deck or paved area is not fully enclosed by a wall or fence over five and one-half (5) feet in height above the average surrounding finished grade and provided that the paved area or deck is no closer than ten (10) feet from any lot line or public right-of-way line.
- C. Fences, walls and screens as permitted in Section 6.9 may encroach upon the minimum yard area and setback requirements of this Ordinance not with standing the provision of Section 6.2.15 Intersection Visibility.

6.2.12 Height Regulations:

- A. General Limitations: All buildings for human occupancy shall be limited to a maximum height of forty (40) feet above the average elevation of the finished grade line of the ground level within twenty (20) feet of the building to the highest point of the roof.
- B. Permitted Exceptions: The following structural appurtenances shall be permitted to exceed the height limitations, provided that no portion of said appurtenances shall be used for human occupancy. Any structural exception to the height limitation shall be erected only to such height necessary to accomplish it's intended purpose. Structural appurtenances exceeding the maximum height limitations within two (2) miles of a public airport shall not be allowed without the approval of the Michigan Aeronautics Commission pursuant to R259.292, Michigan Administrative Code.
 - 1. Ornamental structural appurtenances such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, and monuments, which do not exceed eighty-five (85) feet in height as measured from the ground level at the base of the structure
 - 2. Appurtenances necessary to mechanical or structural functions of a building and structures, such as chimney, smoke stacks, water tanks, wind generators and pumps, elevators, stairwell, penthouses, ventilators, bulkheads, cooling towers, barns, grain elevators, and silos; provided that structural appurtenances in the residential districts, that are designed to serve the occupants of the individual residential use, do not exceed seventy-five (75) feet in height as measured from the ground level at the base of the structure, and that structures for agricultural use located in the Agricultural Districts shall not exceed one-hundred (100) feet in height as measured from the ground level at the structure.
 - 3. Antennas, masts, or aerials as an accessory use of a building provided that they do not exceed eighty-five (85) feet in height as measured from ground level at the

base of the structure.

Communication towers authorized under the provisions of this ordinance

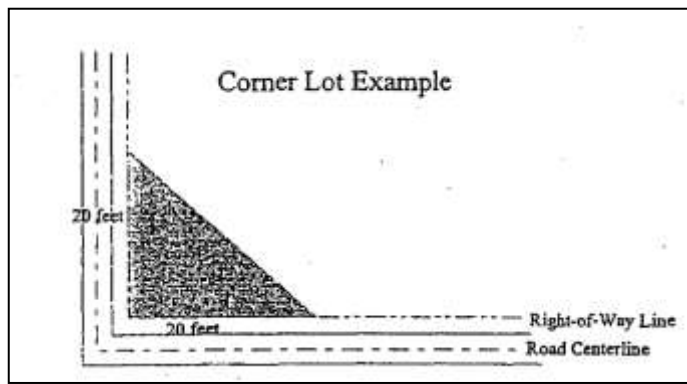
6.2.13 Greenbelt, Buffer Strips, and Berm: A greenbelt, buffer strip, or berm as required by this Ordinance or as a condition to the approval of a Conditional Use Permit shall be installed and maintained for the duration of the principal use of the property in accordance with the following:

- A. A greenbelt shall consist of an open space strip running along the property line at least forty (40) feet in width, seeded and maintained as grass or other plant ground cover.
- B. A buffer strip shall consist of a landscaped strip at least fifteen (15) feet in width containing at least two (2) trees plus one (1) additional tree for each twenty (20) feet in length of the buffer strip. Said trees shall be at least one and three-fourths (1 3/4) inches in caliper measured six (6) inches above ground level and shall be maintained and replaced if necessary as long as the use of the parcel requires such buffering. Said buffer strip area shall be maintained as grass or other plant ground cover.
- C. A berm shall consist of a linear mound of earthen material rising to a height of at least four (4) feet with a minimum base of sixteen (16) feet covered and maintained as grass or ground cover with a base of at least four (4) times the desired height of the berm.
- D. The Planning Commission may waive or modify the buffering requirements above when they determine they are not necessary or appropriate due to existing vegetation or characteristics of the site.

6.2.14 Allocation of Lot Areas: No portion of a lot shall be used more than once in compliance with the site development requirements contained in Section 16.7 of this Ordinance.

6.2.15 Intersection Visibility: No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained in such a way as to obstruct vision between a height of thirty (30) inches and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and the line intersecting right-of-way lines twenty feet from the point of intersection of the right-of-way lines. The thirty (30) inches height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lays between the point of the intersection of the other points twenty (20) feet from the intersection of the right-of-way lines (See Figure 6-1).

Figure 6-1



6.2.16 Prohibited Storage:

- A. Mobile Homes and Modular Homes stored or, displayed for the purpose of sale are prohibited, except within a lawfully established mobile home development or dealership.
- B. Mobile Homes regardless of whether or not the plumbing and mechanical equipment has been removed shall not be used for storage, agricultural purpose or other non dwelling purposes
- C. Semi-Trailers shall not be used as temporary or permanent storage except when specifically authorized as part of a site plan approval provided for in Article 8 of this Ordinance.
- D. The storage of semi-trailers in any residential district is prohibited.
- E. The overnight parking of commercial vehicles shall be limited to four (4) registered and licensed vehicles built on a chassis which is rated one and a half (1 ½) ton or less and not exceeding ten thousand (10,000) pounds in gross vehicle weight, except when said vehicles are associated with the use permitted by a Conditional Use Permit pursuant to Article 9 of this Ordinance. One vehicle may be rated over one and a half (1 ½) ton.
- F. The storage of travel trailers, motor homes, camper trailers, or parking other trailers or recreational vehicles in parking spaces, required by Article 10 of this Ordinance, for a period in excess of fourteen (14) days is hereby prohibited. Such vehicles may be stored in a side or rear lot on a lot used for a single family residence.

6.2.17 Waterfront Setback: No structure which is permitted as a principal structure in all zoning districts and which occupies a lot having frontage on a lake, stream, or river shall be closer than one hundred (100) feet measured from the water's edge to the nearest point of the structure.

6.2.18 Single Family Dwelling Requirements:

- A. It complies with the minimum square footage requirements of this ordinance for the district in which it is located.
- B. It has a minimum width across any front, side or rear architectural elevation of 20 feet and complies in all respects with the Michigan State Construction Code.

- C. It is firmly attached to a permanent foundation and perimeter walls constructed on the site in accordance with said construction code.

SECTION 6.3 FLOOD HAZARD AREAS

6.3.1 Intent and Purpose:

- A. It is the purpose of this Section to significantly reduce hazards to persons and damage to property as a result of flood conditions in Owosso Charter Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, as amended, and subsequent enactment's and the rules and regulations promulgated in furtherance of this program by the United States Department of Housing and Urban Development, Federal Insurance Administration, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976.
- B. Further, the intent of this Section is to protect human life, health and property from the dangerous and damaging effects of flood conditions; to minimize public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas; to prevent private and public economic loss and social disruption as a result of flood conditions; to maintain stable development patterns not subject to the blighting influence of flood damage; to insure that the public has access to information indicating the location of land areas subject to periodic flooding; and to preserve the ability of floodplain to carry and discharge a base flood.

6.3.2 Floodplain Regulations:

All new development within the Township shall comply with the floodplain requirements of the Township's Building Code

SECTION 6.4 TEMPORARY ASPHALT AND CEMENT MIXING PLANTS

The Development Code Official shall issue a permit for a Temporary Asphalt or Cement Mixing Plant for a period of time not to exceed one-hundred twenty (120) days during a single calendar year provided that the following conditions are met:

- 6.4.1 The asphalt or cement mixing plant is necessary for a public project under contract with an agency of a State, County, Township, City or Village.
- 6.4.2 The site is located within the Limited Agricultural Land Development District.
- 6.4.3 The Plant location is at least one-thousand (1000) linear feet from the nearest occupied residential building.
- 6.4.4 The proposed site is approved by the Site Plan Review pursuant to Article 8 of this Ordinance.
- 6.4.5 A Temporary Asphalt and Cement Mixing Plant that proposes to operate more than one-hundred twenty (120) days shall be considered permanent and will be required

to obtain a Conditional Use Permit pursuant to Article 9 of this Ordinance.

SECTION 6.5 TEMPORARY HOUSING PERMITS

The Zoning Administrator may issue temporary housing permits for federally approved single-wide Modular Homes, subject to the following procedures and limitations:

6.5.1 Emergency Housing: When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy as determined by the Building Official, a Temporary Housing Permit shall be issued upon the request of the owner at the time of destruction by the Development Code Official for not more than one (1) year provided the destroyed dwelling is located in the A-1, Prime Agricultural District, A-2, Agricultural District, or the R-1, Residential-Single Family Land Development District

6.5.2 Medical Reasons: A person(s) may make application to the Planning Commission for a Conditional Use Permit to occupy a mobile home as an accessory use to the principal dwelling in the A-1, Prime Agricultural and A-2, Agricultural Districts if a medical condition exists such that said occupant requires continued supervision. Such medical conditions shall be attested to by a licensed physician, stating the nature of the disorder and specifying the level and type of continued care needed by the patient. A Medical Reasons Temporary Housing Permit shall be granted if the Planning Commission finds adequate evidence of the need for supervision, that the proposed location of use will not be detrimental to property in the immediate vicinity, and the Health Department has approved the water supply and sanitary facilities. The Medical Reasons Temporary Housing Permit is issued to the party with the medical condition and is for the applicant's use only and not transferable to any other owner or occupant. All Mobile homes shall be located within two-hundred (200) linear feet of the dwelling occupied by the person provided the continued supervision. The decision of the Planning Commission is subject to appeal under the provision of Section 4.6.1 of this Ordinance. The Medical Reasons Temporary Housing Permit shall be reviewed annually by the Planning Commission to verify compliance with the conditions of the approval.

SECTION 6.6 ADMINISTRATIVE WAIVERS

The following are exceptions to the general standards in this Ordinance dealing with building height, uses, setbacks and other standard requirements.

A. Permitted exceptions to side yard setbacks

On legal non-conforming lots that do not meet the lot width requirement of the district they are located in, the side yard setback may be reduced by the percentage that the required lot width exceeds the actual lot width. For example, on an 80' wide lot in a district that requires a minimum of 100' width, the side yard may be reduced by 20%. In no case may a side yard be reduced to less than five (5) feet.

B. Permitted exceptions to rear yard setbacks

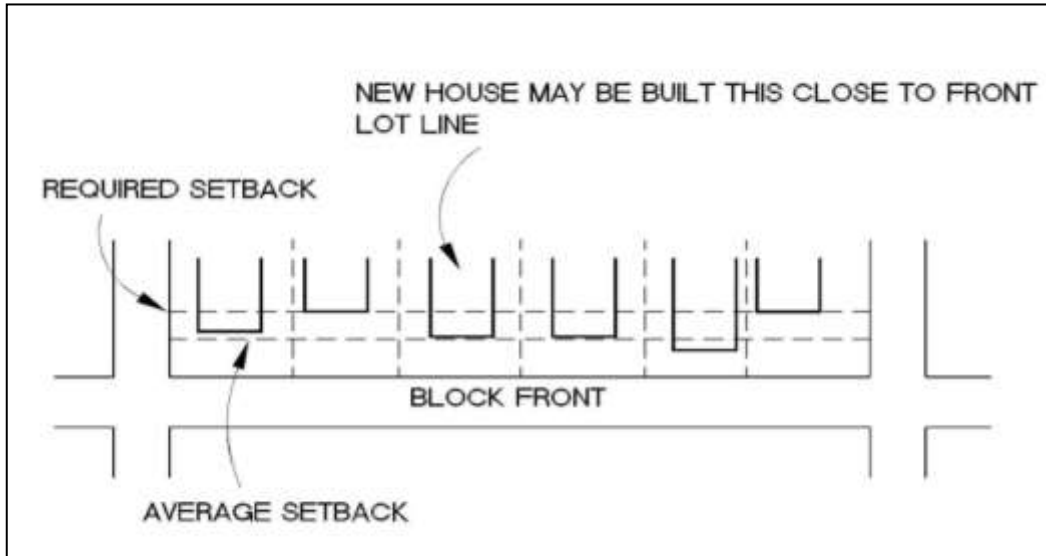
For yards abutting alleys, the rear yard setback shall be measured from the centerline of the alley provided that no structures are placed within the alley's right-of-way.

C. Reduction of Front Yard Setback

In any residential district the front yard setback shall not be greater than the average of the

setbacks of all the principal buildings of the block front it is located on (See Figure 6-2).

Figure 6-2.



SECTION 6.7 ESSENTIAL SERVICES

Nothing in this Ordinance shall prohibit the provision of Essential Services as defined in this Ordinance, provided the installation of such services does not violate any other applicable provision of this Ordinance. Utility poles wires and pedestal boxes that do not exceed either one (1) square feet in area or four (4) in height.

SECTION 6.8 PERFORMANCE STANDARDS

Performance standards for sounds, vibration, odor, gases, glare, and heat, light, electromagnetic radiation, smoke, dust, dirt, flay ash, drifted and blown material shall apply in all Zoning Districts provided they do not conflict with the protection provided to farming operations under the state's Right to Farm Act..

It shall be unlawful to carry on or permit to be carried on any activity or operation or use of land, building, or equipment, that produces irritants to the sensory perceptions greater than the measure herein established which are hereby determined to be the maximum permissible hazards to humans or to human activity.

6.8.1 Sound. The intensity level of sounds shall not exceed the following decibel levels when adjacent to following types of uses:

Decibels (d.b.a.)	Adjacent Use	Where Measured
55	Residential Dwelling	Common Lot Line
65	Commercial	Common Lot Line
70	Industrial and Other	Common Lot Line

The sound level shall be measured with a type of audio output meter approved by the Bureau of Standards. Objectionable noises due to intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent property.

6.9.1 Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground. Fences located in the front yard or beyond the front of the house shall not exceed four (4) feet in height, measured from the surface of the ground and shall have at least a seventy-five percent (75%) open area. No fence, wall, planting or structure shall, within ten (10) feet of any public or private right-of-way, be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley or driveway.

6.9.2 Fences, walls, or obscuring walls shall not contain barbed wire, electric current or charge of electricity, glass, spikes or other sharp protruding objects.

Security fences six (6) feet high or more may include up to eighteen (18) inches of barbed wire in an industrial area, surrounding a public utility or around a police facility. Such barbed wire shall slant inward towards property or be straight up. Security fences with barbed wire in any other location or surrounding any other use requires a special use permit by the Planning Commission.

6.9.3 Fences which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five percent (25%) of their total area.

6.9.4 All fences shall have the finish side facing out, away from the property on which the fence is located.

6.9.5 Fences are structures, but may be erected along property lines or within yards, irrespective of the setback requirements of this Ordinance. No site plan review is required for a fence which conforms with Ordinance standards in a Residential District. The Zoning Administrator may waive site plan review for a fence in any other district if no other structural changes or changes in the design or layout of the site are proposed.

6.9.6 The Zoning Administrator may require the removal, reconstruction or repair of any fence not in good condition.

6.9.7 All fences not constructed of standard fence material shall be approved by the Zoning Administrator prior to construction.

6.9.8 Prohibitive Fence Materials:

- A. Tires
- B. Used metal
- C. Pallets
- D. Junk

E. Scrap building materials.

ARTICLE 7: ZONING DISTRICTS

SECTION 7.1 ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the portions of Owosso Charter Township lying outside the limits of cities and villages is hereby divided into the following districts:

	<u>District Name</u>	<u>Symbol</u>
A.	Prime Agricultural District	A-1
B.	Agricultural District	A-2
C.	Residential, Single Family District	R-1
D.	Residential, One and Two Family District	R-2
E.	Residential, Multiple Family District	R-3
F.	Modular Home Park and Modular Home Plat	R-4
G.	Residential, Recreational District	R-5
H.	Office	O-1
I.	Local Commercial District	C-1
J.	General Commercial District	C-2
K.	Shopping Center District	C-3
L.	Light Manufacturing District	M-1
M.	Heavy Manufacturing District	M-2

7.1.1 Official District Map: The boundaries of each district are defined and established as depicted on a map entitled "Official Zoning District Map of Owosso Charter Township, Michigan" which is hereby incorporated by reference and made an integral part of this Ordinance, and which, with explanatory matter thereon, shall be published as a part of this section of this Ordinance.

- A. The Official Zoning District Map of Owosso Charter Township, Michigan and subsequent amendments thereof shall bear the signature of the Township Supervisor and be certified by the Owosso Charter Township Clerk. The Owosso Charter Township Clerk shall also attest the map with the following statement: "This is to certify that this map is the Official Land Development District Map of the Owosso Charter Township Zoning Ordinance as adopted on the – day of____,____.
- B. Amendments made to the district boundaries, designations, or other matter depicted on the Official Zoning District Map shall be made within five (5) working days after the effective date of the amendment. Each amendment shall be accompanied by a reference number of the district map which shall refer to the official action of the Owosso Charter Township Board of Trustees.
- C. Maintenance of Official District Map: The original official Zoning District Map shall be maintained and kept up to date in the Office of the Clerk of Owosso Charter Township. In the event that the Official Zoning District Map becomes damaged, destroyed, lost, or difficult to interpret, the Township Board of Trustees may adopt by Ordinance, a new Official Zoning District Map. Said new Zoning District Map shall not have the effect of amending the prior Official Zoning District Map of this Ordinance and shall bear identifying signatures pursuant to 7.1.1 A above. Unless the prior Official Zoning District Map has been lost or totally destroyed, said map or any parts thereof remaining shall be preserved together with all available records

pertaining to its adoption or amendment.

7.1.2 Rules for interpretation of the Official Zoning District Map: Where uncertainty exists as to the boundaries of the districts as shown on the Official Zoning District Map, the following rules shall govern:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line bounding a parcel shall be construed as following such line.
- C. A boundary indicated as approximately following the municipal boundary line of a city, village, or township shall be construed as following such line.
- D. A boundary indicated as following a railroad right-of-way line shall be construed as following the centerline of that right-of-way.
- E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of a naturally occurring change in a shoreline, the boundary shall be construed as following the actual shoreline.
- F. A boundary indicated as following centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- G. A boundary indicated as parallel to, or an extension of, a feature indicated in Section 7.1.2 A through 7.1.2 F shall be so construed.
- H. A distance not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map to the nearest foot.
- I. Where a natural or man-made feature existing on the ground is at variance with that shown on the Official Zoning District Map, or in any other circumstances not covered by Section 7.1.2 A through 7.1.2 H, the Board of Appeals shall interpret the location of the District Boundary.

7.1.3 Scope of Provision: Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to, an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the District in which such use, building, or structure is located.

- A. Uses Permitted by Right: All land development specifically listed under the heading, Uses Permitted by Right, in the respective district descriptions contained in Article 7 of this Ordinance shall be allowed when found to be in accordance with all provisions of this Ordinance and all other applicable laws regulations or codes having jurisdiction over the proposed use of land, or upon order of the Owosso Charter Township Board of Appeals.

- B. Uses Permitted by Site Plan Approval: All land development required to be reviewed under the site plan review process outlined in Article 8 of this ordinance shall be allowed only upon approval of the proposed Site Plan pursuant to Article 8 of this Ordinance.
- C. Uses Permitted by Issuance of a Conditional Use Permit: All land development specifically listed under the heading of, Uses Permitted by Conditional Use Permit, in the respective district descriptions contained in Article 7 of this Ordinance, shall be allowed upon approval of the Owosso Charter Township Planning Commission after a duly advertised public hearing in accordance with Article 9 of this Ordinance or upon order of the Owosso Charter Township Board of Appeals.
- D. Uses Not Specifically Mentioned: Any use of land or development activity not specifically mentioned in this Ordinance shall be classified upon appeal or by request of the Zoning Administrator by the Owosso Charter Township Board of Appeals pursuant to Section 4.6.2 of this Ordinance.
- E. Uses Existing Before Ordinance: Any use of land or development activity existing on the effective date of this Ordinance may continue subject to the provisions contained in Article 12 of this Ordinance, and if such uses were legally allowed under prior ordinances.

SECTION 7.2 PRIME AGRICULTURAL DISTRICT (A-1)

7.2.1 Intent and Purpose: This district is intended to provide for general farming and livestock production in areas that are well suited for agricultural use because of soil characteristics, location and parcel size. The purpose of this district is to conserve the expenditure of public funds for improvements and services, to meet the needs of the State's citizens for food, fiber, and other natural resources and to preserve the essential characteristics and economic value of the district.

7.2.2 Uses Permitted by Right:

- A. Accessory uses in accordance with Section 6.2.10 of this Ordinance
- B. Adult Foster Care Family Homes
- C. Adult Foster Care Small Group Homes (1-6 persons)
- D. Cemetery as provided in Section 14.3 of this Ordinance
- E. Customary agricultural operation
- F. Duplex conversion of existing site constructed single-family dwelling as provided in Section 14.10 of this Ordinance
- G. Family Day Care Home
- H. Government facility as provided in Section 14.11 of this Ordinance
- I. Home occupation as provided in Section 14.15
- J. Public and private non-commercial park
- K. Single-family dwelling as defined in this Ordinance
- L. Signs in accordance with Article 11, Parking in accordance with Article 10, and Essential Services in accordance with Section 6.7, of this Ordinance

7.2.3 Uses Permitted by Site Plan Approval pursuant to Article 8 of this Ordinance:

7.2.4 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance:

- A. Adult Foster Care Small Group Homes (7-12)
- B. Agricultural business as provided in Section 14.1 of this Ordinance except:
 - 1. Agricultural chemical blending facility
 - 2. Food, fiber and alcohol processing facility
 - 3. Livestock transport facilities
 - 4. New and used farm implement dealer provided direct access to a major road is provided
 - 5. Sawmills

- C. Communication tower and antennae as provided Section 14.7 of this Ordinance.
- D. Essential Service Facility as provided in Section 14.6 of this Ordinance
- E. Group Day Care Home
- F. Intensive Home occupation as provided in Section 14.15 of this Ordinance
- G. Kennel as defined in Section 5.3.11 of this Ordinance
- H. Commercial Nursery and Greenhouse
- I. Private non-commercial park and recreational facility
- J. Private airport as provided in Section 14.21 of this Ordinance
- K. Religious institution as provided in Section 14.23 of this Ordinance
- L. Surface mining as provided in Section 14.25 of this Ordinance

7.2.5 Site Development Requirements: All lots, buildings or structures created after the effective date this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and in the table below, except as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Developments; or as varied pursuant to Article 4, Board of Appeals, or as modified below:

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
A-1	200	20 ac– Farm 1 ac – Dwelling (a)	0-15 ac – 3:1 15-40 ac – 4:1	40	40	20	50	1 story = 960 sq. ft. On ground floor 1 ½ story = 960 sq. ft. On ground floor 2 story = 720 sq. ft. On ground floor	40

Density Regulations. In addition to the forgoing regulations, no residence or principal building shall be constructed which does not comply with the following (for these purposes a parcel is defined as: "A tract of land on the tax roll as of January 1, 1980 which is a separate taxable entity or two or more such tracts under the same ownership as of January 1, 1980 which are contiguous").

1. Is upon one acre of land
2. Is the only residence of principal building upon the parcel of ground
3. As of January 1, 1980 if the parcel of property or the original larger parcel if the subject parcel has been divided since this date is a 1/4 of a 1/4 of a land section or less in area, then only one residence or principal building shall be constructed after said date upon said parcel or any parts thereof as it existed on said date.
4. As of January 1, 1980 if the parcel of property or the original larger parcel if the subject parcel has been divided since this date is more than 1/4 of a 1/4 of land section in area, then only one residence or principal building shall be constructed after said date for each 1/4 of a 1/4 of a land section in said parcel (or larger parcel) existing as of said date.
5. In this regard, residences or principal buildings constructed upon larger parcels of land which allow more than one residence or principal building to be constructed as provided herein, may be clustered so long as the overall density of one residence or principal building per 1/4 of a 1/4 of a land section within the parcel as of January 1, 1980 is maintained.

6. To enforce these density regulations the Development Code Official, as of January 1, 1980 shall maintain section maps of the Township showing all areas zoned "A-1" Prime Agricultural District and the size of all parcels as of January I, 1980. These maps shall show all construction of residences and principal buildings in these areas since January 1, 1980.
7. These maps shall be conclusive in determining whether proposed new residences or principal uses can be constructed in these areas and whether violations of these density regulations exist.

SECTION 7.3 AGRICULTURAL DISTRICT (A-2)

7.3.1 Intent and Purpose: This district is primarily intended for agricultural operations and the limited development of very low density single-family dwellings. The district is presently rural in character. The district is not well suited for the development of residential subdivisions, modular home developments or site condominium projects, nor is it expected to be provided with urban type public services.

7.3.2 Uses Permitted by Right:

- A. Accessory uses in accordance with Section 6.2.10 of this Ordinance
- B. Adult Foster Care Family Homes
- C. Adult Foster Care Small Group Homes (1-6 persons)

- D. Community service facility as provided in Section 14.5 of this Ordinance
- E. Customary agricultural operation
- F. Duplex conversion existing before 1940 site constructed single-family dwelling as provided in Section 14.10 of this Ordinance
- G. Family Day Care Home

- H. Home occupation as provided in Section 14.15
- I. Public Park
- J. Signs in accordance with Article II, Parking in accordance with Article 10, and Essential Services in accordance with Section 6.7, of this Ordinance
- K. Single-family dwelling as defined in this Ordinance

7.3.4 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance:

- A. Agricultural business as provided in Section 14.1 of this Ordinance
- B. Cemetery as provided for in Section 14.3 of this Ordinance
- C. Commercial Recreational Facility as provided in Section 14.4 of this Ordinance
- D. Commercial Rental Storage Facility as provided in Section 14.26 of this Ordinance
- E. Communication tower and antennae as provided Section 14.7 of this Ordinance.
- F. Community Residential Care Facility as provided in Section 14.5 of this Ordinance
- G. Construction contractors establishment and storing of heavy equipment
- H. Educational institution as provided in Section 14.11 of this Ordinance

- I. Essential Service Facility as provided in Section 14.6 of this Ordinance
- J. Golf course and country club as provided in Section 14.12 of this Ordinance
- K. Government facility as provided in Section 14.11 of this Ordinance
- L. Intensive Home occupation as provided in Section 14.15 of this Ordinance
- M. Kennel as defined in Section 5.3.11 of this Ordinance
- N. Nursery and Greenhouse as provided in Section 14 of this Ordinance
- O. Private airport as provided in Section 14.21 of this Ordinance
- P. Private non-commercial and park and recreational facilities owned and operated by a group of property owners for their exclusive use
- Q. Public airport and heliport as provided in Section 14.22 of this Ordinance
- R. Religious institution as provided for in Section 14.23 of this Ordinance
- S. State licensed day care center as provided in Section 14.27 of this Ordinance
- T. Surface mining as provided in Section 14.25 of this Ordinance

7.3.5 Site Development Requirements: All lots, buildings or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and in the table below, except as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Developments; or as varied pursuant to Article 4; Board of Appeals.

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
A-2	200	20 ac– Farm 40,000 sq ft – Dwelling	0-15 ac – 3:1 15-40 ac – 4:1	40	40	20	50	1 story = 960 sq. ft. On ground floor 1 ½ story = 960 sq. ft. On ground floor 2 story = 720 sq. ft. On ground floor	40

SECTION 7.4 RESIDENTIAL, SINGLE FAMILY (R-1)

7.4.1 Purpose and Intent: It is the intent of this district to provide the development of single family neighborhoods in portions of the Township served by major street, adequate public and private utilities, and located within relatively close proximity to schools, shopping, recreational facilities, and employment centers. It is intended that the principal means of developing this district will be platting of "subdivisions".

7.4.2 Uses permitted by right:

- A. Accessory uses and accessory buildings not to exceed 850 square feet in floor area, in accordance with Section 6.2.10 of this Ordinance
- B. Adult Foster Care Family Homes
- C. Adult Foster Care Small Group Homes (1-6 persons)
- D. Family Day Care Home
- E. Home occupation
- F. Public Park
- G. Single-family dwelling as defined in this Ordinance
- H. Signs in accordance with Article 11, Parking in accordance with Article 10, and Essential Services in accordance with Section 6.7, of this Ordinance
- I. The establishment and operation of no more than two primary caregivers as defined by the Michigan Medical Marijuana Act, MCL 333.26421, et seq., provided that the dwelling is the primary residence of the caregivers and that the caregivers are in full compliance with said Act. "Primary residence" as used in this subparagraph means the one family dwelling in which the primary caregiver normally resides. The establishment and operation of more than two primary caregivers in the same dwelling is prohibited. The establishment of more than one primary care giver in a primary residence in R-2, R-3, R-4, R-5 zoning districts is prohibited

7.4.3 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance:

- A. Community residential care facility as provided in Section 14.5 of this Ordinance
- B. Community service facility as provided in Section 14.28 of this Ordinance
- C. Convenience commercial establishment as provided in Section 14.7 of this Ordinance
- D. Educational institution as provided in Section 14.11 of this Ordinance
- E. Golf course and country club as provided in Section 14.12 of this Ordinance

- F. Government facility as provided in Section 14.11 of this Ordinance
- G. Intensive Home occupation as provided in Section 14.15 of this Ordinance
- H. Office parks when adjacent to commercially zoned property
- I. Planned unit development as provided in Article 15 of this Ordinance
- J. Private non-commercial and park and recreational facilities owned and operated by a group of property owners for their exclusive use
- K. Religious institution as provided in Section 14.23 of this Ordinance
- L. State licensed day care center as provided in Section 14.27 of this Ordinance

7.4.4 Site Development Requirements: All lots, buildings or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and the table below, except as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development; or as varied pursuant to Article 4, Board of Appeals.

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
R-1	150 100 w/sanitary sewer	22,500 sq. ft. 15,000 sq. ft. w/sanitary sewer	3:1	40	40	15	50	1 story = 960 sq. ft. On ground floor 1 ½ story = 960 sq. ft. On ground floor 2 story = 720 sq. ft. On ground floor	40

7.4.5 Open Space Preservation:
Please refer to ARTICLE 14: SPECIFIC PROVISIONS AND REQUIREMENTS;
Section 14.30 Open Space Preservation

SECTION 7.5 RESIDENTIAL, SINGLE FAMILY AND TWO FAMILY(R-2)

7.5.1 Purpose and Intent: It is the intent of this district to provide for the development smaller lot single family dwellings and two family dwelling in portions of the Township served by major street, adequate public and private utilities, and located within close proximity to schools, shopping, recreational facilities, and employment centers. It is intended that the principal means of developing this district will be platting of "subdivisions".

7.5.2 Uses Permitted by Right:

- A. Accessory uses in accordance with Section 6.2.10 of this Ordinance
- B. All uses permitted by right in the R-1 District
- C. Duplex dwelling as provided in Section 14.9 of this Ordinance
- D. Signs in accordance with Article 11, Parking in accordance with Article 10, and Essential Services in accordance with Section 6.7, of this Ordinance
- E. The establishment and operation of no more than one primary caregiver as defined by the Michigan Medical Marijuana Act, MCL 333.2642I, et seq., provided that the dwelling is the primary residence of the caregiver and that the caregiver is in full compliance with said Act. "Primary residence" as used in this subparagraph means the one family dwelling in which the primary caregiver normally resides. The establishment and operation of more than one primary caregiver in the same dwelling is prohibited.

7.5.3 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance

- A. Community residential care facility as provided in Section 14.5 of this Ordinance
- B. Community service facility as provided in Section 14.28 of this Ordinance
- C. Convenience commercial establishment as provided in Section 14.7 of this Ordinance
- D. Educational institution as provided in Section 14.11 of this Ordinance
- E. Golf course and country club as provided in Section 14.12 of this Ordinance
- F. Government facility as provided in Section 14.11 of this Ordinance
- G. Intensive Home occupation as provided in Section 14.15 of this Ordinance
- H. Multiple family dwelling as provided in Section 14.9 of this Ordinance
- I. Office Parks when adjacent to commercially zoned property
- J. Planned unit development as provided in Article 15 of this Ordinance
- K. Private non-commercial and park and recreational facilities owned and operated by a

group of property owners for their exclusive use

L. Religious institution as provided in Section 14.23 of this Ordinance

M. State licensed day care center as provided in Section 14.27 of this Ordinance

7.5.4 Site Development Requirements: All lots, buildings or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and the table below, except as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development; or as varied pursuant to Article 4, Board of Appeals

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
R-2	150 100 w/sanitary sewer	3 family = 45,000 sq. ft. 4 family = 60,000 sq. ft.	3:1	40	40	15	50	One family – 960 Two Family – 720	40

7.5.5 Open Space Preservation:

Please refer to ARTICLE 14: SPECIFIC PROVISIONS AND REQUIREMENTS; Section 14.30 Open Space Preservation

SECTION 7.6 RESIDENTIAL, MULTIPLE FAMILY (R-3)

7.6.1 Purpose and Intent: It is the intent of this district to provide the development of neighborhoods with all types of residential development in portions of the Township served by major street, adequate public and private utilities, and located within close proximity to schools, shopping, recreational facilities, and employment centers.

7.6.2 Uses Permitted by Right:

- A. Accessory uses in accordance with Section 6.2.10 of this Ordinance
- B. All uses permitted by right in the R-2 District
- C. Group housing as provided in Section 14.13 of this Ordinance
- D. Signs in accordance with Article II, Parking in accordance with Article 10, and Essential Services in accordance with Section 6.7, of this Ordinance
- E. The establishment and operation of no more than one primary caregiver as defined by the Michigan Medical Marijuana Act, MCL 333.26421, et seq., provided that the dwelling is the primary residence of the caregiver and that the caregiver is in full compliance with said Act. "Primary residence" as used in this subparagraph means the one family dwelling in which the primary caregiver normally resides. The establishment and operation of more than one primary caregiver in the same dwelling is prohibited.

7.6.3 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance

- A. Commercial recreation facility as provided in Section 14.4 of this Ordinance
- B. Community residential care facility as provided in Section 14.5 of this Ordinance
- C. Community service facility as provided in Section 14.7 of this Ordinance
- D. Convenience commercial establishment as provided in Section 14.7 of this Ordinance
- E. Educational institution as provided in Section 14.11 of this Ordinance
- F. Government facility as provided in Section 14.11 of this Ordinance
- G. Home occupation as provided in Section 14.15 of this Ordinance
- H. Multiple family dwelling as provided in Section 14.9 of this Ordinance
- I. Office parks when adjacent to commercially zoned property
- J. Planned unit development as provided in Article 15 of this Ordinance
- K. Private non-commercial and park and recreational facilities owned and operated by a

group of property owners for their exclusive use

L. Religious institution as provided in Section 14.23 of this Ordinance

M. State licensed day care center as provided in Section 14.27 of this Ordinance

7.6.4 Site Development Requirements: All lots, buildings or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and the table below, except as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development; or as varied pursuant to Article 4, Board of Appeals.

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
R-3	200	43,560 sq. ft. Multi family 1 bdrm = 1,000 sq. ft. 2 bdrm = 2000 sq. ft. 3 bdrm = 2600 sq. ft.	3:1	40	40	20	70	Per Building Code	40

7.6.5 Open Space Preservation:
Please refer to ARTICLE 14: SPECIFIC PROVISIONS AND REQUIREMENTS;
Section 14.30 Open Space Preservation

SECTION 7.7 MODULAR HOME PARK AND MODULAR HOME SUBDIVISIONS (R-4)

7.7.1 Intent and Purpose: It is the intent of this district to provide for modular home communities in portions of the Township which have adequate public services.

7.7.2 Use Permitted by Right

- A. Accessory uses in accordance with Section 6.2.10 of this Ordinance
- B. Signs in accordance with Article 11, Parking in accordance with Article 10, and Essential Services in accordance with Section 6.7, of this Ordinance
- C. Mobile Home Park
- D. Mobile Home Subdivision
- E. The establishment and operation of no more than one primary caregiver as defined by the Michigan Medical Marijuana Act, MCL 333.26421, et seq., provided that the dwelling is the primary residence of the caregiver and that the caregiver is in full compliance with said Act. "Primary residence" as used in this subparagraph means the one family dwelling in which the primary caregiver normally resides. The establishment and operation of more than one primary caregiver in the same dwelling is prohibited.

7.7.3 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance

- A. Convenience commercial establishment as provided in Section 14.7 of this Ordinance

7.7.4 Site Development Requirements: All lots, buildings or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and the table below, except as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development; or as varied pursuant to Article 4, Board of Appeals.

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
R-4	150 100 w/sanitary sewer	20 ac	3:1	40	20	15	50	N/A	40

- A. Mobile Home Parks shall fully comply with the rules of the Michigan Mobile Home Commission and the Michigan Department of Environmental Quality

- B. Mobile Home Subdivisions shall fully comply with the Land Division Act and the Township Land Division Control Act

SECTION 7.8 RESIDENTIAL-RECREATIONAL DISTRICT (R-5)

7.8.1 Intent and Purpose: It is the intent of this district to provide for areas of both residential use and compatible outdoor recreation.

7.8.2 Uses Permitted by Right:

- A. Accessory uses in accordance with Section 6.2.10 of this Ordinance
- B. All uses permitted by right in the R-1 District
- C. Duplex dwelling as provided in Section 14.9 of this Ordinance
- D. Signs in accordance with Article 11, Parking in accordance with Article 10, and Essential Services in accordance with Section 6.7, of this Ordinance
- E. Customary agricultural operation
- F. The establishment and operation of no more than one primary caregiver as defined by the Michigan Medical Marijuana Act, MCL 333.26421, et seq., provided that the dwelling is the primary residence of the caregiver and that the caregiver is in full compliance with said Act. "Primary residence" as used in this subparagraph means the one family dwelling in which the primary caregiver normally resides. The establishment and operation of more than one primary caregiver in the same dwelling is prohibited.

7.8.3 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance

- A. Convenience commercial establishment as provided in Section 14.7 of this Ordinance
- B. Essential Service Facility as provided in Section 14.6 of this Ordinance
- C. Hotel and motel as provided in Section 14.16 of this Ordinance
- D. Restaurant and tavern without drive through service.

7.8.4 Site Development Requirements: All lots, buildings or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and the table below, except as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development; or as varied pursuant to Article 4, Board of Appeals.

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
R-5	150	43,560	3:1	75	50	20	50	N/A	40

7.8.5 Open Space Preservation:
Please refer to ARTICLE 14: SPECIFIC PROVISIONS AND REQUIREMENTS;
Section 14.30 Open Space Preservation

SECTION 7.8A OFFICE DISTRICT "O-1"

7. 8A.1 Intent and Purpose: It is the intent of this district to provide for sites for office and similar uses as a buffer between residential and more intensive uses.

7. 8A.2 Uses Permitted by Right:

- A. Office building performing services on the premises
- B. Financial Institution without drive through service
- C. Government facility
- D. Religious institution
- E. Signs in accordance with Article 11, Parking in accordance with Article 10, and Essential Services in accordance with Section 6.7, of this Ordinance

7. 8A.3 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance:

- A. Community service facility as provided in Section 14.28 of this Ordinance
- B. Convenience Commercial Establishment in accordance with Section 14.7 of this Ordinance
- C. Personal service establishment
- D. Essential Service Facility as provided in Section 14.6 of this Ordinance

7. 8A.5 Site Development Requirements: All lots, buildings, or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and the table below, except as modified by the provisions stated below or as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development; or as varied pursuant to Article 4, Board of Appeals and provided that:

District	Minimum Lot Width (feet)	Minimum lot area (ft. or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
O-1	75	12,500	3:1	75	30	0	60 (b)	N.A	40

Footnote (b) Lot coverage may be increased by 10% in return for 10% of the lot being developed as recreational open space and approved as such by the Planning Commission

- A. When a side or rear lot line abuts or is adjacent to property located within the residential districts a Greenbelt, Buffer Strip or Berm pursuant to Section 6.2.13 of this Ordinance; in addition to minimum yard requirement Article 16 of this Ordinance.

SECTION 7.9 LOCAL COMMERCIAL DISTRICT "C-1"

7.9.1 Intent and Purpose: It is the intent of this district to provide for neighborhood shopping and services facilities and office facilities in locations that are convenient to the residents in the vicinity.

7.9.2 Uses Permitted by Right:

- A. Accessory uses in accordance with Section 6.2.10 of this Ordinance
- B. Construction contractors establishment and outdoor storage of heavy equipment
- C. Customary agricultural operation
- D. Convenience Commercial Establishment in accordance with Section 14.7 of this Ordinance
- E. Educational and institutional use as provided in Section 14.11 of this Ordinance
- F. Financial Institution with out drive through service
- G. Government facility
- H. Off premise signs and billboards in accordance with Article 11 of this Ordinance
- I. Office building performing services on the premises
- J. Personal service establishment
- K. Religious institution
- L. Restaurants and Taverns with out drive through service
- M. Signs in accordance with Article 11, Parking in accordance with Article 10, and Essential Services in accordance with Section 6.7, of this Ordinance
- N. State licensed day care center as provided in Section 14.27 of this Ordinance.
- O. Veterinary hospital, clinic, and indoor kennel
- P. Medical marijuana dispensary or clinic provided that the medical marijuana dispensary or clinic is operated in full compliance with the Medical Marijuana Act, MCL 333.26421, and no medical marijuana dispensary or clinic shall be located within 1,000 feet of another dispensary, any public park or any public or private school, college, or university property, nor shall any dispensary be located within 500 feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:
 - 1. Any house of worship;
 - 2. Any parcel zoned and used for residential purposes;
 - 3. Any licensed day care facility;
 - 4. Any public library

7.9.3 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance:

- A. Commercial Garage and Motor fuel service station as provided in Section 14.20 of this Ordinance
- B. Commercial Rental Storage Facility as provided in Section 14.26 of this Ordinance
- C. Community service facility as provided in Section 14.28 of this Ordinance
- D. Distressed Vehicle Transporter as provided in Section 14.24 of this Ordinance
- E. Essential Service Facility as provided in Section 14.6 of this Ordinance
- F. Nursery and greenhouse

7.9.4 Site Development Requirements: All lots, buildings, or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and the table below, except as modified by the provisions stated below or as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development; or as varied pursuant to Article 4, Board of Appeals and provided that:

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
C-1	75	12,500	3:1	75	30	0	60 (b)	N.A	40

Footnote (b) Lot coverage may be increased by 10% in return for 10% of the lot being developed as recreational open space and approved as such by the Planning Commission

- B. Material which is normally and reasonably discarded from commercial uses of property may be externally stored for a reasonable temporary period of time, provided such storage areas are completely screened by an opaque fence of not less than six (6) feet in height.
- C. When a side or rear lot line abuts or is adjacent to property located within the residential districts a Greenbelt, Buffer Strip or Berm pursuant to Section 6.2.13 of this Ordinance; in addition to minimum yard requirement Article 16 of this Ordinance.

SECTION 7.10 GENERAL COMMERCIAL DISTRICT "C-2"

7.10.1 Intent and Purpose: The intent of this district is to provide for a variety of business and office uses in clustered functional centers located near main or arterial streets in a limited number of locations in order to avoid strip, and spot commercial development, lessen congestion on public streets, protect adjacent non-commercial land uses, and to promote the economic viability of commercial uses.

7.10.2 Uses Permitted by Right: The following uses are permitted provided there is not open storage of products or materials except vehicles and farm implements.

- A. Agricultural business as provided in Section 14.1 of this Ordinance
- B. Accessory uses in accordance with Section 6.2.10 of this Ordinance
- C. Building material supplier provided direct access to a major road is afforded
- D. Business service establishment
- E. Commercial recreation facility as provided in Section 14.4 of this Ordinance
- F. Construction contractors establishment and storage of heavy equipment
- G. Customary agricultural operation
- H. Educational and institutional use as provided in Section 14.11 of this Ordinance
- I. Financial institution without drive through service
- J. Funeral home and mortuary
- K. General retail sales establishment selling new merchandise and using no more than 10% of the net floor area for repair facilities
- L. Government facility
- M. Hotel and motel as provided in Section 14.16 of this Ordinance
- N. Institution for human care as provided in Section 14.17 of this Ordinance
- O. Nursery and greenhouse
- P. Off premises signs and billboards in accordance with Article 11 of this Ordinance
- Q. Office building performing services on the premises
- R. Personal service establishment
- S. Religious institution
- T. Restaurant and tavern without drive through service

- U. On premises signs in accordance with Article 11, Parking in accordance with Article 10, and Essential Services in accordance with Section 6.7 of this Ordinance and permitted by Site Plan Approval according to Article 8:
- V. State licensed day care center as provided in Section 14.27 of this Ordinance
- W. Veterinary hospital, clinic, and indoor kennel
- X. Medical marijuana dispensary or clinic provided that the medical marijuana dispensary or clinic is operated in full compliance with the Medical Marijuana Act, MCL 333.26421, and no medical marijuana dispensary or clinic shall be located within 1,000 feet of another dispensary, any public park or any public or private school, college, or university property, nor shall any dispensary be located within 500 feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:
 1. Any house of worship;
 2. Any parcel zoned and used for residential purposes;
 3. Any licensed day care facility;
 4. Any public library

7.10.4 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance:

- A. Community Residential Care Facility as provided in Section 14.5 of this Ordinance
- B. Essential Service Facility as provided in Section 14.6 of this Ordinance
- C. Financial institution, restaurants, and other business with drive through service provided direct access to a major road is provided
- D. Motor fuel service station as provided in Section 14.20 of this Ordinance
- E. New and used vehicle, boat, or farm implement dealer direct access to a major road is afforded
- F. Parking garage or commercial garage as provided in Section 14.20 of this Ordinance
- G. Planned unit development as provided in Article 15 of this Ordinance
- H. Racetrack as provided in Section 14.8 of this Ordinance
- I. Sexually Oriented Businesses and/or Adult Entertainment Business as provided in Section 14.23 of this Ordinance

7.10.5 Site Development Requirements: All lots, buildings, or structures created after the effective date of this ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and the table below, except as modified by the provisions stated below or as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development; or as

varied pursuant to Article 4, Board of Appeals.

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
C-2	75	15,000	3:1	75	30	0	70 (b)	N/A	40

Footnote (b) Lot coverage may be increased by 10% in return for 10% of the lot being developed as recreational open space and approved as such by the Planning Commission

- A. Material which is normally and reasonably discarded from commercial uses of property may be externally stored for a reasonable temporary period of time, provided such storage areas are completely screened by an opaque fence of not less than six (6) feet in height.
- B. When a side or rear lot line abuts or is adjacent to property located within the residential districts a Greenbelt, Buffer Strip or Berm pursuant to Section 6.2.13 of this Ordinance; in addition to minimum yard requirement Article 16 of this Ordinance.

SECTION 7.11 SHOPPING CENTERS DISTRICT (C-3)

7.11.1 Intent and Purpose: It is the intent of this district to provide for the limited need for multiple tenant retail and office facilities in central locations of the township which afford vehicular access. The purpose of this district is to promote the development of shopping centers, office campus, or medical dental complexes.

7.11.2 Uses Permitted by Right: The following uses are permitted provided there is not open storage of products or materials except vehicles and farm implements.

- A. Accessory uses in accordance with Section 6.2.10 of this Ordinance
- B. Business service establishment
- C. Customary agricultural operation
- D. Financial institution without drive through service
- E. General retail sales establishment selling new merchandise and using no more than 10% of the net floor area for repair facilities
- F. Government facility
- G. Nursery and greenhouse
- H. Off premise signs and billboards in accordance with Article 11 of this Ordinance
- I. Office building performing services on the premises
- J. Personal service establishment
- K. Public Park
- L. Religious institution
- M. Restaurant and tavern without drive through service
- N. Shopping Center in accordance with the following:
 - 1. The site area shall be a minimum of five (5) acres, the depth shall not exceed the frontage by more than three times.
 - 2. A minimum of four-hundred (400) feet of frontage on a major street as defined in this Ordinance shall be required.
 - 3. All buildings shall be setback not less than one-hundred (100) feet from a street right-of-way line, side lot line or rear lot line.
 - 4. Shopping centers shall be served by public sanitary sewer and public water supply.

5. Pedestrian traffic between buildings shall be possible without crossing drives or parking
 6. No building within the proposed project shall have separate access to a public street.
 7. The entire project shall be constructed in accordance with an overall plan which has been approved pursuant to Article 8 of this Ordinance.
 8. Initial Construction shall provide for a minimum of 15,000 square feet in floor area.
- O. State licensed day care center as provided in Section 14.27 of this Ordinance
- P. Medical marijuana dispensary or clinic provided that the medical marijuana dispensary or clinic is operated in full compliance with the Medical Marijuana Act, MCL 333.26421, and no medical marijuana dispensary or clinic shall be located within 1,000 feet of another dispensary, any public park or any public or private school, college, or university property, nor shall any dispensary be located within 500 feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:
1. Any house of worship;
 2. Any parcel zoned and used for residential purposes;
 3. Any licensed day care facility;
 4. Any public library

7.11.3 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance:

- A. Commercial recreation facility as provided in Section 14.4 of this Ordinance
- B. Community service facility as provided in Section 14.28 of this Ordinance
- C. Essential Service Facility as provided in Section 14.6 of this Ordinance
- D. Financial institution, restaurants, and other business with drive through service provided direct access to a major road is afforded
- E. Hotel and motel as provided in Section 14.16 of this Ordinance
- F. Motor fuel service station and Commercial Garage as provided in Section 14.20 of this Ordinance

7.11.4 Site Development Requirements: All lots, buildings, or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and the table below, except as modified by the provisions stated below or as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development; or as varied pursuant to Article 4, Board of Appeals.

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
C-3	300	5 ac	3:1	75	75	50	80 (b)	N/A	40

Footnote (b) Lot coverage may be increased by 10% in return for 10% of the lot being developed as recreational open space and approved as such by the Planning Commission

- A. Material which is normally and reasonably discarded from commercial uses of property may be externally stored for a reasonable temporary period of time, provided such storage areas are completely screened by an opaque fence of not less than six (6) feet in height.
- B. When a side or rear lot line abuts or is adjacent to property located within the residential District a Greenbelt, Buffer Strip or Berm pursuant to Section 6.2.13 of this Ordinance; in addition to minimum yard requirement Article 16 of this Ordinance.

SECTION 7.12 LIGHT MANUFACTURING DISTRICT (M-1)

7.12.1 Intent and Purpose: The intent of this district is to provide for a variety of industrial and commercial uses in areas of the Township affording direct access to all weather highways; adequate storm drainage, and existing utilities of power, water, and waste water disposal. Such industrial areas should be free of non-compatible uses, designed so as not to harm adjacent conforming uses, and provided with adequate land for expansion. Since such property is limited in availability, it will be conserved and restricted for industrial uses in the interest of the community's economic growth and development. Uses permitted in this district are limited so as not to cause objectionable level of noise, odor, and vibration.

7.12.2 Uses Permitted by Right: The following uses are permitted provided there is not open storage of products or materials except vehicles and farm implements.

- A. Accessory use as provided in Section 6.2.10 of this Ordinance
- B. Building material supplier provided direct access to a major road is afforded
- C. Commercial rental storage buildings as provided in Section 14.26 of this Ordinance
- D. Construction contractor's establishment and storage of heavy equipment
- E. Customary agricultural operation
- F. Distressed Vehicle Transporter
- G. Government facility
- H. Industrial laundry operation
- I. Jobbing and machine shop
- J. Light manufacturing facility
- K. Metal or wood stripping establishment
- L. Monument and art stone product operation
- M. Off premise signs and billboards in accordance with Article 11 of this Ordinance
- N. Parking Garage
- O. Research and development establishment
- P. Trucks and rail freight terminal
- Q. Wholesale trade business except the storage of flammable liquids
- R. Medical marijuana dispensary or clinic provided that the medical marijuana dispensary or clinic is operated in full compliance with the Medical Marijuana

Act, MCL 333.26421, and no medical marijuana dispensary or clinic shall be located within 1,000 feet of another dispensary, any public park or any public or private school, college, or university property, nor shall any dispensary be located within 500 feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:

1. Any house of worship;
2. Any parcel zoned and used for residential purposes;
3. Any licensed day care facility;
4. Any public library

7.12.3 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance:

- A. Above ground storage of flammable liquids
- B. Communication tower and antennae as provided Section 14.7 of this Ordinance.
- C. Essential Service Facility as provided in Section 14.6 of this Ordinance
- D. Motor fuel service stations as provided in Section 14.20 of this Ordinance
- E. Open storage of products and materials
- F. Public use airport
- G. Wood product processing facility
- H. Industrial Park Development as provided in Section 14.29

7.12.4 Site Development Requirements: All lots, buildings, or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and the table below, except as modified by the provision stated below, or as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development; or as varied pursuant to Article 4, Board of Appeals.

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
M-1	100	87,120 sq. ft 43,560 sq. ft. w/sanitary sewer	3:1	75	50	50	80	N/A	40

- A. External areas for storage are permitted when screened on all sides by an opaque fence of not less than six (6) feet in height.
- B. When a side or rear lot line abuts or is adjacent to property located within the residential districts, a Greenbelt, Buffer Strip, or Berm pursuant to Section 6.2.13 of this Ordinance; in addition to the minimum yard requirements of Article 16 of this Ordinance.

SECTION 7.13 GENERAL MANUFACTURING DISTRICT (M-2)

7.13.1 Intent and Purpose: The intent of this district is to provide for a variety of industrial and commercial uses in areas of the Township affording direct access to all weather highways, adequate storm drainage, and existing utilities of power, water, and waste water disposal. Such industrial areas should be free of non-compatible uses, designed so as not to harm adjacent conforming uses, and provided with adequate land for expansion. Since such property is limited in availability, it will be conserved and restricted for industrial uses in the interest of the community's economic growth and development.

7.13.2 Uses Permitted by Right:

- A. Accessory use as provided in Section 6.2.10 of this Ordinance
- B. Above ground storage of flammable liquids
- C.
- D. Building material supplier
- E. Commercial rental storage buildings as provided in Section 14.26 of this Ordinance
- F. Construction contractor's establishment and storage of heavy equipment
- G. Customary agricultural operations
- H. Distressed Vehicle Transporter
- I. Government facility
- J. Heavy manufacturing involving the assembly, processing, or cleaning of heavy bulky, durable goods requiring heavy truck or rail transport
- K. Heavy manufacturing involving drop forging, heavy stamping, punch pressing, heat treating, plating, hammering, foundry, or other similar processing activities
- L. Industrial laundry operation
- M. Jobbing and machine shop
- N. Light manufacturing facility
- O. Metal or wood stripping establishment
- P. Monument and art stone product operation
- Q. Motor fuel service stations as provided in Section 14.20 of this Ordinance
- R. Off premise signs and billboards in accordance with Article 11 of this Ordinance

- S. Open storage of products and materials
- T. Parking Garage
- U. Rail freight classification yard, rail repair shop
- S. Research and development establishment
- V. Trucks and rail freight terminal
- W. Wholesale trade business except the storage of flammable liquids
- X. Wood product processing facility
- Q. Medical marijuana dispensary or clinic provided that the medical marijuana dispensary or clinic is operated in full compliance with the Medical Marijuana Act, MCL 333.26421, and no medical marijuana dispensary or clinic shall be located within 1,000 feet of another dispensary, any public park or any public or private school, college, or university property, nor shall any dispensary be located within 500 feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:
 1. Any house of worship;
 2. Any parcel zoned and used for residential purposes;
 3. Any licensed day care facility;
 4. Any public library

7.13.3 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance:

- A. Automotive salvage yards and scrapping yards as provided in Section 14.2 of this Ordinance
- B. Communication tower and antennae as provided Section 14.7 of this Ordinance.
- C. Essential Service Facility as provided in Section 14.6 of this Ordinance
- D. Manufacturing of explosives, corrosives, and other dangerous or toxic chemical substances
- E. Meat or poultry slaughter and processing plant
- F. Public use airport
- G. Refiners and power generating plant
- H. Chemical processing, fertilizer manufacture and metallurgic manufacturing
- I. Industrial Park Development as provided in Section 14.29 of this Ordinance

7.13.4 Site Development Requirements: All lots, buildings, or structures created after

the effective date of this Ordinance shall conform to the site development standards set forth in Article 16 of this Ordinance and the table below, except as modified by the provision stated below, or as modified by Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development; or as varied pursuant to Article 4, Board of Appeals.

District	Minimum Lot Width (feet)	Minimum lot area (ft or ac)	Maximum depth to frontage ratio	Minimum front yard depth (feet)	Minimum rear yard depth (feet)	Minimum side yard width (feet)	Maximum lot coverage (%)	Minimum floor area in square feet per dwelling unit	Maximum Height in feet
M-2	100	87,120 sq. ft. 43,560 sq. ft. w/sanitary sewer	3:1	75	50	50	80	N/A	40

- A. External areas for storage are permitted when screened on all sides by an opaque fence of not less than six (6) feet in height.
- B. When a side or rear lot line abuts or is adjacent to property located within the residential districts, a Greenbelt, Buffer Strip, or Berm pursuant to Section 6.2.13 of this Ordinance; in addition to the minimum yard requirements of Article 16 of this Ordinance.

ARTICLE 8: SITE PLAN REVIEW

SECTION 8.1 PURPOSE AND INTENT

It is the purpose of this Article to require Site Plan Review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns and the character of future development in the area. The requirements contained in this Article are intended to insure compliance with all applicable statutes, administrative rules and ordinances in order to promote the harmonious relationship or uses through proper design.

SECTION 8.2 JURISDICTION

Site plan review is required for all of the following developments

- 8.2.1 As part of an application for a conditional use permit.
- 8.2.2 Any change in use which requires construction of ten (10) or more additional parking spaces
- 8.2.3 As part of an application for approval of a condominium development.
- 8.2.4 Any other construction or moving of structures except:
 1. Single family and duplex residences on individual parcels and their accessory structures
 2. Non-residential accessory structures under six hundred (600) square feet.
 3. Expansions of under six hundred (600) square feet to existing structures

SECTION 8.3 SITE PLAN REVIEW PROCEDURES

8.3.1 Application: The owner or his designated agent shall file an application requesting Site Plan Review on a special form designed for the purpose adopted by the Planning Commission.

8.3.2 Application Fee: An application shall be accompanied by a fee in an amount established, and amended from time to time, by resolution of the Township Board of Trustees for Major Site Plan Review.

8.3.3 Site Plan: Each application for Site Plan Review shall be accompanied by fourteen (14) copies of a Site Plan. The Site Plan shall consist of a scaled drawing showing:

- A. Property dimensions and legal description
- B. Significant vegetation, including existing woodlots and trees over 12 calipers
- C. Existing public right-of-way and private easements of record
- D. Water courses and water bodies, including drains
- E. Location of abutting streets and proposed alignment of streets, drives, and easements serving the development

- F. Location of proposed buildings and intended uses thereof
- G. Location and design of parking areas
- H. Location of water supply and the location and design of waste water systems
- I. Proposed grades and site drainage patterns including the design storm frequency in years, and site calculations
- J. Proposed location of common open spaces if applicable
- K. Proposed location of accessory buildings and use, including free standing signs
- L. Listing of type, quantity, storage location and secondary containment provisions for any hazardous material stored or used on the site
- M. Front side and rear elevations of proposed structures
- N. Outdoor storage areas
- O. North arrow and scale
- P. Dimensions of buildings
- Q. Floor plans of buildings
- R. Pedestrian features including sidewalks and walking trails
- S. Location. Height and intensity of lighting
- T. Information on floodplains or wetlands
- U. Proposed or existing fire lanes
- V. Cross section of proposed drives and parking areas including a required notation of type of surface and in the case of gravel surface, the method of dust control
- W. The Planning Commission may waive any of the informational requirements on an individual basis or by general rule where the information is not necessary to determine compliance with the zoning ordinance requirements

8.3.4 Type of Review: Any proposed development that does not meet the requirements under Section 8.2 and does not require site plan review will require zoning permit review and approval by the Zoning Administrator under the requirements of Section 3.5 of this Ordinance.

SECTION 8.4 SITE PLAN REVIEW

Site Plans shall be evaluated by the Township Planning Commission, in accordance with the following provisions.

8.4.1 Copies of each site plan shall be delivered to the following public officials.

- A. The Owosso Charter Township Zoning Administrator
- B. The Shiawassee County Drain Commissioners or when the site is proposing to drain surface water to municipal storm sewer, the municipal utility organization
- C. The Shiawassee County Road Commission Manager, or when the proposals has access to a state operated road, the Michigan Department of Transportation
- D. The Director of the Environmental Health Division of the Shiawassee County Health Department, or when the site is proposed to be service by public sewer or water, the organization (s) which operated the municipal utilities
- E. The Fire Chief or Fire Marshall of the fire department servicing the site
- F. Environmental Review; The Zoning Administrator shall refer the applicant to appropriate state and/or federal review agencies within five working days of receipt of an application for site plan review. The Zoning Administrator may create a check list for this purpose. Upon approval of the check list by the Planning Commission it shall be utilized in the review of each site plan.
- G. When a proposed project is abutting the boundaries of another municipality, the zoning administrator of that municipality

8.4.2 Prior to the review by the Planning Commission, site plans will be reviewed by the Site Plan Review Committee composed of the two members of the Planning Commission appointed by the Planning Commission Chairperson, and the Zoning Administrator. They shall meet with the applicant and review the plans. Only after the Site Plan Review Committee has determined that the plan is complete shall it be submitted to the Planning Commission for review. The Site Plan Committee may also be asked to review a minor site plan amendment at the Zoning Administrator's discretion.

SECTION 8.5 MEETINGS

8.5.1. Planning Commission meetings at which site plan reviews are conducted shall be scheduled in advance at a time and place determined by the Commission. Notice of regular or special meetings shall be given pursuant to Public Act 267 of 1976, as amended. Files on site plan reviews shall be maintained separately by the Zoning Administrator.

8.5.2. The Zoning Administrator shall give fifteen (15) or more days notice to each of the officials listed in 8.5.1 of the meeting at which the matter will be considered. Notification of meeting shall include a copy of the application or staff report and site plan for each case to be considered.

8.5.3. A special meeting of the Planning Commission may be arranged by the applicant with the consent of the Planning Commission Chairperson, when it is demonstrated by the applicant that a change in meeting date is necessary. Notice of special meetings shall be given in accordance with Public Act 267 of 1976, as amended.

SECTION 8.6 RECOMMENDATIONS:

Officials listed in Section 8.5.1 shall submit written comments before the onset of meeting at which the matter is scheduled for action. Such recommendations shall be made in terms of each official's respective area of expertise and shall include reference to laws, ordinances, rules, standards, or policies supporting the recommendation. If no comment is received from an official list in 8.5.1 above, it shall be conclusively presumed that the agency represented by the official has no objection to the plans as submitted. The Zoning Administrator may issue a zoning permit based upon the action on the Site Plan Review, provided that the proposed use does not require a Conditional Use Permit.

SECTION 8.7 REVIEW PERIOD LIMITATIONS

The Planning Commission shall act on an application for site plan approval, within thirty (30) working days after its receipt by the Zoning Administrator. This time limitation may be extended only by the mutual consent of the applicant and a majority of the Planning Commission members present. Failure to act within the prescribed time limit shall result in an immediate right to appeal without cost or unreasonable delay. The decision of the Planning Commission is subject to appeal in accordance with Section 4.6.5 of this Ordinance.

SECTION 8.8 STANDARDS FOR SITE PLAN REVIEW APPROVAL

All applications for Site Plan Review which meet the following standards shall be approved:

8.8.1 The proposed site plan shall fully conform with the requirements of this Ordinance including but not limited to the provisions contained in Articles I 0, 11, and 14 of this Ordinance.

8.8.2 The proposed site plan shall fully comply with the published surface water drainage standards of the Shiawassee County Drain Commissioner, and any municipal standards ordinance having jurisdiction.

8.8.3 The proposed site plan shall fully conform with the driveway and traffic safety standards of the Michigan Department of Transportation and/or the Shiawassee County Board of Road Commissioners.

8.8.4 The proposed site plan shall comply with the applicable fire safety and emergency vehicle access requirements of the State Construction Code, the State Fire Marshall and any local Fire Code having jurisdiction.

8.8.5 The proposed site plan shall be in compliance with the Soil Erosion and Sedimentation Control Ordinance of Shiawassee County.

8.8.6 The proposed site plan shall comply with the applicable requirements of the Michigan Department of Environmental Quality and the Shiawassee County Health Department.

8.8.7 The proposed site shall comply with all applicable local ordinances including but not limited to ordinances governing the use of public water, sanitary sewage, and solid waste removal.

8.8.8 The proposed site plan shall conform with all applicable state and federal statutes.

8.8.9 The proposed building(s) shall be sited in a manner which minimize the disruption of farmland, woodlands, wetlands, and other important natural resources.

SECTION 8.9 Conformity to Approved Site Plan

8.9.1 Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the township planning commission other than minor changes, approved by the Zoning Administrator as outlined below.

8.9.2 A minor change to a site plan is a change that does not increase the overall building size by over 100 square feet, does not need a variance, does not result in an increase in the number of required parking spaces and does not affect a condition of approval.

8.9.3 If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator of the township, by written notice of such revocation, posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation. However, the township planning commission may, upon proper application of the developer and after a hearing approve a modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Owosso Charter Township Zoning Ordinance.

SECTION 8.10 Expiration of Site Plan Approval

Approval of the site plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval shall be required and obtained before any construction or earth change is commenced upon the site provided that an extension of not more than one year may be granted by the planning commission. Once a building permit has been issued on an approved site plan, the site plan approval remains valid until the building permit expires. If the building permit expires and is not renewed prior to completion of the project, a new site plan must be approved.

SECTION 8.11 - Amendment to the Site Plan

A proposed amendment modification, or alteration to a previously approved site plan shall be submitted to the Owosso Charter Township Planning Commission for review in the same manner as the original application was submitted and reviewed.

ARTICLE 9: CONDITIONAL USE PERMITS

SECTION 9.1 PURPOSE AND INTENT

It is the purpose of this Article to provide procedures and standards for the submission, review and approval of Conditional Land Use Permits. It is the intent of these provisions to allow for flexibility and practical latitude while maintaining sound provisions for the protection of the public health, safety, and general welfare. In order to achieve this purpose, certain land uses, buildings, and structures are required to be reviewed for compliance with the specific and general standards contained in this Ordinance.

SECTION 9.2 JURISDICTION

No land use, building, or structure requiring a Conditional Use Permit shall be authorized unless the owner, lessee, or agent thereof, shall apply for, and receive a Conditional Use Permit.

9.2.1 Applications for Conditional Use Permits shall include a site plan meeting the requirements of Article 8 which will be reviewed at the time of Conditional Use Permit review and approved based on the standards for Article 8.

9.2.2 Applications requiring site plan review approval may at the applicants option, delay site plan review until a Conditional Use Permit is obtained. When this occurs obtaining Site Plan Review approval is a condition of approval of the Conditional Use permit

SECTION 9.3 CONDITIONAL USE PERMIT PROCEDURES

An application for a Conditional Use Permit shall be submitted and processed in accordance with the following:

9.3.1 Application Requirements: All applications shall be submitted on a form designed for that purpose and adopted pursuant to Section 3.4.1 of this Ordinance, and shall be accompanied by 12 copies of an accurately drawn site plan, containing all the requirements listed in Section 8.3.3 of this Ordinance.

9.3.2 Application Fee: An application shall be accompanied by a fee in an amount established, and amended from time to time, by resolution of the Owosso Charter Township Board of Trustees.

9.3.3 Zoning Administrator Review: The Zoning Administrator shall review each application to insure that all required and necessary information has been received. An incomplete application shall be returned with a letter indicating its deficiencies. A complete application shall be processed as provided for in this Ordinance.

9.3.4 Action by Township Planning Commission: The Township Planning Commission shall conduct at least one public hearing.

A. Notice of date, time, place, nature of request, and location of proposal shall be given in accordance with Section 16 b, subsection (2) of Public Act 110 of 2006, as amended.

- B. Any person having interest in the application, may speak, present documents, or evidence in support of a position regarding the application at the public hearing.
- C. It shall be incumbent upon the representatives of the applicant for a Conditional Use Permit, to provide documentation and evidence in support of the proposal. It shall also be the obligation of said applicant, to furnish evidence, or proof of compliance with the specific and general criteria contained in this Ordinance.

9.3.5 Basis of Planning Commission Decisions: The Planning Commission's decision shall be based solely upon compliance with the specific requirements contained elsewhere in this Ordinance, and the general standards listed below:

- A. General compliance with the applicable land use policies contained in the Owosso Charter Township Land Use Plan.
- B. Public facilities are adequate or can be made adequate to serve the proposed project. Specifically, that existing roads and their projected future capacity, schools, storm water drainage, fire protection, police, emergency medical care, public transportation, and public recreation are adequate to serve the proposed project and the health, safety and general welfare of the residents.
- C. On-site sanitation facilities including sewage disposal, potable water supply, storm water, and solid waste disposal are properly designed and capable of handling the long term needs of the proposed project.
- D. The proposed project will not have substantial and permanent adverse effect on the market value of surrounding property.
- E. The proposed project is not located such that it will directly or indirectly have a substantial adverse impact on the natural resources of the Township. Specifically, prime agricultural soils, water recharge areas, lake, rivers, streams, major forests, wetlands, wildlife areas and major sand, gravel or mineral deposits.
- F. The proposed project causes no hazard to surrounding and nearby property nor any conflict or unreasonable disturbance to the existing use of surrounding or nearby property.

9.3.6 Statements of Conclusion: The Planning Commission shall specify in writing the conclusions and findings on each request in terms of the general standards listed above in Section 9.3.5 of this Ordinance.

9.3.7 Required Approval by Planning Commission: The Planning Commission shall approve a request for Conditional Use Permit for any applicant which fully meets the general standards and specific standards contained in this Ordinance.

9.3.8 Conditions of Approval:

- A. The Planning Commission may require reasonable conditions in conjunction with the approval of a Conditional Use Permit. Such conditions shall include conditions necessary to insure that public services and facilities affected will be capable of accommodating increased service and facility loads caused by the proposed land use or activity, to protect the natural environment and conserve

natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in socially and economically desirable manner. The conditions imposed shall be recorded in the minutes of the Planning Commission and on the Conditional Use Permit. These conditions shall remain unchanged unless a written request is submitted to the Planning Commission for change of conditions.

- B. A request for change of conditions shall require the same review and approval process as the that of the original Conditional Use Permit approval process

9.3.9 Requirements for Reasonable Conditions of Approval: Conditions of approval imposed upon Conditional Use Permits shall meet the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and to the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
- D. There shall be a logical connection or “rational nexus” between the impact of the proposed use and the conditions imposed.
- E. The scale of the condition shall be roughly proportional to the anticipated impact proposed to be mitigated by the condition.

SECTION 9.4 ISSUANCE OF CONDITIONAL USE PERMITS

A Conditional Use Permit shall be issued in writing specifying all conditions of approval, the specific requirements and a copy of the site plan stamped approved and signed by the Zoning Administrator.

9.4.1 Duration of Conditional Use Permit: A Conditional Land Use Permit shall be valid as long as the permitted use continues in accordance with the conditions, requirements, and site plan included in said permit. Provided, however, that an applicant must begin the proposed land use, building, or structure within six (6) months of issuance of the Conditional Use Permit and the Conditional Use Permit will expire after 12 consecutive months of non-use and may only be re-established following approval of a new permit following the procedures outlined in this article..

9.4.2 Re-application: No application for a Conditional Use Permit which has been denied by the Township Planning Commission shall be resubmitted before the expiration of one (1) year of the date of such denial, except upon grounds of newly discovered evidence or documentation of change of physical conditions.

SECTION 9.5 BONDING

The Planning Commission may require that a bond be furnished to insure compliance with certain conditions imposed with the granting of a Conditional Use Permit. The amount and type of bond shall be determined by the Planning Commission by estimating the scale of said operation. The bond shall be reasonable, appropriate and commensurate with the scope of the project. The amount of the bond shall be reduced at a rate equal to the ratio of work completed on the required improvements as work progresses. The term "improvements" should not be construed to mean the project itself, but rather those features associated with the project which are deemed necessary to protect the health, safety and welfare of Owosso Charter Township's resources and future users or inhabitants of the proposed project.

SECTION 9.6 APPEAL OF DECISIONS

Any interested person aggrieved by the decision of the Planning Commission may have that decision reviewed by the Board of Appeals provided the appeal is filed within 21 days of the Planning Commission decision. The Board of Appeals shall review the matter based on the standards contained in this Ordinance and shall give written justification for any decision rendered pursuant to Section 4.6.9 of this Ordinance.

SECTION 9.7 REVOCATION OF CONDITIONAL USE PERMIT

If a property owner or operator of a use granted a Conditional Use Permit fails to comply with the conditions of approval, the Planning Commission may initiate a hearing to revoke the permit. The hearing notice shall be the same as required for the public hearing required for approval of the Conditional Use Permit.

ARTICLE 10: OFF-STREET PARKING AND LOADING

SECTION 10.1 INTENT AND PURPOSE

It is the intent of this Ordinance that off-street parking spaces shall be provided and adequately maintained by each property owner in every district for the parking of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered, or enlarged under the provisions of this Ordinance.

SECTION 10.2 JURISDICTION

At the time any building or structure is erected, enlarged or increased in capacity, or uses established, off-street parking spaces shall be provided in all districts according to the requirements herein specified.

10.2.1 Parking and Loading Plan Review: Whenever ten (10) or more vehicle parking spaces are required for a given use of land, plans and specifications for the construction or alteration of an off-street parking area shall be submitted for Site Plan Review approval pursuant to Article 8 of this Ordinance before a zoning permit is issued.

10.2.2 Location of Parking Areas: All off-street parking and loading areas shall be located on the same lot or an adjacent lot in the same land development district as the building, structure, or use the parking area is intended to serve.

10.2.3 Parking Areas Existing Before the Effective Date of this Ordinance: No parking area or parking space or loading area which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established in this Ordinance.

10.2.4 Use of Right-of-Way: The right-of-way of any County road or state highway shall not be used or continue to be used after the effective date of this ordinance, for off-street parking or loading without the written permission of the County Road Commission for County roads and streets or the Michigan Department of Transportation for state highways.

10.2.5 Uses of Parking Areas:

- A. Parking spaces and loading areas shall be used exclusively for the parking of vehicles associated with a building, structure or land use for which those employees and patrons it is designed to serve. No commercial activity, outdoor storage, tent sale, or selling of any kind shall be conducted within required parking areas.
- B. Directional Signs: No signs shall be erected in required parking areas except the following: No more than one (1) directional sign at each entrance or exit may be erected which may also bear the name of the enterprise the lot is intended to serve. Handicap parking space signs, as provided by the Michigan Construction Act, Public Act 230 of 1977, as amended. Such signs shall not project beyond the property line of the premises.
- C. The outdoor parking of motor vehicles in a residential district shall be limited to registered and licensed passenger vehicles and commercial vehicle built on a chassis

which is rated one ton or less and not exceeding fourteen thousand (14,000) pounds in gross vehicle weight, except when said vehicles are associated with the use permitted by a Conditional Use Permit pursuant to Article 9 of this Ordinance.

- D. The storage of travel trailers, motor homes, camper trailers, or parking other trailers or recreational vehicles in required parking spaces for a period in excess of fourteen (14) days is hereby prohibited.

SECTION 10.3 UNITS OF MEASUREMENT

10.3.1 Seating Capacity: When benches, pews, or other similar seating is used, each 18 inches of said seating be counted as one seat.

10.3.2 Employees: Requirements for parking stated in terms of employees shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

10.3.3 Floor Area: The entire enclosed area of a building as measured from the exterior surface of exterior walls.

10.3.4 Fractional Spaces: Where units or measurement determining the number of required parking spaces result in a fraction equal to or greater than one half an additional space shall be required.

SECTION 10.4 OFF-STREET PARKING SPACE REQUIREMENTS

10.4.1 Residential Use		Number of Motor Vehicle Parking Spaces Required/Unit of Measurement
A	Single Family or Two Family Dwellings	Two/Dwelling unit
B	Multiple Family dwellings	Two/Dwelling unit
C	Modular Homes	Two/Modular Home or Modular Home site
D	Lodging and boarding house, Fraternity or similar club	One/2 beds

10.4.2 Institutional Use		Number of Motor Vehicle Parking Spaces Required/Unit of Measurement
A	Churches or temples	One/four seats in the main room for worship, plus one/two employees
B	Hospitals	Two/each patient bed
C	Home for the aged and nursing home	One/two beds
D	Day care centers	Two spaces, plus one/ever eight children of licensed capacity
E	Private schools	One/employee in addition to the requirements of the auditorium
G	Theaters and Auditoriums	One for each three seats plus one for each employee
H	Stadium, sports arenas or similar places of outdoor assembly	One/three seats
I	Dance halls, civic orders, unions similar type of use	One space/100 square feet of floor area clubs, fraternal and or one space/three persons permitted

		building occupancy, whichever is greater
J	Private golf clubs, ski clubs, swimming clubs or beaches tennis clubs or similar uses	One space/three (3) persons of maximum anticipate capacity
K	Golf courses open to the general public, except miniature or “par-three” golf courses	Five/golf hole

10.4.3 Business and Commercial Use		Number of Motor Vehicle Parking for each employee
A	Shopping centers and discount department stores containing at least 25,000 square feet	Five/1,000 square feet of floor area
B	Furniture and appliance, household equipment, repair, decorator, electrician or similar trade, shoe repair and similar uses	One/800 square feet of floor area, minimum two spaces required
C	Supermarket, self-service, food or beverage shop	One/200 square feet of floor area
D	Motor vehicle sales establishment	One/200 square feet of floor space of sales room
E	Retail stores except as specified otherwise herein	One/150 square feet of floor area
F	Restaurants, taverns, bars, nightclubs	One/60 square feet of floor area
G	Drive-through restaurants and buffet style restaurants	One/three patron seats or one for each 50 square feet of floor area, whichever is greater, plus a minimum of six stacking spaces per drive-thru window
H	Barber shops, beauty shops	Two per chair or station
I	Laundromats and coin operated dry cleaners	One for each two washing machines
J	Drive-in banks or laundries	Three standing spaces for each drive-in window in addition to normal parking required for banks or laundries
K	Drive-in car washes, automatic	Fifteen standing spaces for each automatic washing bay
L	Drive-in car washes, self-service	Three standing spaces for each washing bay
M	Automobile service	One of each service bay, and station one for each two employees
N	Bowling alleys	Five for each alley, in addition to any requirement for other uses such as bar, restaurant or billiard room
O	Miniature or “three” golf courses	Three/hole
P	Funeral homes and Mortuary establishments	One for each 30 square feet of floor space
Q	Motels, hotels, or other commercial lodging establishments	One for each occupancy unit rooms, plus extra spaces for ball rooms, dining rooms or meeting rooms as required by this Ordinance. Should units convert to multiple-type use then two spaces per unit shall be provided.

10.4.4 Office Use		Number of Motor Vehicle Parking Spaces Required/Unit of Measurement
A	Business or professional offices and banks, not including medical office	One/200 square feet of floor area
B	Medical offices and clinics	One/150 square feet of floor area

10.4.5 Industrial Use		Number of Motor Vehicle Parking Spaces Required/Unit of Measurement
A	Industrial or research establishments	One/two (2) employees in the largest working shift, or every 400 square feet of floor area
B	Warehousing or wholesale establishments	One/two employees in the largest working shift, or one for every 1,700 square feet of floor area, whichever is greater

SECTION 10.5 SITE DEVELOPMENT REQUIREMENTS

All off-street drives and roads shall be constructed of bituminous asphalt or concrete.

10.5.1 Surfacing: All parking areas shall be graded to provide adequate storm drainage and provided with a smooth, durable, dustless surface consisting of bituminous asphalt, concrete, aggregate stone or gravel. Said surface shall be maintained and replaced if necessary during the period of occupancy of the building it serves.

10.5.2 Parking Space Minimum Dimensions: A minimum area of two-hundred (200) square feet consisting of ten (10) feet in width by twenty (20) feet in depth shall be provided for each vehicle parking space.

10.5.3 Maneuvering Lanes: The minimum width of aisles or maneuvering lanes shall be as follows:

- A. For parking angles from 75 degrees to 90 degrees, the maneuvering lane width shall be a minimum of 24 feet.
- B. For parking angles from 54 degrees to 74 degrees, the maneuvering lane width shall be a minimum of 18 feet.
- C. For parking angles from 30 degrees to 53 degrees, the maneuvering lane width shall be a minimum of 12 feet.
- D. For parallel parking, the maneuvering lane width shall be a minimum of 12 feet.

10.5.4 Access to Public Street: Ingress and egress to parking areas shall be provided by means of clearly limited and defined drives as provided for below:

- A. All parking areas providing more than 5 parking spaces shall be provided with a drive for ingress and egress of not less than twenty (20) feet in width. When one-way drives or boulevards are utilized, the minimum width of a lane shall be 12 feet.
- B. All parking areas shall be designed so as to not make it necessary for vehicles to back directly onto a major street as classified in this Ordinance

10.5.5 Joint Use of Parking Areas: The use of a single parking area by two or more uses which are individually required to maintain more than 10 parking spaces is encouraged whenever such use is practical, and when all requirements for location, design, and construction are met.

- A. Capacities: In computing capacities of any joint use of parking areas, the total parking space requirement is the sum of the individual requirements that will occur at the same time each day. When parking space requirements for individual uses occur at distinctly different times during the day, the total required parking spaces may be reduced by action of the Planning Commission at site plan review provided that no parking spaces shall be counted which are more than 500 feet from any entrance to building using joint parking areas.
- B. Recording: A copy of an agreement between the joint users of a parking area shall be recorded with the Shiawassee County Register of Deeds. Such agreements shall guarantee the long term use and maintenance of the parking facility by each party.

10.5.6 Building Additions and Change of Use: Whenever a building, structure, or use is modified, expanded, and changed in use from one category to another, and such activity requires a permit pursuant to this Ordinance, the parking space requirements shall be reviewed and made to comply with the standards of this Ordinance.

10.5.7 Off-street parking facilities for trucks, buses and recreational vehicles at restaurants, motels, hotels, service stations, commercial garages, and similar establishments, shall be sufficient in size to adequately service large vehicles and trucks without interfering with other vehicles using the same facility. Parking spaces for such vehicles shall be not less than twelve (12) feet in width and forty (40) feet in length. Access drives for such vehicles shall be designed with adequate turning radius and special provision for slow entry onto public streets and highways. Site Plan Review and approval pursuant to Article 8 of this Ordinance shall be required for any use proposing to serve trucks, buses or recreational vehicles.

SECTION 10.6 LOADING AND UNLOADING SPACE REQUIREMENTS

In order to prevent undue interference with the public use of streets, every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the time on an average day of full use.

10.6.1 Review of Plans: Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a zoning permit for the erection or enlargement of a use of a building or structure.

10.6.2 Loading space required under this section shall be provided as area additional to off-street parking space as required under Section 10.4 and shall not be considered as supplying off-street parking space. There shall be provided adequate space for standing, loading, and unloading services not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet in height, open or enclosed, for uses listed in the following

table:

USE	FLOOR AREA (square feet)	SPACE REQUIRED
Commercial uses, such as retail stores, personal services amusement, automotive service	First 2,000	None
	Next 20,000 or fraction thereof	One
	Each additional 20,000 or fraction thereof	One
Hotels, Offices	First 2,000	None
	Next 50,000 or fraction thereof	One
	Each additional 100,000 or fraction thereof	One
Wholesale and storage including building and contractors yards	First 20,000 or fraction thereof	One
	Next 20,000 or fraction thereof	One
Manufacturing uses	First 20,000 or fraction thereof	One
	Each additional 20,000 or fraction thereof	One
Funeral Home and Mortuaries	First 5,000 or fraction thereof	One
	Each additional 10,000 or fraction thereof	One
Hospitals	First 10,000 or fraction thereof	None
	Next 100,000 or fraction thereof	One
	Each additional 10,000 or fraction thereof	One
Similar but not listed	For each building 5,000 or over	One

10.6.3 All off-street loading facilities that make it necessary to back directly into a public road shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.

10.6.4 Site Requirements: Off-street loading spaces and access drives shall be drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a lot or premises used for residential, or educational purposes, or abuts the residential districts, there shall be provided a masonry wall or solid fence not less than four (4) feet in height between the off-street loading space and said uses or district.

SECTION 10.7 APPEALS

The Board of Appeals may authorize a reduction, modification or a waiver of any of the requirements of this Article upon appeal provided the standards established in section 4.6.3 of this Ordinance are fully met.

ARTICLE 11: ADVERTISING STRUCTURES, SIGNS, AND NAME PLATES

SECTION 11.1 PURPOSE AND INTENT

The purpose of this Article is to promote traffic safety, public safety, and the conservation of property values through the application of reasonable controls over the use, size, placement, and general appearance of signs, billboards, and other advertising structures.

SECTION 11.2 JURISDICTION

No sign, billboard, name plate, portable sign, marquee, or other advertising structure shall be erected, replaced, structurally altered, enlarged, illuminated, changed in purpose, or relocated without first obtaining a sign permit pursuant to Section 11.3 of this Ordinance, except those signs specifically exempted by Section 11.8 of this Ordinance, and those structures covered under the Highway Advertising Public Act 106, of 1972, as amended. Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.

SECTION 11.3 ZONING APPROVAL

An application for zoning approval of a proposed sign shall be made to the Zoning Administrator, by submission of a zoning permit application approved for this purpose pursuant to Section 3.4.1 of this Ordinance, by the owner of the property on which the sign is proposed to be located or by his agent, or lessee. Said application shall contain the following information:

- 11.3.1 Property owner's name and address
- 11.3.2 Applicant's name, address, and phone number
- 11.3.3 Address or legal description of property on which the sign is proposed
- 11.3.4 Name and address of the owner of the sign
- 11.3.5 Total display area in square feet
- 11.3.6 Proposed setback from road right-of-way
- 11.3.7 Sign type, purpose, height
- 11.3.8 Height and width of building if the sign is a wall or wall projecting type

SECTION 11.4 REVIEW OF APPLICATIONS

The Zoning Administrator shall review all properly filed applications for zoning permits for signs following procedures in Article 3.

SECTION 11.5 SIGN PERMIT APPLICATION FEES

A schedule of permit fees shall be established and amended from time to time by resolution of the Township Board of Trustees.

SECTION 11.6 PROHIBITED SIGNS

The following listed signs are prohibited in any district of this Ordinance:

11.6.1 A sign displaying intermittent lights.

11.6.2 A sign using the words, "Stop", "Danger", or any other words, phrases, symbols, characters, in such a manner as to interfere with, mislead, or confuse a vehicle driver.

11.6.3 Any sign which obstructs the ingress or egress from a required door, window, or other required exit

11.6.4 Signs located in the right of-way of public streets or highways

SECTION 11.7 EXEMPT SIGNS

The following signs are permitted as indicated below and are not required to obtain a Sign Permit.

11.7.1 Real Estate Sale and For Rent or Lease Signs which are not exceeding eight (8) square feet in display area when located within an agricultural or residential districts, and not exceeding thirty-two (32) square feet in display area in all other land development districts.

11.7.2 Building Construction Signs identifying contractors, architects, builders, or owners name during the period of construction not exceeding fifty (50) square feet in display area. Signs designating the future site of an establishment shall not be considered Building Construction Signs.

11.7.3 Political Campaign Signs not exceeding thirty two (32) square feet in display area

11.7.4 No Hunting, No Trespassing, Garage Sale and On Premise Directional Signs not exceeding six (6) square feet in display area

11.7.5 Signs identifying a building's address and/or the names of the occupants but do not exceed six (6) square feet in display area

11.7.6 Historic Markers, signs identifying the name of a building or date of erection of a structure and official notices of any court or public agency not exceeding six (6) square feet in display area

11.7.7 Signs located on the premises of a customary agricultural operation as defined in this Ordinance which identify and advertise, name of a farm, the operator's name, seed, fertilizer, herbicide, pesticide, feed, feed supplements, livestock, test plots, farm organizations, awards, and similar agricultural activities, including seed, feed, fertilizer, herbicide, and pesticide dealers, but excluding equipment and implement dealer and related repair facilities or general retail sales. Such signs shall not exceed thirty-two (32)

square feet in display area.

11.7.8 Signs identifying the owner, operator, or name of a customary agricultural operation when located on agricultural buildings without display area limitations.

11.7.9 Traffic Control, Directional, Warning, or Information Signs when authorized by a public agency having appropriate jurisdiction without display area limitations

11.7.10 Flags, pennants, or banner bearing the official insignia of a nation, state, township, municipality, or educational institution not to exceed fifty (50) feet in display area

11.7.11 Portable Signs when located in any commercial zoning district, in accordance with Section 11.2 are permitted for a period of not more than 30 days from the date of opening of a new business facility

SECTION 11.8 PERMITTED SIGNS

The following sign types, sizes, number, and purposes are permitted for the uses indicated.

USE	Maximum Display Area	Sign type	Maximum Height	Sign Purpose	Maximum Number of Signs		
A	Educational Institution	18 Square Feet	Ground	8 Feet	Identification or Business	One per Use	
	Religious Institution Institution for Human Care Cemetery Park or Conservation Area Public Building Day Care Center Adult Foster Care Home	10% of Wall Area of Establishment Served	Wall	Not above upper wall line			
B	Golf Course Public Airport Surface Mine Agricultural Business Solid Waste Disposal Facility	32 Square Feet	Ground	8 Feet	Identification or Business	One per Establishment	
C	Mobile Home Community Group Housing Development Planned Unit Development Residential Subdivision Site Condominium Project	32 Square Feet	Ground	8 Feet	Identification	One per Street Entrance	
D	Home Occupation Home Business	8 Square Feet	Wall	Not above front wall	Home Occupation	One per Dwelling Unit	
			Ground	8 Feet			
E	Individual Commercial Establishment, such as Retail Sales, Office, Personal & Business Services, Motels, Hotels and Financial Institutions	15% of the Wall Area of the Establishment	Wall, Projecting or Roof	3 feet above the Building Height	Identification or Business	No Maximum	
			100 Square Feet	Pole			30 Feet
			75 Square Feet	Ground			12 Feet
F	Shopping Center, Mall or Industrial Park	15% of the Wall Area of the Establishment	Wall, Projecting or Roof	3 feet above the Building Height	Identification	One per Establishment	
			1 Square Foot for each front foot of a building with a maximum of 300 square feet	Pole	50 Feet	Identification of Shopping Center, Mall or Industrial Park or Individual Business	One Pole or One Ground Sign (see footnote 1)
			Ground	20 Feet			

G	Vehicle Service Stations as provided for in Section 14.20 of this Ordinance	100 Square Feet for Each Sign (see footnote 1)	Pole	50 Feet	Identification	One Pole or One Ground Sign (see footnote 1)
		15% of the Wall Area of the Establishment	Ground	12 Feet	Identification or Business	No Maximum
Wall, Projecting or Roof	3 feet above the Building Height					
H	Vehicle Sales as provided for in Section 14.18 of this Ordinance	100 Square Feet for Each Sign	Pole	50 Feet	Identification	One Pole or One Ground Sign for new Car Dealership and One Pole or One Ground Sign for Used Car Sales
		15% of the Wall Area of the Establishment	Ground	12 Feet	Identification or Business	No Maximum
Wall or Projecting	Not Above Upper Wall Line					
I	Individual Industrial Establishment	15% of the Wall Area of the Establishment	Wall or Roof	3 Feet Above the Building Height	Identification	No Maximum
		100 Square Feet	Pole	50 Feet		
		75 Square Feet	Ground	12 Feet		
J	Off Premises Signs including Billboards (Industrial and Commercial Districts Only) (3)	720 Square Feet	Pole, Ground or Billboard	30 Feet	Advertising	Spacing must be a minimum of 500 feet between signs (see footnote 2)
K	Electronic Signs (4)					

Footnotes:

1. Corner lots may have one sign on each street with a maximum display area of 100 square feet each.
2. Each side of the road shall be considered separately for the purpose of measuring the 500 feet required spacing.
3. Billboards may not be located within three-hundred (300) feet of a residential district.
4. Electronic signs may be permitted in all zoning districts as part of a permanent freestanding or wall sign provided:
 - a. The sign complies with all other requirements of this ordinance.
 - b. The electronic display area may comprise no more than 50% of the total sign area.
 - c. The signs message shall not change more frequently than once every thirty (30) seconds, and shall not use any flashing characters.
 - d. The brightness of the sign shall be calibrated so that it dims as dusk approaches and shall not exceed .03 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size below.

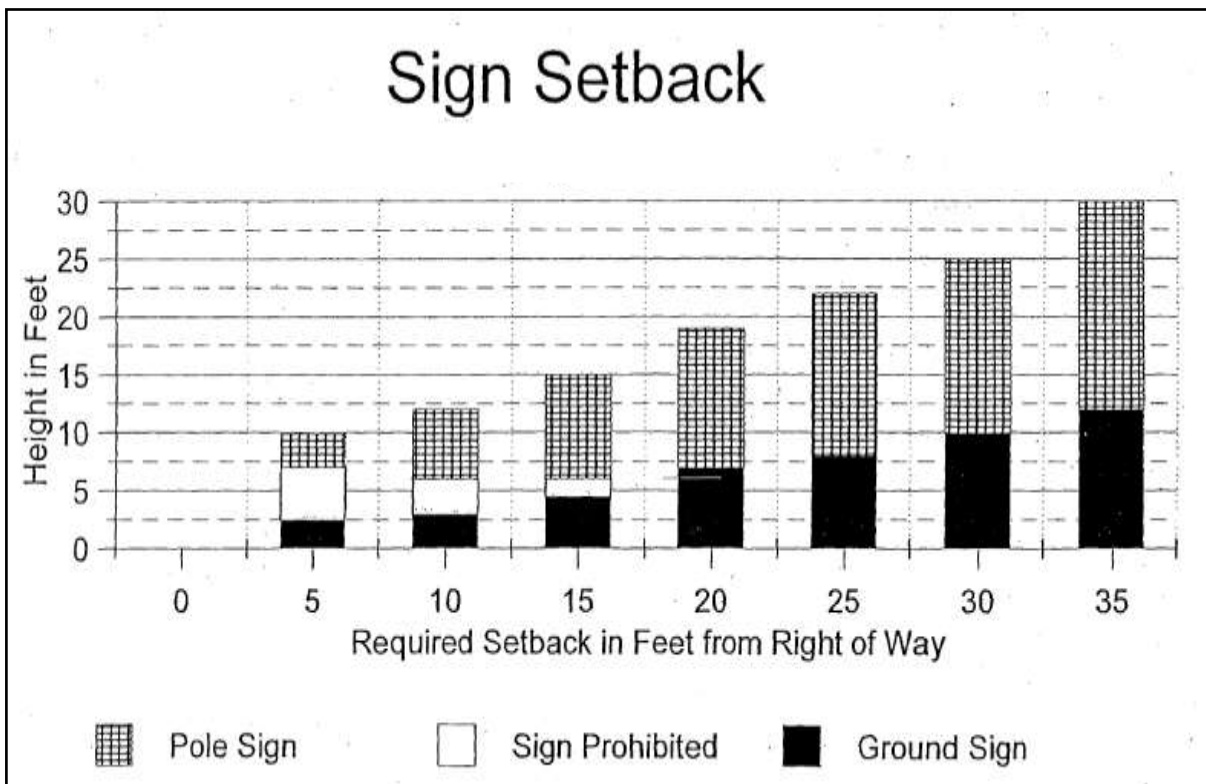
Area of Sign Sq. ft.	Measurement Distance (ft.)
10	32
20	45
30	55
40	63
50	71
75	87
100	100
150	122
200	144
300	173

Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$

SECTION 11.9 SIGN SETBACK REQUIREMENTS

Sign setbacks for all districts shall be as required in figure A below; except when the sign height exceeds twenty five (25) feet, one additional foot in setback shall be required for each additional foot in height (See Figure 11-1).

Figure 11-1



ARTICLE 12: NONCONFORMITIES

SECTION 12.1 INTENT AND PURPOSE

It is the purpose of this Article to provide for the continuance of legal nonconforming uses of land or structures, of nonconforming lots and nonconforming structures which existed before the enactment of this Ordinance, or before the effective date of an amendment to this Ordinance, governing an otherwise lawful existing use of land or structures. Such nonconformities are permitted to continue under the conditions specified in this Article which are intended to minimize disharmony and incompatibility between uses of land and provide for either the eventual discontinuance or conversion to a conforming use.

SECTION 12.2 CLASSIFICATION OF NONCONFORMITIES

12.2.1 **Illegal Nonconformity:** Any use of land or structure, creation of lot or erection or modification of a structure which has been established in violation of the provisions of this Ordinance or a previous valid Township Zoning Ordinance, having jurisdiction at the time said use of land or structure was established, and any use of land or structure which has been lawfully established under this Ordinance or a previous valid Township or County Zoning Ordinance and subsequently violates the terms of the permit under which it was established shall be termed an illegal nonconformity. Provided that regardless of the past status, a land use which fully complies with this Ordinance shall not be considered a Nonconforming Use

12.2.2 **Legal Nonconformity:** An existing use of land, lot or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established, created, or commenced during a period of time when no valid zoning ordinance was in effect, or was lawfully established under the jurisdiction of a previously Township Zoning Ordinance, and remains in compliance with the terms of a permit issued at that time.

- A. **Legal Nonconforming Lot:** Any existing lot lawfully created which fails to meet the minimum lot area and minimum lot frontage requirements contained in this Ordinance, and can be shown to have been created as a legal nonconformity by examination of either a legal instrument of transfer or property, or property tax assessment rolls, shall be classified as a Nonconforming lot.
- B. **Legal Nonconforming Structure:** Any existing building, structure, sign, parking area, or other development which fails to meet the setback, side yard, rear yard, and other requirements of this Ordinance, as amended, and can be shown to have established or commenced as a legal nonconformity shall be classified as a nonconforming structure.
- C. **Legal Nonconforming Use:** Any use of land located in a district in which it is not permitted by right, or by site plan approval pursuant to this Ordinance, as amended, and can be shown to have established, or commenced as a legal nonconformity shall be classified as a nonconforming use.

SECTION 12.2.3 Nonconforming Uses or Structures

- A. If the use of a dwelling, building, or structure or of the land is lawful at the time of

enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the provisions of the zoning ordinance or amendment.

- B. The legislative body may provide in a zoning ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning ordinance. In establishing terms for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming uses may be established in the zoning ordinance with different requirements applicable to nonconforming uses may be established in the zoning ordinance with different requirements applicable to each class
- C. The legislative body may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The legislative body may provide that the cost and expense of acquiring private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in local units of government. Property acquired under this subsection by a city or village shall not be used for public housing.
- D. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The legislative body may institute proceedings for condemnation of nonconforming uses and structures under 1911 PA 149, MCL 213.21 to 213.25.

SECTION 12.3 REGULATIONS OF NONCONFORMITIES:

Legal Nonconformities as defined in Section 12.2.2 shall be permitted to continue provided there is compliance with the following regulations:

12.3.1 Abandonment: Any legal nonconforming use that is inactive for a year shall be notified considered potentially abandoned. A hearing shall be held by the ZBA following notice required for ZBA hearings and the property owner and/or operator of the use shall be required to provide proof that the nonconforming use has not been abandoned.

Factors to be considered by the ZBA in making their determination shall include

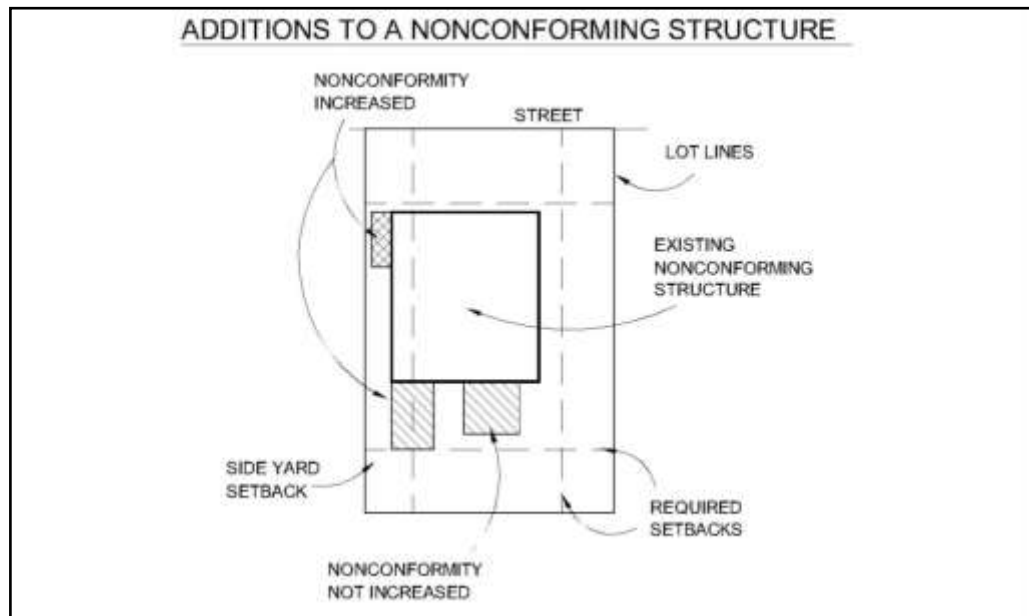
- A. Reports such as from the building inspection or health department indicating the property is or has not been suitable for occupation.
- B. Disconnection of utilities
- C. Evidence that the use was relocated to a new site
- D. Evidence of a “going out of business” sale
- E. Signs advertising the business have been removed
- F. The use has been discontinued for twelve (12) consecutive months1 year, except

where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated

- G Removal of the equipment or fixtures necessary for the operation of the nonconforming use
- H. Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use
- I. Other actions by the property owner or lessee that demonstrates an intent to abandon the nonconforming use

12.3.2 Expansion: No legal nonconforming use shall be permitted to expand or enlarge the size of any building or structure, or extend the land area occupied by the nonconforming use, except the nonconforming use of a building may be extended throughout any portions of a building which can be shown to have been manifestly arranged or designed for such use, and except in the case of surface mining operations, the existing site or holes may be continued and enlarged within the boundaries of the parcel on which the operation was lawfully established. No nonconforming structure may be expanded in a way that increases the nonconformity as shown in Figure 12-1 below, however expansion may be permitted that is consistent with the exceptions allowed in Section 6.2.12

Figure 12-1



12.3.3 Structural Alteration: No legal nonconforming use shall undertake a structural change requiring a Construction Permit, pursuant to Public Act 230 of 1972, as amended, specifically, Section 10(3) and Section 102 of the Basic Building Code, as amended, provided, however that mechanical, electrical, plumbing, sewage disposal, and well permits shall be issued when no structural alteration or modification is involved, and provided the strengthening or restoring to safe condition of any building, structure, or part thereof declared to be unsafe by any public official charged with protecting the public health or safety may be structurally altered to the extent necessary to comply with

the order of said public official.

12.3.4 Completion: Any lawful use of land or structure which is under construction in furtherance of the establishment of a building or structure before the enactment of this Ordinance shall be permitted to continue as a legal nonconformity.

12.3.5 Substitution: A legal nonconforming use shall not be changed in use to another nonconforming use. A legal nonconforming structure or lot shall not be modified in a way that increases its nonconformity. A legal nonconformity which is succeeded by a use, building or structure in compliance with this Ordinance shall lose its vested right as a legal nonconformity and hereafter continue in compliance with the provisions of this Ordinance.

12.3.6 Re-establishment: A legal nonconforming use or legal nonconforming structure which is damaged by fire, collapse, explosion, high winds, vandalism, or other means beyond the owner's control, may not be replaced but may be repaired to its former condition upon certification of a licensed appraiser or the insurance adjuster whose company insures the property that the cost of repair does not exceed the former value of the buildings and structures located on said property.

However, all single and two family dwellings that are used for residential purposes at the time a new district is established which causes the single family or two family residential use and structure to become nonconforming shall be allowed to be totally replaced if damaged or destroyed in excess of fifty percent (50%). However, such right shall be subject to the conditional use provisions of this ordinance.

12.3.7 Moving: No nonconforming use shall be moved in whole or in part except when such moving results in full compliance with the provisions of this Ordinance.

12.3.8 Continuance: An illegal nonconformity shall be corrected to comply with the provisions of this Ordinance or discontinued, and shall be subject to enforcement action pursuant to this Ordinance when applicable or pursuant to a previous Township zoning ordinance in effect at the time said land use or structure was unlawfully established. Lawfully established Conditional Uses shall not be deemed unlawful and/ or prohibited under the provisions of this Ordinance, and may continue as permitted used to the same extent, and subject to the same conditions of approval as established in the Conditional Use Permit granted under the previous Township Zoning Ordinance.

12.3.9 Initial Construction: A legal nonconforming lot shall be issued a zoning permit, provided that the proposed development meets all of the provisions of this Ordinance except the minimum lot area and minimum lot frontage requirements of the district in which it is situated.

SECTION 12.4 APPEALS

The Board of Appeals may authorize a modification or waiver of certain requirements of this Article. Upon receipt of a specific request, the Appeals Board may:

12.4.1 Allow the structural alteration of a legal nonconforming use

12.4.2 Allow the substitution of another legal nonconforming use having a less detrimental effect on surrounding property

12.4.3 Allow the moving of a legal nonconforming structure

ARTICLE 13: AMENDMENTS

SECTION 13.1 PURPOSE AND INTENT

The purpose of this Article is to provide for the amendment of this Ordinance as needed when provisions become obsolete, when identifiable conditions change related to this Ordinance, when errors are found, or when changes are made in land use policy or the Owosso Charter Township Land Use Plan.

SECTION 13.2 INITIATION OF AMENDMENTS

13.2.1 The Township Board of Trustees may, from time to time, amend, modify, supplement, or revise the land development district boundaries or the provisions of this Ordinance.

13.2.2 Amendments to the zoning map may be initiated by the Board of Trustees, or the Township Planning Commission, or by application of one or more persons having interest in the property that is the subject of the zoning map amendment.

13.2.3 Amendments to the zoning ordinance text map may be initiated by the Board of Trustees, or the Township Planning Commission, or by the Zoning Board of Appeals.

13.2.4 Use and Development of Land as Condition to Re-zoning

- A. An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a re-zoning of the land or an amendment to a zoning map.
- B. In approving the conditions under subsection (1), the local unity of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification
- C. The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.
- D. The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.
- E. A local unit of government shall not require a landowner to offer conditions as a requirement for re-zoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

13.2.5 Determination by local legislative body; amendments or supplements; notice of proposed re-zoning

- A. The legislative body of a local government may provide by ordinance for the manner in which the regulations and boundaries of districts or zones shall be

determined and enforced or amended, supplemented, or changed. Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under this act for the enactment of the original ordinance.

- B. If an individual property or 10 or fewer adjacent properties are proposed for re-zoning, the zoning commission shall give a notice of the proposed re-zoning in the same manner as required under section 103
- C. If 11 or more adjacent properties are proposed for re-zoning, the zoning commission shall give a notice of the proposed re-zoning in the same manner as required under section 103, except for the requirement of section 103(2) and except that no individual addresses of properties are required to be listed under section 103(3)(b).
- D. An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the legislative body and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under this act

SECTION 13.3 FILING FEE

The Township Board of Trustees shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Zoning Administrator and no part shall be refundable to the applicant.

SECTION 13.4 APPLICATION PROCEDURE

13.4.1 The Planning Commission shall adopt an application form to be completed by the applicant and filed with the Zoning Administrator. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.

13.4.2 The Zoning Administrator shall review the application for completeness. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

13.4.3 The Zoning Administrator shall provide notice of the proposed amendment in accordance with Public Act 110 of 2006, as amended.

SECTION 13.5 PUBLIC HEARINGS

13.5.1 The Zoning Administrator shall schedule a public hearing on the proposed amendment for the next regular Planning Commission meeting possible, given notice requirements.

13.5.2 Notice of the Public Hearing shall be given by publishing the notice at least once in a newspaper of general circulation in Owosso Charter Township stating the time and

place of the hearing and the substance of the proposed amendment, the time and place where the proposed amendment can be inspected and where comments can be sent, and in the event of a proposed change in the Zoning Map, the street address of the properties affected shall also be stated. If the properties do not have street addresses, the tax parcel ID number shall be used. This notice shall appear in said newspaper at least fifteen (15) days prior to the date set for the public hearing.

13.5.3 Furthermore, not less than fifteen (15) days' notice of the time and place of such public hearing shall first be given by mail to each public utility company, telecommunications company, and to each railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained by the Zoning Administrator. A hearing shall be granted any person interested at the time and place specified on the notice

13.5.4 Notice will also be sent to the Owosso Public Schools for any rezoning within 1,000 feet of a parcel owned by the school district and the Owosso Charter Township Fire Department for any rezoning with the potential to generate 40 or more dwelling units asking for their recommendations regarding the rezoning.

SECTION 13.6 PLANNING COMMISSION RECOMMENDATIONS

13.6.1 Scope of Examination: In reviewing the application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings in full along with its recommendations for disposition of the application, to the Township Board of Trustees within a period of sixty (60) days. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:

- A. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
- B. What, if any, error was made in the original Ordinance which justifies the proposed amendment?
- C. What are the precedents and possible effects of such precedents which might result from the approval or denial of the petition?
- D. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
- E. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
- F. Does the petitioned district change comply with the adopted Owosso Charter Township Land Use Plan?
- G. The ability of the property in question to be put to a reasonable economic use in the

Land Development District in which it is presently located.

13.6.2 All findings of fact shall be made a part of the public records of the meetings of the Planning Commission. The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Board of Trustees.

SECTION 13.7 SUBMISSION TO THE COUNTY PLANNING COMMISSION

Following the public hearing by the Owosso Charter Township Planning Commission the proposed amendment shall be submitted to the Shiawassee County Planning Commission for their review and comment as required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. The Township Board may take action on the request after receiving comment back from the County Planning Commission, or thirty days after submission of the information to the county, whichever come first.

SECTION 13.8 CONSIDERATION BY THE OWOSSO CHARTER TOWNSHIP BOARD OF TRUSTEES:

13.8.1 After receiving a zoning ordinance amendment, the Owosso Charter Township Board may hold a public hearing if it considers it necessary or as may otherwise be required.

13.8.2 Notice of the hearing to be held by the Owosso Charter Township Board shall be given in the same manner as required under section 13.5 of this ordinance.

13.8.3 The Owosso Charter Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Board.

13.8.4 The Owosso Charter Township Board shall grant a hearing on a proposed ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk.

13.8.5 After the public hearing held as allowed under this section, Owosso Charter Township Board shall consider and vote upon the adoption a zoning ordinance amendment, with or without changes. A zoning ordinance amendment shall be approved by a majority vote of the members of the Board.

13.8.6 A zoning ordinance shall take effect upon the expiration of 7 days after publication unless a protest petition is filed with the Township Clerk as provided for in Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006.

13.8.7 Following adoption of the amendments by the Owosso Charter Township Board, the amendments shall be filed with the Township Clerk, and a notice of ordinance adoption shall be published in a newspaper of general circulation in the township within 15 days after adoption.

13.8.8 The notice required under this section shall include all of the following information:

- A. A summary of the regulatory effect of the amendment, including the geographic area affected which may use the address of the parcel affected when a rezoning

affects the entire parcel, or the text of the amendment.

- B. The effective date of the ordinance amendment.
- C. The place where and time when a copy of the ordinance amendment may be purchased or inspected

13.8.9 The filing and publication requirements under this section supersede any other statutory requirements relating to the filing and publication of township ordinances.

ARTICLE 14: SPECIFIC PROVISIONS AND REQUIREMENTS

The following definitions, regulations and conditions apply to the uses of land listed in Article 7 of this Ordinance, provided that a specific reference is made to this Article.

SECTION 14.1 AGRICULTURAL BUSINESS

14.1.1 Definition: Agricultural Business is sales, service, repair, storage, and processing activities which are directly dependent upon the agricultural community of the Township and are necessary to support agricultural enterprise.

14.1.2 Permitted Uses:

- A. Commercial riding or training stable
- B. Grain and feed elevators
- C. Greenhouses with on premise retail sales
- D. Livestock auction yards
- E. Livestock transport facilities
- F. Nurseries with on premise retail sales
- G. Seasonal farm markets
- H. Slaughterhouse selling products butchered on the premises
- I. Veterinary clinic and offices

14.1.3 Uses Permitted by Conditional Use Permit

- A. Agricultural chemical blending facility
- B. Food, feed, fiber, alcohol processing facility handling products for more than one farm operator
- C. Livestock transport facilities
- D. New and used farm implement dealer provided direct access to a major road is afforded
- E. Sawmills

14.1.4 Regulations and Conditions:

- A. Animal holding areas (as distinguished from pasture land) use for confined feeding or short term holding of animals shall be setback one-hundred (100) feet from all property lines and the road right-of-way. This provision shall not apply to the pasturing of animals.
- B. No storage of manure or dust producing material within one-hundred (100) feet of any property line or road right-of-way.
- C. Signs and parking areas shall be permitted pursuant to this Ordinance.

- D. Agricultural business shall be established and conducted in compliance with all other applicable laws and ordinances.
- E. These regulations and conditions are only applicable to the extent that they do not conflict with Generally Accepted Agricultural Management Practices issued by the Michigan Department of Agriculture and Rural Development under the authority of the Michigan Right to Farm Act, PA 93 of 1981.

SECTION 14.2 AUTOMOBILE SALVAGE AND SCRAPPING YARD

14.2.1 Definition: A parcel of land used for the purpose of selling, exchanging or dealing in motor vehicle or vehicle parts which requires a license from the Secretary of State pursuant to Public Act No. 300 of 1949, as amended, specifically those operations defined as Used Vehicle Parts Dealer, a Vehicle Salvage Pool, or a Vehicle Scrap Metal Processor as defined in the aforementioned State Statute.

14.2.2 Regulations and Conditions:

- A. All uses shall be established and maintained in accordance with all applicable state laws.
- B. The site shall be a minimum of five (5) acres in size.
- C. The site shall have access on a major street as defined in this Ordinance.
- D. A solid fence, wall or earthen berm at least six (6) feet in height shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.
- E. Industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

SECTION 14.3 CEMETERY

14.3.1 Definition: Privately or publicly owned property which guarantees perpetual care of grounds used solely for the interment of deceased human beings or customary household pets.

14.3.2 Regulations and Conditions:

- A. Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, Public Act 87 of 1855, as amended, and other applicable state laws.

SECTION 14.4 COMMERCIAL RECREATIONAL FACILITY

14.4.1 Definition: Commercial Recreation Facility: An outdoor recreational facility located near a major traveled corridor or a natural feature including but not limited to campgrounds, rental cottages, swimming beaches, boat rentals, shooting preserves, athletic fields, athletic clubs, miniature golf, golf driving ranges, indoor golf facilities, go-cart tracks, shooting ranges, tennis facilities, batting cages.

14.4.2 Regulations and Conditions:

- A. Camping facilities shall be fully improved, each site shall have potable water under pressure, electricity, full shower and toilet facilities within 300 hundred feet of each camp site.
- B. Camp sites shall be located at least fifty (50) ft. from any property line and all retail sales shall be accessory to the primary activity. No commercial storage or sale of vehicles is permitted within the facility
- C. The proprietor of the facility shall be responsible for enforcing a fifteen (15) day maximum stay limit on the campground; and for any person camping outside of an approved site.
- D. The facility shall at all times maintain a license to operated a campground for the State of Michigan and/ or the Shiawassee County Health Department.
- E. Other regulations and conditions may be imposed as required.

SECTION 14.5 COMMUNITY RESIDENTIAL CARE FACILITY

14.5.1 Definition: A community residential care facility is an adult foster care "Group Home" as defined in R 400.2103 Michigan Administrative Code

14.5.2 Regulations and Conditions:

- A. The facility shall have not more than twelve (12) patients/clients
- B. No new buildings or additions shall be closer than fifty (50) feet to any property line or road right-of-way
- C. All signs and off-street parking shall comply with this Ordinance.

SECTION 14.6 ESSENTIAL SERVICE FACILITY

14.6.1 Definition: An essential service facility is a public or private utility installation including water towers, pumping stations, energy transmission equipment, , high voltage electrical transmission equipment and accessories, which are reasonably necessary to provide needed community facilities and services.

14.6.2 Regulations and Conditions:

- A. Freestanding towers shall be setback from property lines and street right-of-way lines

a distance equal to the elevation of the tower or three-hundred (300) feet, whatever is less. Freestanding towers in excess of one-hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport.

- B. Mechanical equipment which is not located within a fully enclosed building shall be screened from view with suitable plant material and fenced to the extent necessary to protect the public safety and to conserve the value of surrounding property.

SECTION 14.7 COMMUNICATION TOWERS AND ANTENNAE

14.7.1 A communication tower is 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

14.6.2 Regulations and Conditions:

- A. Communication towers and antennae are permitted by Conditional Use Permit in the A-1, A-2, M-1 and M-2 zoning districts.
- B. Freestanding communication towers such as a monopole, self-supporting lattice tower or guyed tower shall be setback from property lines and street right-of-way lines a distance equal to the elevation of the tower or three-hundred (300) feet, whatever is less. Freestanding towers in excess of one-hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport.
- C. Freestanding communication towers shall be designed to permit collocation of three or more antennae array unless the Planning Commission determines that such provisions are impractical for a particular request.
- D. Mechanical equipment which is not located within a fully enclosed building shall be screened from view with suitable plant material and fenced to the extent necessary to protect the public safety and to conserve the value of surrounding property.
- E. Collocation of communication antennae on existing towers shall be exempt from zoning review per Section 3514 of the Michigan Zoning Enabling Act provided the collocation is in compliance with the zoning approval of the tower, does not increase the overall height of the communication tower by more than 20 feet or 10% of its original height, whichever is greater, does not increase the width of the communication tower by more than the minimum necessary to permit collocation, and does not increase the area of the existing equipment compound to greater than 2,500 square feet.

SECTION 14.8 CONVENIENCE COMMERCIAL ESTABLISHMENT

14.8.1 Definition: Convenience commercial establishment is a retail, office, restaurant, tavern, service business, or other commercial use permitted in Section 7.5.2 of this Ordinance, which is operated from a single building containing not more than 1,500 square feet in gross floor area and is established solely to meet the needs of the population residing within three (3) mile radius of the convenience commercial establishment.

14.8.2 Regulations and Conditions:

- A. Business or establishment shall not exceed 1,500 square feet in gross floor area.
- B. Business or establishment shall provide a landscape buffer strip pursuant to Section 6.2.13 of this Ordinance.
- C. Related repair and service facilities shall not occupy more than fifteen (15) percent of the net floor area of the establishment.
- D. All signs and off-street parking shall comply with the provisions of this Ordinance.

SECTION 14.9 RACETRACK

14.9.1 Definition:

Racetracks are establishments for the viewing of outdoor sports events which involve competition for the fastest time, greatest distance or other quantitative measure, in events which normally involves vehicles or animals such as cars, motorcycles, go-carts, airplanes, horses, and dogs.

14.9.2 Regulations and Conditions:

- A. All racetracks shall have direct access to a major street as defined in this Ordinance.
- B. All racetracks shall have at least four-hundred (400) feet of frontage and a lot area of at least ten (10) acres in area.
- C. All racetracks shall be enclosed around the entire periphery with an opaque fence at least six (6) feet in height.

SECTION 14.10 DUPLEX AND MULTIPLE FAMILY DWELLING

14.10.1 Definitions:

- A. A multiple family dwelling is a single building or a series of buildings with abutting walls containing no more than four (4) residential dwelling units each with separate housekeeping kitchen, and bathroom facilities including condominium development.
- B. A duplex dwelling is a single building located on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground or floor used as a residence by two families living separately from one another.

14.10.2 Regulations and Conditions:

- A. Building and lot shall conform to the site development requirements contained in Section 7.6 of this Ordinance.
- B. Signs and off-street parking shall conform to the provisions of this Ordinance.

- C. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.

SECTION 14.11 DUPLEX CONVERSION

14.11.1 Purpose: In order to achieve better utilization of existing larger dwelling units in rural areas, and in order to promote the modernization of such dwellings.

14.11.2 Regulations and Conditions:

- A. Approval of two family conversion from the Shiawassee County Health Department stating the maximum number of inhabitants capable of being served by the approved on-site sewage disposal system and water supply, or approval from the municipality operating public sanitary sewer and/or municipal water supply.
- B. The property conforms to the site development requirements for the land development district in which it is located.
- C. Parking shall be provided in accordance with Article 10 of this Ordinance.
- D. Dwelling to be converted must have existed prior to 1940. Evidence of existence shall be a entry in the 1941 tax roll indicating that a dwelling was present.

SECTION 14.12 EDUCATIONAL INSTITUTIONAL AND GOVERNMENT FACILITY

14.12.1 Definitions:

- A. An educational institution is a private accredited kindergarten through twelfth-grade school, college, trade, or business school, nursery school, pre-school, or day care center, and/or related administrative offices, excluding maintenance garage.
- B. A government facility is a facility under the operational control of a governmental unit, specifically a county, city, village, Township, state, the United States Government, or some combination of governmental units, including, but not limited to, offices, libraries, museums, town halls, post offices, courts, and civic centers; excluding, vehicle and equipment maintenance and correctional institutions

14.12.2 Regulations and Conditions:

- A. No building shall be closer than fifty (50) feet to any property or street right-of-way line.
- B. No more than twenty-five (25%) percent of the gross site area shall be covered by buildings.
- C. All signs and off-street parking shall comply with this Ordinance.

SECTION 14.13 GOLF COURSES AND COUNTRY CLUBS

14.13.1 Definition: A golf course and/or country club is a public or private owned facility open to members only or the general public, offering the use of golf links, and related facilities such as a restaurant, tavern, swimming pool, tennis courts, and exercise facilities, and seasonal cross Township skiing facilities to its clientele.

14.13.2 Regulations and Conditions:

- A. The site area shall be at a minimum of twenty (20) acres.
- B. All buildings, parking areas, swimming pools, and tennis courts shall be set back a minimum of one-hundred (100) feet from any property or street right-of-way lines.
- C. A landscaped buffer strip shall be provided between the parking and principal building area and any adjacent residential development.
- D. All signs and off-street parking and loading shall be in compliance with this Ordinance.

SECTION 14.14 GROUP HOUSING

14.14.1 Definition: A single building or series of buildings with abutting walls containing more than four (4) residential dwelling units including condominium developments, or two or more residential buildings containing more than one dwelling unit built upon a single lot or parcel of land.

14.14.2 Regulations and Conditions:

- A. Buildings and lots shall conform to the site development requirements contained in this Ordinance.
- B. All structures shall be a minimum of twenty-five (25) feet from property lines.
- C. The minimum horizontal distance between the nearest points of buildings shall be forty (40) feet.
- D. Signs and parking shall be in conformance with the provisions of this Ordinance.
- E. The site shall be adjacent to and served by a major street as defined in Article 5 of this Ordinance.

SECTION 14.15 HOME OCCUPATIONS

14.15.1 Definition: A Home Occupation is an accessory use of a dwelling unit involving the manufacture, provision, or sale of goods and/or services which is conducted entirely within the dwelling and is clearly incidental and secondary to the use of the dwelling as a residence.

14.15.2 Regulations and Conditions:

- A. No employees other than the resident/occupant of the dwelling
- B. No more than 25% of the floor area of the dwelling or 480 square feet, which ever is smaller, shall be utilized for purposes of the home occupation.
- C. There shall be no outdoor storage of materials related to the home occupation, or outdoor storage of vehicles with more than one ton rated capacity.
- D. Adequate off-street parking shall be provided in accordance with Article 10 of this Ordinance.
- E. No external alteration of the dwelling design to accommodate the home occupation shall be permitted.
- F. The use of a garage or accessory buildings for home occupations not is permitted.
- G. Signs shall be permitted in accordance with Article 11 of this Ordinance.
- H. Compliance with all other applicable laws and ordinances.

SECTION 14.15A INTENSIVE HOME OCCUPATIONS

14.15A.1 Definition: An Intensive Home Occupation is an accessory use of a dwelling unit involving the manufacture, provision, or sale of goods and/or services which is conducted within the dwelling or accessory building and is clearly incidental and secondary to the use of the dwelling as a residence.

14.15A.2 Regulations and Conditions:

- A. No more than two (2) employees other than the resident/occupant of the dwelling
- B. No more than 25% of the floor area of the dwelling shall be utilized for purposes of the home occupation.
- C. Outdoor storage of materials related to the home occupation, or outdoor storage of vehicles with more than one ton rated capacity must be approved by the Planning Commission and any necessary screening provided.
- D. Adequate off-street parking shall be provided in accordance with Article 10 of this Ordinance.
- E. External alteration of the dwelling design to accommodate the home occupation shall be permitted provided it does not change the dominant character of the property from residential to commercial in nature.
- F. The use of a garage or accessory buildings for home occupations is permitted.
- G. Signs shall be permitted in accordance with Article 11 of this Ordinance.
- H. Compliance with all other applicable laws and ordinances.

SECTION 14.16 HOTEL AND MOTEL

14.16.1 Definition: A motel or a hotel is a building used for transient lodging facility together with such accessory uses as meeting rooms, restaurants, taverns, swimming pools, and caretaker or proprietors residence including lodging houses, boarding houses, tourist homes, fraternity and sorority houses and dormitories.

14.16.2 Regulations and Conditions:

- A. Minimum floor area of each guest unit shall contain not less than two-hundred fifty (250) square feet.
- B. The minimum lot area shall be one (1) acre with a minimum width of one hundred fifty (150) feet, provided that there shall be at least eight hundred (800) square feet of lot for each guest.
- C. The maximum lot coverage of all buildings, including accessory buildings shall not exceed more than twenty-five (25%) percent of the area within the boundary lines of land developed at any one time.
- D. All parking areas shall have direct access to a major street as defined in this Ordinance.

SECTION 14.17 INSTITUTIONS FOR HUMAN CARE

14.17.1 Definition: An institution for human care is a hospital, nursing home, home for the aged, foster care home, home for the mentally ill, retarded, physically handicapped, drug or alcoholic patients, and other medical and mental health in-patient facilities, excluding criminal correctional facilities.

14.17.2 Regulations and Conditions:

- A. Lot area shall be at least two (2) acres and front on a major street as defined by this Ordinance.
- B. The emergency entrance, the delivery area and the refuse disposal container area shall be obscured from the general view.
- C. No building shall be any closer than seventy-five (75) feet to any property line or road right-of-way.
- D. Signs and parking shall be in compliance with the provisions of this Ordinance.

SECTION 14.18 MODULAR HOME DEVELOPMENT

14.18.1 Definition: A Modular Home development is a Modular Home park or a Modular Home condominium development subject to the provisions of Public Act 96 of 1987, as amended, or as defined in Article 5 of this Ordinance.

14.18.2 Regulations and Conditions:

- A. Connection to publicly owned sanitary sewer facilities or on site privately owned and licensed sanitary sewage disposal system is required.
- B. Site shall be adjacent to and served by a major road as defined in Article 5 of this Ordinance.
- C. The site shall conform to the minimum site development standards for Manufactured Home parks as established by the Michigan Mobile Home Commission and the Michigan Department of Environmental Quality pursuant to Act 96 of the Michigan Public Acts of 1987, as amended.

SECTION 14.19 MOTOR FUEL SERVICE STATION, PARKING GARAGE, AND COMMERCIAL GARAGE

14.19.1 Definitions:

- A. Motor Fuel Service Station: A structure, building, or parcel of land, or any portion thereof used for the retail dispensing or sale of vehicular fuels or other flammable fuels, and including minor repair services as defined in R257.111, Michigan Administrative Code, as amended.
- B. Parking Garage: A structure, building, or parcel of land, or any portion thereof used for the storage or parking of motor vehicles, or boats operated as a business, and excluding minor or major repair services as defined in R257.111, Michigan Administrative Code, as amended.
- C. Commercial Garage: A building, structure, or parcel of land, or any portion thereof used for the repairing, cleaning, sewing, equipping, painting or diagnosing of motor vehicles when operated as a business and not necessarily required to be registered as a Motor Vehicle repair Facility pursuant to Act 300 of 1974, as amended.

14.19.2 Regulations and Conditions:

- A. Parking or storage of inoperative vehicles shall be completely surrounded by an opaque fence of not less than six (6) feet in height.
- B. Minimum frontage of one-hundred fifty (150) feet shall be required.
- C. Minimum lot area shall be increased five-hundred (500) square feet for each fuel pump unit in excess of four (4), and one-thousand (1,000) square feet for each service bay in excess of two (2), and three-hundred (300) square feet for each parking space intended for the storage of inoperative vehicles.
- D. All buildings and accessory structures including gasoline pumps shall be setback fifty (50) feet from any lot line and seventy-five (75) feet from any street right-of-way line.
- E. All equipment including hydraulic hoist, pits, and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. There shall be no outdoor storage of merchandise such as tires,

lubricants and other accessory equipment.

- F. All activities, except those required to be performed at the fuel pump shall be carried on inside a building. All vehicles upon which work is performed shall be located entirely within a building
- G. There shall be no above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases.

SECTION 14.20 PRIVATE AIRPORTS

14.20.1 Definition: A facility designed for the take-off, landing, and storage of small aircraft which is not available to the public, is not shown on aeronautical charts, is not licensed by the Michigan Aeronautic Commission, and does not offer charter flight service, the sale of gasoline or oil; student instruction, flying lessons, aviation maintenance services or other commercial services to the public.

14.20.2 Regulations and Conditions:

- A. Private use airports shall not be located within five (5) miles of a public use airport which is licensed by the Michigan Aeronautic Commission without the prior written approval of the Bureau of Aeronautics pursuant to R259.253 of the Michigan Administrative Code.
- B. Runways shall be one-thousand-two hundred (1,200) feet in landing length and fifty (50) feet in usable width, with a clear approach in each direction of twenty to one (20:1), with at least an additional twenty-five (25) feet on each side free of obstruction that exceeds one (1) foot in height.
- C. The clear approach area shall extend from each end of the runway at a slope of 20:1, and a width of not less than two-hundred (200) feet for a distance often-thousand (10,000) feet.
- D. The owner of a private airport shall acquire, from all property owners over which the first 2,000 feet of the required clear approach area extends, a legal recorded aviation easement which shall allow them to maintain the required 20:1 approach glide surface. The legal easement shall allow the private airport owner the right to remove, lower or otherwise terminate a nonconforming structure, tree or use that exceeds the height limit established by the 20:1 approach guide surface listed in Subsection 14.21.2, Item C of the Owosso Charter Township Zoning Ordinance. This legal aviation easement shall be recorded with the Shiawassee County Register of Deeds Office. The private airport owner shall assume all responsibility and expense for maintaining the aviation easement. Failure to maintain the required clear approach area shall be a violation of the Owosso Charter Township Zoning Ordinance.

SECTION 14.21 PUBLIC AIRPORTS AND HELIPORTS

14.21.1 Definition: A facility designed for the take-off, landing, and storage of aircraft which is required to be licensed by the Michigan Aeronautics Commission, along with related accessory uses, such as, service, flying lessons, sale of fuel, mechanics, terminal buildings, and hanger facilities, which are available to the public.

14.21.2 Regulations and Conditions:

- A. Public airports shall meet the standards for Class A, B, or C, commercial airports, contained in the Rules and Regulations of the Michigan Aeronautics Commission.
- B. Conditional Use Permits for such facilities shall not be granted until the facility has been granted a Landing Area License pursuant to Part 5 of the Rules and Regulations of the Michigan Aeronautics Commission.
- C. Public airports shall not be permitted within an area where an existing dwelling, or other existing building classified in "Use Group A, H, I, or R" as defined in the Michigan Construction Code are found. Said area shall extend two-hundred (200) feet on either side of the centerline of the proposed runways and extended for a distance of two-thousand five-hundred (2,500) feet from both ends of the proposed runway.
- D. All public airports shall have direct access to a major street as defined in this Ordinance.
- E. The zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of the land, to conserve natural resources and energy, to meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to insure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties. The zoning ordinance shall be made with reasonable consideration to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.
- F. If a local unit of government adopts or revises a plan required under subsection (1) after an airport layout plan or airport approach plan has been filed with the local unit of government, the local unit of government shall incorporate the airport layout plan or airport approach plan into the plan adopted under subsection (1).
- G. In addition to the requirements of subsection (1), a zoning ordinance adopted after March 28, 2001, shall be adopted after reasonable consideration of both of the following:
 - (a) The environs of any airport within a district.
 - (b) Comments received at or before a public hearing under section 306 or transmitted under section 308 from the airport manager of any airport.
- H. If a zoning ordinance was adopted before March 28, 2001, the zoning ordinance is not required to be consistent with any airport zoning regulations, airport layout plan,

or airport approach plan. A zoning ordinance amendment adopted or variance granted after March 28, 2001, shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan. This section does no limit the right to petition for submission of a zoning ordinance amendment to the electors under section 402 or the right to file a protest petition under section 403.

- I. To the extent that these rule are pre-empted by the MAC or FAA regulations, those regulations shall apply.

SECTION 14.22 RELIGIOUS INSTITUTIONS

14.22.1 Definition: A religious institution is a church, bible school, temple, shrine, synagogue, or convent, including accessory class rooms, kitchens, offices, housing quarters for religious leaders, and other buildings designed or used for religious worship.

14.22.2 Regulations and Conditions:

- A. Lot area shall be at least one acre in lot area
- B. No building shall be closer than fifty (50) feet to any property or road right-of-way.
- C. Parking signs shall be in accordance with the provisions of Article 10 of this Ordinance.

SECTION 14.23 Sexually Oriented Businesses and/or Adult Entertainment Business

- A. No sexually oriented business and/or adult entertainment business as defined in this Ordinance shall be located within 1,000 feet from the property line of the following:

Senior Citizens Center; Extended Care Facility; Day Care Centers; Child Care Centers; School Bus Stops; Shopping Centers; Residential Zone; any other similar use as is stated above;

- B. No Sexually Oriented Business and/or Adult Entertainment Business as defined in this Ordinance shall be located within 1,000 feet of the property line of the following uses that are allowed in "C-2";

All class C establishments licensed by the State Liquor Control Commission; all Adult Cabarets; Pool or Billiard Halls; Coin Operated Amusement Centers; Teenage Discos or Dance Halls; Ice or Roller Skating Rinks; Pawn Shops; Indoor or Drive-In Movie Theaters; any Public Park; any Church.

- C. No Sexually Oriented Business as defined in this Ordinance-shall be located within one mile of any School (K-12) Public or Private.

SECTION 14.24 DISTRESSED VEHICLE TRANSPORTER

14.24.1 Distressed Vehicle Transporter: A person engaged in the business of buying salvage vehicles for the purpose of sale to a used vehicle parts dealer, or a vehicle scrap metal processor, who is not engaged in the business of selling used vehicle parts, used

vehicles, repairing vehicles or processing vehicles into scrap metal.

14.24.2 Regulations and Conditions:

Area of the proposed site shall be at least five (5) acres.

- A. The use shall be established and maintained in accordance with all applicable State laws and ordinances.
- B. Outdoor storage area shall not exceed four-thousand (4,000) square feet.
- C. No more than sixteen (16) salvage vehicles may be stored at anytime on the premises.
- D. The parking or storage of salvage vehicles shall be completely surrounded by a fence at least six (6) feet in height above base grade through which the vehicles can not be seen.

SECTION 14.25 SURFACE MINING

Prior to the approval by the Planning Commission of a conditional use for surface mining, as herein defined, or for quarrying or gravel processing in any area of the Township, said Commission shall be certain the following conditions and limitations are or shall be strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township Ordinance controlling such operations. Surface mining is defined as an operation under which material is removed from an area of land in connection with the production of soil, sand, clay or gravel by surface, open pit method or other mining methods but not including activities involving excavation or land balancing related to a development.

14.25.1. Plans must be filed with the Township, disclosing the limits of the area proposed for the operation, the maximum depth of any excavation, proposed finished grade, and the manner in which the land may properly be developed following the termination of the operations so the same will not remain devastated beyond any reasonable use.

14.25.2. No finished slopes nor slopes located within 600 feet of adjoining residential properties or residential zones shall, at any time, exceed 33 1/3 percent.

14.15.3. Buffer Widths. In order to establish separation of the area subject to mining from other properties, the following provisions shall apply:

- A. Sufficient setback shall be provided from all property lines and public right-of-ways, including drainage right-of-ways, to assure safety and adequate lateral distance from adjacent public and private property. Areas subject to mining shall not be permitted closer than one hundred fifty (150) feet from boundary lines of the property unless excavation is being conducted on the adjoining property and the adjoining property owner consents in writing thereto, and further providing that all setback provisions contained in this Ordinance are complied with as applied to other properties; and said written consent is filed with the Township Zoning Administrator.

In addition, no such excavation business shall be permitted closer than three hundred fifty (350) feet to any properties used for residential purposes (as measured from the dwelling house); or within three hundred fifty (350) feet of any residential

district.

- B. Areas subjected to mining shall not be permitted within one hundred fifty (150) feet of adjoining public right-of-ways, except for the lowering of land adjoining said right-of-ways to the grade level of said right-of-ways.
- C. The processing plant and its accessory structure shall not be located closer than two hundred fifty (250) feet from the boundary lines and public right-of-ways or no less than five hundred (500) feet from residential districts, and shall (where practicable) be as close to the center of the subject property as possible.
- D. The Township Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition of such operations and for the purpose of routing traffic around residential areas and preventing damage to existing roads, which are not "all-weather" roads.
- E. No dust, dirt, or debris emanating from the operation, shall, at any time, be permitted to be deposited upon adjoining premises to such an extent as to be a nuisance or annoyance to the occupants thereof.
- F. No operations shall be permitted at any time prior to 7:00a.m. or subsequent to 7:00p.m.; the operation shall be closed on Sundays.
- G. All top soil shall be stockpiled upon the premises and promptly used to resurface areas where operations have been terminated or have been substantially discontinued for any period in excess of one year. Such areas shall then be seeded and planted to lessen erosion and encourage proper growth within one year of termination of all excavation activity in the area.
- H. No natural drainage shall be materially changed or altered in any manner that would adversely affect adjoining premises. Any dangerous excavations, pits, pond areas, banks, or slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or others, and shall be eliminated as expeditiously as possible.
- I. Conditional uses granted hereunder may be limited in time, subject to renewal for a further limited time by the Planning Commission if said Commission is satisfied all conditions and limitations herein contained are fully complied with and the operations are not a nuisance or annoyance to adjoining property owners or occupants by reason of noise, smoke, dust, dirt, unreasonable truck traffic, or hazardous conditions.
- J. No excavating, mining, or quarrying covered by this Ordinance shall be commenced or shall hereafter continue until a performance bond has been filed with the Township Clerk in the amount of not less than \$4,000.00 per acre contained in that portion of the Plan required to be filed with the Township under Paragraph (a) hereof, proposed to be excavated, mined, or quarried within the ensuing 12-month period, guaranteeing the satisfactory performance of all the regulations herein contained. Such bond shall at no time, be less than \$4,000.00 in amount. No performance bond filed with the Township shall be released until all ordinance regulations have been fully complied with.

- K. All such operations existing on the effective date of this Ordinance shall be subject to the within regulations with regard to future activities, notwithstanding past operations not complying therewith. A conditional use permit shall not, however, be required therefore.

SECTION 14.26 RENTAL STORAGE BUILDINGS

14.26.1 Definition: Buildings or portions of buildings offered to the public for a fee on a monthly or yearly basis for the storage of goods.

14.26.2 Regulations and Conditions:

- A. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws
- B. All storage shall be inside an enclosed building. No outdoor storage is allowed.
- C. The size of the storage areas shall not exceed a total of eight-thousand (8,000) square feet.
- D. One (1) parking space shall be provided for each three (3) rental units within the buildings.
- E. One thirty-two (32') square foot sign shall be allowed on the site.

SECTION 14.27 STATE LICENSED DAY CARE

14.27.1 Definition: Day Care Center (Child Care Center): A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center.

14.27.2 Regulations and Conditions:

- A. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
- B. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking normally required for the dwelling. A driveway may be used for this purpose.
- C. Playground equipment shall not be located in front or side yards.
- D. Operation and maintenance of all group day care facilities shall conform to existing applicable county and state regulations.

14.27.3 Types of Day Care Centers:

- A. Day Care Center(Child Care Center): A facility, licensed by the State of Michigan, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:
1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a church or other religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
 2. A facility operated by a church or other religious organization where children are cared for while persons responsible for the children are on the premises.
- B. Day Care (Family, Home): A licensed day care center as an accessory use in a private home in which 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- C. Day Care (Group, Home) or Day Nursery: As defined in PA116 of 1973, MCL 722.111, a "group day care home" means a licensed day care center in a private home as an accessory use in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

SECTION 14.28 INDUSTRIAL PARK DEVELOPMENTS

14.28.1 Definition: An industrial park development is the assembly of land under the continuing control of a single managing organization for the purpose of providing facilities for commercial and industrial land uses in accordance with a master plan for the entire project and deed restriction that exercise control over appearance, building materials, siting of buildings, landscaping and signs.

14.28.2 Regulations and Conditions:

- A. Lot area shall be at least fifteen (15) acres and front on a major road as defined by this Ordinance.
- B. All interior roads shall be hard surfaced and constructed to Shiawassee County Road Commission Standards for non-residential roads.

- C. Off-street parking and loading area shall be hard surfaced and fully comply with Article 10 of this Ordinance.
- D. Public Water Supply, Sanitary Sewer and Storm Sewer shall be required to serve each lot in the proposed park.
- E. Environmental sensitive land shall be conserved within the proposed park.
- E. Access to adjacent rail lines, airports, utilities and communication services shall be protected with easement agreements controlled by the managing organization.
- G. All activities within the park shall comply with the provisions of Section 6.8 of this Ordinance along with the Michigan Natural Resources and Environmental Protection Act No. 451 of 1994, as amended.
- H. All uses permitted by right within M-1 and M-2 Zoning Districts.
- I. All uses allowed by Conditional Use Permit in M-1 and M-2 Zoning Districts.

SECTION 14.29 Open Space Preservation

14.29.1 Subject to subsection (4) and section 402, a qualified local unit of government shall provide in its zoning ordinance that land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the zoning ordinance, but not more than 50% for a county or township or 80% for a city or village, that could otherwise be developed, as determined by the local unit of government under existing ordinances, laws, and rules on the entire land area, if all of the following apply:

- A. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
- B. A percentage of the land area specified in the zoning ordinance, but not less than 50% for a county or township or 20% for a city or village, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by the zoning ordinance.
- C. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon the extension
- D. The option provided under this subsection has not previously been exercised with respect to that land.

14.29.2 After a landowner exercises the option provided under subsection (1), the land may be re-zoned accordingly.

14.29.3 The development of land under subsection (1) is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-

site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

14.29.4 Subsection (1) does not apply to a qualified local unit of government if both of the following apply:

- A. On or before October 1, 2001, the local unit of government had in effect a zoning ordinance providing for both of the following:
 - a. Land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land that, as determined by the local unit of government, could otherwise be developed under existing ordinances, laws, and rules on the entire land area.
 - b. If the landowner exercises the option provided by subparagraph (i), the portion of the land not developed will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

- B. On or before December 15, 2001, a landowner exercised the option provided under the zoning ordinance provision referred to in subdivision (a) with at least 50% of the land area for a county or township or 20% of the land area for a city or village, remaining perpetually in an undeveloped state.

14.29.5 The zoning ordinance provisions required by subsection (1) shall be cited as the "open space preservation" provisions of the zoning ordinance.

14.29.6 As used in this section, "qualified local unit of government" means a county, township, city, or village that meets all of the following requirements:

- A. Has adopted a zoning ordinance.
- B. Has a population of 1,800 or more.
- C. Has land that is not developed and that is zoned for residential development at a density described in subsection (1)(a).

ARTICLE 15: PLANNED UNIT DEVELOPMENT

SECTION 15.1 INTENT AND PURPOSE

It is the intent of this Article to provide for the review of a qualified land development project based upon sound site planning criteria in order to permit flexibility in the regulation of land development and to encourage innovation and variety in design layout, and type of structure, in order to achieve economy and efficiency in the use of land, the preservation of natural resources, and the conservation of energy and space. The Article is further intended to provide for housing, employment, and shopping opportunities which are particularly suited to the needs of the residents of Owosso Charter Township.

SECTION 15.2 ELIGIBILITY CRITERIA

The following eligibility criteria shall determine whether or not an application may be made for a Planned Unit Development.

15.2.1 Minimum Parcel Size: An eligible parcel shall be a contiguous parcel of at least twelve (12) acres in a single ownership.

15.2.2 Land Development District: Eligible land shall be located completely within the Residential Land Development Districts as shown in this Ordinance.

15.2.3 Existing Use: An eligible parcel shall be substantially undeveloped or plans shall be provided for the overall redevelopment and rehabilitation of the site.

SECTION 15.3 SITE DEVELOPMENT CRITERIA

The following standards shall be met in all applications for Planned Unit Development approval.

15.3.1 Residential Mix: All Planned Unit Development projects shall provide at least 25% of all dwelling units in single family or two family buildings.

15.3.2 Maximum Gross Density of Development: The residential density of a Planned Unit Development shall not exceed 10,000 square feet in overall site area for each residential dwelling unit, excluding all land designated for commercial use.

15.3.3 Open Space Requirement: At least 25% of the gross area of the site shall be established as common open space.

15.3.4 Minimum Building Spacing: No building or portion of a building shall be located less than a distance of twenty-five (25) linear feet from another building or portion thereof.

15.3.5 Maximum Commercial Use: No more than 15% of the gross area of a Planned Unit Development shall be devoted to commercial uses. All commercial development shall be consistent with the requirements of Section 7.9 of this Ordinance.

15.3.6 Property Owner's Association Required: All Planned Unit Developments shall establish property owner's associations by recording restrictive covenants with the title of the property. Said association shall be charged with the maintenance of common open

space and shall possess the power to charge dues to all property owner and record liens against any property of whose owners fail to pay the prescribed dues.

15.3.7 Waiver of Required Property Owner's Association: The requirement of the establishment of a property owner's association may be waived by the Planning Commission when it is found that either the developer will maintain common open spaces in conjunction with the maintenance of rental property located nearby, or that public maintenance of common open space has been achieved through the dedication and acceptance of said common space by a government unit

SECTION 15.4 TIMING OF DEVELOPMENT

15.4.1 No more than 60% of the proposed multiple family units shall be constructed before the construction of at least 40% of the required single or two family buildings.

15.4.2 No commercial use shall be constructed or established until 40% of all proposed dwelling units are constructed.

SECTION 15.5 APPLICATION PROCEDURE

15.5.1 Application: An application for Conditional Use Permit shall be made pursuant to Article 9 of this Ordinance.

15.5.2 Basis for Planning Commission Decision: The Planning Commission's decision shall be based solely upon compliance with the requirements of Section 9.3.5 A-F.

15.5.3 Site Plan Review: The Planning Commission shall review the application pursuant to Article 8 of this Ordinance.

15.5.4 Planning Commission Action: The Planning Commission shall schedule a Public Hearing pursuant to Article 8 of this Ordinance and shall approve, disapprove, or approve with conditions the request for a Planned Unit Development; provided that no approval of a Planned Unit Development shall be given to a development required to create a subdivision pursuant to Act 288 of the Michigan Public Acts of 1967, as amended, until complete preliminary plat approval is granted.

ARTICLE 16: SITE DEVELOPMENT STANDARDS

Site Development Standard	Agricultural Districts				Residential Districts				
	Prime Agricultural A-1	Agricultural A-2			Single Family R-1	One and Two Family R-2	Multiply Family R-3	Modular Home Community R-4	
Minimum lot width in feet Section 16.1	200				150 100a		200	150 100a	
Minimum lot area in square feet Section 16.2	Farm	Dwelling	Farm	Dwelling	22,500 15,000a	22,500 15,000a	43,560	871,200 (20 acres)	
	20 acres	1 acre	20 acres	40,000		3 family	45,000		1 bdrm=1000
	Overall Density = 1 dwelling unit/ ¼, ¼ Section					4 family	60,000		2 bdrm=2000 3 bdrm=2600
Maximum depth to frontage ratio Section 16.3	0-15 acres 3:1 15-40 acres 4:1				3:1				
Minimum front yard depth in feet Section 16.4	40								
Minimum rear yard depth in feet Section 16.5	40							20	
Minimum side yard width in feet Section 16.6	20				15		20	15	
Maximum lot coverage Section 16.7	50						70	50	
Minimum floor area in square feet per dwelling unit Section 16.8	1 story = 960 sq. ft. On ground floor 1 ½ story = 960 sq. ft. On ground floor 2 story = 720 sq. ft. On ground floor					One Family 960	Two Family 720	per Building Code N/A	
Maximum Height in feet Section 16.9	40								

Foot Note a. When Sanitary Sewer Service is Available

Site Development Standards continued

Site Development Standard	Residential	Commercial Districts			Industrial districts	
	Residential-Recreational R-5	Local Commercial C-1	General Commercial C-2	Shopping Center C-3	Light M-1	Heavy M-2
Minimum lot width in feet Section 16.1	150	75		300	100	
Minimum lot area in square feet Section 16.2	43,560	12500	15000	5 acres	87,120	87,120
					43,560 a	43,560 a
Maximum depth to frontage ratio Section 16.3	3:1					
Minimum front yard depth in feet Section 16.4	75					
Minimum rear yard depth in feet Section 16.5	50	30	30	75	50	50
Minimum side yard width in feet Section 16.6	20	0	0	50	50	50
Maximum lot coverage Section 16.7	50	60 (b)	70 (b)	70 (b)	80	80
Minimum floor area in square feet per dwelling unit Section 16.8	N/A	N/A	N/A	15,000	N/A	N/A
Maximum Height in feet Section 16.9	40					

Foot Note

- a. When Sanitary Sewer Service is Available
- b. Lot coverage may be increased by 10% in return for 10% of the lot being developed as recreational open space and approved as such by the Planning Commission

ARTICLE 17: SEVERABILITY CLAUSE

This Ordinance and the various articles, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by any Court, such invalidity shall not affect the remaining portion or applications of this Ordinance which can be given effect without the invalid portion or application provided such remaining portions are not determined by the Court to be inoperable.

ARTICLE 18: CONFLICTING PROVISIONS

Where a provision of this Ordinance conflicts with a provision of another Ordinance, the strictest provision shall prevail.

ARTICLE 19: SAVINGS CLAUSE

This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings are or were commanded. All prosecution, or other actions, pending at the effective date of this Ordinance, or offenses or acts committed prior to the effective date of this Ordinance, may be continued or instituted under and in accordance with the provisions of the Ordinance in force at the time of such offense.

ARTICLE 20: EFFECTIVE DATE

This Ordinance shall be in full force and effect on the day following the publication of a notice of adoption in a newspaper of general circulation in the Township.

ARTICLE 21: PARTY AGGRIEVED BY ORDER, DETERMINATION, OR DECISION; CIRCUIT COURT REVIEW; PROPER PARTY.

SECTION 21.1 CIRCUIT COURT REVIEW

Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, zoning board of appeals, or legislative body of any local unit of government made under section 208 (Article 12 NONCONFORMITIES) may obtain a review in the circuit court for the county in which the property is located. The review shall be in accordance with section 606 (Article 4: Zoning Board of Appeals, Sec. 4.10)

SECTION 21.2 PROPER PARTY

Any person required to be given notice under section 604(4) (Article 4: Zoning Board of Appeals, Sec. 4.4.3.1) of the appeal of any order, determination, or decision made under section 208 shall be a proper party to any action for review under this section.