

# Zoning Ordinance

## Decatur Township Van Buren County, Michigan

Effective Date: July 25, 2008

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## **ACKNOWLEDGMENTS**

The participation and cooperation of the numerous community leaders and residents in the preparation of the Decatur Township Zoning Ordinance is greatly appreciated. In particular, we would like to acknowledge the efforts of the following individuals:

### **DECATUR TOWNSHIP PLANNING COMMISSION**

Michael Alaga, Chairman  
Richard Overton, Vice Chairman  
Janet Abshagen, Secretary  
Myron Southworth  
Nick Siskaninetz  
Norris Smith, Alternate

### **DECATUR TOWNSHIP BOARD OF TRUSTEES**

Joseph Miller, Supervisor  
Janet Abshagen, Clerk  
James Abshagen, Treasurer  
Donald MacKellar, Trustee  
C. Joseph Miles, Trustee

# SCHEDULE OF REGULATIONS

## Table of Dimensional Standards by District

| Zoning Districts                       | Lot Minimums                                                    |                                 | Max. Building Height (feet) | Max. Lot Coverage <sup>2</sup> | Minimum Setback Measured from Lot Line (feet) |                              |                              | Minimum Useable Floor Area Per Unit (sq. ft.) | See Detailed Standards In.... |
|----------------------------------------|-----------------------------------------------------------------|---------------------------------|-----------------------------|--------------------------------|-----------------------------------------------|------------------------------|------------------------------|-----------------------------------------------|-------------------------------|
|                                        | Area                                                            | Width <sup>1</sup> (feet)       |                             |                                | Front Yard <sup>3</sup>                       | Side Yard                    | Rear Yard                    |                                               |                               |
| <i>AR – Agricultural Residence</i>     | 1 acre                                                          | 150                             | 35                          | --                             | 40                                            | 10                           | 50                           | 960                                           | Chapter 4                     |
| <i>R-1 – Low Density</i>               | 1 acre (30,000 sq. ft. w/ public sewer)                         | 150 (125 w/ sewer) <sup>4</sup> | 35                          | --                             | 35                                            | 10                           | 25                           | 960                                           | Chapter 5                     |
| <i>R-2 – Medium Density</i>            | 22,000 sq. ft. – 1 acre <sup>5</sup>                            | 100 – 150 <sup>5</sup>          | 35                          | --                             | 25                                            | 10 <sup>6</sup>              | 25 <sup>7</sup>              | (8)                                           | Chapter 6                     |
| <i>MHP – Manufactured Housing Park</i> | See Chapter 7 for the Standards pertaining to the MHP district. |                                 |                             |                                |                                               |                              |                              |                                               |                               |
| <i>R-4 – Lake Residential</i>          | 6,000 sq. ft.                                                   | 50                              | 35                          | --                             | 30                                            | 5                            | 25                           | 960                                           | Chapter 8                     |
| <i>C-1 – Mixed Use District</i>        | 10,000 sq. ft. (min) <sup>9</sup>                               | 100                             | 35                          | --                             | R-25 <sup>10</sup><br>C-20                    | R-10 <sup>11</sup><br>C-(12) | R-25 <sup>12</sup><br>C-(13) | (8)                                           | Chapter 9                     |
| <i>C-2 – General Commercial</i>        | (13)                                                            | (13)                            | 35                          | 60%                            | 25 <sup>14</sup>                              | 15 <sup>15</sup>             | (16)                         | --                                            | Chapter 10                    |
| <i>I-1 – Light Industrial</i>          | (13)                                                            | (13)                            | 35                          | 50%                            | 50                                            | 25 <sup>17</sup>             | 50 <sup>17</sup>             | --                                            | Chapter 11                    |
| <i>M – Manufacturing</i>               | (13)                                                            | (13)                            | 35                          | 50%                            | 50                                            | 50 <sup>1</sup>              | 50 <sup>18</sup>             | --                                            | Chapter 12                    |

(##) - Footnote

**Notes to Schedule of Regulations**

1. Lot width shall be measured at the front setback line between the points where the setback line intersects with the side property lines. In all districts, the minimum lot width requirement is also the minimum frontage requirement.
2. Percent lot coverage is the maximum amount of the lot permitted to be covered by buildings or structures.
3. Front yard setback notes.
  - a. Unless otherwise stated, the front yard setback shall be measured from the existing road right of way line, which is also the front lot line.
  - b. For corner lots, both street frontages shall be considered front yards and shall provide the minimum front yard setback. The size of corner lots shall be large enough to accommodate both front yard setbacks and a building of similar size to those located on non-corner lots. The rear yard of a corner lot is the side opposite the narrower of the two street frontages.
  - c. No new double frontage lots shall be created. For existing double frontage lots, both street frontages shall be subject to the front yard regulations. In districts where the rear yard setback is greater than the front yard setback, the building shall be setback at least the distance of the rear yard setback requirement from the street that it does not primarily face.
  - d. For waterfront lots, the waterfront side shall be the front yard. The ordinary high water mark shall be considered the lot line for purposes of zoning and setback measurement.
4. The minimum lot area in the R-1 district without being connected to an approved sewer system is one (1) acre. However, with a connection to an approved sewer system, the minimum lot size is reduced to 30,000 square feet. If the minimum lot size is one (1) acre, the minimum lot width shall be 150 feet. If the minimum lot size is 30,000 square feet, the minimum lot width shall be 125 feet.
5. The minimum lot area and lot width shall be as follows.
  - Single family dwelling – 30,000 sq. feet and 100 feet width
  - Single family dwelling with public water and sewer – 22,000 sq. ft and 100 feet width
  - Two family parcels – 49,000 sq. ft. and 100 feet width
  - Multiple family developments – 1 acre and 150 feet width
6. For multi-family dwellings and uses other than single and two family dwellings, each side yard shall be not less than 25 feet, except that where a principal structure is taller

- than 25 feet in height, it shall be setback a distance equal to the height from the side property line.
7. Multiple family structures taller than 25 feet shall have a setback from the rear property line equal to the overall height of the building.
  8. Minimum usable floor area shall be based on the following:
    - Single and two family dwelling – 960 square feet per dwelling
    - Multiple family dwelling
      - One bedroom unit – 650 square feet per unit
      - Two bedroom unit – 750 square feet per unit
      - Three bedroom unit – 900 square feet per unit
      - 100 square feet of usable floor area for each additional bedroom
  9. Minimum lot area for residential developments shall be as follows:
    - Single family dwellings with public sewer and water – 10,000 sq. feet
    - Single family dwellings without public sewer or water – 20,000 sq. feet
    - Two family parcels shall require double the area required for single unit parcels
    - Multiple family developments must be connected to a public water and sanitary sewer system and shall require 5,000 sq. feet per unit
  10. The front yard setback for residential structures and uses shall be 25 feet. For commercial structures and uses the setback shall be 20 feet.
  11. For residential structures, the side yard setback shall be a minimum of 10 feet. For multiple family structures, see footnote #7. For commercial structures, the side yard setback is 25 feet when that yard is adjacent to residentially owned property or 10 feet when adjacent to non-residentially zoned property.
  12. For residential structures and uses, the rear yard setback shall be 25 feet. For multiple family structures, see footnote #8. For commercial uses and structures, the rear yard shall be 25 feet when the yard is adjacent to any residentially zoned district or 15 feet in all other cases.
  13. The minimum lot area and width in this District shall be such as is reasonable for the contemplated use as recommended by the Decatur Township Planning Commission and approved by the Decatur Township Board.
  14. Where all lots on a street frontage between two intersections are undeveloped, the front yard setback shall be 25 feet from the road or street right-of-way or easement line or 50 feet from the center of the road, whichever is greater. Where one or more lots are impacted, the front yard need not be greater than the average depths of the existing front yards of the lots adjoining on either side. In no case shall it be less than 25 feet.

15. On lots abutting residential zoning districts, the side yard setback shall be 30 feet with screening consisting of landscaping, at least 50% evergreens, creating a 7 foot opaque screen, a wall, or fence.
16. There shall be a rear yard on every lot, which rear yard shall have a minimum depth of not less than ten (10) percent of the depth of the lot for a one (1) story building, which depth shall be increased to fifteen (15) percent of the depth of the lot for a two (2) story building; provided however, that such rear yard need not exceed thirty (30) feet in depth. Accessory buildings not more than fifteen (15) feet high may be located in a rear yard, providing the accessory buildings occupy not more than twenty-five (25) percent of the rear yard area, and are located no nearer to the side or rear lot line than five (5) feet. Accessory buildings shall not be used for residential purposes.
17. For L-1 lots abutting a residential district, no building or structure shall be located within 100 feet of the residential district and no parking within 40 feet. The 40 foot area shall be maintained as green space.
18. For M lots abutting a residential district, no building or structure shall be located within 200 feet of the residential district and no parking within 40 feet. The 40 foot area shall be maintained as green space.

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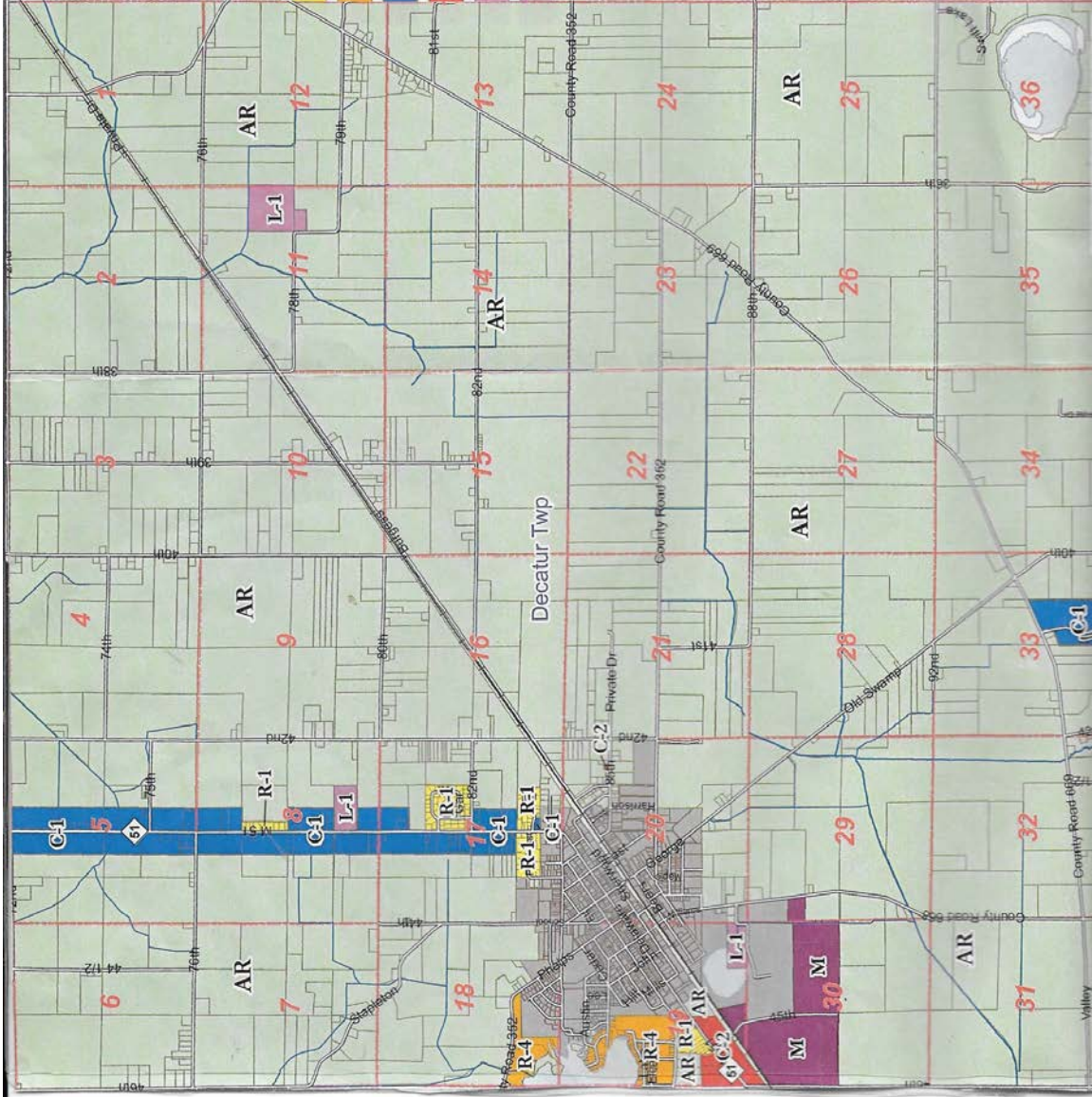
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# Revised Zoning Map

Decatur Township  
in Buren County, Michigan

- AR Agricultural Residential
- R-1 Low Density Residential
- R-4 Lake Residential
- C-1 Mixed Use
- C-2 General Commercial
- L-1 Light Industrial
- M Manufacturing
- Village of Decatur
- Lakes
- Roads
- Railroad
- County Drains
- Rivers
- Sections

Source: Decatur Township, 2008



## **CHAPTER 1**

### **Scope, Title, Ordinance Construction**

#### **SECTION 1.01 SHORT TITLE**

This Ordinance shall be known and may be cited as the “Decatur Township Zoning Ordinance.” Within the following text it may be referred to as the "Ordinance".

#### **SECTION 1.02 CONFLICTING REGULATIONS**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

#### **SECTION 1.03 SCOPE**

No building or structure, or part thereof, shall hereafter be erected, constructed or altered, and no land use commenced or continued within the unincorporated parts of the township, contrary to the spirit of this ordinance, except for the provisions of essential services, agricultural buildings exempt from Public Act 230 of 1972, as amended (State Construction Code Act, Section 2A), or as specifically authorized by this ordinance. Conditional Uses are granted by the Township only upon finding that specified conditions are met in accordance with Chapter 19 of this Ordinance.

#### **SECTION 1.04 USE REGULATIONS**

Except as otherwise provided herein, regulations governing land and building use is hereby established in each district specified in Chapter 2 of this Ordinance. Uses permitted in each district after Conditional approval shall be permitted only in accordance with the Conditional Approval standards and procedures of this Ordinance as established in Chapter 19.

#### **SECTION 1.05 USES NOT OTHERWISE SPECIFIED WITHIN A USE DISTRICT**

Uses which have not been specifically mentioned within any use district may be processed under the Conditional Use Permit procedure, in accordance with Chapter 19 upon determination by the Township Planning Commission that such use is similar in nature and intent to those uses identified within the district. Such uses and related structures shall be subject to the area, height, bulk, and placement requirements for the district in which it is proposed.

**SECTION 1.06 LAND REQUIRED TO SATISFY REGULATIONS**

No portion of a lot used in or necessary for compliance with the provisions of this ordinance shall through sale or otherwise be reduced beyond said minimums or again be used to satisfy the zoning requirements of another lot.

**SECTION 1.07 PUBLIC UTILITY FACILITIES**

When operating requirements necessitate the locating of public utility facilities and uses (without storage yards) within a district in order to serve the immediate vicinity, such facilities shall be permitted in all zoning districts, subject to Conditional Approval by the Planning Commission in accordance with Chapter 19 of this Ordinance, review and approval of a submitted site plan, and a finding by the Planning Commission that the use is compatible to the surrounding area.



**CHAPTER 2**

**ZONING DISTRICTS AND MAP**

**SECTION 2.01 ESTABLISHMENT OF DISTRICTS**

Those portions of the Township of Decatur, Van Buren County, Michigan are hereby divided into zoning districts, as named and described in the following Chapters. The boundaries of these zoning districts are established as shown on the Decatur Township Zoning Map as established in Section 2.02 of this Ordinance.

**SECTION 2.02 CREATION OF ZONING DISTRICTS.**

For the purpose of this Ordinance, those portions of Decatur Township, Van Buren County, Michigan shall be divided into the following zoning districts, which shall be known by the names and symbols here shown.

|     |                                          |
|-----|------------------------------------------|
| AR  | Agricultural Residential District        |
| R-1 | Low Density (Rural) Residential District |
| R-2 | Medium Density Residential District      |
| R-3 | Manufactured Housing Park District       |
| R-4 | Lake Residential District                |
| C-1 | Mixed Use District                       |
| C-2 | General Commercial District              |
| L-1 | Light Industrial District                |
| M   | Manufacturing District                   |

**SECTION 2.03 ZONING MAP.**

The boundaries of Decatur Township zoning districts are shown on a map adopted by the Decatur Township Board of Trustees. The map shall be entitled "The Zoning Map of Decatur Township" and shall bear the date it was adopted or amended. It shall be the duty of the Township Supervisor and Township Clerk to authenticate such records by placing their official signatures on the Map. The Zoning Map, with all of its accompanying explanatory materials, is hereby made a part of this Ordinance as if the materials and information provided by the map were all fully described herein.

**SECTION 2.04 APPLICATION OF THIS ORDINANCE.**

Except as otherwise provided in this Ordinance, erection of buildings and uses of land shall conform to the specific provisions for the zoning districts involved. No land shall be developed, redeveloped, use commenced, expanded or continued within the Township except as specifically, or by necessary implication, as authorized by this Ordinance. Lawful nonconforming structures and uses existing at the time of passage of this Ordinance are specifically governed by Chapter 20, and generally governed by this Ordinance.

**SECTION 2.05 INTERPRETATION OF DISTRICT BOUNDARIES.**

- A. Unless otherwise shown, the boundaries of the districts are lot lines, the center lines of streets or alleys, or such lines extended, and the limits of Decatur Township.
- B. Where a district boundary line as shown on the Zoning Map, divides a lot which was in a single ownership of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the most restricted portion of such lot, under this Ordinance, shall be considered as extending to the entire lot.
- C. Where due to the scale, lack of detail or illegibility of the Zoning Map of this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary lines, said lines shall be interpreted upon written request, or upon its own motion, by the Zoning Board of Appeals, after recommendation by the Planning Commission.
- D. Where a district boundary line follows a shoreline, such boundary shall be construed to be the shoreline. In the event of a change in the shoreline, the boundary line shall be construed to move with the actual shoreline. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be structured to follow such center lines.
- E. Boundaries indicated as approximately following platted lot lines, property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or as applicable amended thereto shall be construed as following such lines.
- F. Lines parallel to street without indication of the depth from the street line shall be construed as having a depth of three hundred (300) feet from the front lot line.

**SECTION 2.06 PERMISSIVE ZONING.**

Land uses are permitted specifically in the various zoning districts of this Ordinance. Where not specifically permitted, uses are hereby specifically prohibited unless construed to be similar to a use expressly permitted. No land contained within any zoning district within Decatur Township shall be used for any purpose other than those uses specifically set forth in the following sections, except as permitted by Chapter 20, Nonconforming Uses and Structures.

**SECTION 2.07 USES PERMITTED BY RIGHT.**

Permitted uses, as identified in Articles covering each district, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the general provisions, parking regulations, landscaping, district intent, permit, certificate and site plan requirements found elsewhere in this Ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions, unless otherwise indicated herein.

**SECTION 2.08 USES PERMITTED UNDER CONDITIONAL APPROVAL.**

The uses identified as Conditional Approval Uses in Article 19 covering each district are recognized as possessing characteristics of such unique and special nature (relative to location, off-site impacts, design, size, public service, utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community. Chapter 19 regarding procedure and requirements for conditional approval uses, shall apply to these uses.

**SECTION 2.09 ZONING OF VACATED AREAS.**

Whenever any street, alley or other public way within the Township shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it is attached.

**SECTION 2.10 AREAS NOT INCLUDED WITHIN A DISTRICT**

In every case where land has not been included within a district on the Zoning Map, such land shall be so designated in the AR Zoning District until officially acted upon and designated by the Township Board as provided for in this Ordinance.

**CHAPTER 3**  
**ZONING DEFINITIONS**

**SECTION 3.01 INTERPRETATION OF LANGUAGE.**

For the purpose of this Ordinance, the following rules of interpretation shall apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
- D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- G. The word "person" includes an individual, a corporation, a partnership, a public utility, a firm, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, or a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either . . . or", the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
  - 3. "Either . . . or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

I. Terms not herein defined shall have the meaning customarily assigned to them.

**SECTION 3.02 DEFINITIONS**

For the purpose of this Ordinance the terms and words herein are defined as follows:

**ACCESSORY USE, BUILDING OR STRUCTURE:** A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related.

**ADJACENT:** See LOT, ADJACENT.

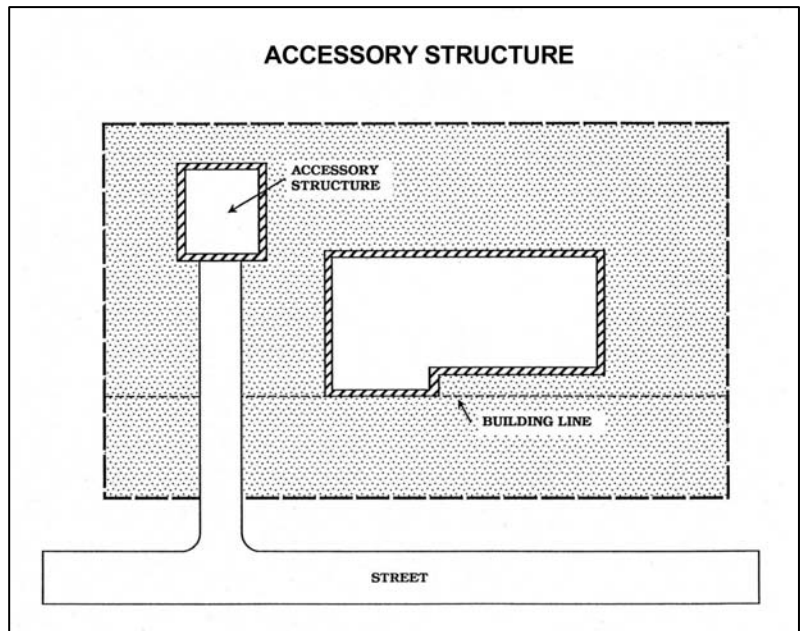
**ADULT DAY CARE FACILITY:** A facility which provides daytime care for any part of a day but less than twenty-four (24) hour care for more than twelve (12) functionally impaired elderly persons provided through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.

Such facilities are not licensed, however those receiving funds through an Area Agency on Aging must comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

**ADULT USE:** Any commercial or recreational establishment which at all times excludes minors by virtue of age, including adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult drive-in theaters, adult massage parlors, adult modeling studios, and eating and drinking places with sexually-oriented entertainment. Also see Article 16.

**AGRICULTURAL USE:** A use of any land or building used for a purpose of producing grain, fruit, nursery stock, dairy products, vegetables, livestock or fowl or other crops and animal husbandry.

**ALLEY:** A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.



**ALTERATIONS:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as wall, partitions, stairways, columns, beams, girders; any change in the width or number of exits; any substantial changes in the roof or exterior walls; any change in the location of a building; any change in the number of off-street parking or loading area or means of egress and ingress to the site; or any change which may be referred to herein as "altered" or "reconstructed" or "change of use".

**ALTERNATIVE TOWER STRUCTURE:** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers

**ANIMAL FEEDING OPERATION, CONCENTRATED (CAFO):** A lot or building or combination of contiguous lots and buildings intended for the confined feeding, breeding, raising, or holding of at least one-thousand (1,000) animal units and specifically designed as a confinement area where manure may accumulate, or where the concentration of animals is such that vegetative cover cannot be maintained within the enclosure during the months of May, June, July, and August. Open lots used for the feeding and rearing of poultry (poultry ranges), shall be considered animal feed lots, but pastures shall not be considered animal feedlots.

**ANIMAL HOSPITAL:** See CLINIC, VETERINARY.

**ANIMAL UNIT:** The equivalent of one (1) slaughter or feeder cattle, based on comparative effluent impacts or any combination of which equaling or exceeding one-thousand (1,000) animal units shall be defined as a concentrated animal feeding operation (CAFO)

**ANIMAL WASTE AREA:** A holding area, underground container, above-ground tank, or lagoon used or intended to be used for the storage or treatment of animal manure and other waste products associated with a concentrated animal feeding operation (CAFO).

**ANIMAL, WILD OR EXOTIC:** Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to the following: alligator and crocodile (family), deer (family), opossum (family); badger, wild dog or wolf (family); primate excluding human (family); bear, racoon, ferret, skunk, wild cat (family); lemur, spider (poisonous); coyote; lizard; snake and other reptile (poisonous); weasel (family); wild boar or swine (family); and marten.

**ANTENNA:** Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital, signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

**APARTMENT:** See DWELLING, MULTIPLE FAMILY.

**APPEAL:** An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

**ARCADE:** Any establishment which provides on its premises four or more machines which upon the insertion of a coin or slug may be operated for use as a game, contest, or amusement of any description, not including musical devices.

**ARCHITECTURAL FEATURES:** Architectural features of a building including cornices, eaves, gutters, sills, lintels, bay windows, chimneys and decorative ornaments.

**AREA, GROSS SITE:** the total area of a planned unit development site including flood plains and water bodies

**AUTOMOBILE:** Unless specifically indicated otherwise, "automobile" shall mean any vehicle including cars, trucks, vans, motorcycles, and the like.

**AUTOMOBILE FUELING STATION:** A place used for the retail sale and dispensing of fuel or lubricants, either full or self service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile filling stations may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use. Parking requirements for filling station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.

**AUTOMOBILE REPAIR:** Major or minor repair of automobiles defined as follows:

- A. **Minor Repair:** Engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- B. **Major Repair:** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

**AUTOMOBILE SERVICE STATION:** A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water coolants and other operating commodities for motor vehicles or which may include retail sale of tires, batteries, and similar accessories and the making of minor repairs to vehicles or parts thereof totally enclosed within a building and that do not normally require storing such vehicles on the premises overnight.

Automotive Service Station shall not include buffing, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, high-volume of motor vehicle washing or sales of new or used cars, trucks, motorcycles or other land vehicles.

**AUTOMOBILE WASH ESTABLISHMENT:** An activity or building, or portion thereof, the primary purpose of which is that of washing motor vehicles, either with self-service mechanisms or with the use of an automated conveyor system.

**BANK:** An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange.

**BAR, COCKTAIL LOUNGE, OR NIGHT CLUB:** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customer, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and similar mechanical amusement devices.

**BASEMENT:** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.

**BED-N-BREAKFAST INN:** Any place of lodging that provides eight or fewer rooms for rent, that is open for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which meal service is only offered to guests and is typically limited to breakfast.

**BEDROOM:** Any private room in a dwelling unit suitable for regular use for sleeping purposes. Bedrooms include rooms designated on development floor plans as dens, studies, or libraries but exclude living rooms, family rooms, dining rooms, kitchens, bathrooms, laundry rooms, and mud rooms. Any room designated as other than a bedroom but which in the judgment of the Township Planning Commission would normally be usable for sleeping purposes shall be considered a bedroom.

**BERM:** See LANDSCAPING.

**BIKEWAY:** Pedestrian or non-motorized vehicular circulation routes built according to the standards of the Township or other agency with right-of-way jurisdiction, as applicable.



**BILLBOARD (OFF PREMISE SIGN):** Any non-accessory advertising sign, device, design, words, letters, number or trademark which makes anything known to the general public and may be the principal use of the lot or parcel on which it is located.

**BLOCK:** The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Township, or any other barrier to the continuity of development.

**BOARD OF APPEALS:** The Decatur Township Zoning Board of Appeals, created pursuant to the provisions of Michigan Public Act 110 of 2006, as amended.

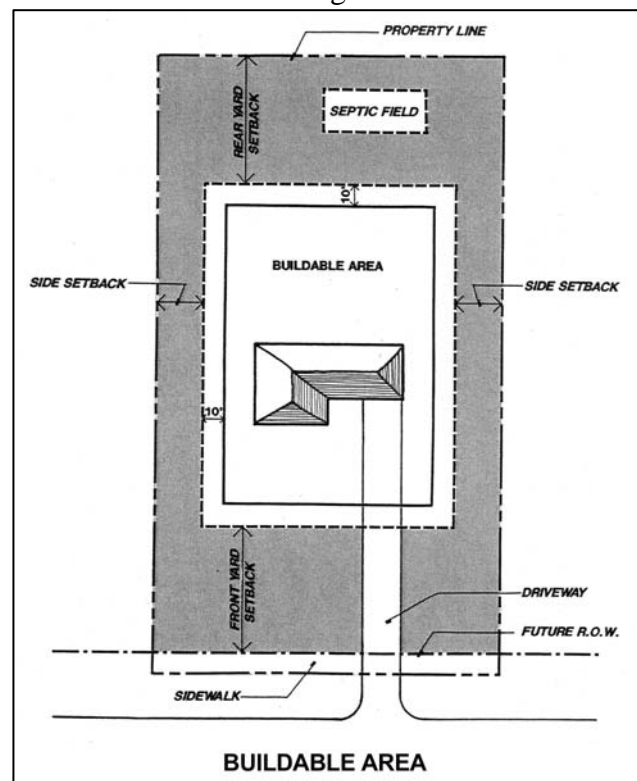
**BOAT:** Boats, floats, rafts, and the attached normal equipment to transport the same on highways.

**BREW PUB:** A restaurant or tavern (as defined in this Ordinance), licensed by the State of Michigan to produce and manufacture not more than five-thousand (5,000) barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises in the manner provided for in MCLA 436.31b and 426.31c.

**BUFFER ZONE:** A strip of land often required between certain zoning districts or land uses reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

**BUILDABLE AREA:** The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

**BUILDING:** Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall include tents, awnings, and carports; and also semi-trailers, vehicles, mobile homes, or pre-manufactured or pre-cut structures, erected on-site, above or below ground, designed primarily for shelter rather than as a means of conveyance. A building shall not include such structures as signs, fences or smokestacks, but shall include



structures such as storage tanks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

**BUILDING, ACCESSORY:** See ACCESSORY USE, BUILDING, OR STRUCTURE.

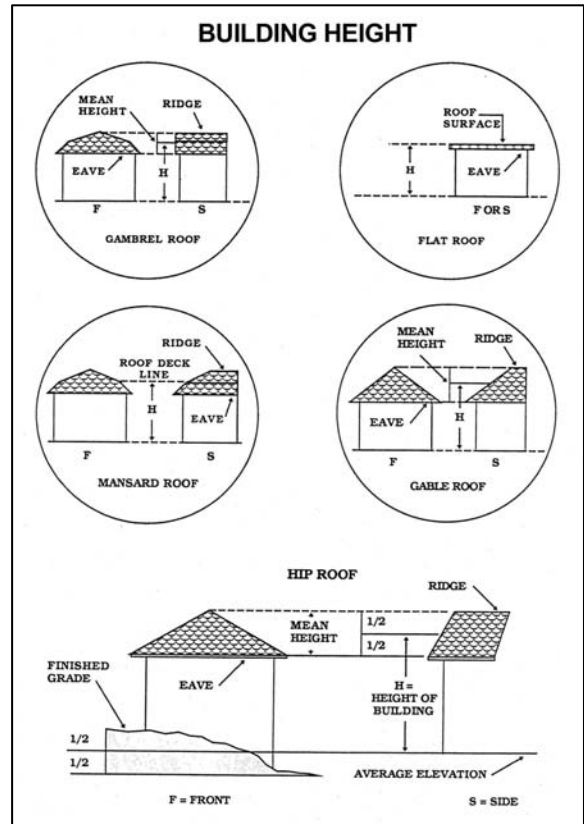
**BUILDING, COMPLETELY ENCLOSED:** A building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and exterior walls having only window and normal entrance or exit doors.

**BUILDING, DETACHED:** A principal building surrounded by open space.

**BUILDING HEIGHT:** The vertical distance measured from the mean average ground level at the front building line to the highest point of the roof surface in the case of a flat roof; to the deck line of mansard roofs; to the mean height level between the eaves and ridge of gable, studio hip and gambrel roofs; and 75 percent of the height of an "A" frame. Chimneys, spires, antenna, and similar projections other than signs shall not be included in calculating building height.

**BUILDING INSPECTOR:** The building inspector as authorized by Decatur Township.

**BUILDING LINE:** A line parallel to the front lot line that separates all parts of a building from the open spaces adjacent thereto on the same lot. For the purposes of this Ordinance, a minimum building line is the same as a required setback line.



**BUILDING PERMIT:** The written authority issued by the building inspector permitting the construction, removal, moving, alteration, or use of a building in conformity with the provision of this Ordinance

**BUILDING, PRINCIPAL:** A building or group of buildings in which is conducted the main or principal use of the lot on which the building is situated. (See "BUILDING, ACCESSORY" and "USE, PRINCIPAL".)

**BUILDING, TEMPORARY:** A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on construction site.

**BUMPER BLOCKS:** Concrete or cement cast units located at one end of each parking space, designed to protect buildings, walls, fences, sidewalks or landscaping from damage by vehicles.

**CAMPER, PICK-UP:** A recreational unit designed to be mounted on a pick-up or truck chassis, with sufficient equipment to render it suitable for use as a temporary lodging for travel, recreational, and vacation uses.

**CANOPY TREE:** A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to shade to adjacent ground areas and to enhance aesthetics.

**CARETAKER LIVING QUARTERS:** An independent residential dwelling unit designed for and occupied by one or two persons, of which at least one is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

**CERTIFICATE OF OCCUPANCY:** A certificate issued by the building inspector, after final inspections, indicating his or her opinion that all the provisions of this Ordinance are being complied with and met. No building or structure or use for which a zoning permit has been issued shall be occupied until the building inspector has, after final inspection, issued a Certificate of Occupancy (CO). The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance

**CEMETERY:** Land used for the burial of the dead including columbariums, crematories, and mausoleums.

**CHILD DAY CARE ORGANIZATIONS, STATE LICENSED:** Any structure used for, or any person receiving minor children for care, maintenance, training, and supervision and licensed by the State of Michigan pursuant to Public Act 116 of 1973, as amended. The following types of facilities are included within this definition:

**CHILD DAY CARE CENTER:** Child Day Care Center means 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 that 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: (i) A Sunday school, a

vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period; (ii) A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.

**FAMILY DAY CARE HOME:** Family Day Care Home means a private home in which 1 but fewer 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.

**GROUP DAY CARE HOME:** Group Day Care Home means a private home 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.

**CHURCH OR SYNAGOGUES:** Any structure wherein persons regularly assemble for religious activity including customary ancillary or accessory uses and activities.

**CLINIC, VETERINARY:** A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages enclosed within the walls of the clinic building.

**CLINIC, MEDICAL:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

**CLUB, HEALTH:** Any establishment providing physical culture or health services, including health clubs, racquetball or tennis clubs, reducing salons, or tanning salons.

**CLUB OR LODGE, PRIVATE:** A non-profit association of persons who are bonafide members paying dues which owns or leases premises, the use of which is restricted to members and their guests. The facilities owned or used by such organization may be referred to as a "club" or "lodge" in this Ordinance.

**CLUSTER HOUSING:** A group of buildings and especially dwellings built close together to form relatively compact units on a sizeable tract in order to preserve open spaces and environmentally sensitive areas larger than the individual yards for common recreation.

**COLLECTOR STREET:** See STREET, COLLECTOR.

**COMMERCIAL CENTER, PLANNED:** A business development under single ownership consisting of two (2) or more retail or service outlets characterized by common architecture, a pedestrian and vehicle circulation system, and off-street parking.

**COMMERCIAL, VEHICLE:** A truck or motor vehicle with cab and chassis and with a stake, rack, body, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof more than eight (8) inches. Any truck or motor vehicle which has a commercial license plate and is designed to accommodate a body length in excess of 9 feet. Commercial vehicles shall not include motor homes or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors and trailers.

**CONDITIONAL USE:** A use which is subject to conditional special approval by the Township Board. A conditional use may be granted only when there is a specific provision in this Ordinance. A conditional use is not considered to be a nonconforming use.

**CONDOMINIUM:** A system of separate ownership of individual units and/or multiple unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

**Condominium Act:** State of Michigan Public Act 59 of 1978, as amended.

**Condominium, Contractible:** A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents.

**Condominium, Conversion:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

**Condominium - Convertible Area:** A unit or portion of the common elements of the condominium project referred in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**Condominium, Expandable:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**Condominium - General Common Element:** The common elements other than the limited common elements intended for the common use of all of the co-owners.

**Condominium - Limited Common Element:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

**Condominium - Site Condominium Project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

**Condominium Subdivision Plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Public Act 59 of 1978, as amended.

**Condominium Unit, Site (i.e., Site Condominium Lot):** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium site shall become a limited common element. The term “condominium unit site” shall be equivalent to the term “lot” for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage, and maximum floor area ratio.

**CONDOMINIUM UNIT:** The portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, time-share unit, or any other type of use.

**CONVALESCENT HOME:** See NURSING HOME.

**CO-OP (COOPERATIVE) HOUSING:** A multiple dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

**CORNER LOT:** See LOT, CORNER.

**CUL-DE-SAC:** See STREET, CUL-DE-SAC.

**CURB CUT:** The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

**DAY CARE CENTER:** See CHILD CARE CENTER.

**DECK:** An open, horizontal platform attached to the principal residential structure and that is used for outdoor leisure or recreational activities. The platform shall not be enclosed by a roof or walls or other screened or framed enclosure.

**DENSITY:** The number of dwelling units situated on or to be developed per net or gross acre of land.

**DETENTION FACILITY:** A facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

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

**DEVELOPMENT PLAN:** A scaled drawing which shows the existing conditions, the location and dimensions of improvements upon a parcel of land, including but not limited to, location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems, and drainage facilities, environmental features, and other elements required herein as applicable to the proposed development to ensure compliance with this Ordinance.

**DISTRIBUTION CENTER:** A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business. See also WAREHOUSE.

**DISTRICT:** A portion of Decatur Township within which, on a uniform basis, certain uses of land and/or building are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

**DRAINAGE WAYS AND STREAMS:** Existing permanent or intermittent watercourses.

**DRIVE-IN ESTABLISHMENT:** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles. Examples include but are not limited to, restaurants, cleaners, banks, and theaters.

**DRIVE-THROUGH ESTABLISHMENT:** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking

spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off-premises may be facilitated.

**DRIVEWAY:** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

**DUMPSTER:** A container used for the temporary storage of rubbish, pending collection, having a capacity of at least two (2) cubic yards.

**DWELLING:** A building or portion thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family, excluding hotels, motels, and tourists homes. In no case shall a travel trailer, motor home, automobile, tent or other portable building defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

**DWELLING, MANUFACTURED:** A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on a site.

Also refer to DWELLING, ONE FAMILY OR SINGLE FAMILY.

**DWELLING, MOBILE HOME:** A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Such structures shall be located in accordance with state and local regulations and skirted to hide all operations underneath the vehicle. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance. A mobile home is a type of manufactured housing. Also see DWELLING, ONE FAMILY OR SINGLE FAMILY.



**DWELLING, MULTIPLE-FAMILY:** A building designed for and occupied by three (3) or more families living independently with separate housekeeping, cooking, and bathroom facilities for each. Multiple-family dwellings units include the following:

- A. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often have a central heating system and other central utility connections and common yard space.
- B. **Efficiency Unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

**DWELLING, ONE-FAMILY OR SINGLE-FAMILY:** A detached building containing not more than one dwelling unit designed for residential use, provided:

- A. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- B. It has a minimum width across front, side and rear elevations of 24 feet and complies in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Building Code, then and in that event, such federal or state standard or regulation shall apply; further provided that the provisions of this section shall not have the effect of making one family dwellings, which exist as of the effective date of this Ordinance, non-conforming.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for one-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions, shall be skirted to screen all undercarriage materials, and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required.
- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and towing mechanism removed. Additionally,

no dwelling shall have any exposed undercarriage or chassis. It shall be skirted to screen this area.

- E. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction equal to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- F. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of thirty (30) days from the receipt of notice of said Building Official's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of single family "dwelling" as well as the character, design and appearance of one or more residential dwellings to the extent of less than twenty (20) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township.

- G. The dwelling contains no additions or rooms or other areas which are not constructed with a quality of workmanship equal to the original structure, including permanent attachments to the principal structure and construction of foundations as required herein.
- H. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- I. The foregoing standard shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.
- J. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

**DWELLING, TWO-FAMILY OR DUPLEX:** A detached building, designed exclusively to be occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

**DWELLING UNIT:** One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

**DWELLING UNIT, SINGLE-FAMILY ATTACHED OR TOWNHOUSE:** A townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level, and typically with its own basement utility connections, and front and rear yards. Townhouses are also commonly known as row houses.

**DRIVE-IN THEATER:** An open-air theater constructed and operated at an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in a vehicle. The term "drive-in theater" as used herein shall include the entire premises upon which such theater is constructed and operated, including parking areas and all other facilities accessory to such business.

**DUPLEX:** See DWELLING, TWO FAMILY OR DUPLEX.

**EARTH-SHELTERED HOME:** A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

**EASEMENT:** Any private or dedicated public way that provides a means of access to property. The term "easement" may also refer to utility easements which give public or private utility companies the right to use land for the construction and maintenance of utilities.

**EFFICIENCY UNIT:** See DWELLING, MULTIPLE FAMILY.

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

**ESSENTIAL SERVICES:** The term "essential services" shall mean the erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments or Township-certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities. Telecommunication towers or facilities, alternative tower structures, and wireless communication facilities antenna are specifically excluded from this definition.

**EXCAVATION:** The removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be the highest, excluding common household gardening and ground care.

**FAMILY:**

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

**FAMILY DAY CARE HOME:** See CHILD DAY CARE ORGANIZATIONS.

**FARM:** All of the contiguous neighboring or associated land operated as a single unit for agricultural production by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; also including establishments operated as bonafide greenhouses, nurseries, orchards, vineyards, chicken hatcheries, poultry farms, and apiaries. For the purposes of this Ordinance, farms shall not

include establishments for keeping or raising fur-bearing animals, riding or boarding stables, commercial dog kennels, game fish hatcheries, piggeries, stockyards, or gravel or sand pits, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land.

No farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises.

A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or sales, contractor yards or any other activities other than those incidental to the bonafide farm.

**FENCE:** An accessory structure of definite height and location intended to serve as a physical barrier to property ingress or egress, a screen from objectionable vista or noise, a marker, an enclosure in carrying out the requirements of this Ordinance, or for decorative use.

**FILL, FILLING:** The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of 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 (1%) or greater chance of flooding in any given year.

**Flood Hazard Boundary Map (FHBM):** An official map of the community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazard areas have been designated as Zone A.

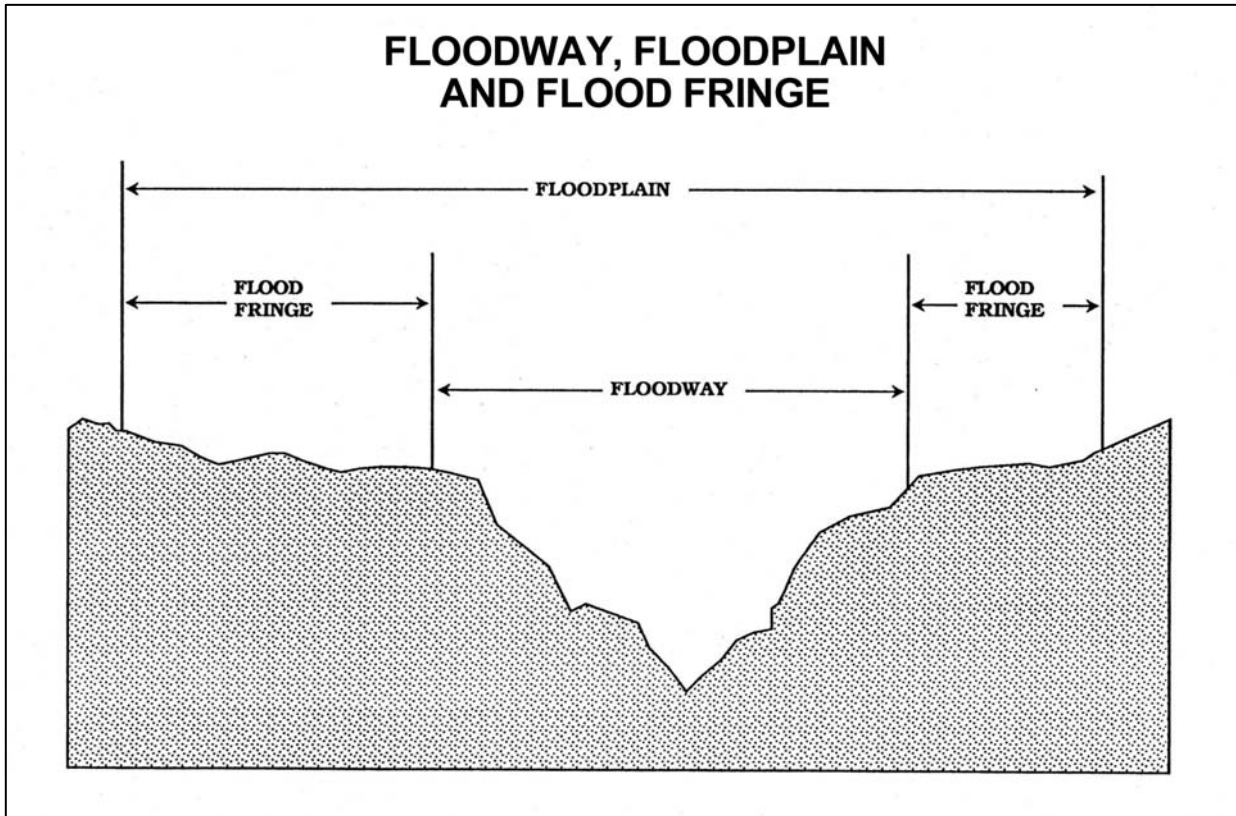
**Flood Insurance Rate Map (FIRM):** An official map of a community, issued by the Federal Insurance Administration, which has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study:** 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.

**Flooding, Area of Shallow:** A designated AO Zone on the Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined

channel does not exist, where the path of flooding is unpredictable, and indeterminate, and where velocity flow may be evident.

**Flooding, Ordinary High Water Mark:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

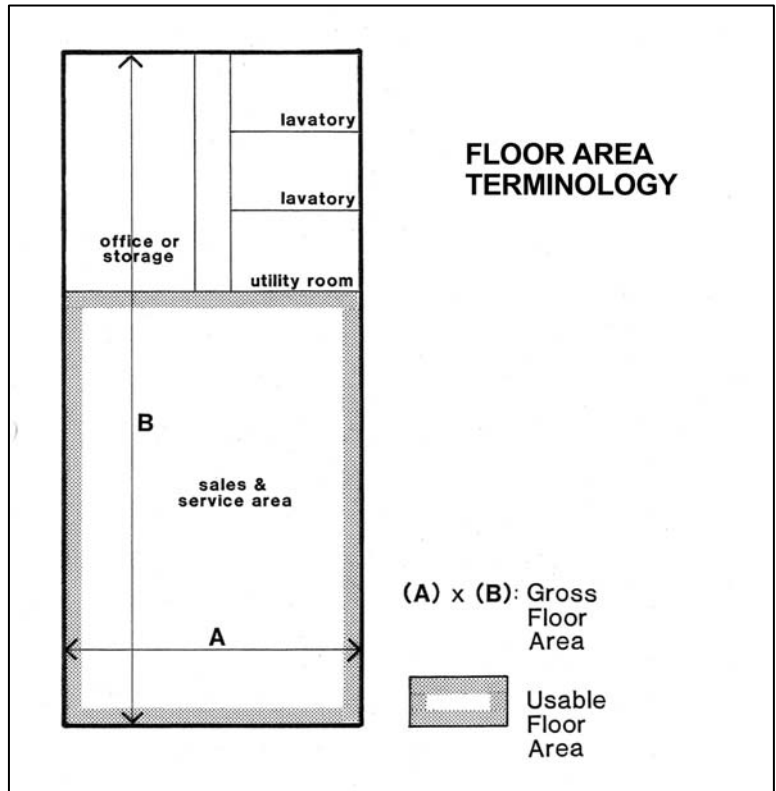


**Flood Plain:** Any land area susceptible to being inundated by water from any source (See Flood.)

**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:** The area of a building defined as follows.

- A. **Floor Area, Gross:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- B. **Floor Area, Net:** See FLOOR AREA, USABLE RESIDENTIAL and FLOOR AREA, USABLE NONRESIDENTIAL.
- C. **Floor Area, Usable Residential:** The gross floor area minus areas in unfinished basements or attics, attached garages, and enclosed or unenclosed porches.
- D. **Floor Area, Usable Nonresidential:** The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which issued for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area.
- E. **Floor Area Ratio (FAR):** The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located.



**FOSTER CARE HOME:** See STATE LICENSED RESIDENTIAL FACILITY.

**FOSTER CHILD:** A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and/or education.

**FRATERNAL ORGANIZATION:** See CLUB.

**FRONT LOT LINE:** See LOT LINE, FRONT.

**FRONT YARD:** See YARD, FRONT.

**GARAGE, PRIVATE:** An accessory building used or designed to be used primarily for the storage of motor vehicles, boats, or trailers owned and used by the occupants of the building to which it is accessory. A private garage may be either attached to or detached from the principal structure. Private garages shall not have public repair facilities.

**GARAGE, PUBLIC:** Any building or premise, other than junkyard, where more than one motor vehicle is stored for compensation.

**GARAGE, REPAIR:** See AUTOMOBILE REPAIR.

**GARBAGE:** All wastes, animal, fish, fowl, or vegetable matter incident to the preparation, use, and storage of food for human consumption, spoiled food, animal, and fowl manure.

**GARDEN CENTER:** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

**GAS STATION:** See AUTOMOBILE FILLING STATION and AUTOMOBILE SERVICE STATION.

**GLARE:** The effect produced by brightness or a source of illumination sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GOLF COURSE OR COUNTRY CLUB:** The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.

**GOLF DRIVING RANGE:** An area or parcel of land which includes golf tee areas and associated facilities, the purpose of which is to practice golf shots.

**GRADE:** A grade is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**GRADE, AVERAGE:** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.



**GRADE, FINISHED:** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

**GREENWAY:** See LANDSCAPING.

**GROUP DAY CARE HOMES:** See CHILD DAY CARE ORGANIZATIONS.

**GYM OR GYMNASIUM:** A room or building equipped for gymnastics, exercise, or sport.

**HAZARDOUS SUBSTANCES:** Any chemical or other material which, by virtue of its inherent properties and not solely by the manner in which it is used, has the potential to be injurious to the public health, safety, and welfare even in small quantities. Uses and facilities which use, store or generate hazardous substances in quantities greater than one hundred (100) kilograms per month, or twenty-five (25) gallons per month, whichever is less, shall be subject to site plan requirements.

**HEIGHT, BUILDING:** See BUILDING HEIGHT.

**HIGHWAY:** See STREET.

**HOME OCCUPATION:** Any occupation conducted within a dwelling unit and carried on by the inhabitants thereof. Home occupations may provide for one (1) full-time non-resident employee. Home occupations shall be clearly incidental and secondary to the use of the dwelling for living purposes, shall not change the character thereof, and shall not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. No goods shall be sold from the premises which are not strictly incidental to the principal home occupation conducted therein.

**HOSPITAL:** An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and major surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

**HOSPITAL, VETERINARY:** See CLINIC, VETERINARY.

**HOTEL:** A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through a common entrance, and in which provision is not made for cooking in the individual units. Hotels customarily provide services such as desk service, maid service, laundering of linens, etc.

**HOUSING, ELDERLY:** An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily sixty (60) years of age and older. Housing for the elderly may include:

- A. Senior Apartments: Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.
- B. Elderly Housing Complex: A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years or older or couples where either the husband or wife is sixty (60) years of age or older.
- C. Congregate or Interim Care Housing: A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- D. Dependent Housing Facilities: Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

**INGRESS AND EGRESS:** As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk or entranceway which allows pedestrians to enter or leave a parcel of property, a building, or another location.

**JUNK:** Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

**JUNKYARD:** An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles and automobiles.

**KENNEL:** Any lot or premises on which more than three (3) dogs, cats, and/or other domesticated animals six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, protection, grooming, or other commercial purposes; and may offer provisions for minor medical treatment including animal shelters.

**LABORATORY:** A place devoted to experimental, routine or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.

**LAKE:** Any body of water, natural or artificial, defined as "inland lake or stream" in the Inland Lakes and Stream Act of 1972, P.A. 1972, No. 451, as amended.

**LAND DIVISION:** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of section 108 and 109 of the Land Division Act, P.A. 288 of 1967 as amended.

**LANDFILL:** Any disposal area, tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

**LANDSCAPING:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping- related terms are defined as follows:

- A. **Berm:** A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this Ordinance.
- B. **Greenway:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.
- C. **Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- D. **Hedge:** A row of closely planted shrubs or low-growing trees which form a continuous visual screen, boundary, or fence.
- E. **Screen or screening:** A wall, wood fence, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

- F. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- G. **Sod:** A piece from the surface of grassland containing the grass support soil, and the healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. Sod is grown on mineral soil (commonly referred to as "topsoil") or peat, and must be a minimum of two (2) years old. The grasses permitted for use in sod for landscaped lawns should be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions.
- H. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well- defined central stem which normally grows to a mature height of fifteen (15) feet or more in Van Buren County, Michigan.
1. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.
  2. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.
- I. **Ornamental Tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about twenty-five (25) feet or less.
- J. **Shade Tree:** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater and has a trunk with at least five (5) feet of clear stem at maturity.

**LIVESTOCK:** Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm.

**LOADING SPACE, OFF-STREET:** An off-street space of definite size and dimensions in accordance with the requirements of this Ordinance, which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

**LOCAL STREET:** See STREET, LOCAL OR MINOR.

**LOT (OR ZONING LOT OR PARCEL):** For the purposes of enforcing this ordinance, a lot is defined as a piece of land under one ownership and control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, and open space as required

herein. A lot shall have frontage on a roadway dedicated to the public and certified for maintenance by a public agency, or, if permitted by the regulations set forth herein, on a private road. A lot may consist of:

- A. A single Lot of Record.
- B. A portion of a Lot of Record.
- C. A combination of complete Lots of Record, or portion thereof.
- D. A piece of land described by metes and bounds.

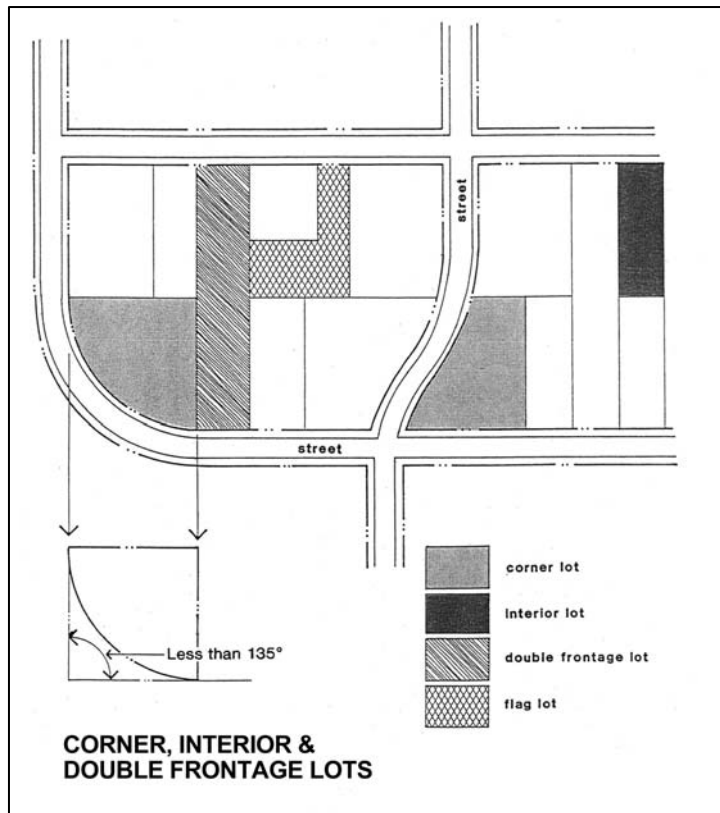
**LOT, ADJACENT:** Lots which adjoin each other or which are separated only by a public or private right-of-way or easement.

**LOT AREA, NET:** The total horizontal area within the lot lines of a lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake or wetlands area.

**LOT AREA, GROSS:** The net lot area plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

**LOT, CONTIGUOUS:** Lots adjoining each other.

**LOT, CORNER:** A lot of which at least two (2) adjacent sides abut their full length upon a street, provided that such two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the



tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.)

**LOT COVERAGE:** The part or percent of the lot that is occupied by buildings or structures.

**LOT DEPTH:** The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

**LOT, DOUBLE FRONTAGE:** A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

**LOT, INTERIOR:** Any lot other than a corner lot with only one (1) lot line fronting on a street.

**LOT, LAKE:** A lot having any frontage directly upon a lake, natural or man-made. The yard adjacent to the water shall be designated the front yard of the lot, and the opposite side shall be designated the rear yard of the lot.

**LOT LINES:** The lines bounding a lot as follows:

- A. **Front Lot Line:** In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street which is designated as the front street in the plat and/or in the request for a building permit.
- B. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD:** A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Van Buren County Register of Deeds, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor

(registered and licensed in the State of Michigan) and likewise so recorded with the Van Buren County Register of Deeds.

**LOT WIDTH:** The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.

**LOT SPLIT AND CONSOLIDATION:** The dividing or uniting of lots by virtue of changes in the deeds in the office of the Van Buren County Register of Deeds and/or the Township Treasurer. The division of lots shall take place in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

**MAIN ACCESS DRIVE:** Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

**MAJOR STREET OR THOROUGHFARE:** See STREET, MAJOR.

**MANUFACTURED HOUSING:** See DWELLING, MANUFACTURED.

**MARQUEE:** A roof-like structure of a permanent nature, projecting from the wall of a building.

**MASSAGE THERAPIST (Certified):** An individual specifically trained and certified in massage therapy and the healing arts by the American Massage Therapy Association or similar organization.

**MASTER PLAN:** The master plan is a document which is prepared under the guidance of the Decatur Township Planning Commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the Township.

**MEZZANINE:** An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located. A mezzanine shall be deemed a full story if the vertical distance from the next floor below the mezzanine to the next floor above is twenty-four (24) feet or more.

**MICROBREWERY:** A brewer licensed by the State of Michigan which produces and manufactures in total, less than thirty-thousand (30,000) barrels of beer per year, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. In determining the thirty-thousand (30,000) barrel threshold, all brands and labels of a brewer whether brewed in this state or outside this state, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.

**MINOR STREET:** See STREET, LOCAL OR MINOR.

**MOBILE HOME:** See DWELLING, MOBILE HOME.

**MOBILE HOME PARK (MANUFACTURED HOUSING DEVELOPMENT):** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as temporary park, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

**MOBILE HOME LOT:** An area within a mobile home park which is designated for the exclusive use of the occupants of a specific mobile home.

**MOTEL:** A series of attached, semi-detached, or detached rental units which may or may not be independently accessible from the outside parking area consisting of a minimum of a bedroom and bath, occupied for hire, in which a minimum of fifty percent (50%) plus one (1) of the units feature exterior entrances, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. No kitchen or cooking facilities are to be provided with the exception of units for use of the manager and/or caretaker.

**MOTOR HOME:** A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile home.

**MUNICIPALITY:** The word "municipality" shall mean the Township of Decatur, Van Buren County, Michigan.

**NATURAL FEATURES:** Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

**NONCONFORMING BUILDING:** A building or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the minimum building height, area, setback, lot coverage or other provision of this Ordinance pertaining to buildings in the zoning district in which it is located.

**NONCONFORMING LOT:** A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zoning district in which it is located.



**NONCONFORMING USE:** A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

**NON-CONFORMITY:** Any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of this Ordinance or any amendment thereto, to the regulations for the district in which it is located.

**NUISANCE:** Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, endanger life and health, or the generation of an excessive or concentrated movement of people or things such as : (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, or (o) invasion of non-abutting street frontage by traffic

**NURSERY, DAY NURSERY, or NURSERY SCHOOL:** See CHILD CARE CENTER.

**NURSERY, PLANT MATERIAL:** A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises. Also see OPEN AIR BUSINESS and ROADSIDE STAND.

**NURSING HOME, CONVALESCENT HOME, or REST HOME:** A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

**OCCUPANCY, CHANGE OF:** The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

**OCCUPANCY LOAD:** The number of individuals normally occupying a building or part thereof or for which the exit way facilities have been designed.

**OCCUPIED:** Used in any way at the time in question.

**OFF-STREET PARKING SPACE:** See PARKING SPACE and PARKING LOT, OFF-STREET.

**OPEN AIR BUSINESS:** Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- A. Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- B. Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.
- C. Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- D. Outdoor display and sale of model garages, swimming pools, playground equipment, and similar uses.

**OPEN FRONT STORE:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

**OPEN SPACE:** Lands open from ground to sky and devoted to outdoor recreation space, greenery, and resource protection. Developed open spaces may include, but is not limited to, playground fixtures, shelter, and tennis courts.

**OPEN SPACE, COMMON:** An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners, and occupants, and generally owned and maintained in common by them, often through a home owners or property owners association.

**OPEN SPACE, PUBLIC:** Any primarily undeveloped land intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

**OPEN STORAGE:** Any outdoor storage of building materials, sand, gravel, stone, lumber, equipment, or other supplies.

**ORDINARY HIGH WATER MARK:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil and the vegetation.

**OUTLOT:** A parcel of land which must be designated on a recorded plat as an outlot before it may be legally considered as such.

**PARCEL:** See LOT.

**PARKING LOT, OFF-STREET:** An area on private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

**PARKING SPACE:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, which is fully accessible for such purposes, and is exclusive of access drives and aisles thereto.

**PARTY WALL:** A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building or residence from another and that is in joint use by each building or residence.

**PERSON:** An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

**PERFORMANCE STANDARD:** A set of criteria or limits relating to nuisance elements that a particular use or process may not exceed, such as noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, or other effects.

**PET:** A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is kept for pleasure or companionship.

**PLANNED UNIT DEVELOPMENT:** A planned unit development may include such concepts as cluster development, planned development, community unit development, planned residential development, and other terminology denoting special zoning requirements and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this Ordinance using innovative and effective planning approaches.

**PLAT:** A map of a subdivision of land.

**POULTRY:** Any of various breeds of birds long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man for meat and eggs, including chickens, ducks, geese, guinea fowl and turkeys not including game fowl.

**PORCH:** An exterior appendage to a building which has a separate roof or a roof integral with the building which forms a covered approach to a doorway or vestibule.

**Porch, Enclosed:** A porch separated from the outside by an all-weather partition or a partition which renders the area inside the partition habitable.

**Porch, Open:** A porch not separated from the outside by either an all-weather partition or a partition rendering the area inside the partition habitable.

**PRINCIPAL USE:** See USE, PRINCIPAL.

**PRIVATE STREET OR ROAD:** See STREET.

**PROPERTY LINE:** The line separating a piece of property from the street right- of-way and the lines separating a parcel of property from the parcels next to it. See also LOT LINE.

**PUBLIC NOTICE:** A notice of the time, place, and purpose of a public hearing, which notice shall be posted in a manner and within a time frame as prescribed in this Ordinance or in applicable State law.

**PUBLIC UTILITY:** Any persons, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

**REAR LOT LINE:** See LOT LINE, REAR.

**RECREATION ESTABLISHMENT, INDOOR:** A privately owned facility designed and equipped for the conduct of sports, amusement, or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

**RECREATION ESTABLISHMENT, OUTDOOR:** A privately owned facility designed and equipped for the conduct of sports, amusements, or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

**RECREATIONAL LAND:** Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

**RECREATIONAL VEHICLE:** A boat, snowmobile, off-road vehicle, camper travel trailer, motor home, pick-up camper, or trailer which is designed for private recreational or travel use and which is further defined as:

- A. Travel Trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a travel trailer by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.
- B. Pickup Camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- C. Motor Home (Trailer Coach): a self-propelled motorized recreational vehicle intended, designed, used, or constructed, and duly licensable for travel and/or recreational usage, and for temporary human habitation, sleeping, and/or cooking and eating for one (1) or more persons, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor home generally contain sanitary, water, and electrical facilities.
- D. Folding Tent Trailer: A folding structure, mounted on wheels and designed for travel and vacation use.
- E. Boats and Boat Trailers: Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- F. Other Recreational Equipment: Snowmobiles, all terrain vehicles, special terrain vehicles, utility trailers, plus normal equipment to transport them on the highway.

**REFUSE:** The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, sashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

**RESTAURANT:** A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- A. **Restaurant, Carry-Out:** A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

- B. **Restaurant, Drive-In:** A drive-in restaurant is a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. **Restaurant, Drive-Through:** A drive-through restaurant is a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- D. **Restaurant, Fast-Food:** A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- E. **Restaurant, Standard:** A standard restaurant is a restaurant whose method of operation involves either:
  - 1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
  - 2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- F. **Bar/Lounge:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If an establishment includes a bar or lounge and a separate dining facility, the establishment shall be considered a bar/lounge if more than 50 percent of the usable floor area of the entire establishment is used for the bar/lounge.

**RIGHT-OF-WAY:** A right-of-way as defined herein dedicated to or owned by a public body and available for use by the general public. In the case of public streets, the right-of-way normally includes curbs, lawn strips, and lighting and drainage facilities.

**ROADSIDE STAND:** A temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises, and its use shall not make into a commercial district, land which would otherwise be an agricultural or residential district, nor shall its use be deemed a commercial activity for purposes of this Ordinance.

**ROOM:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**ROOMING HOUSE:** See BOARDING HOUSE.

**RUBBISH:** The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, etc.

**SATELLITE ANTENNA:** An accessory structure which at its widest dimension is in excess of 36 inches, capable of receiving signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

**SAWMILL (Agricultural)-** A facility for the primary processing of forest products in an agricultural zoning district, provided that such facility is found to not seriously interfere with accepted farming practices, employs three or fewer persons(including the property owner), where product is milled or planed in a bulk manner for private or small scale commercial purposes either outdoors or in an enclosed building and where it is found to be compatible within close proximity to agricultural and rural residential land uses.

**SAWMILL (Industrial)-** A facility for the primary processing of forest products grown off-site and milled or planed in a bulk manner for commercial purposes; in a facility located in an industrial zoning district; where more than three persons are employed; where the processing takes place in an enclosed building, and where the finished product is shipped for retail or wholesale trade.

**SCHOOL:** An institution or facility for the teaching of children or adults as its primary function.

**SCREEN, OBSCURING:** A visual barrier between adjacent area or uses consisting of structures, such as a wall or fence, or living plant material.

**SETBACK:** The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The **MINIMUM REQUIRED SETBACK** is the minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of **YARD**).

**SETBACK, PARKING LOT:** The minimum horizontal distance between the street right of way or property line and the near edge of the parking lot, excluding necessary and/or approved driveways, frontage roads, and landscaping areas.

**SIDE LOT LINE:** See LOT LINE, SIDE.

**SIDEWALK:** Pedestrian or non-motorized vehicular circulation routes built according to the standards of the Township or other agency with right-of-way jurisdiction, as applicable.

**SIGN:** Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designed to be visible from outside any building or structure in which, upon which, or attached to which it may be located. Various types of signs and sign-related terms are defined in Chapter 15 of this Ordinance.

**SITE PLAN:** A plan showing all salient features of a proposed development, as required in Chapter 18, so that it may be evaluated to determine whether it meets the provisions of this Ordinance.

**SPECIAL EVENT:** An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Decatur Township community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events shall be open to the public.

**STABLE, PRIVATE:** A private stable is an enclosed building intended for the keeping of horses or other large domestic animals, for the noncommercial use of the residents of the principal residential use on the site.

**STABLE, PUBLIC:** A public stable is an enclosed building intended for the keeping of horses or other domestic animals, in which any such animals are kept for remuneration, hire, or sale.

**STATE LICENSED RESIDENTIAL FACILITY:** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

- A. **Adult Foster Care Facility:** A governmental or nongovernmental establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Public Act 218 of 1974, as amended, and the Adult Foster Care Administrative Rules as administered by the



Michigan Department of Consumer & Industry Services. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released or assigned to a correctional facility. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

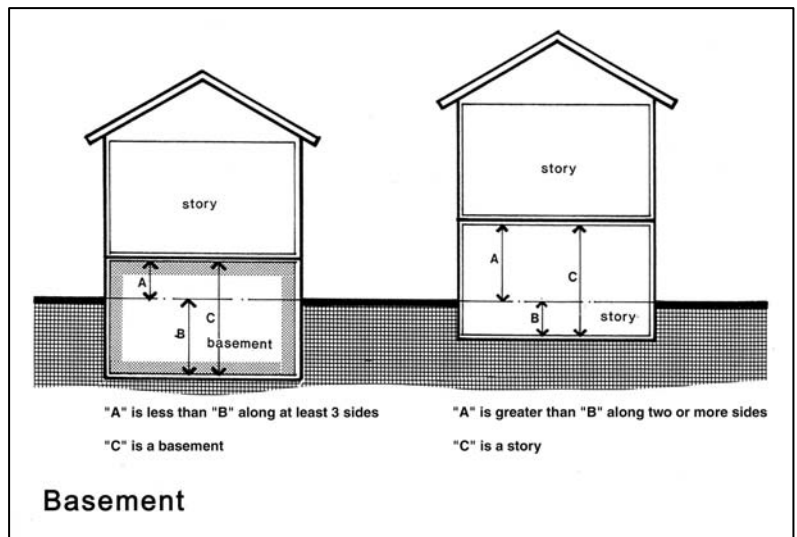
1. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
  2. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. The licensee is not required to be a resident of the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
  3. **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than twenty (20) adults who shall be provided foster care. The licensee is not required to be a resident of the home. Local zoning approval is required prior to issuance of a license.
  4. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care. The licensee is not required to be a resident of the home. Local zoning approval is required prior to issuance of a license.
- B. **Foster Family Home:** A private residence that houses four (4) or fewer foster children, up to age 19, who are not related to an adult member of the household by blood, marriage or adoption, and are given supervision 24 hours a day for four (4) or more days a week for two (2) or more consecutive weeks unattended by legal parent of guardian. Under Public Act 116 of 1973, a Foster Family Home does not require local zoning approval before being licensed by the Department of Consumer and Industry Services.

- C. **Foster Family Group Home:** A private residence that houses five (5) or six (6) foster children, up to age 19, who are not related to an adult member of the household by blood, marriage or adoption, and are given supervision 24 hours a day for four (4) or more days a week for two (2) or more consecutive weeks unattended by legal parent or guardian. Under Public Act 116 of 1973, a Foster Family Group Home requires local zoning approval before being licensed by the Department of Consumer and Industry Services.

**STATE EQUALIZED VALUATION:** The value shown on the Township assessment roll as equalized through the process of State and County equalization.

**STORAGE:** The depositing of material, products for sale or use, vehicles, or other items for a period greater than 24 hours. This definition shall include items for household use, but shall not include vehicles, boats, mobile homes and other items.

**STORY:** That portion of a building included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area to at least 50 percent of the usable floor area of the floor immediately below it.



A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is twenty-four (24) feet or more.

A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

**STORY, HALF:** The uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven (7) feet, six (6) inches.

**STREET:** A public or private street, road or thoroughfare intended primarily to provide vehicular circulation and access to abutting property. Various types of streets are defined as follows:

- A. **Collector Street:** A street whose principal function is to carry traffic between local or minor streets and major streets but may also provide direct access to abutting properties.
- B. **Cul-De-Sac:** A street that terminates in a vehicular turnaround.
- C. **Local or Minor Street:** A street whose sole function is to provide access to abutting properties.
- D. **Major Street:** A street that carries high volumes of traffic and serves as a main avenue through or around the Township. Major streets may also be referred to as arterial streets or major thoroughfares. For the purpose of this Ordinance, major streets shall include those streets designated as "county primary", "county local" or "major street."
- E. **Private Street or Road:** A street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon, but which has not been accepted for maintenance by the Township, County, State or Federal Government.
- F. **Public Street or Road:** A street or road, the right-of-way and improvements of which have been accepted for maintenance by the Township, County, State or Federal Government.

**STREET LINE:** A dividing line between the street and a lot, also known as the right-of-way line.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs.

**STRUCTURE, ACCESSORY:** See ACCESSORY USE, BUILDING, OR STRUCTURE.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

**STRUCTURE, OUTDOOR ADVERTISING:** Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed.

**SUBDIVISION PLAT:** The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

**SWIMMING POOL:** Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**TELECOMMUNICATIONS TOWERS AND FACILITIES OR TOWER:** All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities, short wave receiving facilities, radio and television broadcast reception facilities, satellite dishes, federally licensed amateur (HAM) radio facilities, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

**TEMPORARY USE OR BUILDING:** See BUILDING, TEMPORARY or USE, TEMPORARY.

**THEATER:** An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

**TOWNHOUSE:** See DWELLING UNIT, SINGLE FAMILY ATTACHED or TOWNHOUSE.

**TOXIC OR HAZARDOUS WASTE:** Waste or a combination of waste and other discarded material including solid, liquid, semi-solid, or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- A. an increase in mortality, or
- B. an increase in serious irreversible illness, or
- C. serious incapacitating, but reversible illness, or
- D. substantial present or potential hazard to human health or the environment.

**TRAILER:** See RECREATIONAL VEHICLE; DWELLING, MOBILE HOME; and UTILITY TRAILER.

**TRANSITION:** The word or term "transition" or "transitional" shall mean a zoning district, a landscaped area, lot arrangement, wall or other means which may serve as a buffer between various land use types, particularly those uses which are incompatible.

**TRUCK STORAGE:** An area used for the temporary storage of private trucks or trucks for hire.

**TRUCK TERMINAL:** a structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution to other parts of the Township or to be amalgamated for delivery in larger units to other points in the metropolitan area; or for distribution or amalgamation involving transfer to other modes of transportation.

**USE:** The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

**USE, ACCESSORY:** See ACCESSORY USE, BUILDING, OR STRUCTURE.

**USE, CONDITIONAL:** See CONDITIONAL USE.

**USE, PERMITTED:** A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

**USE, PRINCIPAL:** The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

**USE, TEMPORARY:** Shall mean a use permitted to exist during a specified period of time under conditions and procedures as provided in this Ordinance.

**UTILITY ROOM:** A utility room is a room in a dwelling, the use of which is primarily for storage, for housing a heating unit, or for laundry purposes.

**UTILITY TRAILER:** A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

**VARIANCE:** A modification of the literal provisions of the Zoning Ordinance in accordance with the provisions herein in cases where strict enforcement would cause undue hardship as a result of special circumstances affecting an individual property that do not generally affect other properties in the same zoning district.

The crucial points of variance are: (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case.

A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") shall not be permitted. Hardships based solely on economic considerations are not grounds for a variance.

**VEHICLE, COMMERCIAL:** Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of six-thousand-five-hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles:

- A. Semi-trailer: A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone. Semi-trailer shall include trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies, and full or partial box-type enclosures, any of which above units exceed twelve (12) feet in height.
- B. Truck Tractor: A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
- C. Other Commercial Vehicles: Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body, or any other body, the mounted height of which exceeds the height of the cab roof more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. Commercial vehicles do not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles

**VETERINARY HOSPITAL:** See CLINIC, VETERINARY.

**WALL, OBSCURING:** Shall mean a masonry structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

**WALL, PARAPET:** An extension of a building wall above the roof which may serve to screen roof mounted mechanical equipment.

**WALL, RETAINING:** A permanent solid barrier of brick, stone, or other opaque material intended to enclose an area. For the purpose of this Ordinance, all supporting members, posts, stringers, braces, pilasters, or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. Moreover, all retaining walls shall be

constructed and/or painted, tinted, or colored in one color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted, or designed thereon.

**WAREHOUSE:** A building used for short and/or long term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing. See also DISTRIBUTION CENTER

**WAREHOUSE, MINIATURE OR SELF-STORAGE:** A building or group of buildings in a controlled access and /or fenced compound that contains varying sizes of individualized, compartmentalized, and controlled-access stalls or lockers for the storage of customers goods or wares.

**WASTE RECEPTACLE STATION:** Any exterior space which is not a principal use for containers, structures, or other receptacles intended for temporary storage of solid waste materials.

**WATERCRAFT:** A boat, houseboat, canoe, raft, or other apparatus designed for use on water, including trailers and motors or engines designed to propel such craft.

**WETLAND:** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

**WETLAND, REGULATED:** Certain wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Act 451, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- A. Contiguous to an inland lake or pond, or a river, or a stream
- B. Not contiguous to an inland lake, pond, river, or stream, and more than five (5) acres in size, or
- C. Not contiguous to an inland lake, pond, river, or stream and five (5) acres or less in size if the Michigan Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and he department has so notified the property owner

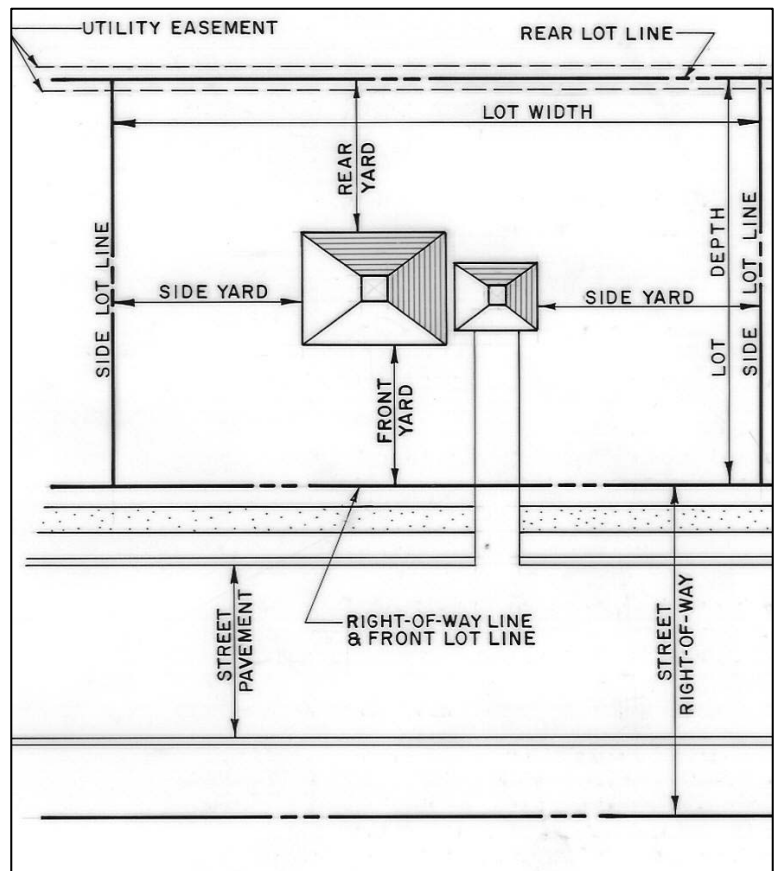
**WHOLESALE SALES:** On-premise sales of goods primarily to customers engaged in the business of reselling the goods.

**WIRELESS COMMUNICATION FACILITIES:** All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including but not limited to radio and television towers, cellular telephone and paging towers, telephone devises and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio serve facilities. Not included are facilities for citizen band radio, short wave radio, ham and amateur radio, television reception antenna, satellite dishes, and government facilities which are subject to state and federal law. Wireless communication facilities shall be specifically excluded from the definition of “essential service.”

**WIRELESS COMMUNICATION SUPPORT STRUCTURES (TOWERS):** Any structure used to support attached wireless communication facilities, or other antenna or facilities, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof-mounted pole, monopole, lattice towers, light poles, wood poles, and guyed towers or other similar structures which support wireless communication facilities.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The Minimum Required Setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this ordinance.

- A. **Yard, Front:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.





- B. **Yard, Rear:** A yard extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest point on the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
  
- C. **Yard, Side:** A yard between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

**ZONING PERMIT:** The written authority issued by the Zoning Administrator permitting the construction, removal, moving, alteration, or use of a building in conformity with this Ordinance.

**ZONING OFFICIAL:** Official assisting Township Board, Township Supervisor, Planning Commission and Zoning Board of Appeals in administering the regulations of this Ordinance.

## **CHAPTER 4**

### **AR AGRICULTURAL RESIDENTIAL DISTRICT**

#### **SECTION 4.01 DESCRIPTION AND PURPOSE**

This zoning district is intended to accommodate land currently under cultivation, wetlands, woodlands, and other lands in an undisturbed state. Farming, crop cultivation, dairy and livestock operations, and rural estate single family dwellings are suitable uses in this district. Parcels within the AR District are restricted to a minimum of one (1) acre in size.

#### **SECTION 4.02 PERMITTED USE REGULATIONS**

Land, buildings and structures in this Zoning District may be used for the following purposes only:

- A. Farms for both general and specialized farming, together with farm dwellings, buildings and other installations necessary to such farms including temporary housing for migratory workers housing and its sanitary facilities, provided that such activities are in conformance with all requirements of the Van Buren County Health Department, the State of Michigan Right to Farm Act, MDEQ and/or any other federal, state and/or local regulating agency having jurisdiction. Animal Uses shall also be permitted in accordance with the requirements in Section 16.31.
- B. Greenhouses, nurseries, orchards, vineyards, and apiaries
- C. Riding stables, where horses are boarded and/or rented.
- D. Single family dwellings
- E. Publicly owned and operated parks, parkways, and recreational facilities.
- F. Adult foster care family homes of six (6) or fewer persons. This subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released for or assigned to adult correctional institutions, in accordance with Section 16.33.
- G. Churches
- H. Home Occupations, in accordance with Section 16.14.
- I. Accessory structures and uses customarily incidental to the above permitted uses.

- J. Family Day Care Home, in accordance with Section 16.33.
- K. Foster Day Care Home, in accordance with Section 16.33.
- L. Foster Family Group Home, in accordance with Section 16.33.

**SECTION 4.03 USES PERMITTED BY CONDITIONAL USE PERMIT**

The following uses may be permitted by the Township, subject to the conditions specified for each use in Chapter 16. Conditional uses shall be reviewed by the Planning Commission at a public hearing pursuant to the procedures in Chapter 19 and approved by the Township Board. Adoption may include special conditions which, in the opinion of the Planning Commission and or Township Board, are necessary to fulfill the purposes of this Ordinance.

- A. Removal and processing of topsoil, sand, gravel or other such minerals.
- B. Commercial kennels and animal boarding establishments.
- C. Municipal, county, regional and state owned buildings and service facilities (not including outdoor storage yards) when in character with the surrounding residential and agricultural area.
- D. Private recreation areas, uses, and facilities including country clubs, golf courses, and hunting preserves, except off road vehicle tracks. Such uses shall be consistent with the existing development and will not have a significant adverse impact on the surrounding properties. Increased setbacks, buffers, or lot size requirements may be imposed as deemed necessary depending on the potential impacts of the use and the surrounding development.
- E. Off-road vehicle tracks, in accordance with Section 16.34.
- F. Public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations, (not including service or storage yards) when operating requirements necessitate the locating within the district in order to serve the immediate vicinity. This shall not include wireless communication facilities.
- G. Cemeteries.
- H. Hospitals, clinics, sanatoriums, nursing homes, assisted living facilities, and other similar uses.

- I. Essential Services
- J. Bed and Breakfast Facilities
- K. Group Day Care Home, in accordance with Section 16.33
- L. Housing for seasonal labor
- M. Planned Unit Development, subject to all provisions of Chapter 13

#### **SECTION 4.04 DEVELOPMENT STANDARDS**

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, height and building coverage requirements:

- A. **HEIGHT.** No residential building or structure shall exceed thirty-five (35) feet in height. Agricultural structures such as storage silos, barns, grain elevators and similar structures are exempt from the maximum height requirements of this Ordinance. Agricultural antennas permitted under Section 16.28 shall also be exempt.
- B. **FRONT YARD.** There shall be a front yard of not less than forty (40) feet.
- C. **SIDE YARD.** For residential buildings and structures, there shall be a side yard of not less than ten (10) feet.
- D. **REAR YARD.** There shall be a rear yard of not less than fifty (50) feet.
- E. **LOT AREA.** The minimum lot area in this District, unless specified elsewhere, shall be one (1) acres.
- F. **LOT WIDTH.** The minimum lot width in this District, unless specified elsewhere, shall be one hundred fifty (150) feet. The lot width shall be measured at the front building line.
- G. **MINIMUM FRONTAGE.** The minimum public street or private road frontage, unless specified elsewhere, shall be the same as the applicable minimum lot width.

- H. **MINIMUM FLOOR AREA.** Each dwelling unit, unless specified elsewhere, shall have a total minimum of nine hundred sixty (960) square feet of useable floor area on the main floor.
  
- I. **SITE PLAN REVIEW.** Site Plan Review and approval is required for all uses except detached single family residential uses and permitted agricultural uses in accordance with Chapter 18 of this Ordinance.

## **CHAPTER 5**

### **R-1 LOW DENSITY (RURAL) RESIDENTIAL DISTRICT**

#### **SECTION 5.01 DESCRIPTION AND PURPOSES**

This District is intended for single family dwellings interspersed within tracts of agricultural uses and undeveloped open space for the purpose of maintaining rural atmosphere, preserving open space and low population density. Utilities are not encouraged for extension in this area and all homes may utilize on-site well and sanitary septic systems as permitted by the Van Buren County Health Department.

#### **SECTION 5.02 PERMITTED USE REGULATIONS**

Land, buildings and structures in this zoning district may be used for the following purposes only:

- A. Single family detached dwellings.
- B. Adult foster care family homes of six (6) or fewer persons. This subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released for or assigned to adult correctional institutions, in accordance with Section 16.33.
- C. Home Occupations in accordance with Section 16.14.
- D. Accessory structures and uses customarily incidental to the above permitted uses.
- E. Family Day Care Home, in accordance with Section 16.33.
- F. Foster Family Home, in accordance with Section 16.33.
- G. Foster Family Group Home, in accordance with Section 16.33.

#### **SECTION 5.03 USES PERMITTED BY CONDITIONAL USE PERMIT**

The following uses may be permitted by the Township, subject to the conditions specified for each use in Chapter 16. Conditional uses shall be reviewed by the Planning Commission at a public hearing pursuant to the procedures in Chapter 16 and approved by the Township Board. Adoption may include special conditions which, in the opinion of the Planning Commission and or Township Board, are necessary to fulfill the purposes of this Ordinance.

- A. Municipal, county, regional and state owned buildings and service facilities (not including outdoor storage yards) when in character with the surrounding residential and agricultural area.
- B. Churches, synagogues, and other religious facilities and buildings customarily incidental thereto.
- C. Parochial, and private elementary, intermediate, and/or high schools offering courses in general education.
- D. Private recreation areas, uses, and facilities including country clubs, golf courses, and swimming pools, except off-road vehicle tracks. Such uses shall be consistent with the existing development and will not have a significant adverse impact on the surrounding properties. Increased setbacks, buffers, or lot size requirements, may be imposed as deemed necessary depending on the potential impacts of the use and the surrounding development.
- E. Public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity. This shall not include wireless communication facilities.
- F. Cemeteries.
- G. Essential Services
- H. Publicly owned and operated parks, parkways, and recreational facilities.
- I. Group Day Care Home, in accordance with Section 16.33
- J. Planned Unit Development, subject to all provisions of Chapter 13.

#### **SECTION 5.04 DEVELOPMENT STANDARDS**

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, height and building coverage requirements:

- A **HEIGHT REGULATIONS.** No residential building or accessory structure shall exceed thirty-five (35) feet in height.

- B. **FRONT YARD.** There shall be a front yard of not less than thirty-five (35) feet.
- C. **SIDE YARD.** For residential buildings and structures, there shall be a side yard of not less than ten (10) feet.
- D. **REAR YARD.** There shall be a rear yard of not less than twenty-five (25) feet.
- E. **LOT AREA.** The minimum lot area in this District shall be one (1) acre for properties not served by an approved public or private sanitary sewer system. With a connection to an approved sanitary sewer system, the minimum lot size is reduced to thirty thousand (30,000) square feet for all agricultural and rural (single family) residential land uses. The lot area shall not exceed a 1 to 4 width to depth ratio.
- F. **LOT WIDTH.** The minimum lot width in this District, unless specified elsewhere, shall be one hundred fifty (150) feet. If connecting to an approved sanitary sewer system, the minimum lot width is reduced to one hundred twenty five (125) feet.
- G. **MINIMUM FRONTAGE.** The minimum public street or private road frontage, unless specified elsewhere, shall be the same as the applicable minimum lot width.
- H. **MINIMUM FLOOR AREA.** Each dwelling unit, unless specified elsewhere, shall have a total minimum of nine hundred sixty (960) square feet of usable floor area on the main floor.
- I. **SITE PLAN REVIEW.** Site Plan Review and approval is required for all uses except detached single family residential uses in accordance with Chapter 18.



## **CHAPTER 6**

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

#### **SECTION 6.01 DESCRIPTION AND PURPOSE**

This District is intended for a mixture of housing types including single and two family dwellings, multiple family structures, senior housing facilities, apartments, and similar housing alternatives.

#### **SECTION 6.02 PERMITTED USES**

Land, buildings or structures in this Zoning District may be used for the following purposes only:

- A. Single and two family dwellings.
- B. Adult foster care family (six (6) or fewer persons). This subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released for or assigned to adult correctional institutions, in accordance with Section 16.33.
- C. Accessory structures and uses customarily incidental to the above permitted uses.
- D. Private schools.
- E. Parks, playgrounds, cemeteries, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a not-for-profit organization.
- F. Churches, synagogues, and other religious facilities and buildings customarily incidental thereto.
- G. Family Day Care Home, in accordance with Section 16.33.
- H. Foster Family Home, in accordance with Section 16.33.
- I. Foster Family Group Home, in accordance with Section 16.33.

#### **SECTION 6.03 USES PERMITTED BY CONDITIONAL USE PERMIT**

The following uses may be permitted by the Township, subject to the conditions specified for each use in Chapter 16. Conditional uses shall be reviewed by the Planning Commission at a

public hearing pursuant to the procedures in Chapter 19 and approved by the Township Board. Adoption may include special conditions which, in the opinion of the Planning Commission and or Township Board, are necessary to fulfill the purposes of this Ordinance

- A. Home occupations subject to Section 16.14.
- B. Municipal, county, regional and state owned buildings including libraries, art galleries, museums, offices and service facilities (not including outdoor storage yards) when in character with the surrounding residential area.
- C. Private recreation areas, uses, and facilities including country clubs, golf courses, and swimming pools, except off-road vehicle tracks. Such uses shall be consistent with the existing development and will not have a significant adverse impact on the surrounding properties. Increased setbacks, buffers, or lot size requirements, may be imposed as deemed necessary depending on the potential impacts of the use and the surrounding development.
- D. Public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity. This shall not include wireless communications facilities.
- E. Multiple family dwellings, including but not limited to, apartments, low-rise garden apartment houses, townhouses, terraces, efficiency units, and row houses.
- F. Cemeteries.
- G. Planned Unit Developments
- H. Essential Services
- I. Adult foster care small group homes, in accordance with Section 16.33.
- J. Churches, synagogues and other places of worship.
- K. Nursing, convalescent, and assisted living facilities in compliance with the following standards:
  - 1. Minimum lot size is five acres.
  - 2. Maximum lot coverage for total impervious surface is 30%.

3. Minimum setback for adjacent properties shall be 50 feet.

L. Group Day Care Home, in accordance with Section 16.33.

#### **SECTION 6.04 DEVELOPMENT STANDARDS**

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements:

- A. **HEIGHT REGULATIONS.** No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 ½) stories in height.
- B. **FRONT YARD.** There shall be a front yard of not less than twenty five (25) feet.
- C. **SIDE YARD.** There shall be total side yards as follows:
  - 1. For single and two family dwellings, the side yard setback for any individual side yard shall be no less than 10 feet.
  - 2. For multi-family dwellings and all other permitted uses, each side yard shall be not less than twenty-five (25) feet, except that when a principal structure exceeds twenty-five feet in height, it shall be set back a distance equal to the overall height of the building.
- D. **REAR YARD.** There shall be a rear yard of not less than twenty-five (25) feet. Multiple family structures over the height of twenty-five (25) feet shall have a rear yard equal to the total height of the proposed structure.
- E. **LOT AREA.** The minimum lot area in this District, unless specified elsewhere, shall be:
  - 1. Single family dwellings - thirty thousand (30,000) square feet.
  - 2. Single family dwelling with public water and sewer - twenty-two thousand (22,000) square feet.
  - 3. Two family parcels shall require forty nine thousand (49,000) square feet.
  - 4. Multiple family developments shall have a minimum lot area of one (1) acre and lot width of one hundred and fifty (150) feet.

- F. **MINIMUM FRONTAGE.** The minimum public street or private road frontage, unless specified elsewhere, shall be one hundred (100) feet.
  
- G. **MINIMUM FLOOR AREA.** Each single family and two family dwelling shall have a minimum usable floor area of nine hundred sixty (960) square feet. Each multi family dwelling shall have minimum usable floor area as follows: one bedroom unit, six hundred fifty (650) square feet per unit; two bedroom unit, seven hundred fifty (750) square feet per unit; three bedroom unit, nine hundred (900) square feet per unit; additional bedrooms shall require an additional one hundred (100) square feet of usable floor area for each additional bedroom.
  
- H. **SITE PLAN REVIEW.** Site Plan Review and approval is required for all uses except detached single and two-family residential uses located on individual parcels in accordance with Chapter 18.
  
- I. **PLANNED UNIT DEVELOPMENT.** Open Space Developments are permitted and encouraged in the R-2 District, subject to the standards and approval provisions as set forth in Chapter 13 of this Ordinance.

## **CHAPTER 7**

### **R-3 MANUFACTURED HOUSING PARK DISTRICT**

#### **SECTION 7.01 INTENT**

The MHP, Manufactured Housing Park District is intended to provide for the location and regulation of mobile home parks. These districts should be located in areas where they will be compatible with adjacent land uses. Accordingly, manufactured housing parks shall be located in conformance with the following:

- A. Manufactured home parks shall serve as a transition zone between residential and non-residential districts. Manufactured home parks should not be located where they would interrupt the continuity of permanent single family neighborhoods.
- B. On sites adjacent to existing manufactured home parks; however, sites which meet all other locational criteria of this Section may be appropriate.
- C. With paved vehicular access to a paved major thoroughfare or collector road.
- D. Sanitary sewer and water supply shall be available with sufficient capacity to serve the residents and to provide fire protection. Public sewer systems shall be required in manufactured home parks, if available within 200 feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system. Furthermore, the location of a manufactured housing park shall not have an adverse impact on the proper functioning of community facilities and utility systems, including but not limited to the following: roads, sanitary sewers, water, storm drainage, police and fire protection, and the educational system.
- E. Outside of a designated floodway.
- F. Where the potential impacts of the proposed development – traffic, utilities, Township services, school population, character of surrounding community – will be minimized due to on-site mitigation measures or the nature of the surrounding environment.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured home parks. When regulations in this Article exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that manufactured home parks meet the development and site plan

standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the Township's residents.

**SECTION 7.02 PERMITTED PRINCIPAL USES**

In all areas zoned MHP, Manufactured Housing Park District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.

- A. Manufactured housing parks and subdivisions.
- B. Adult Foster Care Family Home, in accordance with Section 16.33.
- C. Family Day Care Home, in accordance with Section 16.33.
- D. Foster Family Home, in accordance with Section 16.33.
- E. Foster Family Group Home, in accordance with Section 16.33.
- F. Essential services, provided there is no building or outdoor storage yard.
- G. Accessory buildings, uses and activities customarily incidental to any of the above-named permitted uses, subject to the provisions of this Chapter.

**SECTION 7.03 PERMITTED BY CONDITIONAL USE PERMIT**

- A. Group Day Care Home, in accordance with Section 16.33.

**SECTION 7.04 DEVELOPMENT STANDARDS AND REQUIREMENTS**

**A. Preliminary Plan Review**

Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall follow the procedures and requirements of this Ordinance, where applicable, except where said procedures and requirements are

superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission Rules.

Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives the plan.

**B. Minimum Requirements**

Manufactured home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by the way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements:

**1. General Authority**

Manufactured home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Manufactured Housing Commission Act, Act 96 of 1987, and subsequently adopted rules and regulations governing manufactured home parks. Application for permit to construct a Manufactured Housing Park shall be submitted to the Michigan Department of Consumer & Industry Services. Consumer & Industry Services, Construction Codes Bureau is the agency charged with licensing of manufactured home parks. Preparation of the application, support data, and local agency review of the above mentioned materials shall conform to the requirements of Act 96.

**2. Codes**

All structures and utilities to be constructed, altered, or repaired in a manufactured home park shall comply with all applicable codes of the Township, the State of Michigan, the U.S. Department of Housing and Urban Development and the Manufactured Housing Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. However, a manufactured home built prior to June 15, 1976 shall have been constructed to the State of Michigan Standards in effect at that time. All structures and improvements to be constructed or made under the Township Building Code shall have a building permit issued therefore by the Township Building Inspector.

3. **Parcel Size**

The minimum parcel size for manufactured housing parks shall be fifteen (15) acres.

4. **Site Size**

The manufactured housing park shall be developed with sites having a minimum size of 5,500 square feet per manufactured home unit. This 5,500 square foot minimum for any one site may be reduced 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less than that required under R125.1946, Rule 46 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

5. **Dimensional Requirements**

Manufactured homes shall comply with the following minimum distances and setbacks:

- a. Twenty (20) feet from any part of an adjacent manufactured home.
- b. Ten (10) feet from any on-site parking space of an adjacent manufactured home site.
- c. Ten (10) feet from any accessory attached or detached structure of an adjacent manufactured home.
- d. Fifty (50) feet from any permanent building.
- e. One hundred (100) feet from any baseball, softball, or similar recreational field.
- f. Ten (10) feet from the edge of an internal road, provided that such road is not dedicated to the public. Manufactured homes and other structures in the MHP District shall be set back at least twenty (20) feet from the right-of-way line of a dedicated public road with the manufactured home park.
- g. Seven (7) feet from any parking bay.



- h. Seven (7) feet from a common pedestrian walkway.
- i. All manufactured homes and accessory buildings shall be set back not less than twenty-five (25) feet from any park boundary line, including the future right-of-way line of abutting streets and highways.
- j. Forty (40) feet from the edge of any railroad right-of-way.

**6. Building Height**

Buildings in the MHP district shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet, except that storage sheds shall not exceed fifteen (15) feet in height.

**7. Roads**

Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the Manufactured Housing Commission Rules except as follows:

- a. Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted on one side only, and forty-one (41) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
- b. One-way streets shall have a minimum width of thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted on one side only, and thirty-three (33) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
- c. The alignment and gradient of a road shall be adapted to the topography and shall be graded for its full width to drain surface water. Internal road gradient and drainage construction phase features shall meet the requirements of the Manufactured Housing Commission Rule 908 and Rule 47 of the Michigan Department of Environmental Quality standards.

- d. Cul-de-sacs, where proposed, shall have a minimum radius of thirty (30) feet (60 ft. in diameter). Maximum cul-de-sac length shall be one-thousand (1,000) feet, provided no more than thirty-five (35) units may be served by a single means of access. A dead end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
- e. Adequate sight distance shall be provided at all intersections.
- f. The main entrance to the park shall have access to a public thoroughfare or shall be connected to a paved public collector or arterial road by a permanent easement which shall be recorded by the developers. Sole access to the park via an alley is prohibited.
- g. All roads shall be clearly marked with appropriate identification and traffic control signs. The name of any streets or roads shall be approved by the County Information Services IFS.
- h. All roads shall be hard-surfaced and may be constructed with curbs and gutters.

**8. Parking**

- a. All manufactured housing sites shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules 925 and 926.
- b. In addition, a minimum of one (1) parking space for every three (3) manufactured housing sites shall be provided for visitor parking located convenient to the area served.
- c. Off-street parking in accordance with Chapter 17 of this Ordinance shall be provided in conjunction with any community buildings, recreational facilities or office/maintenance buildings located within the manufactured home park.
- d. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.
- e. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a

manufactured housing park, but shall be limited to use only by residents of the manufactured housing parks. The location of such storage areas shall be shown on the site plan and shall be prohibited on manufactured housing sites and in designated open space areas. No part of any such storage area shall be located in any yard required on the perimeter of the manufactured housing parks. Such storage area shall be surfaced with gravel, asphalt or similar substance and shall be screened from view from adjacent residential properties with an opaque six (6) foot wooden fence, six (6) foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Common laundry drying areas, trash collection stations, surface mounted transformers, and similar equipment and facilities shall also be screened from view by plant material and/or man-made screens.

9. **Sidewalks**

Concrete sidewalks having a minimum width of four (4) feet shall be provided on at least one side of collector roads in the manufactured housing park.

10. **Accessory Buildings and Facilities**

- a. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only and shall be shown on the submitted Preliminary Plan for approval.
- b. Site-built structures within a manufactured housing park shall be constructed in compliance with the Building Codes and shall require all applicable permits. Any addition to a manufactured housing unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for manufactured housing shall comply with the Building Codes.

- c. No personal property shall be stored outside or under any manufactured home. Storage structures (e.g., sheds, garages, etc.) may be used to store personal property on site. The installation of any such shed or garage shall require a Township building permit. Storage sheds need not be supplied by the owner or operator of the manufactured housing park.
- d. Travel trailers or recreational vehicles shall not be occupied as living quarters in all new and future manufactured housing developments.
- e. Towing mechanisms, including tires, shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community. Skirting shall be installed around the vehicle to screen these items.

**11. Open Space**

Open space shall be provided in any manufactured housing park containing fifty (50) or more manufactured housing sites, and maintained by the owner or operator of the park. The open space shall comply with the following requirements:

- a. A minimum of two percent (2%) of the park's gross acreage shall be dedicated to well drained, usable open space developed with appropriate recreational facilities and play equipment, provided that a minimum of twenty-five-thousand (25,000) square feet of contiguous open space.
- b. Open space shall be shaped and located conveniently in relation to the majority of dwelling units intended to be served. Up to twenty-five percent (25%) of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.

**12. Landscaping and Screening**

- a. Perimeter Screening. All manufactured housing parks shall be screened from existing adjacent residential uses by either a six (6) foot privacy fence or a densely planted landscaped greenbelt. In

addition, a landscaped buffer shall be provided along the public road frontage of any manufactured housing park.

- (1). If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back from the property line a sufficient distance to resolve such concerns.
- (2). If a landscaped greenbelt is used, it shall be a minimum of twenty (20) feet in width and consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.

- b. Landscaping Adjacent to Rights-of-Way. A landscaped berm measuring three (3) feet in height along a landscaped greenbelt shall be constructed along the public rights-of-way on which the manufactured housing park fronts. The berm shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Landscaping adjacent to the road shall comply with the following requirements, which are consistent with landscaping required for other types of development in Decatur Township:

| <u>Type</u>                                                          | <u>Requirements</u>                          |
|----------------------------------------------------------------------|----------------------------------------------|
| <u>Deciduous street tree (e.g. Red or Norway Maple, Linden, Ash)</u> | <u>1 per 40 lineal feet of road frontage</u> |
| <u>Deciduous or evergreen shrubs</u>                                 | <u>1 per 3 lineal feet of road frontage</u>  |

- c. Site Landscaping. A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured housing sites.
- d. Parking Lot Landscaping. Off-street parking lots containing more than fifteen (15) spaces shall be provided with at least ten (10)

square feet of interior parking lot landscaping per space. Such areas shall measure at least one-hundred-fifty (150) square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planted per parking lot landscaped area.

**13. Canopies**

Canopies and awnings may be attached to any manufactured dwelling unit and may be enclosed for use as a sun room or recreation room, but not as a bedroom. Canopies and awnings shall comply with the setback and distance requirements set forth in this Section but shall not require a building permit unless fully enclosed or exceeding ten (10) foot by ten (10) foot in size.

**14. Waste Receptacles**

If proposed, waste receptacles shall comply with the following requirements as well as Part 5 of the MDEQ Standards for waste receptacles:

- a. Receptacles shall be set back a minimum distance of fifty (50) feet from the perimeter of the manufactured housing park and at least fifteen (15) feet from any building, in a location that is clearly accessible to the servicing vehicle. Receptacles shall be provided within one-hundred-fifty (150) feet of each manufactured housing unit, unless curb-side collection is provided.
- b. Receptacles shall be screened on three (3) sides with a decorative masonry wall or wood fencing, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other sides.
- c. Receptacles shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.

**15. Signs.**

- a. Each manufactured housing park shall be permitted either:

- (1). Two (2) signs, each of which shall not exceed five (5) feet in height and sixteen (16) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line; or
  - (2). One (1) sign which shall not exceed five (5) feet in height and thirty-two (32) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line.
- b. Management offices and community buildings in a manufactured housing park shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

**16. Water and Sewer Service**

All manufactured housing parks shall be served by approved central water and sewage systems, which shall meet the requirements of the Van Buren County Health Department and the Michigan Department of Public Health. Public sewer systems shall be required in manufactured housing parks, if available within two-hundred (200) feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system. The plumbing connections to each manufactured housing site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.

**17. Storm Drainage**

All developed portions of the manufactured housing park shall be served by adequate storm drainage facilities, independent of sanitary sewers, designed and constructed in accordance with applicable local, county, and state regulations as outlined in Part IV of the MDEQ Standards. On-site storm water detention facilities may be required.

**18. Underground Wiring and Utilities**

All local distribution lines for franchised utilities, including but not limited to telephones, electrical service, and cable television, shall be placed entirely underground throughout mobile home parks. Mainlines and perimeter feed lines located on a section or quarter section line may be

above ground if they do not overlap the park. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

**19. Mailbox Clusters**

The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing park road with a public road.

**20. Manufactured Housing Unit Sales**

The business of selling new or used manufactured housing as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured housing park has been achieved. Thereafter, new or pre-owned manufactured homes which are to remain on-site in a manufactured housing community may be sold by the resident, owner, licensed dealer or broker, provided the manufactured housing development management permits such sales activity.

**21. Prohibitions**

A manufactured home shall only be used as a single-family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured home community for sale or temporary sales office purposes.

**22. Operational Requirements**

- a. Permits. A manufactured housing park shall not be operated until a license has been issued by the Michigan Bureau of Construction Codes. The Township Building Inspector shall communicate his/her recommendations regarding the issuance of such licenses to the Director of the Manufactured Housing Division, Bureau of Construction Codes, Michigan Department of Consumer and Industry Services. No individual manufactured housing site shall



be occupied until the required improvements including utilities and access roads which serve the site are in place and functioning. Buildings constructed on-site, such as a management office or clubhouse, shall require a building permit prior to construction and a Certificate of Occupancy prior to use.

- b. Violations. Whenever, upon inspection of any manufactured housing park, the Township Zoning Administrator finds that conditions or practices exist which violate provisions of this Section or other regulations referenced herein, the Township shall give notice in writing by certified mail to the Director of Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
  
- c. Inspections. The Township Building Inspector or other authorized Township agent is granted the authority, as specified in Michigan Public Act No. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Section or other regulations referenced herein.

## **CHAPTER 8**

### **R-4 LAKE RESIDENTIAL DISTRICT**

#### **SECTION 8.01 DESCRIPTION AND PURPOSE**

This District is intended to preserve and enhance the water and scenic quality of the lakes and wildlife found in Decatur Township, the investment in lake property, the quality of lakefront living, and the natural environment. These regulations recognize that many lots were created and dwellings constructed before any local regulations were applied and that, as a result, there are lakefront lots that exist at a higher density than would be permitted if those lands were currently developing.

#### **SECTION 8.02 PRINCIPAL PERMITTED USES**

Buildings and structures permitted in this District may be used for the following purposes only:

- A. Single family dwellings
- B. Publicly owned and operated parks, playgrounds and other recreational areas without buildings
- C. Pump houses, provided that they do not exceed sixteen (16) square feet in area, not to exceed three (3) feet in height above grade level, and not be located closer than three (3) feet to any side lot line.
- D. Home occupations in accordance with Section 16.14.
- E. Adult foster care family homes for six (6) persons or less, in accordance with Section 16.33.
- F. Family Day Care Home, in accordance with Section 16.33.
- G. Foster Family Home, in accordance with Section 16.33.
- H. Foster Family Group Home, in accordance with Section 16.33.
- I. Accessory structures customarily incidental to the above permitted uses.

**SECTION 8.03 USES PERMITTED BY CONDITIONAL USE PERMIT**

The following uses may be permitted by the Township, subject to the conditions specified for each use in Chapter 16. Conditional uses shall be reviewed by the Planning Commission at a public hearing pursuant to the procedures in Chapter 16 and approved by the Township Board. Adoption may include special conditions which, in the opinion of the Planning Commission and or Township Board, are necessary to fulfill the purposes of this Ordinance.

- A. Churches
- B. Private schools
- C. Boat houses
- D. Marinas
- E. Bed and breakfast facilities
- F. Group Day Care Home, in accordance with Section 16.33.

**SECTION 8.04 DEVELOPMENT STANDARDS**

- A. **HEIGHT.** No residential building or accessory structure shall exceed thirty-five (35) feet in height.
- B. **FRONT YARD.** There shall be a front yard of not less than thirty (30) feet. The front yard shall be measured from the ordinary high mark on the lake side of waterfront lots.
- C. **SIDE YARD.** For residential buildings and structures, there shall be a side yard of not less than five (5) feet.
- D. **REAR YARD.** For residential buildings and structures, there shall be a minimum rear yard of twenty-five (25) feet.
- E. **LOT AREA.** For residential buildings and structures, no lot or building site may be less than six thousand (6,000) square feet.
- F. **LOT WIDTH.** No lot or building site may have a width of less than fifty (50) feet. The lot width shall be measured at the front yard setback line. For waterfront lots, the lot width shall be measured at the ordinary high watermark

and shall be measured as a straight line between the points where the ordinary high water mark crosses the side property lines.

- G. **MINIMUM FRONTAGE.** The minimum public street or private road frontage, unless specified elsewhere, shall be the same as the applicable minimum lot width.
- H. **MINIMUM FLOOR AREA.** Each dwelling unit, unless specified elsewhere, shall have a total minimum of nine hundred sixty (960) square feet of usable floor area on the main floor.
- I. **SITE PLAN REVIEW.** No change shall be made in the material grade of property within the R-4 District without the submission of a site plan in accordance with Chapter 17.
- J. **DOCKS AND WATERCRAFT.** For lakefront lots, one (1) dock per lot or building may be permitted, provided that it is less than six (6) feet in width and less than thirty-five (35) feet in length, unless necessary to reach a water depth of four (4) feet or more. No more than three (3) boats, not including personal water craft, shall be regularly moored at any dock serving a single residence.
- K. **RIPARIAN ACCESS LOTS.** See Section 16.30 for standards regarding riparian access lots.

## **CHAPTER 9**

### **C-1 MIXED USE DISTRICT**

#### **SECTION 9.01 INTENT**

The intent of the C-1 Mixed Use District is to provide for meaningful and realistic commercial utilization of appropriate portions of the settlements of Decatur Township while preserving the small town architectural character, mixture of uses and compact layout. C-1 Mixed Use District is intended to achieve the following objectives:

- A. Implement recommendations of the Master Plan.
- B. Encourage development which is consistent with the density and design of existing traditional settlement development.
- C. Provide a land use transition between the settlement areas and the more rural areas of the Township.
- D. Establish a complementary and integrated mixture of employment, shopping, entertainment and civic uses which create walkable communities with less reliance on automobile travel.
- E. Create distinct community centers and focal points in the Township.
- F. Integrate public gathering places.
- G. Promote long term viability in the established settlement areas.

In the C-1 Mixed Use Districts, the following provisions, regulations and restrictions shall apply:

#### **SECTION 9.02 PERMITTED PRINCIPAL USES**

- A. Single family dwellings.
- B. The following non-residential uses, containing not more than three thousand (3,000) square feet of gross floor area.
  - 1. Retail stores for the sale of such products as art/office supplies, computer equipment, hardware appliances, sporting goods, clothing, drugs, and notions, gifts, books, and home entertainment supplies and rental.

2. Food and beverage stores for the sale of groceries, fruit and meat; baked goods; dairy products; beverages and liquor.
  3. Food and beverage service establishments such as restaurants, dairy bars, and taverns; including outdoor cafes.
  4. Personal service establishments such as barber shops, beauty salons, and laundry pick-up.
  5. Banking and financial institutions.
  6. Repair shops for bicycles, appliances, shoes, jewelry, small motors, and other such items but not motor vehicles.
  7. Music/dance studios and technical or vocational training facilities.
- C. Business and professional offices such as administrative, legal, architecture, engineering, financial, insurance, real estate, accounting, medical, dental, governmental and other similar offices, containing no more than three thousand (3,000) square feet of gross floor area.
- D. Public buildings, post offices, libraries, fire stations, community centers, churches, and maintenance buildings without outdoor storage.
- E. Essential public services, including buildings when operating requirements necessitate the location of said building at the specific site within the zoning district to serve the immediate vicinity. Outdoor storage yards shall not be permitted.
- F. Resorts, motels, hotels, and marinas.
- G. Campgrounds, recreational vehicle parks, and similar recreation enterprises.
- H. Bed and Breakfast facilities.
- I. Adult Foster Care Family Home, in accordance with Section 16.33.
- J. Family Day Care Home, in accordance with Section 16.33.
- K. Foster Family Home, in accordance with Section 16.33.
- L. Foster Family Group Home, in accordance with Section 16.33.

- M. Accessory structures customarily incidental to the above permitted uses.

**SECTION 9.03 PERMITTED WITH A CONDITIONAL USE PERMIT**

The following uses may be permitted by the Township, subject to the conditions specified for each use in Chapter 16. Conditional uses shall be reviewed by the Planning Commission at a public hearing pursuant to the procedures in Chapter 19 and approved by the Township Board. Adoption may include special conditions which, in the opinion of the Planning Commission and or Township Board, are necessary to fulfill the purposes of this Ordinance.

- A. Two family dwellings.
- B. Townhouses
- C. Multiple family dwellings (buildings containing more than two (2) dwellings.
- D. Business and professional offices, which contain more than three thousand (3,000) but less than five thousand (5,000) square feet of gross floor area.
- E. Private clubs and fraternal halls.
- F. Minor vehicle repair, excluding vehicle fuel stations, and subject to all work being conducted indoors.
- G. Group Day Care Home, in accordance with Section 16.33.
- H. Adult Foster Care Small Group Home, in accordance with Section 16.33.
- I. Adult Foster Care Large Group Home, in accordance with Section 16.33.
- J. Adult Foster Care Congregate Facility, in accordance with Section 16.33.
- K. Child Day Care Center.

**SECTION 9.04 DEVELOPMENT STANDARDS FOR RESIDENTIAL DEVELOPMENT**

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements:

- A. **HEIGHT REGULATIONS.** No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 ½) stories in height.
- B. **FRONT YARD.** There shall be a front yard of not less than twenty five (25) feet.
- C. **SIDE YARD.** There shall be total side yards as follows:
  - 1. For single and two family dwellings, the side yard setback for any individual side yard shall be no less than ten (10) feet.
  - 2. For multi-family dwellings and all other permitted uses, each side yard shall be not less than twenty-five (25) feet, except that when a principal structure exceeds twenty-five feet in height, it shall be set back a distance equal to the overall height of the building.
- D. **REAR YARD.** There shall be a rear yard of not less than twenty-five (25) feet. Multiple family structures over the height of twenty-five (25) feet shall have a rear yard equal to the total height of the proposed structure.
- E. **LOT AREA.** The minimum lot area for residential development in this District, unless specified elsewhere, shall be:
  - 1. Single family dwellings with public water and sewer - ten thousand (10,000) square feet.
  - 2. Single family dwelling without public water and sewer - twenty- thousand (20,000) square feet.
  - 3. Two family parcels shall require double the area required for single unit parcels.
  - 4. Multiple family developments must be connected to a public water and sanitary sewer system and shall require five thousand (5,000) square feet per unit.
- F. **LOT WIDTH.** The minimum lot width for residential development in this District, unless specified elsewhere, shall be one hundred (100) feet.
- G. **MINIMUM FRONTAGE.** The minimum public street or private road frontage, unless specified elsewhere, shall be the same minimum applicable lot width.



- H. **MINIMUM FLOOR AREA.** Each single family and two family dwelling shall have a minimal usable floor area of nine hundred (900) square feet.. Each multi family dwelling shall have minimum usable floor area as follows: one bedroom unit, six hundred fifty (650) square feet per unit; two bedroom unit, seven hundred fifty (750) square feet per unit; three bedroom unit, nine hundred and sixty (960) square feet per unit; additional bedrooms shall require an additional one hundred (100) square feet of usable floor area for each additional bedroom.
- I. **SITE PLAN REVIEW.** Site Plan Review and approval is required for all uses except detached single and two-family residential uses located on individual parcels in accordance with Chapter 18.
- J. **PUBLIC WATER AND SEWER.** All multiple family developments within the C-1 District shall be served by public sanitary sewer and public water supply systems. All single and two family developments shall be required to utilize public utilities if said utilities are located within one thousand (1,000) feet of the proposed development.
- K. **ACCESS MANAGEMENT.** All developments consisting of two or more single or two family dwellings shall utilize shared driveways, private roads or newly dedicated public roads to provide access to their developments in order to limit curb cuts and access to primary County roadways and State highways.

**SECTION 9.05      DEVELOPMENT STANDARDS FOR COMMERCIAL DEVELOPMENT**

- A. **HEIGHT.** No building or structure shall exceed thirty-five (35) feet in height.
- B. **FRONT YARD.** The front yard shall not be less than twenty (20) feet.
- C. **SIDE YARD.** Where the side of a lot in a C-1 District abuts any side of a residentially zoned district, each side yard shall not be less than twenty-five (25) feet. A ten (10) foot side yard shall be required when directly abutting other commercial uses or land included in a C-1 District.
- D. **REAR YARD.** Where a rear yard of a lot in a C-1 District abuts upon the side or rear yard of any residentially zoned district, there shall be a rear yard of not less than twenty-five (25) feet. In all other cases, there shall be a rear yard of not less than fifteen (15) feet.

## CHAPTER 10

### C-2 GENERAL COMMERCIAL DISTRICT

#### SECTION 10.01 DESCRIPTION AND PURPOSE

The intent of the “C-2” General Commercial District is to provide for a variety of commercial uses that cater to the convenience and comparison shopping needs of the residents of the entire Township and a limited area of the surrounding region beyond the Township’s limits and therefore, are often located so as to serve passing and destination traffic. Commercial uses shall be located within designated areas along M-51 and other sites deemed suitable by the Township Planning Commission. Uses designated as “permitted” uses are considered to be smaller in scale and less obtrusive in nature. Uses designated as “conditional use” are considered to be larger scale commercial activities that result in a more intensive land use that should be subject to the Township’s review and consideration prior to development or have characteristics which may not make them suitable for all commercial locations within the Township. Commercial facilities should be compatible in design with adjacent commercial development and not pose a nuisance to nearby residential areas.

#### SECTION 10.02 PERMITTED USES

Land, buildings or structures in this Zoning District may be used for the following purposes only:

- A. Retail businesses which supply commodities on the premises for persons residing in adjacent residential areas, such as: groceries, meats, dairy products, alcoholic beverages, baked goods or other foods, ice cream, pharmaceuticals, dry goods, notions, hardware, books, stationery and school supplies, music and video sales and rental, flowers, hobby equipment, periodicals, shoes, sporting goods, small household articles, and tobacco products.
- B. Retail or service establishments which offer comparison goods for residents, such as: bicycle sales, jewelry stores, hobby shops, music stores, clothing and shoe stores, notions, bookstores, sporting goods stores, office supply stores, carpet stores, antique stores, furniture stores, household appliance stores, paint and wallpaper stores, auto equipment sales stores, and similar specialty retail stores.
- C. Establishments which perform services within a completely enclosed building for persons residing in nearby residential areas, such as: beauty and barber shops; watch, radio, television, computer, clothing and shoe repair; locksmiths; photo processing outlets.
- D. Office buildings and professional office uses, including medical and dental clinics or offices.

- E. Offices and showrooms of a plumber, electrician, building contractor, upholsterer, caterer, decorator or similar trade, subject to the following conditions:
  - 1. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
  - 2. There shall be no outside storage of materials or goods on the premises.
- F. Schools for occupations, professional, or technical training, such as dance schools, music and voice schools, art studios, secretarial training, and similar schools.
- G. Funeral homes provided there is adequate assembly area for vehicles to be used in funeral processions and such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of the funeral home.
- H. Financial institutions, including banks, credit unions, and savings and loan associations. Drive-through facilities are permitted.
- I. Laundry and dry cleaning customer outlets, coin operated laundromats, self-serve dry cleaning establishments, and similar operations.
- J. Private service clubs, fraternal organizations, banquet halls, and meeting halls.
- K. Standard and carry-out restaurants, bars and lounges.
- L. Assembly halls, and similar places of assembly.
- M. Private indoor recreation uses, such as bowling alleys, billiard halls, gymnasium or court sports facilities, tennis clubs, roller or ice skating rinks, personal fitness centers, and similar recreation uses.
- N. Child Day Care Center.
- O. Other uses similar to the above.
- P. Uses and structures accessory to the above.

**SECTION 10.03 USES PERMITTED BY CONDITIONAL USE PERMIT**

The following uses may be permitted by the Township, subject to the conditions specified for each use in Chapter 16. Conditional uses shall be reviewed by the Planning Commission at a public hearing pursuant to the procedures in Chapter 19 and approved by the Township Board. Adoption may include special conditions which, in the opinion of the Planning Commission and or Township Board, are necessary to fulfill the purposes of this Ordinance.

- A. Automobile or car wash establishments.
- B. Open-front stores and outdoor sales.
- C. Veterinary offices and hospitals.
- D. Commercial kennels.
- E. Outdoor retail sales of plant material not grown on the site, lawn furniture, playground equipment, and home garden supplies.
- F. Fast-food, drive-in, and drive-through restaurants
- G. Automobile gasoline filling and service stations, repair facilities (not including body shops) and oil change or lubrication stations.
- H. Municipal, regional, state and federal buildings and uses not requiring outside storage of materials or vehicles.
- I. Essential services.
- J. Planned Unit Developments as defined and subject to the provisions of Chapter 13 of this Ordinance.
- K. Any other retail business or service establishment which is determined by the Zoning Board of Appeals to be of the same general character as the above permitted uses.
- L. Hotels and motels.
- M. Motor vehicle sales and service facility.

**SECTION 10.04 DEVELOPMENT STANDARDS FOR COMMERCIAL USES**

- A. **SCREENING.** Side yards and rear yards adjoining any lot in a Residential Zoning District shall be screened by: (1) a compact hedge of deciduous or evergreen trees which have a minimum of six (6) feet in height and ten (10) feet in width after one growing season; or (2) a solid wall or tight board fence six (6) feet in height.
- B. **HEIGHT.** No building shall exceed thirty-five (35) feet in height.
- C. **FRONT YARDS.** On a street frontage between two (2) street intersections, each lot fronting on such street shall have a setback line between the lot line and the front building line as follows:
  - 1. Where all lots are unimproved, the front building line depth shall not be less than fifty (50) feet from the center line of the street or twenty-five (25) feet from the road/street right of way line, whichever is greater.
  - 2. Where one (1) or more lots are improved, the front yard depth need not be more than the average depths of the existing front yards of the lots adjoining on either side. In no case shall it be less than twenty-five (25) feet from the road/street right of way line.
- D. **SIDE YARDS:**
  - 1. On each corner lot, there shall be a side yard abutting the street having a width of not less than fifty (50) feet from the center line of the right-of-way or twenty-five (25) feet from the right of way line (whichever is the greater) and another side yard having a width of not less than fifteen (15) feet.
  - 2. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than thirty (30) feet, which shall be effectively screened from abutting lots by a strip of planting creating an opaque screen at least seven (7) feet in height, such planting consisting of not less than fifty (50) percent evergreen material scattered throughout or a wall or fence as approved by the Zoning Administrator.
  - 3. All interior lots shall have two (2) side yards, each having a width of not less than fifteen (15) feet.
- E. **REAR YARDS.** There shall be a rear yard on every lot, which rear yard shall have a minimum depth of not less than ten (10) percent of the depth of the lot for a one (1) story building, which depth shall be increased to fifteen (15) percent of the depth of the lot for a two (2) story building; provided however, that such rear yard need not exceed thirty (30) feet in depth. Accessory buildings not more than

fifteen (15) feet high may be located in a rear yard, providing the accessory buildings occupy not more than twenty-five (25) percent of the rear yard area, and are located no nearer to the side or rear lot line than five (5) feet. Accessory buildings shall not be used for residential purposes.

- F. **LOT AREA.** The minimum lot area in this District shall be such as is reasonable for the contemplated use as recommended by the Decatur Township Planning Commission and approved by the Decatur Township Board.
- G. **BUILDING COVERAGE.** Not more than sixty (60) percent of any lot may be covered by buildings.
- H. **OFF-STREET PARKING AND LOADING.** Adequate off-street parking and loading space shall be provided in accordance with Chapter 17.
- I. **SIGNS.** Sign requirements will be in accordance with the provisions of Chapter 15 of this Ordinance.
- J. **SITE PLAN REVIEW.** A site plan review will be prepared according to the provisions of Chapter 18. Site plans for permitted and conditional uses in the C-2 General Commercial District will be reviewed and approved by the Township Zoning Administrator. However, the Zoning Administrator may request review and approval by the Planning Commission on specific developments.

## **CHAPTER 11**

### **L-1 - LIGHT INDUSTRIAL DISTRICT**

#### **SECTION 11.01 INTENDED PURPOSES**

The Light Industrial District is intended to provide sites for heavy commercial and manufacturing activities employing relatively large numbers of people. Such use shall not create objectionable noise, vibration or odor and must not exceed any state law or regulations. Permitted commercial uses would be those which are most appropriately located as neighbors of industrial uses or which are necessary to serve the immediate needs of the people in these districts. Truck traffic and loading operations are expected to be characteristic of the districts.

#### **SECTION 11.02 PERMITTED USES**

In the Light Industrial District, buildings and premises may be used, and buildings may be erected or structurally altered for the following uses only:

- A. Cleaners and laundries
- B. Contractors
- C. Equipment repair
- D. Fabrication assembly and packaging
- E. Food processing
- F. Grinding, milling, and production
- G. Material handling and equipment
- H. Motor vehicle services
- I. Repair services
- J. Warehousing, storage movers
- K. Wholesaling
- L. Farm repair and sales
- M. Other uses similar in character to the above and not listed specifically

**SECTION 11.03 USES SUBJECT TO A CONDITIONAL USE PERMIT**

The following uses may be permitted by the Township, subject to the conditions specified for each use in Chapter 16. Conditional uses shall be reviewed by the Planning Commission at a public hearing pursuant to the procedures in Chapter 19 and approved by the Township Board. Adoption may include special conditions which, in the opinion of the Planning Commission and or Township Board, are necessary to fulfill the purposes of this Ordinance.

Uses permitted with a conditional use permit

- A. Freight terminals
- B. Gasoline and petroleum storage
- C. Ready mix concrete and asphalt plants
- D. Mining operations
- E. Slaughter houses
- F. Other uses similar in character to the above and not listed specifically

**SECTION 11.04 DEVELOPMENT STANDARDS**

- A. **HEIGHT.** The maximum height of buildings and other structures erected or enlarged in this district shall be thirty-five (35) feet.
- B. **FRONT YARDS.** There shall be a front yard on each lot which shall be not less than fifty (50) feet in depth.
- C. **SIDE YARDS.**
  - 1. On each interior lot, there shall be two (2) side yards, each side yard having a width of not less than twenty-five (25) feet, except as hereinafter provided in Subsection F.
  - 2. On each corner lot, there shall be two (2) side yards, the side yard abutting the street having width of not less than fifty (50) feet and the side yard not abutting the street having a width of not less than twenty-five (25) feet, except as hereinafter provided in Subsection F.
- D. **REAR YARD.** There shall be a rear yard on each lot the depth of which shall be not less than fifty (50) feet, except as hereinafter provided in Subsection G.



- E. **LOT AREA.** The minimum lot area in this District shall be such as is reasonable for the contemplated use as recommended by the Decatur Township Planning Commission and approved by the Decatur Township Board.
- F. **BUILDING COVERAGE.** Not more than fifty (50) percent of the area of any lot shall be occupied by buildings.
- G. **LOTS ABUTTING RESIDENTIAL DISTRICTS.** Unless authorized as a conditional use, in no case shall any building or structure be erected closer than one hundred (100) feet to any residential district nor shall any parking area be closer than forty (40) feet to any residential district, which forty (40) foot area between such parking lot and such residential district shall be maintained as green area entirely covered by grass, shrubs, and/or trees.
- H. **SIGNS.** Sign requirements will be in accordance with the provisions of Chapter 15 of this Ordinance.
- I. **SITE PLAN REVIEW.** A site plan review will be prepared according to the provisions of Chapter 18.

## **CHAPTER 12**

### **M - MANUFACTURING DISTRICT**

#### **SECTION 12.01 DESCRIPTION AND PURPOSE**

The Manufacturing District is designed to provide areas suitable for development as heavy industrial sites, and at the same time, protect such industrial developments from the intrusion of nonindustrial uses which impede the full utilization of properly located sites for industrial purposes. These uses would generally acquire a larger site of more than ten (10) acres and may be of such a nature that they may require isolation from many other kinds of uses. No use is permitted which violates any local, state or federal pollution control law or regulation.

#### **SECTION 12.02 PERMITTED USES**

A building or other structure may be erected, altered, or used, and a lot may be occupied or used for any of the following purposes:

- A. Cleaners and laundries
- B. Contractors
- C. Equipment repair
- D. Fabrication assembly and packaging
- E. Food processing
- F. Grinding, milling and production
- G. Material handling and equipment
- H. Motor vehicle services
- I. Repair services
- J. Warehousing, storage movers
- K. Wholesaling
- L. Bulk storage

- M. Food Processing
- N. Handling and processing of construction materials
- O. Manufacturing
- P. Processing and handling of raw materials
- Q. Repair and service of heavy duty trucks and construction Equipment
- R. Warehousing
- S. Stamping, Steel Fabricating
- T. Accessory uses
- U. Other uses similar in character to the above

**SECTION 12.03 USES PERMITTED BY CONDITIONAL USE PERMIT**

The following uses may be permitted by the Township, subject to the conditions specified for each use in Chapter 16. Conditional uses shall be reviewed by the Planning Commission at a public hearing pursuant to the procedures in Chapter 19 and approved by the Township Board. Adoption may include special conditions which, in the opinion of the Planning Commission and or Township Board, are necessary to fulfill the purposes of this Ordinance.

- A. Scrap processing and storage (junk yards)
- B. Storage and handling of explosives, flammables, or other potentially dangerous materials.
- C. Other uses similar in character to the above and not listed specifically
- D. Adult regulated uses and sexually oriented businesses, subject to all provisions of Section 16.25.

**SECTION 12.04 DEVELOPMENT STANDARDS**

- A. **HEIGHT.** The maximum height of buildings and other structures erected or enlarged in this district shall be thirty-five (35).

- B. **FRONT YARDS.** There shall be a front yard on each lot which shall be not less than fifty (50) feet in depth.
- C. **SIDE YARDS.**
  - 1. On each interior lot, there shall be two (2) side yards having an aggregate width of not less than one hundred (100) feet, neither side yard having a width of less than forty (40) feet, except as hereinafter provided in Subsection F.
  - 2. On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than fifty (50) feet and the side yard not abutting the street having a width of not less than forty (40) feet, except as hereinafter provided in Subsection F.
- D. **REAR YARDS.** There shall be a rear yard on each lot the depth of which shall be not less than fifty (50) feet, except as hereinafter provided in Subsection G.
- E. **LOT AREA.** The minimum lot area in this District shall be such as is reasonable for the contemplated use as recommended by the Decatur Township Planning Commission and approved by the Decatur Township Board.
- F. **BUILDING COVERAGES.** Not more than fifty (50) percent of any lot shall be occupied by building.
- G. **LOTS ABUTTING RESIDENTIAL DISTRICTS .** Unless authorized as a conditional use, in no case shall any building or structure be erected closer than two hundred (200) feet to any residential district, nor shall any parking area be closer than forty (40) feet to any residential district, which forth (40) foot area between such parking lot and such residential district shall be maintained as green area entirely covered by grass, shrubs, and/or trees.
- H. **OPEN STORAGE.** Any open storage or repair yards shall be entirely enclosed with a fence at least eight (8) feet high. The material and construction of this fence shall be approved by the Planning Commission.
- I. **SIGNS.** Sign requirements will be in accordance with the provisions of Chapter 15 of this Ordinance.
- J. **SITE PLAN REVIEW.** A site plan review will be prepared according to the provisions of Chapter 18.

**CHAPTER 13**

**PLANNED UNIT DEVELOPMENT**

**SECTION 13.01 DESCRIPTION AND PURPOSE**

To permit, through the conditional use permit procedure, planned unit developments designed to encourage creativity and flexibility in the use and design of structures and land in Decatur Township.

The Planned Unit Development (PUD) is intended to accomplish the following:

- A. Result in a more efficient pattern of development, with shorter streets and utility networks.
- B. Preserve existing natural assets, such as stands of trees, flood plains, lake frontage, scenic vistas and other open spaces.
- C. Accomplish a more desirable residential environmental plan than would be possible through the strict application of the minimum requirements of the zoning ordinance.
- D. Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all units.
- E. Provide for supportive mix of land uses and amenities such as day care, office, neighborhood retail, and similar uses, which in the opinion of the Planning Commission, are in conformance with the goals and objectives of the master plan and will enhance the residential stability and economic base of Decatur Township through the application of a conditional use permit

**SECTION 13.02 GENERAL REQUIREMENTS:**

- A. Minimum Project Area:

| <u>Zoning District</u>            | <u>Acreage</u> |
|-----------------------------------|----------------|
| AR Agricultural Residential       | 10             |
| R-1 Low Density Rural Residential | 20             |

- B. The development must have direct access to a publicly maintained road.

- C. The principal permitted use shall be residential development, consistent with the zoning district of the proposed “PUD”.
- D. Non-residential land uses may be integrated into the proposed “PUD” through approval of the conditional use permit. Commercial uses may be limited to the development of not more than ten percent (10%) of the total project area. Examples of commercial uses may include retail stores, personal service establishments, bed and breakfast establishments, business or professional offices, golf courses with restaurants and retail components, and day care facilities. However, all proposed commercial uses must meet the intent of the “PUD” Chapter and be subject to reasonable terms established as part of the conditional use permit process.
- E. Each principal building in the proposed “PUD” must be connected to water and sewer facilities that are approved by the Van Buren County Health Department.
- F. Each site shall be provided with adequate storm drainage. Open drainage courses and storm retention ponds shall be reviewed and may be permitted by the Van Buren County Drain Commissioner.
- G. All utilities including telephone, electric, and cable, within the “PUD”, shall be located underground.
- H. Common Open Space
  - 1. Common open space shall not include proposed street right-of-ways, open parking area or commercial areas. Common open space may contain accessory structures, paved bicycle and/or walking paths, agricultural uses, wetlands, improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses.
  - 2. The area of common open space within a “PUD” project shall not be less than twenty percent (20%) of the total land area of the project. However, when a water or wetland feature exists on the subject site, water and/or wetlands shall not account for more than fifty percent (50%) of the required open space.
  - 3. Open spaces shall be conveniently located in relation to dwelling units.
  - 4. Open spaces shall have reasonable, minimum dimensions which are usable for the functions intended and which will be maintainable. Open

space designs which emphasize perimeter walking paths as the primary open space feature are not permitted.

5. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final development plan, unless a binding agreement is provided in lieu of that dedication.
6. Legal instruments setting forth the manner of permanent maintenance of common open space and facilities shall be submitted to the township attorney for review before the township board approves the final development plan. Such instruments may include dedication to permanent conservation easements or homeowner associations.
7. Where a homeowner association is to be used to maintain common open spaces and facilities, the developer shall file a declaration of covenants and restrictions that will govern the homeowners association. The provisions shall include, but shall not be limited to the following:
  - a. The homeowners association shall be established before any dwelling in the “PUD” are sold;
  - b. Membership in the homeowners association shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants;
  - c. Restrictions shall be permanent;
  - d. The homeowners association shall be made responsible for liability; and dwelling owners shall pay their prorated share of the costs and this requirement shall be specified in the covenants.
  - e. The parking requirements set forth in Chapter 17 shall apply, except the number of spaces may be reduced, if approved by the Decatur Township Planning Commission, as part of the final development plan. Such reductions shall be based upon specific findings.

**SECTION 13.03 INFORMAL PRELIMINARY CONFERENCES**

A. Informal preliminary conferences:

Prior to a formal application, the applicant is required to have two (2) informal preliminary conferences; one with the Township Zoning Administrator, Planning Commission Chair, Township Clerk, and the Township Supervisor; the other with the Township Planning Commission. The purpose of the conferences is to discuss the proposed development, review procedures, requirements and standards of the Township. The applicant will present concept plans, site data and other information that will explain the proposed development statements made in these conferences shall not be legally binding.

B. Application:

Following the preliminary conferences that applicant shall make an application for a “PUD” conditional use permit along with ten (10) sets of the preliminary development plans and the application fee (as set by resolution of the Township Board of Trustees) to the Township Clerk. The applicant shall, at a minimum, contain the following:

1. The applicant’s name, address, and phone number.
2. Proof that the applicant is the owner of the property or has a legal or financial interest in the property (such as a sales agreement).
3. The name and address of all persons, firms or corporations having a legal or equitable interest in the property.
4. The address of the property.
5. The legal description and parcel identification number of the property.
6. Project descriptions.
7. Size of the property in acres.
8. The signature of the applicant and the property owner.

Upon receipt of the completed application, application fee and preliminary development plan, the Township Clerk shall forward copies of the plan and the application form to the township engineer, planner and any other persons or



agencies deemed appropriate. The balance of the plans and the original application form shall be distributed to the Planning Commission to allow for their review of the proposed “PUD”.

C. Preliminary Development Plan:

The preliminary development plan shall contain the following:

1. The date, north arrow, and scale, which shall not be smaller than 1 inch equals 50 feet.
2. The location sketch of the site in relation to the surrounding area. This sketch shall label the land uses on all adjacent property.
3. The legal description of the property.
4. The parcel size in acres or square feet.
5. All lot and property lines, with dimensions.
6. The location of all existing and proposed structures on the site.
7. The location of all existing and proposed streets, driveways, alleys, parking areas and easements, including the total number of parking spaces, parking calculations and typical dimensions.
8. The size, location and proposed use of all areas devoted to open space.
9. The general landscape concept, showing tree masses to be preserved, added buffer areas, screening, and similar features.
10. All wetland areas, flood plain boundaries and bodies of water.
11. Exist topographical contours at a minimum of two foot intervals.  
General layout of all proposed utilities including: water, sewer, telephone, gas and electrical services.
12. If natural flow of rainwater is hindered, plans to alleviate the problem so adjoining property owners are not encumbered by drainage and stormwater problems.
13. The applicant shall also provide a written statement describing each of the following:

- a. The general character of the “PUD”.
- b. The gross residential densities and percent of the proposed “PUD” area to be covered by buildings and parking areas.
- c. The acres allocated to each use.
- d. The method and responsibility for maintenance of open areas, private streets, recreational amenities and parking areas.
- e. All environmental sensitive areas.

D. Parallel Plan:

The applicant shall also prepare a parallel design plan for the project consistent with the requirements and design criteria for a conventional development in that zoning district. A bonus of up to 15% may be granted based on the quality of design and preservation of open space.

1. Lots in the parallel plan shall provide sufficient building envelop size without impacting wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).
2. The Planning Commission shall review the design to determine the number of lots that could feasibly be constructed following the parallel design. This number shall set the maximum density number of dwelling units for the site allowable under the “PUD” provisions of this Ordinance.
3. However, riparian lots shall not be reduced in size from the dimensions listed unless granted a variance by the Township Zoning Board of Appeals.
4. After reviewing the preliminary, the Planning Commission shall transmit its recommendation to the applicant, along with any suggested changes or modifications.

E. Impact Assessment

1. The Planning Commission may require the applicant to prepare and submit an impact assessment. When required, preparation of the impact assessment shall be the responsibility of the applicant. The applicant shall

use qualified professional personnel to complete the impact assessment. The impact assessment shall describe in detail the effect and impact that the proposed “PUD” will have, or may have, upon or with respect to any of the following:

- a. Streams, rivers, wetlands, and the quality of surface and ground waters.
  - b. Public utilities.
  - c. Displacement of people and other land uses by the proposed use.
  - d. Character of the area.
  - e. Traffic.
  - f. Wildlife.
2. The impact assessment shall, if required by the Planning Commission, include statements and comments from the following public agencies or officials concerning any aspects of the proposed “PUD” within their respective responsibilities and jurisdictions:
- a. Decatur-Hamilton Joint Fire Department.
  - b. School districts represented within the Township.
  - c. The Department of Natural Resources.
  - d. Van Buren County:
  - e. Sheriff’s Department
  - f. Health Department
  - g. Road Commission
  - h. Drain Commissioner
  - e. Such other agencies as determined appropriate by the Planning Commission.
3. The Planning Commission and Township Board of Trustees shall consider the criteria listed below in 13.04 in their evaluation of the impact assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval.
4. The Planning Commission and Township Board may require the posting of a bond or escrow fee in order to ensure the restoration of the site to a condition where it may be feasibly developed as any of the permitted uses in the subject zoning district.

**SECTION 13.04 PUBLIC HEARING AND PRELIMINARY APPROVAL PROCEDURES**

- A. Within forty-five (45) days after receipt of the completed application and fee the Planning Commission shall schedule a public hearing on the request. Notice of the publication shall be posted in compliance with the requirements of Section 19.01.D.
  
- B. Within sixty (60) days of the public hearing the Planning Commission shall recommend to the Township Board of Trustees, one of the following:
  - 1. Approval of the preliminary plan, or
  - 2. Approval of the preliminary plan subject to certain specified conditions, or
  - 3. Denial of the preliminary plan.

In making a recommendation to approve the “PUD” the Planning Commission must find that the purposed “PUD” meets the following standards:

- 1. Granting the “PUD” conditional use permit will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
- 2. The “PUD” will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the “PUD” as approved.
- 3. The “PUD” will be compatible with the Master Plan of the Township and consistent with the intent and purpose of this Chapter.
- 4. The “PUD” will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.
- 5. The “PUD” is designed and laid out to preserve natural resources and natural features, to the fullest extent possible.
- 6. Within sixty (60) days after receipt of the Planning Commission’s recommendation the Township Board of Trustees shall either:

- a. Approve the preliminary plan
- b. Deny approval of the preliminary plan
- c. Refer the preliminary plan back to the Township Planning Commission for further review.

### **SECTION 13.05 FINAL APPROVAL PROCEDURES**

- A. After the preliminary plan has been approved by the Township Board of Trustees the developer shall prepare the final development plan. The applicant shall submit fifteen (15) sets of the final development plans to the Township Clerk. The Clerk shall forward copies of the final plan to the Decatur-Hamilton Fire Chief, engineer, planner and others deemed appropriate. The balance of the plans shall be turned over to the zoning administrator for distribution to the Planning Commission for their review.
- B. The final development plan shall include all of the information required on the preliminary development plan and all additional information requested by the Planning Commission.
- C. The final plan shall incorporate all recommendations of the Planning Commission pursuant to the Commission's review of the preliminary plan, or shall indicate how the final plan fails to incorporate the Commission's recommendations. The plan shall be certified by a licensed architect, register surveyor or professional engineer. In addition, final plan shall include the following:
  1. Architectural renderings or specific statements as to the type and style of construction to be used in the proposed buildings along with the height and area of each building.
  2. Projected time for completion of the entire project.
  3. Proposed phasing, if any, and the projected time for completion of each phase.
  4. Landscaping plans.
  5. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon.

6. Engineering plans showing, as necessary, water, waste disposal, drainage, exterior and street lighting, electricity, telephone and natural gas installations, and the nature and extent of earthwork required for site preparation and development.
  7. Any other information required by the Planning Commission to assist in the evaluation of the proposed “PUD”.
- D. Within forty-five days of the receipt of the complete set of the final plans the Planning Commission shall review the plans for their completeness, act upon the plans and send their recommendation to the Township Board of Trustees.
- E. Within sixty days of the Township Board of Trustees receipt of the Planning Commission’s recommendation, the Township Board shall review the final development plans and recommendation submitted by the Planning Commission. In making its decisions, the Township Board shall determine:
1. Whether the final development plan complies with the standards, conditions, and requirements of this Chapter.
  2. Whether the “PUD” promotes the intent and purposes of this Chapter.
  3. Whether the “PUD” will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project.
  4. Whether the “PUD” will be consistent with the public health, safety, and welfare needs of the township.

The Township Board may impose reasonable conditions on the PUD with the approval of a “PUD” conditional use permit, subject to the standards listed in Chapter 19.

### **SECTION 13.06 APPLICATION FEE**

The Township Board of Trustees shall by resolution, establish a fee schedule for conditional use permit applications under this ordinance.

### **SECTION 13.07 CONSTRUCTION COMPLIANCE**

Any permit issued for construction pursuant to the “PUD” conditional use permit shall be valid only so long as there is compliance with the final development plan as accepted by the Township Board of Trustees.

**SECTION 13.08 AMENDMENTS AND REVISIONS**

- A. A developer may request a change in an approved final development plan. Except for those changes determined to be minor, as provided below, changes to an approved final development plan or any conditions imposed on a “PUD” conditional use permit shall be reviewed and approved, approved with conditions, or denied by the Planning Commission and the Township Board of Trustees pursuant to the procedures provided by this Chapter for an original request.
  
- B. Minor changes to a final development plan may be approved by the Planning Commission without review and approval of the Township Board of Trustees. “Minor changes” are limited to the following:
  - 1. Changes in residential floor area or not more than five percent (5%) provided that there is no increase in the number of units.
    - 1. The relocation of building footprints by not more than three (3) feet, unless a specific setback or separation distance is imposed as a condition of the “PUD” approval.
  - 3. An increase in area portions of the site designated as “not to be disturbed”.
  - 4. The substitution of plan materials by similar types of landscaping on a 1-to-1 ratio, as determined by the Zoning Administrator.
  - 5. Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the “PUD” which are not significant in relation to the “PUD” and would not have any significant adverse effect on adjacent or nearby lands or the public health, safety, or welfare.

**SECTION 13.09 EXPIRATION AND EXTENSION OF APPROVAL PERIOD**

The approval of the final development plan for a planned unit development shall be for a period not to exceed two (2) years, from the date of the Township Board of Trustees final approval date, to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within 24 months after the approval is granted, the approved final development plan shall be void. The Township Board of Trustees may require a new final development plan to be submitted and reviewed in accordance with the requirements for the original application. An extension of the time limit may be approved if the Township

Board of Trustees finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approval of the final development plan shall in any way affect the terms under which approval of the planned unit development was granted.



## **CHAPTER 14**

### **OPEN SPACE PRESERVATION OVERLAY**

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

It is the intent of this Chapter to offer an alternative to traditional subdivisions through the use of Planned Unit Development legislation, as authorized by Section 506 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) and with the Open Space Preservation Act (P.A. 177 of 2001) for the purpose of:

- A. encouraging the use of Township land in accordance with its character and adaptability;
- B. assuring the permanent preservation of open space, agricultural lands, and other natural resources;
- C. providing recreational facilities within a reasonable distance of all residents of the Open Space Community development;
- D. allowing innovation and greater flexibility in the design of residential developments;
- E. facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- F. ensuring compatibility of design and use between neighboring properties; and,
- G. encouraging a less sprawling form of development, thus preserving open space as undeveloped land.

These regulations are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small residential nodes contrasting with open space and less intensive land uses. This Chapter is not intended as a device for circumventing the zoning regulations of the Township, the standards set forth therein, nor the planning concepts upon which the Zoning Ordinance has been based.

These regulations are intended to result in a specific development substantially consistent with Zoning Ordinance standards, yet allow for modifications from the general standards to insure appropriate, fair, and consistent decision making.

The open space community district is established as an overlay district applicable to the AR and R-1 Districts.

### **SECTION 14.02 SCOPE**

For the purposes of this Chapter, an “open space community” is defined as a predominately single family residential development in which dwelling units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties or other groupings of dwellings by substantial open space that is perpetually protected from development.

### **SECTION 14.03 ELIGIBILITY CRITERIA**

To be eligible for open space community consideration, the applicant must present a proposal for residential development that meets each of the following:

- A. **Recognizable Benefits.** An open space community shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as high quality architectural design, extensive landscaping, provide transition areas from adjacent residential land uses, unique site design features, unified access, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams and wetlands. This benefit should accrue, in spite of any foreseeable detriments of the proposed development.
- B. **Minimum Project Size.** The minimum size of an open space community development shall be ten (10) acres of contiguous land.
- C. **Open Space.** The proposed development shall provide at least one of the following open space benefits:
  - 1. **Significant Natural Assets.** The site contains significant natural assets such as land used in agricultural production, woodlands, individual trees over twelve (12) inch diameter, measured at breast height, rolling topography with grades exceeding 15%, significant views, natural drainage ways, water bodies, flood plains, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development. This determination shall be made by the Planning Commission after review of a Site Analysis Plan, prepared by the applicant, that inventories these

features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the Open Space Community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

2. **Recreation Facilities.** If the site lacks natural features, it can qualify if the development will preserve an existing recreation facility or provide usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance and enhance residential development.
  3. **Creation of Natural Features.** If the site lacks existing natural features, it can also qualify if the development will create significant woodland features. The creation of significant woodland features shall be considered providing perimeter buffer plantings and interior street tree plantings at a rate double (2 x) what is required by this Ordinance.
- D. **Guarantee of Open Space.** The applicant shall guarantee to the satisfaction of the Township Board that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space community plan.
- E. **Cohesive Development.** The proposed development shall be designed to create a cohesive community development through common open space areas for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of the Open Space Community.
- F. **Unified Control.** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- G. **Density Impact.** The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this

Ordinance, and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The Planning Commission may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impact resulting from the proposed open space community. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development. The Planning Commission may require that the applicant prepare a quantitative comparison of the impacts of conventional development and the open space community plan to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant problem relative to infrastructure demand or environmental degradation, mitigation shall be provided to alleviate the impacts associated with the open space community.

- H. Township Master Plan. The proposed development shall be consistent with and further the implementation of the Township Master Plan.

**SECTION 14.04 PROJECT DESIGN STANDARDS.** A proposed open space community shall comply with the following project design standards:

- A. **Location.** An open space community may be approved within any of the following zoning districts: AR and R-1.
- B. **Permitted Uses.** An open space community is generally restricted to single family detached or attached residential dwellings.
- C. **Dwelling Density.** The number of dwelling units allowable within an open space community project shall be determined through preparation of a parallel plan.
  - 1. The applicant shall prepare, and present to the Planning Commission for review, a parallel design for the project that is consistent with State, County and Township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size (as shown in paragraph B), lot width and setbacks as normally required, public roadway improvements and private parks, and contain an area which conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan

Department of Environmental Quality.

2. The parallel plan shall be prepared with the following minimum lot areas. The parallel plan is only used to determine allowable density for an open space community project. The following parallel plan minimum lot areas incorporate a density bonus for qualifying open space community projects that meet all requirements of this ordinance:

| Underlying Zoning District | Parallel Plan Minimum Lot Size (square feet) | Parallel Plan Minimum Width (lineal feet) |
|----------------------------|----------------------------------------------|-------------------------------------------|
| AR                         | 43,560                                       | 150'                                      |
| R-1                        | 43,560                                       | 150'                                      |

3. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed and be economically viable following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space community project.

D. **Base Zoning Regulations.** Unless specifically waived or modified by the Planning Commission, all Zoning Ordinance requirements for the underlying zoning district, except for minimum lot area and lot width, and other Township regulations shall remain in full force.

E. **Regulatory Flexibility.**

1. To encourage flexibility and creativity consistent with the open space community concept, the Planning Commission may grant specific departures from the requirements of the Zoning Ordinance as a part of the approval process for the following:
  - a. Yard, lot width, and bulk standards may be modified, provided that such modification results in enhanced buffering from adjacent land uses or public right-of-ways, or preservation of natural features.
  - b. Any modification to the Natural River District standards must also be approved by the Michigan Department of Environmental Quality, if required.

2. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an open space community plan may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the Open Space Community, provided such variance does not involve alterations to open space areas as shown on the approved Open Space Community site plan.

**F. Open Space Requirements.**

1. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway or, an approved land improvement shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. Grading in the open space shall be minimal, with the intent to preserve existing topography.
2. An open space community shall maintain a minimum of fifty percent (50%) of the gross area of the site as dedicated open space held in common ownership. A minimum of ten percent (10%) of the open space shall be upland area that is accessible to all residents of the Open Space Community and not include golf course fairways.
3. Areas Not Considered Open Space. The following land areas are not included as dedicated open space for the purposes of this Chapter:
  - a. The area of any street right-of-way proposed to be dedicated to the public. This provision shall not preclude the future dedication of a private road easement to a public road agency.
  - b. Any portion of the project used for commercial purposes.
  - c. The required setbacks surrounding a residential structure that is not located on an individual lot or condominium site.
4. The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a

depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.

5. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Planning Commission.
6. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:
  - a. recorded deed restrictions,
  - b. covenants that run perpetually with the land, or
  - c. a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
7. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
  - a. Indicate the proposed allowable use(s) of the dedicated open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:
    - (1). Dumping or storing of any material or refuse;
    - (2). Activity that may cause risk of soil erosion or threaten any living plant material;
    - (3). Cutting or removal of live plant material except for removal of dying or diseased vegetation;
    - (4). Use of motorized off road vehicles;
    - (5). Cutting, filling or removal of vegetation from wetland areas;
    - (6). Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

- b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  - c. Provide standards for scheduled maintenance of the open space.
  - d. Provide for maintenance to be undertaken by Decatur Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
8. Continuing Obligation. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Open space may include golf course area, provided that it forever remains outdoor recreation or natural undeveloped land.
- 9.. Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the required open space area.
- G. **Transition Areas.** Where the Open Space Community abuts a single family residential district, the Planning Commission may require a transition area. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to single family residential is to be varied by more than three (3) feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. The Planning Commission may review the proposed transition area to ensure compatibility. The Planning Commission may require that the transition area consist of one or more of the following:
- 1. A row of single-family lots or condominium sites similar to adjacent single family development in terms of density, lot area, lot width, setbacks and building spacing.
  - 2. Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect.
  - 3. Open or recreation space.



- 4 Significant changes in topography which provide an effective buffer.
- H. **Access.** Direct access onto a Local road, County road, or State highway shall be required to an open space community. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).
- I. **Internal Roads.** Internal roads within an open space community may be public or private.
  - 1 Construction of private roads as a means of providing access and circulation is permitted. Private roadways within an open space community must meet the design requirements of the Township. The Planning Commission may modify these requirements, if all of the following findings are made:
    - a. There is no potential for the road to connect with abutting land or be extended to serve additional land in the future.
    - b. Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a modification to the Private Road standards.
  - 2. Where private roads are developed, a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, shall be reviewed and approved by the Planning Commission.
- J. **Natural Features.** The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The Planning Commission may also require a minimum of twenty five (25) foot wide undisturbed open space setback from the edge of any, lake, pond, river, stream or wetland; provided that the Planning Commission may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.

## **SECTION 14.05 PROJECT STANDARDS**

In considering any application for approval of a open space community site plan, the Planning Commission shall make their determinations on the basis of the standards for site plan approval the following standards:

- A. **Compliance with the Open Space Community Concept.** The overall design and land uses proposed in connection with an open space community shall be consistent with the intent of the open space community concept, as well as with specific design standards set forth herein.
- B. **Compatibility with Adjacent Uses.** The proposed open space community plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
  - 1. The bulk, placement, and materials of construction of proposed structures.
  - 2. Pedestrian and vehicular circulation.
  - 3. The location and screening of vehicular use or parking areas.
  - 4. The provision of landscaping and other site amenities.
- C. **Impact of Traffic.** The open space community shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
- D. **Protection of Natural Environment.** The proposed open space community shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.
- E. **Compliance with Applicable Regulations.** The proposed open space community shall comply with all applicable federal, state, and local regulations.
- F. **Township Master Plan.** The proposed open space community shall be consistent with and further the implementation of the Township Master Plan.
- G. **Conditions.** Reasonable conditions may be required with the special approval of a Open Space Community, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or

activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Township Master Plan. Conditions imposed shall be designed to protect natural resources, and the public health, safety and welfare of individuals in the project, those immediately adjacent and the community as a whole; shall be reasonable related to the purposes affected by the Open Space Community; shall be necessary to meet the intent and purpose of this Ordinance and implement the Township Master Plan; and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the special approved.

#### **SECTION 14.06 GENERAL REQUIREMENTS**

- A. **General Application Requirements.** The application for approval of an open space community shall be made according to procedures and guidelines adopted by resolution of the Township Board. The required materials shall be submitted to the Township Clerk with all required fees as designated by resolution by the Township Board.
- B. **Effect of Approval.** Approval of an open space community proposal shall not require, nor shall it be construed as an amendment to the Zoning Ordinance. All improvements and uses of the site shall be in conformity with the approved open space community site plan and comply fully with any conditions.
- C. **Recording of Action.** The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved open space community plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the Township.
- D. **Land Use Permit.** Following final approval of the open space community site plan and final approval of the engineering plans, a land use permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable Township, County, State or Federal permits.
- E. **Initiation of Construction.** If construction has not commenced within twenty-four (24) months of final approval, all Township approvals become null and void. The applicant may apply in writing to the Township Board for an

extension, not to exceed twelve (12) months. A maximum of two (2) extensions may be allowed.

- F. **Continuing Adherence to Plan.** Any property owner who fails maintain an approved site design shall be deemed in violation of the use provisions of the Zoning Ordinance and shall be subject to the penalties for same.
- G. **Performance Guarantee.** The Township Board may require that a performance guarantee, be deposited with the Township to insure completion of improvements.

#### **SECTION 14.07 SCHEDULED PHASING**

- A. **Scheduled Phasing.** When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space community and the residents of the surrounding area.
- B. **Timing of Phases.** Each phase of the project shall be commenced within twenty-four (24) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the plan shall become null and void.

## CHAPTER 15

### SIGNS

#### SECTION 15.01 PURPOSE AND INTENT

It is hereby determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare, and facilitate police and fire protection. In addition, it is the intent of this Ordinance to assure the continued attractiveness of the total community environment through the adoption of discretionary controls designed to preserve scenic, aesthetic and economic values within the Township.

These regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk and area. In general, it is intended that signs of a general commercial or industrial nature be prohibited in districts where commercial or industrial activities are prohibited and that signs in residential districts be limited to those directly related to activities on the premises.

#### SECTION 15.02 COMPUTATION OF SIGN AREA

For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet and shall be computed as follows:

- A. **Single-Face Sign.** The total area of a single-face sign shall be computed as the number of square feet within any single or combination of geometric shapes -- such as a square, rectangle, triangle or circle -- encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
- B. **Double-Face Signs:** For double-face signs having two (2) faces of equal size arranged and/or positioned back to back, parallel to each other, with no more than a two (2) foot space between the two faces; the area of the sign shall be computed as one-half ( $\frac{1}{2}$ ) the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.
- C. **Three-Dimensional Signs.** For signs which are designed as a three dimensioned geometric form such as a sphere, cone, cylinder, or cube; the area shall be computed as one half ( $\frac{1}{2}$ ) the total surface of the geometric form.

**SECTION 15.03 PERMIT REQUIRED FOR SIGNS**

- A. **Sign Erection Permit:** It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate, any sign unless a permit shall have been first obtained from the Zoning Administrator, except as provided in Section 15.05 (Signs Exempt from Permit Requirement). Any sign that makes use of electricity, shall, in addition to a sign permit, require an electrical permit, regardless of size.
- B. **Sign Maintenance or Change of Message:** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.
- C. **Planning Commission Approval:** All subdivision/development signs, time/date/or temperature signs, off-premises signs, or any type of sign not explicitly defined herein, must be approved by the Decatur Township Planning Commission before a permit shall be issued.
- D. **Permit Applications:** Applications for sign permits shall be made upon forms provided by the Zoning Administrator for this purpose and shall contain the following information:
1. Name, address and phone number of applicant.
  2. Location of the building, structure, or lot on which the sign is to be attached or erected.
  3. Position of the sign on the building, structure or lot on which the sign is to be attached or erected.
  4. Position of the sign in relation to nearby buildings, structures, signs, property lines, and rights-of-way, existing or proposed.
  5. Zoning district in which the sign is to be located.
  6. Two (2) copies of the sign plans and specifications for construction, and attachment to the building or ground. The sign plans shall include all pertinent data including highest point, low point clearance, face outline and total face area with method of calculation. When public safety so

requires, the specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.

7. Name and address of the sign erector.
  8. Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable laws of the Township and the State of Michigan.
- E. **Sign Erection Permit Expiration.** A sign permit shall become null and void if the work for which the permit was issued is not completed within 90 days of the date of issue.
- F. **Compliance Certification:** All signs shall be inspected at original installation and if found to be in full compliance with the provisions of this Chapter, shall be issued a Zoning Permit Certificate. The Zoning Administrator shall cause existing signs to be inspected if deemed necessary by him to determine continuation of compliance with the provisions of this Chapter.

#### **SECTION 15.04 GENERAL SIGN PROVISIONS**

- A. **Public Rights-of-Way:** No sign (or any pole or support cable of any nature) except those established and maintained by the Township, County, State, or Federal Governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this Ordinance.
- B. **Sign Heights:** The highest point of any sign shall not exceed twenty-five (25) feet above the ground or grade level.
- C. **Traffic Interference.** No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
- D. **Clear Corner Vision:** No sign above a height of thirty (30) inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of

twenty-five (25) feet from their point of intersection, unless visual under clearance can be assured on the plans.

- E. **Proximity to Electrical Conductors:** No sign shall be erected so that any part including cables, guys, etc., will be within ten (10) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
- F. **Illumination:** All illuminated signs shall be so arranged or shielded so as not to interfere with the vision of persons on adjacent thoroughfares. In no event shall light from an illuminated sign shine on adjacent property which is used for residential purposes.
- G. **Fire Escapes:** No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- H. **Wall Signs:** No wall sign shall project beyond or overhang the wall, or any permanent architectural feature and shall not project above or beyond the highest point of the roof or parapet.
- I. **Freestanding Signs:** With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
- J. **Liability Insurance:** If the height of a proposed or existing sign is such that if it fell or could fall into the public right-of-way or adjacent property, the owner of said sign shall carry sufficient liability insurance to protect the public and adjacent property owners from damage and injury from the fallen sign.

#### **SECTION 15.05 SIGNS EXEMPT FROM PERMIT REQUIREMENTS**

No sign permit is required for signs listed below. Such exemptions, however, shall not be construed to relieve the owner for its proper location, erection, and maintenance.

- A. **Government Signs.** Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal notices, informational signs, directional, or regulatory signs.
- B. **Flags:** Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.



- C. **Address Signs:** Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- D. **Street Signs:** Signs erected by the township, county, state, or federal government for street names, traffic control, or direction and information.
- E. **Private Traffic Signs:** Signs directing and guiding traffic and parking on private property that do not exceed four (4) square feet each and bear no advertising matter.
- F. **Handicapped Signs:** Not exceeding four (4) square feet each and bearing no advertising matter.
- G. **Architectural Features/Artwork:** Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- H. **Small Accessory Signs:** Any accessory sign erected on a premise which is no more than four (4) square feet in area, such as no trespassing signs, garage sale signs, and signs warning of animals.
- I. **Temporary Signs, Banners, Flags:** Temporary Signs, not specifically regulated in any other section of this Ordinance, including but not limited to: real estate signs, signs for special events or activities, air or gas filled signs, banners, flags, and the like shall be permitted subject to the following conditions:
  - 1. No temporary sign or devices shall be located in the public right-of-way, attached to any utility pole, or located within five (5) feet from any street right-of-way.
  - 2. All temporary signs must be removed within fourteen (14) days of the conclusion of the event, activity, sale, etc., for which the temporary sign is displayed.
  - 3. The total area and height of temporary signage shall not exceed the following standards:
    - a. In residential districts, temporary signage shall be limited to six (6) square feet in area and six (6) feet in height.

- b. In all commercial and industrial districts, temporary signage shall not exceed thirty-two (32) square feet of total sign area per side or a height of eight (8) feet.

J. Seasonal produce and farm product stands.

## **SECTION 15.06 SIGNS PROHIBITED THROUGHOUT THE TOWNSHIP**

The following signs are prohibited throughout the Township, notwithstanding anything to the contrary in this Chapter.

- A. **Unsafe Signs:** Any sign which is structurally or electrically unsafe.
- B. **Utility Poles and Landscaping:** Any sign erected on a utility pole, directional sign post, or landscaping including trees. Prohibited signs shall not include street signs erected by the township, county, state, or federal government or a public transit agency.
- C. **Businesses No Longer Existing (Abandoned Signs):** Any business sign or sign structure now or hereafter existing which advertises a business conducted or a product sold, which no longer exists or is no longer in business on the premises on which the sign is located. Such sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- D. **Sign Structure Without Sign:** Any sign structure or frame no longer supporting or containing a sign. The owner of the property where the sign is located shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.
- E. **Roof-mounted Signs**
- F. **Other Signs Prohibited:** Other signs not expressly permitted shall be prohibited.

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**SECTION 15.07 DISTRICT REGULATIONS.**

**A. Signs Permitted in Agricultural and Residential Districts:**

1. For each dwelling unit, one (1) address sign in compliance with Section 15.05(c) of this Zoning Ordinance.
2. Small accessory signs no more than four (4) square feet in area, such as no trespassing signs, garage sale signs, and signs warning of animals. The total area of all small accessory signs on one premise shall not exceed eight (8) square feet.
3. One (1) subdivision entrance sign per vehicle entrance may be permitted on private property in compliance with the corner clearance provisions and shall not exceed twenty-four (24) square feet in area or a height of six (6) feet above grade. The location and appearance of all subdivision/condominium signs shall be subject to review and approval by the Planning Commission at the time of site plan review, provided that such signs shall be located no closer than twelve (12) feet from any property line. Adequate provisions shall also be made at the time of site plan review to insure continued maintenance of the sign.
4. No more than one (1) freestanding and one (1) wall institutional sign for schools, churches, libraries, or similar institutions having an area of no more than thirty-two (32) square feet, having a height of no more than six (6) feet above the established grade, and located no closer than ten (10) feet from any property line.
5. Signs of a combined area of not more than thirty-two (32) square feet advertising the name and activities of a permitted nonresidential use or legal non-conforming use. Said sign shall be located on the same parcel as the use. Signs for discontinued legal non-conforming uses shall be removed as provided for in this Chapter.
6. Customary farm and crop signs on active farms of no more than thirty-two (32) square feet.
7. Directional off-premise signage, in compliance with the following:
  - a. **Permitted.** A maximum of three (3) off-premise directional signs shall be permitted per use. A signed statement from the property

owner indicating their permission to locate the sign at that site shall be submitted with the application for the signage.

- b. **Setbacks.** Off-site signage shall be setback from the right of way line or roadway easement by a minimum of two (2) feet. Each sign should be separated by at least (4) feet.
- c. **Maximum Size.**
  - (1). Each sign shall be a maximum size of eight (8) square feet.
  - (2). If multiple business share the same post, they shall be permitted to combine their allotted square footage in addition to a bonus of 10 square feet.
  - (3). The maximum height shall be six (6) feet if there is one (1) panel, eight (8) feet if there are multiple panels on one post.
- d. **Design.** All signs located at the same intersection shall have a uniform design.
  - (1). The following components of the sign design shall be uniform:
    - (a). Shape
    - (b). Size
    - (c). Background color
    - (d). Font, font size, font color (unless font is particular to the identity of the business.)
    - (e). Material
  - (2). The Zoning Administrator and/or Planning Commission shall determine whether the sign is of compatible design if there is any question.
  - (3). If there is one existing sign located at the location, the design must match that existing sign.

- (4). If there are multiple existing signs and at least two (2) of the signs are of the same design, the new sign shall match the design of the two (2) existing signs with coordinating designs. However, the size may need to be adjusted to fit within the standards.
- (5). If there are multiple existing signs and none match, the applicant shall select one to coordinate design, within the standards of this Ordinance.
- e. **Illumination.** Off-premises directional signs shall not be illuminated.
- f. **Existing Off-Premises Directional Signs.** Existing off-premises directional signs that do not conform to these standards are nonconforming and are subject to the standards of Section 15.09 below.
- g. **Seasonal Signs.** Directional signs for a seasonal business shall be removed when the business is not in operation.

**B. Signs Permitted in the C-1 and C-2 Commercial Districts:**

- 1. The total sign area for an occupied parcel of property in the C-1 and C-2 Commercial Districts shall not exceed 125 square feet per 100 feet of street frontage with the total sign area for any parcel not to exceed 200 square feet.
- 2. One (1) freestanding sign may be allowed per property. Such sign shall not exceed twenty-five (25) feet in height and 100 square feet in area.
- 3. In addition to the signs allowed in paragraphs 1 and 2 above, wall sign(s) may be erected on the rear or parking lot side of a premises not exceeding one-half (½) square foot for each linear foot of the rear length of the principle building(s), provided that the total sign area shall not exceed thirty-two (32) square feet.
- 4. Gasoline service stations shall be permitted signs on each pump island indicating the prices and types of gasoline and the type of service. The aggregate area of such signs shall not exceed twenty (20) square feet per pump island. In no event shall the total area of all such signs exceed one-hundred twenty (120) square feet.

**C. Signs Permitted in I-1 and M (Industrial) Districts:**

1. One (1) wall sign may be erected per building face up to one-hundred (100) square feet in area or 10% of the total facade area of the building which ever is less.
2. One (1) freestanding (ground or pole mounted) sign may be erected provided said sign does not exceed one-hundred (100) square feet of display area per side. Such sign shall have a height of no more than twenty (20) feet above the established grade and be erected no closer than twenty (20) feet from any property line.
3. In addition to signs permitted in paragraph 1 above, one (1) wall sign shall be permitted for each tenant having an individual means of entranceway into the side or rear of a building. Such sign shall not exceed six (6) square feet in area, and shall be erected not less than four (4) feet nor more than twelve (12) feet above the established grade.
4. Directional signs, up to four (4) square feet in area, designating entrances, exits, parking and unloading areas, shipping docks, and similar internal traffic control signs shall be permitted and located no closer than within five (5) feet of any property line.

**D. Billboards (off-premises signage)**

1. Off-premises signage shall be permitted upon approval of the Planning Commission along State Highways, in accordance with the Highway Advertising Act and other State and Federal regulations, except directional signs as permitted above.
2. Such off-premises signs shall not exceed 300 square feet in area.
3. Bill boards shall be setback a minimum of 75 feet from the right of way line of the abutting highway.
4. The sign shall be constructed so as not to constitute a safety or traffic hazard. It shall comply with Township regulations for visibility at corners and illumination. There shall be no flashing, blinking, or intermittent light source, or LCD screen permitted. Break-away construction is required.
5. Such sign shall be maintained in a neat and attractive manner.

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## SECTION 15.08 CONSTRUCTION AND MAINTENANCE REQUIREMENTS

- A. **Materials and Design:** All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the Building Code and requirements of this Chapter.
- B. **Fastenings:** All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use, and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.
- C. **Freestanding Signs:** Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces and cause injury to persons or property.
- D. **Sanitation/Landscaping:** Property surrounding any freestanding sign shall be kept clean, sanitary and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead and diseased materials.
- E. **Maintenance:** All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out-of-plumb, worn, rusted or missing material parts shall be repaired within fifteen (15) days of written notification of the Township Zoning Administrator.

## SECTION 15.09 NON-CONFORMING SIGNS

- A. **Intent:** It is the intent of this Chapter to encourage eventual elimination of signs that as a result of the adoption of this Chapter become non-conforming, to administer this Chapter to realize the removal of illegal non-conforming signs, and to avoid any unreasonable invasion of established private property rights.
- B. **Lawful Existing Signs:** Any sign lawfully existing at the time of the adoption of this Chapter which does not fully comply with all provisions shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.

- C. **Continuance:** A non-conforming sign shall not:
1. Be expanded or changed to another nonconforming sign;
  2. Be relocated.
  3. Be structurally reconstructed so as to prolong the life of the sign; or so as to change the shape, size, type, placement, or design of the sign's structural parts; or so as to add illumination;
  4. Be repaired or re-erected after being damaged if the repair or re-erection of the sign, within any 12 month period, would cost more than 50 percent of the cost of an identical new sign. If deemed necessary by the Zoning Administrator, the cost of an identical new sign shall be determined as the average of no less than three (3) cost estimates obtained from three (3) contractors.
  5. Be altered unless the alteration or reconstruction be in compliance with the provisions of this Chapter. For the purpose of this Chapter only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area; landscaping below the base line; or changing electrical wiring or devices, backgrounds, letters, figures, or characters.
- D. **Termination of Business:** Nonconforming signs and sign structures shall be removed or made to conform within 60 days of the termination of the business or use to which they are accessory.
- E. **Change of Property:** If the owner of a sign or the premises on which a sign is located, changes the location of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Chapter.
- F. **Administration:** The Zoning Administrator shall make every reasonable effort to identify all the nonconforming signs within the Township. The Zoning Administrator shall keep complete records of all communications and other actions taken with respect to such nonconforming signs.



## **CHAPTER 16**

### **GENERAL PROVISIONS AND EXCEPTIONS**

#### **SECTION 16.01 INTENT**

All uses and structures whether permitted by right or by conditional use permit, shall be subject to the following general regulations of this Ordinance.

#### **SECTION 16.02 GENERAL EXCEPTIONS**

- A. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that all buildings hereunder shall be subject to site plan review in accordance with this Ordinance. The Zoning Board of Appeals may permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or of a larger area than the district requirements herein established and may permit the location in any use district of a public utility building, structure, or use, if the Board finds such use, height, area, building, or structure reasonably necessary for the public convenience and services, and if such building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such district.
- B. **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

#### **SECTION 16.03 EASEMENTS**

It shall be unlawful for any person to install, erect, cause or permit the installation of a permanent structure (garage, building or large tree) on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use.

#### **SECTION 16.04 GRADES, ELEVATION DIFFERENTIALS, AND RETAINING WALLS**

- A. The grading of all building lots shall be such so as to divert water away from buildings and to prevent standing water and soil saturation detrimental to

structures, lot use, and surrounding property. However, water should not be diverted to adjacent properties and the natural flow of water shall not be altered.

- B. Retaining walls in excess of four (4) feet in height shall require a building permit. All retaining walls shall be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining walls shall be maintained in a structurally sound condition and shall not impair drainage or create negative impacts on adjacent properties.

#### **SECTION 16.05 OBSTRUCTIONS TO VISION ON CORNER LOTS**

No structure, wall, fence, shrubbery, parked vehicle, stored material, or trees shall be placed, erected, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection; excepting that shrubbery and low retaining walls not exceeding three (3) feet in height above the curb level and trees where all branches are not less than eight (8) feet above the street level will be permitted. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

#### **SECTION 16.06 FENCE, WALL AND PRIVACY SCREEN REGULATIONS**

Fences, walls and privacy screens are permitted subject to the following:

- A. The erection, construction or alteration of any fence, wall or privacy screen as defined herein, shall be constructed within all Township and County codes and shall require a zoning permit.
- B. Fences shall not be taller than four (4) foot in a required front yard nor higher than six (6) foot in a required side or rear yard for parcels located in the R-1 or R-2 or R-4 zoning districts. Fences in the R-4 District shall have a minimum of 30% open. The finished side of a two-sided fence shall face adjacent properties (posts on the interior side).
- C. A six (6) foot fence shall surround all playgrounds associated with a children's day care facility.
- D. Fences with barbed wire and/or electrical current are prohibited in the R-1, R-2 and R-4 zoning district.

- E. A four (4) foot fence shall surround all below ground swimming pools or otherwise satisfy the standards of Section 16.13.C.
- F. Parcels located in the AR Districts shall be exempt from all fence height and use restrictions except for swimming pools.

**SECTION 16.07 OFF-STREET PARKING REQUIREMENTS**

In all zoning districts, off-street facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of all buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as prescribed in Chapter 17 of this Ordinance.

Whenever the use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new uses. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

**SECTION 16.08 STORAGE OF OBNOXIOUS MATTER IN OPEN CONTAINERS PROHIBITED**

No garbage, filth, refuse or other obnoxious matter shall be kept in open containers, piled or laid on the open ground; and all containers shall be stored in such a way so as not to be accessible to animals.

**SECTION 16.09 SOIL EXCAVATION OR FILLING**

- A. The deposit or burying of any man made materials such as scrap iron, appliances, tires, and other “junk” as defined in this ordinance anywhere in Decatur Township which is not biodegradable is expressly prohibited. The burying of “garbage” as defined in this ordinance when deemed to be biodegradable (such as plant and animal wastes) shall be permitted when conducted in accordance with County, State, and Federal laws.
- B. This regulation shall not prohibit the normal removal or filling of soil for the construction of an approved building or structure when such plans have been approved by the Township, and a zoning permit has been issued for said development.

**SECTION 16.10      OUTDOOR STORAGE OF RECREATION AND OTHER VEHICLES AND EQUIPMENT IN RESIDENTIAL AND AGRICULTURAL DISTRICTS**

The outdoor storage or parking of any boat, boat hoist or dock (except in the R-4 District), float, trailer, trailer coach, camping trailer, motorized home, dismantable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature (not including typical farm equipment), may be permitted in all residential and agricultural districts, when the following minimum conditions are met:

- A. All such vehicles or equipment shall be placed within a completely enclosed building. Up to three (3) such vehicles or equipment may be stored outside of an enclosed building provided it is not located in the front yard. Outside storage areas shall be completely screened from view of the nearby street and adjacent properties by fencing or landscaping.
- B. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant. Vehicles may not be stored on vacant lots, parcels, or property.
- C. Trailer coaches, motor homes and other vehicles or equipment designed or adaptable for sleeping purposes may be utilized for up to fifteen (15) days during the course of one year for visitors. They shall otherwise remain unoccupied and shall not be connected to sanitary sewer facilities, water or gas.
- D. Such vehicles so kept or stored shall be in good repair. Open storage of partially or disassembled component parts of said uses (recreational vehicles and equipment) is prohibited. This provision shall not pertain to farm implements, machinery and equipment utilized for permitted agricultural operations.
- E. The storage of vacant mobile homes in any district shall be prohibited; with the exception of approved and permitted sales and service facilities located in a designated commercial district.
- F. No inoperable passenger vehicles may be kept on any lot or parcel in any zoning district. The vehicles shall be licensed to the owner of the property on which the vehicles are located. The vehicles must be stored in a building.

**SECTION 16.11      KEEPING OF FARM ANIMALS AND OTHER ANIMALS**

The keeping, raising, or breeding of animals, poultry or livestock, including farm animals and non-domestic animals and reptiles (except domesticated cats, dogs, canaries, parakeets, parrots,

gerbils, hamsters, guinea pigs, turtles, fish, rabbits, commonly kept for 4-H projects) outside of the AR or R-1 zoning districts shall be prohibited. Applicants for 4-H projects who wish to raise a larger animal may petition the Planning Commission for a waiver of the Conditional Use Permit requirements and request approval of the 4-H project. The Planning Commission may attach any conditions it thinks are necessary to protect adjacent properties from anticipated negative impacts.

**SECTION 16.12      DUMPSTERS OR OUTDOOR TRASH RECEPTACLES**

Any new or altered use (except agricultural and farming operations) which requires site plan review under Chapter 18 and has an outdoor trash storage area shall comply with the following requirements:

- A. Any outdoor trash storage area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
- B. A decorative masonry wall or wooden privacy fence of six (6) feet in height shall enclose three (3) sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. Screening gates may be required by the Planning Commission when deemed necessary to obscure a trash receptacle from view from a public right-of-way. The surface under any such storage area shall be constructed of concrete.
- C. In no instance shall any such refuse be visible above the required enclosure.
- D. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
- E. Any such storage shall be located in a rear yard or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

**SECTION 16.13 SWIMMING POOL REGULATIONS**

- A. **Permit Application.** It shall be unlawful for any person to construct or maintain an outdoor swimming pool without first making application to the Zoning Administrator and obtaining a permit thereof. Application for such permit shall show the name of the owner, a plot plan of the property showing the location of such swimming pool, a detailed plan and specifications for such swimming pool, and full information as to the type, height and location of the fence surrounding such swimming pool and the number of gates therein.
- B. **Location.** Outdoor swimming pools may be erected in the side or rear yard only, provided that they are located no closer than ten (10) feet from the side or rear lot lines. No such pool or part thereof shall be installed within twenty-five (25) feet of a side street.
- C. **Fencing.** All swimming pools having a depth of 24 inches or more shall provide security fencing in accord with the requirements of the Michigan Construction Code, Chapter 41, Appendix G.

**SECTION 16.14 HOME OCCUPATIONS**

A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

- A. No more than one (1) person total (not including the members of the family residing on the premises) shall be engaged in such occupation.
- B. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than one-quarter (25%) of the floor area of the floor on which the occupation is being conducted may be used for the purposes of the home occupation or for storage purposes in conjunction with the home occupation.
- C. A home occupation shall be conducted completely within the dwelling unit or permitted accessory building. A home occupation conducted within an accessory building shall not occupy more than 50% of said building. Accessory buildings in excess of 1,200 square feet shall be limited to 600 square feet in which to conduct the permitted home occupation.
- D. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and there shall be no

external or internal alterations not customary in residential areas including the expansion of off-street parking areas in excess of residential standards.

- E. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, wireless communications interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned residential district.
- F. Signs not customarily found in residential areas shall be prohibited, provided however that one (1) non-illuminated name plate, not more than four (4) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises in the R-1 district. Freestanding signs not in excess of six (6) square feet in area may be placed on private property in the AR district as an alternative but not in addition to a sign placed on the dwelling.
- G. The hours of operation for a permitted home occupation shall be subject to Planning Commission review and shall be set in accordance with the provisions of this Ordinance based upon the type of use proposed.
- H. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.

**SECTION 16.15      TEMPORARY      AND      PORTABLE      BUILDINGS,      USES,      &  
STRUCTURES**

- A. Structures erected for ice fishing and hunting purposes less than 100 sq. ft. in size are expressly permitted in Decatur Township and are exempt from the provisions of this Ordinance.
- B. The office and storage trailers of building contractors used in association with the construction of a legally permitted use shall be permitted in all districts. Said office or storage trailer shall be setback at least ten (10) feet from all property lines and be removed within fifteen (15) days after the certificate of occupancy has been granted for the building under construction on the property.
- C. In addition to any other provisions contained in this Ordinance concerning the location of mobile homes within this Township, mobile homes shall be permitted outside of mobile home parks in the AR, R-1 and C-1 Districts on a temporary basis as provided hereafter.

1. In the case where a residence has been damaged by fire or tornado, an application for a Conditional Use Permit can be made to the Planning Commission to use a mobile home as a temporary residence during the construction of a new dwelling house. The Conditional Use Permit procedures (Chapter 19) shall be followed. The applicant must apply for a building permit within 30 days of approval of the Conditional Use Permit and said Conditional Use Permit shall expire one year from the date of approval. Said Permit may be extended for one additional year if the Township Board is satisfied that substantial progress has been made in the erection of the new dwelling house. Said mobile home shall be removed from the premises within one month from the aforesaid expiration date. The applicant must abide by all other provisions of this Ordinance.
  
  2. A mobile home may be used as a temporary housing for an aged or handicapped parent(s), or handicapped child of the owner of the parcel on which the mobile home is located, or by a caregiver of the property owner. A temporary mobile home falling under this category shall not be limited as to the number of one-year extensions, which may be granted, and it shall be permitted in any zoning district. Said mobile home shall be removed within three months from the date it is no longer occupied by the above permitted occupant(s). The property owner shall submit an application for a Conditional Use Permit. The Conditional Use Permit procedures (Chapter 19) shall be followed. The applicant must abide by all other provisions of this Ordinance.
- D. Other provisions relating to the use of Mobile Homes as temporary residence.
1. The application shall be accompanied by a fee as set by the Township Board and shall include the following information: (a) the name and address of the legal owner of the lot, (b) a legal description of the lot, (c) a diagram showing the size of the lot, the lot lines, location of present dwelling, and the proposed location of the mobile home on the lot, and (d) an affidavit that the owner of the lot occupies and uses the lot as his/her personal residence on a year round basis, and will continue to do so while the permit is in effect, and in the event the application is made pursuant to Section C 2 above, said affidavit shall set forth the relationship of the person occupying said mobile home to the owner of the lot, with clear and convincing evidence that the physical or mental condition of the person needing this on-sight assistance is so poor that close supervision is necessary for that person's health and safety.



2. The mobile home shall meet the setback requirements of the district in which it is located.
3. No more than one (1) mobile home, to be used as a temporary residence, shall be located on said parcel, and said mobile home shall be limited to single-family occupancy.
4. The applicant for a temporary mobile home permit shall also submit an approved, signed health department permit from the Van Buren County Health Department and shall have a HUD Certification on said mobile home and comply with any related local state or federal requirements.
5. The applicant shall further sign an agreement with the Township as to the removal of the mobile home after one year or within fifteen days of receipt of certificate of occupancy and, should the applicant fail to remove said home, then the Township shall be authorized to remove it and the costs shall constitute a lien on said property. It is the burden of the applicant to demonstrate good faith in receiving the permit by informing the Township of any changes in the circumstances connected with the permit.
6. Other conditions as may be reasonably applied by the Planning Commission to appropriately assure the compliance with the provisions of this Ordinance.

**SECTION 16.16 BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE**

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been entered into pursuant to a zoning permit issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and applications on which said building permit was granted.

A building which is lawfully under construction at the time of adoption of this Ordinance shall be allowed to be completed within one (1) year of the passage of this Ordinance. Adoption of this Ordinance shall not require any changes to the plans, construction or designated use of any such buildings.

**SECTION 16.17 RESTORATION OF UNSAFE BUILDINGS**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of a any building or structure declared unsafe by the Building Inspector or required compliance with his or her lawful order. Furthermore, upon the determination of the Building Inspector and official notification thereof to the property owner, the Township Board may order the demolition

and removal of any designated unsafe building. In addition, the cost of said removal shall be borne by the property owner. If the property owner fails to pay for the cost of the removal within 60 days of the date the building was removed, the Township may either place a lien on the property or place the cost of said removal on the next available tax bill as a special assessment against the property.

### **SECTION 16.18 MOVING OF BUILDINGS**

Any building or structure that has been wholly or partially erected on any premises located within the Township shall not be moved to and be placed upon any other premises in the Township until a zoning permit for such removal has been secured according to the requirements of this Ordinance. Any such building or structure shall fully conform to this Ordinance in the same manner as a new building or structure.

Before a permit may be issued for moving a building or structure, the Building Inspector shall inspect the same and determine if it is in a safe condition to be moved, whether or not it may be reconditioned to comply with the Building Code and other requirements for the use and occupancy for which it is to be used, and whether or not it will be of similar character with the buildings in the area where it is to be moved. In addition, clearances shall be obtained from all utility companies ensuring that utilities are discontinued and all facilities accounted for. Special inspection fees as determined by the Township or County, may be charge to cover costs of inspecting the old site and the new site of such building or structure. If these conditions can be complied with, a zoning permit shall be issued for the moving of such a building or structure.

### **SECTION 16.19 EXCEPTIONS TO AREA AND WIDTH REQUIREMENTS**

- A. Recorded Lots.** Lots established by a legally recorded plat or deed prior to the adoption of this Ordinance which have less than the minimum area or width requirements established by this Section, may nevertheless be used for any use permitted within the district in which such lot is located. In addition, lots established by a recorded plat or deed subsequent to the adoption of this Ordinance and which met the requirements of said Ordinance, but as a result of amendments thereto, can no longer meet the minimum area or width requirements, may nevertheless be used for any use permitted within the district in which such lot is located.
  
- B. Lack of Public Utilities.** In areas unserved by public or other approved community water and/or sewage facilities, the minimum lot areas required by this Ordinance shall be increased to include any additional area deemed necessary by the appropriate Van Buren County Health Department requirements to insure safe water supply and/or adequate sewage disposal.

**SECTION 16.20 NUMBER OF BUILDINGS ON A LOT**

Every building hereinafter erected or structurally altered shall be located on a lot and there shall be not more than one (1) main building on one (1) lot unless otherwise allowed in this Ordinance. Exceptions to the aforementioned requirement include dwellings permitted as a result of a Planned Unit Development (PUD) or open space project and temporary structures meeting the requirements set for in this Chapter.

**SECTION 16.21 ILLEGAL DWELLINGS**

The use of any portion of the basement of a partially completed building, any garage, or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. No dwelling unit shall be erected in an industrial district. However, the sleeping quarters of a watchman or a caretaker may be permitted in an industrial district in conformity with the specific requirements of the particular district.

**SECTION 16.22 OTHER PROJECTIONS INTO YARDS**

- A. **Cornice, Sill, Chimney, or Fireplace.** A cornice, eave belt course, sill, canopy, or other similar architectural feature (not including bay windows or other vertical projections which shall be a part of the main building), may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty-six (36) inches. Chimneys or fireplaces may project into a required front, side, or rear yard not more than two (2) feet, provided the width of such side yard is not reduced to less than five (5) feet.
- B. **Fire Escape.** A fire escape may extend or project into any front, side, or rear yard not more than four (4) feet.
- C. **Open Stairway, Ramp, or Balcony.** An open, unenclosed stairway, access ramp, or balcony, not covered by a roof or canopy may extend or project into a required yard not more than six (6) feet and such balcony may extend into a required front yard not more than six (6) feet. The ramp shall be built in compliance with the requirements of the Americans with Disabilities Act.
- D. **Porch, Open.** An unenclosed platform or landing which does not extend or project into any required front, side, or rear yard not more than eight (8) feet is exempted from yard requirements provided that the width of a side yard is not reduced to less than five (5) feet. An overhang, canopy, or portico may be placed over the open porch, but it shall not be enclosed.

**SECTION 16.23 ACCESS THROUGH YARDS**

Access drives may be placed in the required front or side yards so as to provide access to a rear yard. Furthermore, any walk, terrace, or other pavement serving a like function shall be permitted in any required yard.

**SECTION 16.24 ACCESSORY BUILDINGS AND STRUCTURES**

Accessory buildings and structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, structure, or use which is permitted in the particular zoning district. An accessory building, structure, or use must be in the same zoning district as the principal building, structure, or use on a lot.
- B. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. No accessory building, structure, or use may be placed on a lot without a principal building, structure, or use except as otherwise provided for in the AR zoning district. In no case shall an accessory building be located in the required front yard.
- C. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
- D. All accessory buildings, structures and uses combined shall cover no more than fifty (50) percent of any rear yard, subject to setback, lot coverage, and other standards of this Ordinance. Accessory buildings shall not be erected in any required front yard. In no instance shall such a building be nearer than ten (10) feet to any adjoining lot line or twenty-five (25) feet from a street right of way.
- E. No detached accessory building shall be located closer than ten (10) feet to any main or principal building.
- F. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on such streets in the same block or adjacent blocks.
- G. In the case of an accessory building located in the rear yard on a corner lot, the side lot line of which is substantially a continuation of the required front yard

setback of the lot to its rear, such accessory building shall be set back from the streets side at least as far as the required front yard setbacks of the lot at the rear of the subject corner lot.

- H. No accessory building may be closer than five (5) feet to any other accessory building.

**SECTION 16.25 ADULT REGULATED USES AND SEXUALLY ORIENTED BUSINESSES**

**A. Authorization.**

In the preparation, enactment, and enforcement of this section, it is recognized that there are some uses relating to sexual material which, because of their very nature have serious operational characteristics that have a deleterious effect upon residential, office, and commercial areas. Because certain forms of expression relating to sexual material have particular functional and inherent characteristics with a high potential of being injurious to surrounding properties by depreciating the quality and value of such property, it is the intent of this section to provide a framework of reasonable regulatory standards which can be used for approving or disapproving the establishment of this type of use in a viable and accessible location, where the adverse impact of their operations may be minimized.

However, it is recognized that these specified controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Special designation and regulation in the M District is therefore necessary to ensure that adverse effects of such uses will not contribute to the degradation of adjacent parcels and the surrounding area. Furthermore, these controls are intended to provide commercially viable locations within the Township where these uses are considered more compatible and less deleterious.

**B. Definitions**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **Adult-Only Uses or Sexually Oriented Businesses.** Any business which primarily features sexually stimulating material and/or performances, including the following.

- a. **Adult Bookstore.** An establishment having more than 20% of its stock in trade books, magazines and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, paraphernalia and novelty items 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 segment or section exceeds 10% of the useable floor area of the establishment.
- b. **Adult Cabaret.** An establishment which features nude or seminude entertainers, topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, nude or semi-nude waitresses or waiters or similar entertainers or an establishment which features live entertainment distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein. It may or may not offer beer or liquor depending on its license from the State.
- c. **Adult Media.** Magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
- d. **Adult Model Studio.** Any place where models who display “specified anatomical areas,” (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- e. **Adult Motion Picture Arcade or Miniature Motion Picture Theatre.** Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at anyone time, and where the images displayed depict, describe or relate to “specified sexual activities” or “specified anatomical areas.”
- f.. **Adult Movie Theater or Adult Live Stage Performing Theatre.** An enclosed building or room used for presenting motion picture

films, video tapes, cable or satellite television or any other visual media having as a dominant theme, materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activity” or “specified anatomical areas,” for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

g. **Adult Outdoor Motion Picture theatre.** A drive-in theater where at least 20% of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

h. **Adult Personal Service Business.**

(1) A business having as its primary activity a person, while nude or while displaying “specified anatomical areas,” providing personal services for another person. Such a business includes, but is not limited to modeling studios, body painting studios, wrestling studios and conversation parlors.

(2) Any establishment, club or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services; massages, body rubs, body painting, alcohol rubs, physical stimulation, baths or other similar treatment by any person.

(3) An adult personal service establishment may include, but is not limited to establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses and steam baths. The following uses shall not be included within the definition of an adult personal service establishment:

i. Establishments that routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed nurse

- practitioner or any other similarly licensed or certified medical professional;
  - ii. Establishments which offer massages performed by certified massage therapists;
  - iii. Gymnasiums, fitness centers and health clubs;
  - iv. Electrolysis treatment by a licensed operator of electrolysis equipment;
  - v. Continuing instruction in martial or performing arts or in organized athletic activities;
  - vi. Hospitals, nursing homes, medical clinics or medical offices;
  - vii. Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
  - viii. Adult photography studios whose principal business does not include the taking of photographs of “specified anatomical areas;” and
  - ix. Tattooing and/or body piercing services.
- i. **Adult Video Store.** An establishment having at least 20% of its stock in trade or at least 10% of useable floor area devoted to the distribution, display, storage or on-premises viewing of films, movies, motion pictures, video tapes, slides or other visual representations which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
- j. **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- k. **Escort Agency.** A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.



- l. **Mainstream Media Store.** A video store, bookstore or newsstand having less than 20% of its stock or less than 10% of useable floor area devoted to the distribution, display or storage of adult media.
  - m. **Sexual Paraphernalia Store.** An establishment having at least 20% of its stock in trade or at least 10% of useable floor area devoted to the distribution, display or storage of instruments, devices or paraphernalia designed for use related to “specified anatomical areas” or as part of, in connection with, or related to “specified sexual activities,” or an establishment with a segment or section devoted to the sale or display of such material.
2. With respect to adult regulated uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:
- a. **Specified Anatomical Areas.** Portions of the human body defined as follows: less than completely and opaquely covered:
    - (1) Human genitalia and pubic region;
    - (2) Buttock and anus;
    - (3) Female breast below a point immediately above the top of the areola; or
    - (4) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.
  - b. **Specified Sexual Activities.** The explicit display of one or more of the following:
    - (1) Human genitals in a state of sexual stimulation or arousal;
    - (2) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breast;
    - (3) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy;
    - (4) Human excretory functions as part of, or as related to, any of the activities described above; and

- (5) Physical violence, bondage, mutilation or rape, actual or simulated, as part of or related to, any of the activities described above.
  - c. **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a persons body, or of any object, into the genital or anal openings of another’s body.
  - d. **Sodomy.** Sexual bestiality.
  - e. **Buttock.** The anus and perineum of any person.
  - f. **Massage Parlor .** An establishment wherein private massage is practiced, used or made available as a principal use and primary service of the premises.
  - g. **Massage.** The manipulation of body muscle or tissue, by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another for a fee.
  - h. **Nude Modeling Studio.** Any building, structure, premises or a part thereof used primarily as a place which offers as its principal activity the providing of models to display specified anatomical areas for artists and photographers for a fee or other consideration.
  - i. **Massage Therapist (Certified).** An individual specifically trained and certified in massage therapy and the healing arts by the American Massage Therapy Association or similar organization.
- C. **Uses Specified.** Uses subject to these controls as defined herein as “adult only businesses” are as follows:
- 1. Adult bookstores.
  - 2. Adult video stores.
  - 3. Adult cabarets.
  - 4. Adult motion picture arcade or miniature motion picture theater.
  - 5. Adult movie theater or adult live stage performing theater.
  - 6. Adult outdoor motion picture theater.
  - 7. Adult model studios
  - 8. Escort and escort studios

9. Sexual paraphernalia store
10. Adult personal service business.
11. Other sexually-oriented businesses, as determined by the Township Board.

**D. Site Location Principles.**

The following principles shall be utilized to evaluate the proposed location of any such use. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such a use upon the district in which it is proposed:

1. No adult only business shall be located within a one-thousand (1000) foot radius, measured from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated, of any of the following: residential zoning district; church, monastery, temple, or similar place of worship; cemetery; school; library; public park or playground; non-commercial assembly facility; public office building; licensed day care facility as defined in Act 116 of the Public Acts of 1973, as amended (MCLA 722.111 et seq.); arcade; or adult foster care home or senior citizen center.
2. An adult only business shall be located as a *conditional use* in the M – Manufacturing District.
3. No adult only business shall be permitted within a one-thousand (1,000) foot radius of an existing adult only business. Measurement of the one-thousand (1,000) foot radius shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated.

**E. Site Development Requirements.**

The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.

1. Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual nature. All such displays and signs shall be in conformance with this Ordinance and shall be approved by the Planning Commission prior to their use.
2. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the

interior from any public or semi-public area as determined by the Planning Commission.

3. No loud speakers or sound equipment shall be used by an adult only business that projects sound outside of the adult only business so that sound can be discerned by the public from public or semi-public areas.
4. An adult only business shall clearly post at the entrance to the business, or that portion of the business utilized for adult only purposes, that minors are excluded.

**F. Use Regulations.**

1. No person shall reside in or permit a person to reside in the premises of an adult only business.
2. No person shall operate an adult only business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
3. The owners, operators, or persons in charge of an adult only business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.
4. No adult only business shall possess or disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
5. No person shall operate an adult personal service business without obtaining a current zoning and building occupancy permit. Such licenses shall be issued by the Zoning Administrator, Building Inspector, or duly appointed designee following an inspection to determine compliance with the relevant ordinances of Decatur Township. Such license shall be subject to all regulations of federal, state, and local governments.
6. No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use and only upon having obtained the

appropriate licenses and permits from Decatur Township, County of Van Buren, and State of Michigan.

7. To compensate for the necessary inspections and administration, the Township Board, by resolution, may establish reasonable fees that apply to this use. These may include application fees, inspection fees, and/or common fees, some of which may be determined on a per dancer basis if applicable.
8. Mainstream media outlets carrying less than 20% of adult media and/or devoting less than 10% of usable floor area to adult media are not subject to the standards for adult uses. However, the adult media shall be kept in a separate room, which shall:
  - a. not be open to any person under the age of 18
  - b. be physically and visibly separated from the rest of the store by an opaque wall
  - c. be located so that the entrance is as far as reasonably practicable for media or other inventory likely to be of particular interest to children
  - d. provide signage of the entrance stipulating that persons under 18 are not permitted inside

**G. Conditions and Limitations.**

Prior to the granting of any permit herein provided, the Planning Commission or Township Board may impose any such conditions or limitations upon the location, construction, maintenance or operation of the establishment or regulated use, as may in its judgment, be necessary for the protection of the public interest. Failure to follow such limitation or condition will act to immediately terminate any permit or license issued.

**H. Limit on Re-application.**

No application for an adult use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence not previously considered or proof of a change in conditions from the original request.

**SECTION 16.26     AUTOMOTIVE FUELING STATIONS AND SERVICE STATIONS**

**A.     Purpose.**

In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automotive fueling stations and service stations and to regulate and control other problems incidental to these uses that they may exercise upon adjacent and surrounding areas, the following regulations and requirements shall be required in any zoning district. All automotive fueling stations and service stations erected after the effective date of this Ordinance shall comply with this section. No automotive fueling station or service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with this section than existed on the effective date of this Ordinance.

**B.     Minimum Area and Frontage.**

An automotive fueling station, service station, repair center, or public garage shall be located on a lot having a frontage along the principal street of not less than one-hundred-fifty (150) feet and having a minimum area of fifteen-thousand (15,000) square feet.

**C.     Setbacks.**

An automotive fueling station, service station, repair center, or public garage building housing an office and/or facilities for servicing, greasing, and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line and not less than forty (40) feet from any side or rear lot line directly adjoining a residential zoning district.

**D.     Driveway and Curbs.**

1. All driveways providing ingress to or egress from an automotive fueling station, service station, repair center, or public garage shall comply with the standards of this Ordinance, and shall not be more than thirty (30) feet wide at the property line. Not more than two (2) curb openings shall be permitted along any street. No driveway or curb opening shall be located nearer than twenty (20) feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway. All

drive approaches shall otherwise meet Van Buren County Road Commission standards for construction, turning lanes, and placement.

2. A raised concrete curb, six (6) inches in height, shall be erected along all driveway openings to minimize erosion and to appropriately direct traffic.

**E. Paved Areas.**

All parking areas, isles, driveways and loading areas shall be hardsurfaced with concrete or a plant-mixed bituminous (asphalt) material, except undeveloped and landscaped areas.

**F. Equipment Location.**

All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline and fuel pumps shall be located not less than fifteen (15) feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street, or right of way.

**G. Number of Pumps.**

An automotive fueling station, service station, or repair center located on a lot having an area of fifteen-thousand (15,000) square feet or less shall include not more than four (4) double gasoline and fuel pumps or eight (8) single gasoline and fuel pumps and two (2) enclosed stalls for servicing, lubricating, greasing, and/or washing motor vehicles. An additional two (2) gasoline and fuel pumps and/or one (1) enclosed stall may be included with the provision of each additional two-thousand square feet of lot area.

**H. Walls and Screening.**

Where an automotive fueling station, service station, repair center, or public garage adjoins property located in any residential zoning district, screening shall be provided.

**I. Lighting.**

All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property, and shall comply with all requirements of this Ordinance.

**J. Outdoor Storage and Parking.**

Minor repair work (i.e. the replacement of wipers, light bulbs, batteries, etc.) taking one hour or less to complete shall be permitted. There shall be no storage of vehicle components, parts, trash, supplies, or equipment outside of a building. Outdoor storage or parking of vehicles or trailers, other than private passenger automobiles, shall be prohibited between 10:00 p.m. and 7:00 a.m. of the following day, except that equipment rental operations shall be permitted if incidental to the automotive fueling station, service station, or repair center, and if restricted to travel trailers or campers of under twenty-one (21) feet overall length, car-top carriers, and similar auto accessories. Such operations shall be within fenced enclosures observing the same setbacks required for buildings in the zoning district wherein the automotive fueling station, service station, or repair center is located.

**K. Removal of Underground Storage Tanks.**

In the event that an automotive fueling station, service station, repair center, or public garage use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises in accordance with State and Federal regulations and statute.

**SECTION 16.27 CONDOMINIUM DEVELOPMENT STANDARDS**

**A. Purpose and Scope.**

1. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for the purpose of this Ordinance and other applicable laws, ordinances, and regulations.

Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Subject to the district zoning provisions applicable to the



project's location, any land use permitted by the Decatur Township Zoning Ordinance may be permitted in a site condominium project.

2. The purpose of this Section is to ensure that the plans for developments within Decatur Township proposed under the provisions of the Condominium Act, Act 59 of the Public Acts of 1978, as amended shall be reviewed with the objective and intent of achieving the same characteristics as if the development and improvements therein were being proposed pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended. It is further the intent of this Section to ensure that such development is in conformance with the requirements of this Ordinance, other applicable Township ordinances and state and federal regulations.

**B. Site Condominium Review and Approval Procedures (Step I Review).**

Application for review and approval of a site condominium subdivision shall be in accordance with the following procedures:

1. Prior to the formal application for a site condominium development, the developer shall meet with the Planning Commission to review the Preliminary Plan. The purpose of this meeting is to inform the Planning Commission of the applicant's intent to initiate a site condominium project. On or before this meeting, the applicant shall submit the following to the Township Clerk, who shall distribute it to all Planning Commission members.
  - a. A sketch of the Preliminary Development Plan drawn to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and building sites; and the relationship of the proposed project to adjacent streets and neighboring properties.
  - b. A statement regarding the provision of sewer service and water supply.
2. During the discussion of the Preliminary Plan, the Planning Commission, based on the information available to it, shall inform the applicant of the following:
  - a. General requirements of this Section and other applicable provisions of this Ordinance.

- b. Planned or anticipated sites of parks and recreation areas and other public uses.
  - c. Utility system capabilities.
  - d. Planned or anticipated public improvements, including streets, utility extensions, and the like.
  - e. Street plans and potential problems relative to the natural features of the area, including, but not limited to floodplains, soil conditions, topography, and groundwater tables.
  - f. Additional information which will assist the applicant in proceeding in a reasonable and sound manner toward the final approval of the site condominium project.
3. This review is intended for information purposes only and does not constitute binding commitments on the part of the Township. Neither do they imply tentative approval of any proposed site condominium project. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.
  4. Following review of the Preliminary Plan, the applicant shall submit the site condominium subdivision plans to the following agencies for their approval:
    - a. Michigan Department of Natural Resources/Michigan Department of Environmental Quality.
    - b. Van Buren County Drain Commissioner
    - c. Van Buren County Road Commission
    - d. Other appropriate state and county review and enforcement agencies having direct approval or permitting authority over all or part of the project's construction phases.

**C. Site Condominium Review and Approval Procedures (Step II Review).**

1. An application for final review of a site condominium subdivision project shall be made to the Township Clerk along with the appropriate fees as

required by Township Board resolution. The application shall, at a minimum, contain the following information:

- a. Application for certificate of zoning compliance, which upon issuance, shall ensure that the project, as proposed, is capable of being developed in conformity with the standards and regulations applicable to the zoning district in which the project is located, subject to the customary procedures applicable to Township approvals of individual uses on individual building sites.
- b. The applicant's name, address, and phone number.
- c. Proof that the applicant is the owner of the property or has the legal or financial interest in the property such as a purchase agreement.
- d. The name, address, and phone number of the owner(s) of record, if different from that of the applicant.
- e. The legal description, address and tax parcel number of the property.
- f. Project description, including number of structures, dwelling units, square feet of building sites, open spaces, and estimated inhabitants, phasing, etc.
- g. Gross and net size of the parcel in acres.
- h. Written comments and/or approvals from the above list of agencies resulting from their review of the site condominium subdivision plans, as applicable.
- i. A copy of the proposed deed restrictions or covenants for the site condominium subdivision.
- j. A copy of any preliminary agreements which may be required before final plan approval is granted.
- k. A copy of the proposed master deed and by-laws of the project and the supportive information which is intended to be recorded with the County Register of Deeds as required by state law.

2. The applicant shall provide at least ten (10) copies of the final site condominium project plan and additional copies if deemed necessary by the Zoning Administrator. The plans at the time of their submittal shall contain the information required for preliminary and final site condominium plan as required by this Ordinance and incorporate the comments received from review of the Preliminary Plan.
3. The application and plans shall be submitted at least thirty (30) days before the next regularly scheduled meeting of the Planning Commission.
4. Upon receipt of the final site condominium project plans, the Township Clerk shall forward one copy to each member of the Planning Commission, and the Township Engineering or Planning Consultant, for consideration at the next regularly scheduled meeting of the Planning Commission.
5. The Township Clerk shall notify by mail, all the members of the Planning Commission, that a meeting will take place at a specified time concerning the property proposed for the site condominium project. At this or a subsequent meeting, a public hearing shall be held. Notice of said hearing shall be given in accordance with the requirements in Section 19.01.D. The Zoning Administrator shall also give such notice of the meeting as required by the Open Meetings Act.
6. In reviewing the final plan, the Planning Commission shall give particular attention to all information required to accompany the submission, in particular the master deed and by-laws in an effort to determine that they are adequate to ensure ultimate completion of the project in accordance to the proposed project plan. If the final plan meets the requirements of this Ordinance and all other applicable local, state, county, and federal regulations, the Planning Commission shall recommend approval. If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:
  - a. Recommend denial of the final plan, setting forth the reasons in writing, or
  - b. Recommend granting of final plan approval contingent upon completion of the revisions as noted.
  - c. Upon receiving the recommendation of the Planning Commission. The Township Board shall make the final determination whether to

approve, approve with conditions, or deny the final plan for the proposed site condominium.

- D. **General Requirements.** The following general requirements shall apply to all site condominiums and the units within them.
1. **Definitions.** The terms used in this Section are defined in the Condominium Act, P.A. 59 of 1978, as amended. The terms are used in a manner intended to make possible comparison between the provisions of this Section and Ordinance, the Condominium Act, and other applicable Township Codes and Ordinances. Specifically:
    - a. “Subdivision lot” or “lot” shall be synonymous with the term “site condominium unit.”
    - b. “Building” or “structure” shall be synonymous with the term “building envelope.”
    - c. “Preliminary plat” shall be synonymous with the term “preliminary condominium subdivision plan.”
    - d. “Final plat” shall be synonymous with the term “final condominium subdivision plan.”
    - e. “Subdivision” or “single-family residential subdivision” or “commercial subdivision” or “industrial subdivision” shall be synonymous with the term “site condominium project.”
    - f. “Proprietor” shall be synonymous with the terms “applicant” or “developer.”
  2. **Design and Layout.** Site condominium projects shall comply with the design layout and improvement standards of this Ordinance and Decatur Township as well as State law. This shall include all applicable setback, height, lot coverage, and area restrictions of the subject zoning district.
  3. **Use.** Each site condominium unit shall be located in a zoning district that permits the proposed use. If the use is a conditional use, a public hearing and approval of that conditional use will be required consistent with the requirements in Chapter 19.

4. Setbacks. Required yards shall be measured from the street right of way line or private road easement and site condominium unit boundaries to the nearest edge of the building envelope.
5. The relocation of boundaries as defined in Section 148 of the Michigan Condominium Act shall conform to all setback requirements of the district in which the project is located, shall be submitted to the Planning Commission for review and approval, and these requirements shall be made a part of the by-laws and recorded as part of the master deed.

**E. Common Elements.**

After construction of a condominium unit, the undeveloped area of a unit shall become a common element.

**F. Encroachment.**

A condominium project shall not be constructed in a manner that intentionally creates an encroachment.

**G. Subdivision of Unit Sites.**

Subdivision of condominium unit sites is permitted following Planning Commission review and approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on the conditions of zoning or development plan approval, and shall be made as part of the by-laws and recorded as part of the master deed.

**H. Conformance with Subdivision Regulations.**

All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established within this Ordinance and with the Township's Code of Ordinances.

**I. Water and Waste Water.**

The condominium project shall comply with and meet all federal, state, and county standards for a fresh water system and waste water disposal.

**J. Expansion and Conversion.**

Prior to expansion or conversion of a condominium project to additional land and new phases, it must be reviewed and approved by the Planning Commission.

**K. Master Deed.**

The project developer shall furnish the Township with one (1) copy of the proposed consolidated master deed, one (1) copy of the by-laws, and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this Ordinance to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements.

**L. As-Built Plans and Occupancy.**

Submission of an as-built plan of a condominium unit is required prior to occupancy. The Building Inspector may allow occupancy of the project before all improvements required are installed provided that an escrow is submitted to the Township, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Township. The amount and form of the escrow shall be determined by the Township Planning Commission. Fees for these reviews shall be established and adjusted by the Township Board of Trustees.

**M. Final By-Laws, Consolidated Master Deed, and Site Plan.**

Upon approval of the development, the applicant shall furnish the Township a copy of the by-laws and consolidated master deed. The development plan shall be provided on a mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.

**N. Compliance with other Statutes and Ordinances.**

All condominium projects shall comply with pertinent federal, state, and local laws, statutes, and ordinances.

**SECTION 16.28 WIRELESS COMMUNICATIONS FACILITY REQUIREMENTS**

- A. Purpose.** The purpose of this Ordinance is to regulate the placement, construction and modification of transmission towers and telecommunications facilities in the Township of Decatur, Van Buren County, Michigan, and more specifically:

1. To regulate the location of transmission towers and telecommunications facilities in the Township of Decatur, Michigan.
2. To protect residential areas and land uses from potential adverse impact of transmission towers and telecommunication facilities.
3. To minimize adverse visual impact of transmission towers and telecommunications facilities through careful design, site location, landscaping and innovative camouflaging techniques.
4. To promote and encourage shared use/collection of transmission towers and antenna support structures as the primary option rather than construction of additional single use transmission towers.
5. To avoid potential damage to property caused by transmission towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound.
6. To ensure that transmission towers and telecommunications facilities are compatible with surrounding land uses.
7. Nothing in this Ordinance shall apply to amateur or non-commercial radio and television antennas.

**B. Permitted as Principal Uses.** In the following circumstances, a new wireless communication facility shall be a principal permitted use, or a permitted accessory use, subject to site plan approval as provided in Chapter 18 Site Plan Review, and also subject to the conditions set forth in subparagraph (D) below:

1. Attached wireless communication facilities within all districts where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed;
2. Collocation of an attached wireless communication facility which has been previously approved for collocation by the Planning Commission;
3. Wireless communication facilities attached to a utility pole located within a right-of-way, where the existing pole is not modified to materially alter the structure and/or result in an impairment of sight lines or other safety interests; or



4. Wireless communication facilities with monopole support structures of no more than two-hundred (200) feet in height within the I-1 and C-1 zoning districts.

**C. Permitted as Conditional Land Uses.** Wireless communication facilities with monopole tower support of 200 ft. or less in the AR District shall be permitted as a conditional land use. Agricultural-use antennas of 200 feet or less shall also be permitted as a conditional land use in the AR district. Wireless communication facilities with monopole or lattice tower support structures with a height of greater than two-hundred (200) feet shall be permitted as conditional land uses only in the C-2, I-1 and M Zoning Districts, except that they shall not be located within five-hundred (500) feet of any R-1 or R-2 zoning district, or within a distance equal to the height of the support structure from the right-of-way line of any interstate or limited-access highway or other major thoroughfare. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located in a front yard.

**D. Permitted as Conditional Land Uses in Other Districts.**

If an applicant can demonstrate to the satisfaction of the Planning Commission that a location permitted in paragraphs B & C above cannot reasonably meet the coverage and/or capacity needs of the applicant, and the applicant can demonstrate that it has reasonably exhausted all efforts to locate its facility in accordance with paragraphs B or C above, a wireless communication facility may be permitted as a conditional use or a special accessory use within all other zoning districts, subject to the standards of Chapter 19 Conditional Land Uses, and further subject to the following conditions:

1. Such wireless communication facilities shall be located on a priority basis only on the following sites: a) governmentally owned sites; b) religious or other institutional sites; c) public or private school sites; or d) public park and other large permanent open space areas when compatible.
2. Wireless communication support structures in such locations shall be of an alternative or stealth design such as incorporation into a steeple, water tower, bell tower, or other form which is compatible with the existing character of the proposed site, the adjacent neighborhoods, and the general area, as approved by the Planning Commission.

**E. Application Requirements**

1. **Collocation of Antennas.** In addition to standard building permit application material, an applicant for the collocation of antennas on existing transmission towers or on existing buildings, light poles, utility poles or water towers shall file an application with the Township Clerk for Site Plan review, and pay the appropriate application fee, and shall further submit the following information with said application unless waived by the Township of Decatur, Michigan.
  - a. A description of the proposed antenna's location, design and height.
  - b. Documentation from an engineer demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antennas are collocating on or in regard to structures within five hundred (500) feet thereof.
  - c. Documentation from an engineer that placement of the antennas is designed to allow future collocation of additional antennas if technologically possible.
  - d. Documentation from an engineer that the antenna and related facilities will not produce sound, or designs showing how the sound is to be effectively muffled and reduced.
  - e. Plans showing the necessary easements or rights-of-way for connection to utilities, and for vehicle access.
  - f. Documents showing that necessary easements have been obtained.
  - g. If ancillary facilities will be located on the ground, a site plan setting forth the dimensions of the site, together with the locations of the ancillary facilities, and proposed and existing landscaping, including type, spacing, and size.
  - h. Documents showing that the Federal Aviation Administration (FAA) has reviewed and approved the proposal. If FAA approval requires any changes involving increased height or additional

lighting other than as initially approved, then a new application will need to be submitted, reviewed and approved.

- i. Each application to allow collocation of antennas shall include a written statement from an engineer(s) that the construction and placement and proposed use of the antennas will not interfere with public safety communications and usual and customary transmission or reception of radio, television, or other communications service enjoyed by adjacent residential and non-residential properties.

2. **Installation, Construction, or Increasing the Height of Transmission Tower.** In addition to standard building permit application material, an applicant seeking to construct, install or increase the height of a transmission tower shall file an application with the Township Clerk for a Conditional Use Permit, and pay the appropriate application fee, and shall further submit the following information with said application, unless waived by the Township of Decatur, Michigan:

- a. A description of the proposed transmission tower location, design and height.
- b. The capacity of the transmission tower in terms of the number and type of antennas it is designed to accommodate.
- c. Documentation from an engineer demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC).
- d. A signed agreement stating that the applicant will allow collocation with other users, provided all safety, structural and technological requirements are met. This agreement shall also state any future owners or operators of the transmission tower will allow collocation on the transmission tower.
- e. Documentation from an engineer that the ancillary facilities will not produce sound, or setting forth the designs showing how the sound is to be effectively muffled and reduced.
- f. A site plan setting forth the dimensions of the site, together with the location of the tower, related equipment, fencing, rights of way,

- utility easements, and proposed and existing landscaping, including type, spacing and size.
- g. Documents showing that necessary easements have been obtained.
  - h. Documents showing that the Federal Aviation Administration (FAA) has reviewed and approved the proposal. If FAA approval requires any changes involving increased height or additional lighting other than as initially approved, then a new application will need to be submitted, reviewed and approved.
  - i. The names, addresses and telephone numbers of all owners of other transmission towers or usable antenna support structures within a five (5) mile radius of the proposed new transmission tower site, including towers or support structures located within or outside Decatur Township.
  - j. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful efforts to install or collocate the applicant's telecommunications facilities on transmission towers or usable antenna support structures owned by other persons and located within a five (5) mile radius of the proposed transmission tower site, regardless of whether said towers or support structures are located within or outside Decatur Township.
  - k. Written, technical evidence from an engineer(s) setting forth the reasons that the proposed transmission tower or telecommunications facilities cannot be installed or collected on another transmission tower or usable antenna support structure located within a five (5) mile radius of the proposed transmission tower site, regardless of whether said towers or support structures are located within or outside Decatur Township.
  - l. Each application to allow construction of a transmission tower shall include a written statement from an engineer(s) that the construction and placement of the transmission tower will not interfere with the public safety communications and the usual customary transmission or reception of radio, television, or other communications service enjoyed by adjacent residential and non-residential properties.

**F. Required Standards for Wireless Communication Facilities in All Districts.**

Installation, construction or modifications of all transmission towers and antennas shall comply with the following standards, unless waived by the Township of Decatur, Michigan, as set forth in its Conditional use Permit.

1. **Separation Between Transmission Towers.** No transmission tower may be constructed within five (5) miles of any existing transmission tower. Tower separation shall be measured by following a straight line from the portion of the base of the proposed transmission tower which is closest to the base of any pre-existing transmission tower.
2. **Height:** Towers for radio, television, cellular phone and other transmitting and relay antenna towers shall be located so any setback equals the setback from any adjacent or adjoining property lines equal to or greater than the height of the tower. The maximum height shall be the minimum demonstrated to be necessary by a radio frequency engineer. However, in no case shall the height of the tower exceed 250 feet. All applications shall be accompanied by the radio frequency reception data maps showing signal strength information for the tower location.
3. **Collocation.** New transmission towers shall be designed to accommodate collocation of additional providers.
  - a. New transmission towers of a height of one hundred and fifty (150) feet or more shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification to the transmission tower.
  - b. New transmission towers of a height of at least sixty (60) feet and no more than one hundred (100) feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification to the transmission tower.
4. **Display.** No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signs with a surface area or no more than three (3) square feet. Such signs shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two (2).

5. **Construction:** All towers shall be self-collapsing and comply with all Michigan building code regulations. The applicant shall provide all appropriate engineering information, site plans, and drawings to the Building Official at the date of application. No building other than the associated support building, sidewalk, parking lot, or other area with anticipated pedestrian or vehicular traffic shall be permitted within the self-collapsing or “safe fall” area.
  
6. **Compatibility:** The entire facility must be aesthetically and architecturally compatible with the surrounding environment. The use of residentially compatible materials such as wood, brick, and stucco is required for associated support buildings which shall be designed to architecturally match the exterior of the residential structures within the neighborhood. The structures shall be located and constructed in compliance with the following criteria:
  - a. **Location Criteria**
    - (1) Facilities shall be sited to minimize views from residential areas or the public right-of-way.
    - (2) Concentration of support structures will be limited in all geographical areas to avoid excessive visual impacts.
  
  - b. **Development and Design Standards**
    - (1) Support structures shall be located as to be screened from view by siting them near tall buildings or placed existing tall trees.
    - (2) Whenever possible, all support shall be of a monopole design.
    - (3) Support structures shall be located a minimum of one hundred fifty (150) feet from any residential lot line.
    - (4) Support structures shall be painted in unobtrusive colors.
    - (5) Support structures shall be designed to prevent unauthorized climbing.
    - (6) When lighting is required by the FAA or other federal or state authority, it shall be the minimum required to meet

regulations and the same shall be approved by the Planning Commission. Any lighting for associated support building shall also be subject to Planning Commission approval. It shall be oriented inward so as not to project on to surrounding properties.

- (7) The Planning Commission may require anti-climbing devices and security fencing of at least six feet preventing access to the associated building, tower and/or guyed wires.
- (8) Signs and logos are prohibited on the tower.
- (9) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and structure, or between towers, shall be at least sixteen (16) feet above the ground at all points, unless buried underground.
- (10) Towers shall be located so that they do not interfere with television, radio or short wave radio reception in nearby residential areas.
- (11) Existing on site vegetation shall be preserved to the maximum extent practicable. However, the site shall be maintained in harmony with the surrounding properties. Where the property line of a site containing a wireless communication structure abuts a residentially zoned area, the operator shall provide a plant screen sufficient in density and height so to have an immediate buffering impact on adjacent property.
- (12) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- (13) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.

- (14) Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
  - (15) Structures shall be subject to current State and Federal regulations concerning nonionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform or the conditional use permit will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
  - (16) All structures associated with the facility shall be located on the property owned or leased by the communications company operating the facility including all guyed wires and anchors relating thereto.
  - (17) The access road leading to the facility shall be constructed of gravel and/or aggregate sufficient to maintain adequate access to the site. A driveway permit, where necessary, will be sought and received by the applicant prior to issuance of any building permit.
  - (18) The applicant is responsible for seeking and receiving any and all permits required for the site location, including but not limited to FAA, Michigan Aeronautics Commission, Van Buren County Road Commission, etc.
- c. Safety Standards: All new wireless communication facilities shall be designed within the applicable ANSI standards.
7. **Discontinuance.** When a wireless communication structure has not been used for a period of ninety (90) consecutive days after new technology is available which permits the operation of a facility without the necessity of a wireless communication structure, all parts of the structure shall be completely removed within one hundred sixty (160) days. The removal of antennae or other equipment from the structure or the cessation of reception or transmission of radio signals shall be considered the beginning of non-use. Decatur Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent a notice to the operator stating the need to remove the structure, the Township may charge up to 125% of the removal cost to the operator and/or the land owner.



8. To insure compliance with the criteria and discontinuance or removal of said tower, the Township shall require a bond. The surety/performance bond shall be on file with the Township before any permits are issued. Minimum bond amount is \$25,000 or 125% of construction cost.
9. All applications will follow the conditional use process and require final approval by the Township Board of Trustees.

**SECTION 16.29 MINING, SAND AND GRAVEL**

- A. The application for a conditional land use permit for such uses shall also contain the following:
  1. Name of owner of lands from which removal is to be made
  2. Proposed method of removal and equipment intended to be used in the removal
  3. Proposed method of restoration of area after removal of resources is completed.
  4. A map of the parcel involved showing all buildings, streets, drainage facilities and natural features within two hundred (200) feet thereof shall accompany the application.
  5. A topographic contour plan of the proposed restoration elevations shall also be presented with the application where qualities of earth are to be removed from the parcel.
  6. Certification by the Van Buren County Road Commission, Van Buren County Drain Commissioner, and the Van Buren County Soil Conservation Service that the proposed use will not severely threaten the public safety or property rights of others and that sedimentation control standards of the Soil Conservation Service will be met.
- B. The change in the natural contour of the land during mining operations and at the cessation of same shall be maintained as safe for any person having reason to be within the area of mining activity and all trespassers.
- C. No business or industrial structures or buildings of a permanent nature shall be erected without prior approval.

- D. No truck parking or truck storage shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any adjoining property.
- E. A well maintained wire or painted wooden fence shall be erected on any side adjoining a residential property.
- F. No part of the removal process shall take place closer than two hundred (200) feet to the nearest adjacent residence or closer than fifty (50) feet to any street line.
- G. The proposed restoration elevations shall be compatible with surrounding areas and adequate safeguards shall be made to insure proper drainage.
- H. The property shall be restored by the replacement of topsoil and such soil shall be stabilized by appropriate plantings.
- I. All truck traffic shall be directed away from residential streets.

**SECTION 16.30 RIPARIAN WATERFRONT LAND AND LOT USE REGULATIONS**

- A. **PURPOSE.** The following restrictions are intended to protect the quality of lakes within Decatur Township: to protect the health, safety and general welfare of riparian owners and other users of said lakes; to preserve the recreational use of said lakes while discouraging excess use thereof; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this Ordinance shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.
- B. **DEFINITIONS.** As used herein “Access Property” shall mean any waterfront parcel of land or lot adjoining or abutting a lake, or other body of water connected to a lake, which is used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from non-waterfront land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form of dedication or conveyance.
- C. **REGULATIONS.** In any zoning district where a parcel of land is adjoining or abutting a lake, or other body of water connected to a lake, whether such parcel is

held in common by a subdivision, association, or any other entity or similar agency; or held in common by virtue of the terms of a plat of record; or providing for common use under deed, easement, licensing or use covenants; or owned by one or more dwelling units located away from the waterfront, such parcel of land may be used as access property only if the following conditions are complied with.

1. Said parcel of land shall contain a minimum of fifty (50) lineal feet of water frontage and a minimum depth of one hundred (100) feet for each single family home, cottage, condominium unit, site condominium unit, apartment, or other individual dwelling unit to which access privileges are extended or dedicated. Water frontage shall be measured by a straight line which intersects each side line of said lot or parcel of land at the water's edge.
2. In no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey maps or the Michigan Department of Natural Resources MIRIS map, or have been determined to be wetland by the Michigan Department of Environmental Quality; nor shall a swamp, marsh, bog or wetland be altered by dredging or the addition of earth or fill material, or by the drainage of water for the purpose of increasing the water frontage required by these regulations.
3. In no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by these regulations.
4. Access property, as herein provided for, shall not be used as a residential lot for the purpose of constructing dwelling(s) and/or accessory structure(s) or for any commercial or business use.
5. Not more than one pier or dock may be located on such access property for each fifty (50) lineal feet of water frontage, and same shall not be located closer than twenty (20) feet from any other pier or dock.
6. Not more than four (4) watercraft may be moored or stored in any manner on land or in the water for each fifty (50) lineal feet of waterfront access property.

D. **NON-CONFORMING USES.** In any district in which access property has been established before the effective date of Ordinance No. 2 of 2000, such access

property shall retain historic uses. It is the intent of this Ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites or expansion of the use of existing sites.

**SECTION 16.31 ANIMAL USES**

- A. All new and expanding animal uses involving more than 50 animal unit equivalents, as defined by the Michigan Department of Agriculture (see table below) shall comply with Generally Accepted Agricultural and Management Practices (GAAMPs) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities as adopted by the Michigan Department of Agriculture, including the submission of a site plan and a Manure Management Plan. All potential sites for new and expanding livestock facilities must follow the MDA site selection review and verification process and must submit a letter of conformance with the GAAMP for Site Selection and Odor Control for New and Expanding Livestock Production Facilities from MDA prior to site plan approval. The following standards shall also be satisfied:

**Animal Units**

| <b>Animal Units</b>                       | <b>50</b>                |
|-------------------------------------------|--------------------------|
| <i>Animal Type</i>                        | <i>Number of Animals</i> |
| <b><i>Slaughter and Feeder Cattle</i></b> | <b>50</b>                |
| <b><i>Mature Dairy Cattle</i></b>         | <b>35</b>                |
| <b><i>Swine (over 55 pounds)</i></b>      | <b>125</b>               |
| <b><i>Sheep and Lambs</i></b>             | <b>500</b>               |
| <b><i>Horses</i></b>                      | <b>25</b>                |
| <b><i>Turkeys</i></b>                     | <b>2,750</b>             |
| <b><i>Laying Hens or Broilers</i></b>     | <b>5,000</b>             |

(All other animal classes or types of sizes (e.g., Nursery Pigs) not in this table are to be calculated as one thousand pounds live weight equals one animal unit.)

- 1. Manure tanks, animal confinement structures or pads, holdings areas and feeding areas (excluding grazing areas) shall have a minimum set back of

600 feet from any existing dwelling unit and 600 feet from all public streets or highways.

2. All manure applied to the land shall be either injected into the soil, or if manure is sprayed or spread upon the ground, same shall be disked into the soil within 24 hours thereafter.
3. If manure is disked into, injected into, sprayed over, or otherwise spread over the ground, a record shall be maintained of the time and location of these activities and shared with the Township at least every 6 months.
4. A copy of the Manure Management Plan for any use not approved through the Township shall be submitted to the Township to document manure management activities in the community.

B. New and expanding animal uses involving fewer than 50 animal units shall be permitted in the AR districts according to the density table provided below.

|                                            | <i>Cattle, bison, and other bovine animals</i> | <i>Swine</i> | <i>Llamas, sheep, goats, and other ruminants</i> | <i>Poultry, rabbit, water fowl</i> | <i>Other exotic flightless birds</i> |
|--------------------------------------------|------------------------------------------------|--------------|--------------------------------------------------|------------------------------------|--------------------------------------|
|                                            | AR                                             | AR           | AR                                               | AR                                 | AR                                   |
| <i>Min. acreage for animals</i>            | 3                                              | 3            | 3                                                | 3                                  | 3                                    |
| <i>Animals allowed on minimum</i>          | 3                                              | 1            | 3                                                | 6                                  | 5                                    |
| <i>Animals allowed per additional acre</i> | 1                                              | 1            | 1                                                | 3                                  | 1.5                                  |

\*Note: These numbers refer to actual animals, not animal units

- C. These standards shall not apply to households raising animals in the above categories (not including horses) for educational or recreational purposes. Such households shall be limited to a maximum of three (3) animals per occupant of the property and have a minimum lot size of two (2) acres in the Agriculture district.
- D. Accessory structures used to house animals shall not be located in the front yard and must be set back a minimum 50 feet from all property lines.

- E. Horses and equine fewer than 50 animal units shall be permitted in the AR district according to the following table of density and lot sizes:

|                                            | <b>Horses,<br/>Equine</b> |
|--------------------------------------------|---------------------------|
|                                            | <i>AR</i>                 |
| <i>Min. acreage for animals</i>            | 3                         |
| <i>Animals allowed on minimum</i>          | 1                         |
| <i>Animals allowed per additional acre</i> | 1/2                       |

- F. Disposal or slaughtering of animals for commercial purposes shall be prohibited.
- G. Manure shall be stored in a manner that minimizes odor and run-off. Consideration should be given to partial paving of confinement areas, storage ponds, and other Accepted Agricultural Practices (GAAMPs) regarding runoff control. When manure from confinement manure storage pits or holding areas is removed it shall be incorporated, knifed in, or disposed of in a reasonable manner following GAAMPs and taking into account the season of the year and wind direction. Sufficient area to permit proper incorporation or disposal of manure shall be provided. Manure shall not be applied and left on the soil surface in any area that is within 150 feet of surface water.

**SECTION 16.32 FRONT YARD SETBACK DETERMINATION**

As defined in Chapter 2, the front yard is measured from the front lot line to the building. The front yard setback is the minimum required depth of the front yard. The front lot line is defined as either the right of way line or easement boundary, or the property line separating the lot from the right of way or easement. It is from this line that the setback distance is measured.

In order to accurately determine the front setback, one must be able to accurately locate the front lot line. To do so requires a survey of the property. For most applications in Decatur Township, a survey is not required. However, as indicated, without a survey, the accuracy of determining the setback location diminishes. Other reliable sources include survey stakes, benchmarks, monuments, and similar devices that can be tied to documentation related to the property.

In the absence of any of these resources and if the applicant elects not to submit a survey, the Township will determine the setback by measuring the distance from the centerline of the road. It is assumed in these instances that the road is located in the middle of the right of way or

easement. Half of the width of the right of way or easement is added to the setback requirement and this distance is measured from the centerline to determine the setback location. The Township shall not be held responsible for development that results in nonconforming structures or for enforcing standards in excess of the required setback distances as a result of measurements from the centerline of the road due to the fact that the road may not be located in the center of the right of way or easement.

**SECTION 16.33 STATE LICENSED RESIDENTIAL USES**

- A. An adult foster care family home, family day care home, foster day care home, and foster family group home shall be considered a residential use of property and approved as such in all residential districts.
- B. A group day care home shall be granted a conditional use permit in any residential district if it satisfies all of the following conditions:
  - 1. The facility is located no closer than 1,500 feet to any of the following:
    - a. Another licensed group day care home.
    - b. Another adult foster care small group home or large group home licensed under the adult foster care licensing act.
    - c. A facility offering substance abuse treatment and rehabilitation services to seven or more people licensed under article 6 of the public health code.
    - d. A community correction center, resident home, halfway house, or similar facility which houses an inmate population under the jurisdiction of the department of corrections.
  - 2. The facility has appropriate fencing for the safety of the group day care home as determined by Decatur Township.
  - 3. The facility maintains the property consistent with the visible characteristics of the neighborhood.
  - 4. The facility does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit its operation between the hours of 10:00 p.m. and 6:00 a.m.
  - 5. The facility complies with all appropriate sign regulations.
  - 6. The facility provides adequate off-street parking for its employees.

**SECTION 16.34 OFF ROAD VEHICLE TRACKS**

**A. Purpose**

In the interest of maintaining public health, safety, repose and comfort, of the Township and its residents, the Township desires to define characteristics of off-road vehicle (ORV) tracks or parks and to regulate the operations of ORV's on tracks or parks within the Township.

**B. Definitions.**

1. Off-road vehicle (ORV) track or park: Any parcel of land where six (6) ORV's or dirt bikes, or more, are operating for entertainment or recreational purposes, or on any parcel of land where the landscape has been altered consistent with that of a ORV track or park so as to provide trails, jumps, obstacles, hills or tracks for racing or competing.
2. All-terrain vehicle (ATV): A 3- or 4-wheeled vehicle designed for off-road use that has low-pressure tires, a seat designed to be straddled by the rider, and is powered by a 50 cc to 500 cc gasoline engine or an engine of comparable size using other fuels.
3. Off-road vehicle (ORV): A motor driven off-road recreational vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. An ORV includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving moving power from a source other than muscle or wind. Examples of an ORV include an all-terrain vehicle (ATV), a mini-bike, motorbike, motorcycle, dirt bike, or four-wheel drive truck.

**C. Regulations**

1. Minimum lot size. The minimum lot size for an ORV track or park is fifty (50) acres.
2. Setbacks. The outer dimensions of the ORV track or park shall be five hundred feet (500') from any residence other than that of the operator, and one hundred feet (100') from any property line or right-of-way line.



3. Maximum Number. A maximum number of twenty (20) ORV's or dirt bikes will be allowed in operation at an ORV track or park at any one time.
4. Hours of operation. ORV tracks or parks may be in operation between the hours of 12:00 p.m. (noon) and 6:00 p.m. any day of the week, and no ORV's may operate on ORV tracks or parks for more than one (1) consecutive hour. For each hour of continuous operation an hour of inoperation/rest must follow immediately thereafter. (Example: If ORV's are running from 12:00 p.m. to 1:00 p.m., ORV track or park will be shut down from 1:00 p.m. – 2:00 p.m. Riding would resume at 2:00 p.m.)
5. All provision of MCL 324.81101 et. seq. shall apply to ORV use.
6. Noise limitations. ORV tracks or parks shall be subject to Township noise ordinances and/or regulations.
7. ORV tracks or parks shall be subject to such further regulations or conditions as shall be deemed reasonable and appropriate by the Decatur Township Board to comply with the purpose as set forth in subparagraph A of this Section.

## CHAPTER 17

### PARKING AND LOADING STANDARDS

#### SECTION 17.01 OFF-STREET PARKING REQUIRED.

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

Whenever the use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new uses. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

#### SECTION 17.02 GENERAL REQUIREMENTS.

In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:

- A. **Off-Street Parking Spaces for One and Two-Family Dwellings.** Off-street parking facilities required for one and two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. No parking shall be permitted in the required front yard except on a driveway which leads to an approved parking space.
- B. **Off-Street Parking for Multiple-Family and Non-Residential Uses.** Off-street parking facilities required for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within three hundred (300) feet of such building or use. Ownership or a use easement, duly recorded with the Township, shall be shown for all land areas intended for use as parking by the applicant.
- C. **Existing Parking Facilities.** An area designated as required off-street parking facilities in existence at the effective date of this Ordinance shall not be reduced below the requirements for the use or building served as set forth in this Ordinance.

- D. **Joint Use of Facilities.** Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the individual requirements at the same time of day. The maximum joint requirements will be less than the total individual requirements if the peak needs for the uses occur at distinctly different times of the day from the peaks of the other uses.
- E. **Non-overlapping Operating Hours.** In the instance of land uses requiring off-street parking spaces where operating hours of the uses do not overlap, the Planning Commission may grant an exception to the individual provisions of Section 17.03.
- F. **Restriction of Parking on Private Property.** It shall be unlawful to park or store any motor vehicle on private property without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.
- G. **Duration.** Except when land is used as permitted storage space in direct connection with a business, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles on any parking area in any district.
- H. **Use of Loading Space.** Required loading spaces shall not be counted or used for required parking.
- I. **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one (1) parking space.
- J. **Uses Not Specified.** For those uses not specifically mentioned under Section 17.03, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers to be similar in type.

### **SECTION 17.03 TABLE OF OFF-STREET PARKING REQUIREMENTS.**

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

| <b>Use</b>                                                                            | <b>Spaces Per Unit of Measure</b>                                                                                                                                                                                |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Residential</b>                                                                 |                                                                                                                                                                                                                  |
| a. Residential, One-Family and Two-Family Dwelling, including mobile homes.           | Two (2) for each dwelling unit.                                                                                                                                                                                  |
| b. Residential, Multiple-Family                                                       | One (1) for each efficiency unit, one and one-half (1-1/2) for each one (1) bedroom unit, two (2) for each two (2) bedroom unit, and three (3) for three (3) or more bedroom units.                              |
| c. Residential, Multiple-Family Senior Citizen Housing                                | One (1) for each dwelling unit plus one (1) for each employee. If units revert to general occupancy, then Section 17.03(1)b above applies.                                                                       |
| d. Boarding, Rooming, Lodging                                                         | One (1) parking space for each, and/or occupancy unit plus one (1), parking space for each employee on the largest employment shift.                                                                             |
| <b>2. Institutional</b>                                                               |                                                                                                                                                                                                                  |
| a. Churches, Temples or Synagogues                                                    | One (1) for each three (3) seats, based on maximum seating capacity in the main unit of worship.                                                                                                                 |
| b. Hospitals                                                                          | One (1) for each patient bed, plus one (1) additional space for every worker employed during the eight (8) hours shift in which the greatest number of employees are on duty.                                    |
| c. Foster Care Group Homes, Homes for the Aged, Convalescent Homes and Children Homes | One (1) for each three (3) beds, plus one (1) for each employee on the largest employment shift.                                                                                                                 |
| d. Elementary and Junior High Schools                                                 | One (1) for each one (1) teacher, employee or administrator, plus one (1) per classroom for visitor use in addition to the requirements for the auditorium, if provided.                                         |
| e. Senior High Schools                                                                | One (1) for each teacher, employee or administrator, one (1) for each ten (10) students, and one (1) per classroom for visitor use, in addition to the requirements for the auditorium and stadium, if provided. |

- f. Private Clubs or Lodge Halls                      One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
- g. Fraternity or sorority                              One (1) for each five (5) permitted active members, plus one (1) per employee on the largest employment shift.
- h. Boat Launch, Private or Public                      Twenty-four (24) combined vehicle and boat trailer spaces for each one (1) individual boat ramp.
- i. Theaters and Auditoriums                      One (1) for each three (3) seats plus one (1) for each two (2) employees on the largest employment shift.
- j. Libraries, Museums, Cultural Similar Facilities                      One (1) for each four hundred (400) square feet of gross floor area.
- k. Nursery, Day Care, or Child Care Centers                      One for each three hundred fifty (350) square feet of usable floor space.

**3. Recreational**

For each use below, additional spaces shall also be provided as required for restaurants, bars, clubhouses, pro shops, or other affiliated facilities.

- a. Archery Facilities                                      One (1) for each two targets.
- b. Softball, Baseball Fields                              Twenty-five (25) for each playing field.
- c. Bowling Establishments                              Six (6) for each lane.
- d. Health Clubs                                              One (1) for each two (2) persons who , may be legally admitted at one time based on the occupancy load established by local codes, plus one (1) for each employee on the largest employment shift.
- e. Football and Soccer Fields                              Thirty (30) for each field.
- f. Golf Course, Public or Private                              Five (5) for each golf hole, plus one for each employee on the largest employment shift.
- g. Golf Course, Miniature                              Two (2) for each golf hole, plus one (1) for each employee in the largest employment shift.
- h. Golf Driving Range                                      One (1) for each tee.

- i. Stadium, Sports Arena, or similar place of outdoor assembly  
One (1) for each three (3) seats or six (6) feet of benches, plus one (1) for each employee on the largest employment shift.
- j. Swimming Pools  
One (1) for each four (4) persons who may be legally admitted at one time based on occupancy load established by local codes, plus one (1) for each employee on the largest employment shift.
- k. Tennis Clubs and Court-Type Uses  
One (1) for each one (1) person admitted based on the capacity of the courts, plus (1) for each employee in the largest employment shift.
- l. Billiards, Skate Rinks  
One (1) for each two (2) persons who may be legally admitted at one time based on the occupancy load established by local codes, plus one (1) for each employee on the largest employment shift.

**4. Business and Commercial**

- a. Animal Hospitals  
One (1) for each four hundred (400) square feet of usable floor area, plus one (1) for each employee in the largest employment shift.
- b. Automobile Service Stations  
Two (2) for each lubrication stall, rack or pit; and one (1) for each employee on the largest employment shift.  
  
For quick oil change facilities, one (1) for each one (1) employee on the largest employment shift. In addition, stacking spaces for automobiles awaiting entrance to a service station shall be provided as required by Section 17.05.
- c. Auto Wash  
One (1) for each one (1) employee on the largest employment shift. In addition, stacking spaces for automobiles awaiting entrance to the auto wash shall be provided as required by Section 17.05.
- d. Beauty Parlor or Barber Shop  
Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
- e. Drive-In Establishments  
One (1) for each thirty (30) square feet of usable floor area, with a minimum of twenty-five (25) parking spaces, plus eight (8) stacking spaces for each drive-in or drive-thru transaction station as required by Section 17.05.

- f. Establishments for Sale and Consumption of Beverages, Food or Refreshments One (1) for each fifty (50) square feet of usable floor area.
- g. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair, and Other Similar Uses One (1) for each eight hundred (800) square feet of usable floor area exclusive of the floor area occupied in processing or manufacturing for which requirements. (see industrial establishments below) One (1) additional space shall be provided for each one (1) person employed therein in the largest employment shift.
- h. Ice Cream Parlors One (1) for each seventy-five (75) square feet of gross floor area, with a minimum of eight (8) spaces.
- i. Laundromats and Coin Operated Dry Cleaners One (1) for each two (2) washing machines.
- j. Mortuary Establishments One (1) for each fifty (50) square feet of assembly room parlor, and slumber room.
- k. Motel, Hotel or Other Lodging Establishments One (1) for each one (1) occupancy Commercial unit plus one (1) for each one (1) employee on the largest shift, plus extra spaces for dining rooms, ballrooms, or meeting rooms as required based upon maximum occupancy load.
- l. Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room, plus one space per employee on the largest employment shift.
- m. Open Air Business One (1) for each six hundred (600) square feet of lot area used in open air business.
- n. Restaurant, Carry-Out One (1) for each one hundred (100) square feet of gross floor area.
- o. Roadside Stands Six (6) for each establishment.
- p. Retail Stores, Except as Otherwise Specified Herein One (1) for each one hundred and fifty (150) square feet of usable floor area.
- q. Shopping Center/Clustered Commercial Four (4) spaces per one thousand (1,000) square feet of gross floor area.

**5. Offices**

- |                                                                                                 |                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. Banks, Savings and Loan Offices                                                              | One (1) for each one hundred (100) square feet of usable floor area, and four (4) stacking spaces for each drive-in or drive-thru transaction station as required by Section 17.05. |
| b. Business Offices or Professional Offices, except as indicated in the following item (c)      | One (1) for each two hundred (200) square feet of usable floor area.                                                                                                                |
| c. Medical or Dental Clinics, Professional Offices of Doctors, Dentists, or Similar Professions | One (1) for each one hundred (100) square feet of usable floor area in waiting rooms and one (1) for each examining room, dental chair or similar use area.                         |
| d. Offices of local, state or federal government or non-profit agencies.                        | One (1) for each two hundred (200) square feet of usable floor area.                                                                                                                |

**6. Industrial**

- |                                          |                                                                                                                                                                                                   |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. Industrial or Research Establishments | Five (5) plus one (1) for every one (1) employee in the largest working shift. Parking spaces on the site shall be provided for all construction workers during the period of plant construction. |
| b. Wholesale or Warehouse Establishments | Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every one thousand seven hundred (1,700) square feet of gross floor area, whichever is greater.     |

**SECTION 17.04 OFF-STREET PARKING FOR PHYSICALLY HANDICAPPED PERSONS.**

Off-street parking facilities as required under this ordinance shall include, in accordance with the following table and identified by signs, parking spaces which are reserved for physically handicapped persons. Signs shall be located approximately six (6) feet above grade. Each reserved parking space shall be not less than twelve (12) feet wide. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located



as close as possible to walkways and building entrances. Signs shall be provided when necessary indicating the direction to a barrier-free entranceway into a building.

| <b>Total Parking Spaces in Lot</b> | <b>Required Number of Handicapped Spaces</b> |
|------------------------------------|----------------------------------------------|
| Up to 25                           | 1                                            |
| 26 to 50                           | 2                                            |
| 51 to 75                           | 3                                            |
| 76 to 100                          | 4                                            |
| 101 to 150                         | 5                                            |
| 151 to 200                         | 6                                            |
| 201 to 300                         | 7                                            |
| 301 to 400                         | 8                                            |
| 401 to 500                         | 9                                            |
| 501 to 1,000                       | 2% of total                                  |
| over 1,000                         | 20 plus 1 for each 100 spaces over 1,000     |

**SECTION 17.05 OFF-STREET WAITING AREA AND STACKING SPACES FOR DRIVE-THRU FACILITIES.**

- A. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement, such as drive-in banks or cleaning establishments, where the automobile engine is not turned off, there shall be provided four (4) off-street stacking spaces for each service window or transaction station. Eight (8) off-street stacking shall be provided for each drive-thru transaction station of a restaurant.
  
- B. Self-service motor vehicle car wash establishments shall provide three (3) off-street stacking spaces for each washing stall. Quick oil change facilities and motor vehicle car wash establishments other than self service, shall provide stacking spaces equal in number to three (3) times the maximum capacity of the motor vehicle wash for automobiles awaiting entrance. "Maximum capacity" shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length of each wash line by twenty (20) feet. A drying lane fifty (50) feet long shall also be

provided at the exit of the washing stalls in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.

- C. An off-street waiting space is defined as an area ten (10) feet wide by twenty (20) feet long.

**SECTION 17.06 OFF-STREET PARKING LOT LAYOUT, CONSTRUCTION, AND MAINTENANCE.**

All off-street parking lots shall be laid out, constructed, and maintained in accordance with the following requirements:

- A. **Review and Approval Requirements.** In the event that new off-street parking is proposed as part of a development requiring site plan review, said proposed parking shall be shown on the site plan submitted to the Planning Commission for review in accordance with Chapter 18.01. In the event that proposed off-street parking is not part of a development requiring site plan review, the applicant shall submit a parking plan to the Township Planning Commission for review and approval.

Plans shall be prepared at a scale of not less than fifty (50) feet equal to one (1) inch. Plans shall indicate the location of the proposed parking in relation to other uses on the site and on adjoining sites, the proposed means of ingress and egress, the number and dimensions of parking spaces, and the method of surfacing. Existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout shall also be shown.

Upon completion of construction, the parking lot must be inspected and approved by the Zoning Administrator before a Certificate of Occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

B. **Layout Requirements.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

| Parking Patterns     | Lane Width | Parking Space Width | Parking Space Length | Total width of one tier of stalls and maneuvering lane | Total width of two tiers of stalls and maneuvering lane |
|----------------------|------------|---------------------|----------------------|--------------------------------------------------------|---------------------------------------------------------|
| 0°(Parallel Parking) | 12 ft.     | 8 ft.               | 23 ft.               | 20 ft. (one way)<br>32 ft. (two way)                   | 28 ft. (one way)<br>40 ft. (two way)                    |
| 30° to 53°           | 12 ft.     | 8 ft.               | 20 ft.               | 32 ft.                                                 | 52 ft.                                                  |
| 54° to 74°           | 15 ft.     | 8 ft.               | 20 ft.               | 36 ft.                                                 | 55 ft.                                                  |
| 75° to 90°           | 20 ft.     | 9 ft.               | 20 ft.               | 40 ft.                                                 | 60 ft.                                                  |

C. **Access.** All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street or alley shall be prohibited.

D. **Ingress and Egress.** Adequate ingress and egress to the parking lot shall be provided by means of clearly defined and limited drives. No entrance or exit from any parking lot in a non-residential district or from a non-residential use shall be nearer than twenty (20) feet to any residentially zoned district.

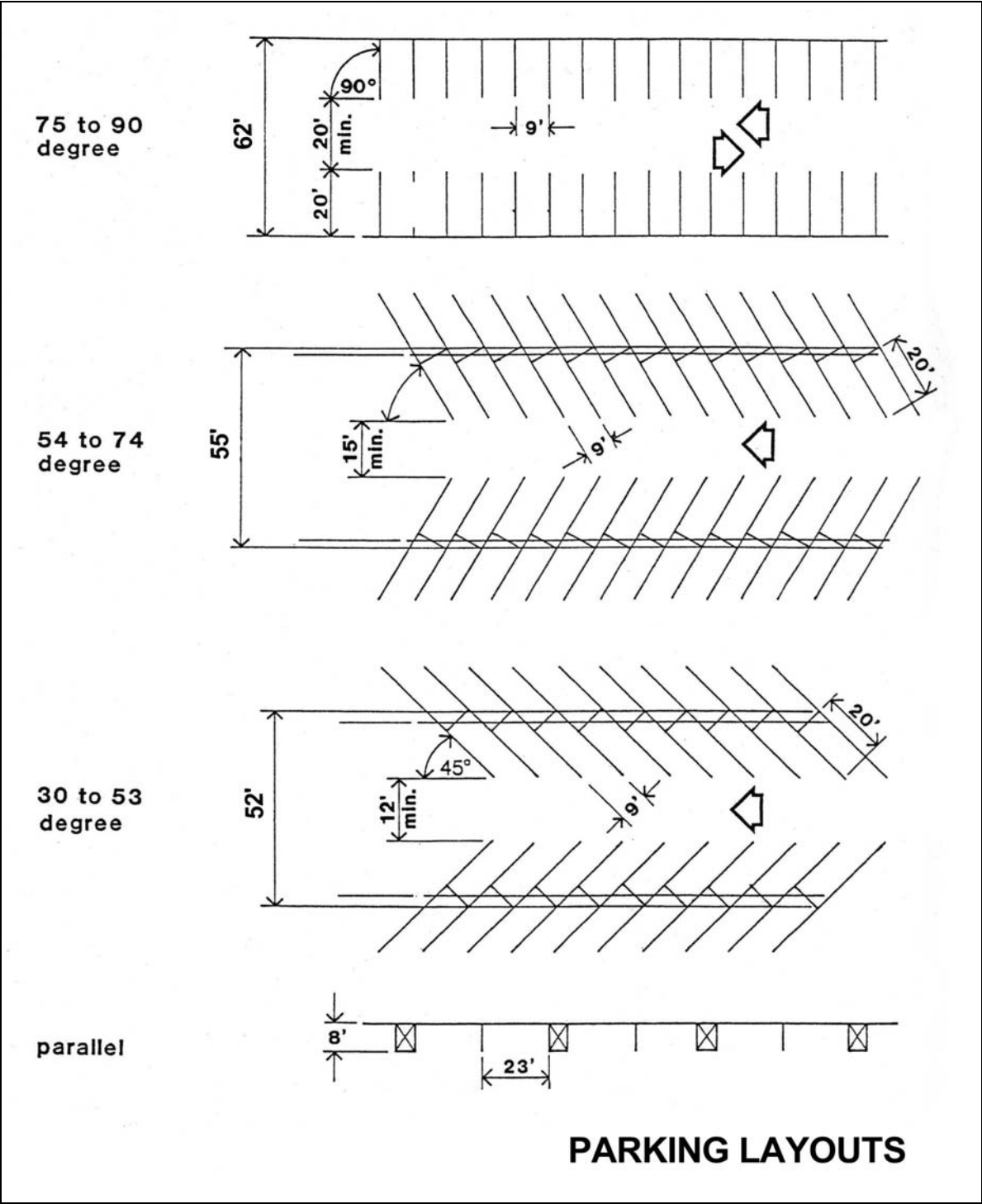
E. **Surfacing and Drainage.** The entire parking area, including parking spaces and maneuvering lanes, shall have an asphaltic or concrete surface; and shall be graded and drained so as to dispose of surface water which might accumulate on such area. No surface water from such parking area shall be permitted to drain onto adjoining private property or across a public sidewalk. Parking lots shall be continuously maintained with a hard, smooth, dust-proof surface at all times.

F. **Bumper Stops.** Bumper stops or curbing shall be provided so as to prevent any vehicle from projecting beyond the parking lot area or bumping any wall or fence or encroaching upon landscaping.

In all cases where parking lots abut public or private sidewalks, continuous concrete curbing or bumper stops, at least six (6) inches high, shall be placed so that a motor vehicle cannot be driven or parked on any part of the sidewalk. In all cases where necessary for the protection of the public and the adjoining properties, streets or sidewalks, curbs as described above, shall be installed.

G. **Striping.** All spaces shall be outlined with three (3) inch stripes of paint, the color of which contrasts with the parking lot surface.

- H. **Screening.** All off-street parking areas, except those serving single and two-family residences, shall be screened.
- I. **Parking Setbacks.** All parking setbacks as required elsewhere by this Ordinance shall be maintained.
- J. **Landscaping.** Where yard setbacks are required, all land between the required walls and the property lines, and other unpaved areas which are designed to break up the expanse of paving, shall be kept free from refuse and debris and shall be landscaped with lawns, deciduous shrubs, evergreen plant material, and ornamental trees. All such landscaping shall be maintained in a health growing condition, neat and orderly in appearance. All landscaping shall be protected by concrete or asphalt curbing.
- K. **Lighting.** All lighting used to illuminate any off-street area shall not exceed twenty (20) feet in height above the parking surface grade and shall be directed or shielded so as not to shine onto any adjacent properties or public right-of-ways.
- L. **Signs.** Accessory directional signs shall be permitted in parking areas in accordance to Chapter 15.
- M. **Buildings.** No building or structure shall be permitted on an off-street parking lot, except for a maintenance building or attendant shelter, which shall not be more than fifty (50) square feet in area and not more than fifteen (15) feet in height.
- N. **Additional Requirements.** In addition to the above requirements, parking areas shall comply with additional requirements or conditions which may be deemed as necessary by the Planning Commission for the protections of abutting properties in a residential district.
- O. **Delay in Construction.** In instances where the Board of Zoning Appeals determines that weather conditions prohibit parking lot construction, the construction may be temporarily waived, pending suitable weather, but the Board of Zoning Appeals shall require a cash or surety bond in the anticipated amount of the parking lot construction costs.



**SECTION 17.07 OFF-STREET LOADING SPACE REQUIREMENTS.**

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, and dry cleaning establishments, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way and vehicular circulation on the site.

A. Such spaces shall be provided as follows:

| Gross Floor Area<br>(In Square Feet) | Loading and Unloading Spaces |                |
|--------------------------------------|------------------------------|----------------|
|                                      | 10'x 25' space               | 10'x 50' space |
| 0 - 1,999                            | NA                           | NA             |
| 2,000 - 4,999                        | 1                            | NA             |
| 5,000 - 19,999                       | NA                           | 1              |
| 20,000 - 49,999                      | NA                           | 2              |
| 50,000 - 79,999                      | NA                           | 3              |
| 80,000 - 99,999                      | NA                           | 4              |
| 100,000 - 149,999                    | NA                           | 5              |
| 150,000 and over                     | NA                           | 5*             |

\*One additional space for each fifty thousand (50,000) square feet of floor area in excess of one hundred fifty thousand (150,000) square feet.

- B. All loading spaces shall be located in the non-required rear yard and meet all minimum yard setback requirements for the district in which it is located in accordance with this Ordinance.
- C. Loading space areas shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.
- D. All loading spaces shall have a minimum of fourteen (14) foot high clearance.

- E. Loading areas shall not utilize any required area for maneuvering to parking spaces or block general vehicular circulation.
- F. No loading space shall be located closer than one hundred (100) feet from any residentially zoned district unless located within a completely enclosed building or enclosed on all sides facing a residential zoning district by a solid masonry wall not less than six (6) feet in height.
- G. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
  - 1. Each business served shall have direct access to the central loading area without crossing streets or alleys.
  - 2. Total loading space provided shall meet the minimum requirements specified herein, computed on the basis of total floor area of all businesses served by the central loading space.
  - 3. No building served shall be more than 500 feet from the central loading area.
- H. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

## CHAPTER 18

### SITE PLAN REVIEW AND APPROVAL PROCEDURES

#### SECTION 18.01 PURPOSE

The purpose of site plan review is to provide for consultation and cooperation between the land developer and the Township in order to accomplish the developer's objectives in harmony with the existing and prospective use and development of adjacent properties. It shall be the further purpose of this section to insure that each proposed development and its components, appearance, and function is in compliance with this ordinance, other Township ordinances, and State and Federal laws. These purposes apply to development of previously unimproved sites; to the redevelopment, expansion, contraction or alteration of existing sites; and to the alteration or replacement of existing uses.

The site plan review procedures and standards in this section are intended to provide a consistent and uniform method of review for proposed development plans. Through the application of the following provisions, the attainment of the Decatur Township Master Plan will be assured, and the Township will develop in an orderly fashion.

#### SECTION 18.02 WHEN A SITE PLAN AND REVIEW BY THE PLANNING COMMISSION IS REQUIRED.

- A. **Site Plan Required.** Submission of a site plan shall be required for any of the following:
1. Any development or use for which submission of a site plan is required by provisions of this Ordinance.
  2. Any proposal to construct, move, relocate, convert or structurally alter a building, including accessory buildings. A structural alteration shall be defined as one that changes the supporting members of a building or structure as well as any change in the width or number of exits or change in the roof. This requirement shall in no way permit the expansion of a nonconforming structure so as to become more nonconforming or increase the area already in violation of the provisions of this Zoning Ordinance.
  3. Any proposal to change, replace with a different use, add or recommence a use on an existing site, including expansions in area, volume or intensity of an existing use unless otherwise permitted by this ordinance.



4. All condominium developments (including “site condominium” developments).
5. Any proposal to build, expand or decrease an off-street parking lot; or to resurface an off-street parking lot when construction includes resurfacing, drainage alterations, or addition or replacement of base or sub-grade.
6. Any other change in use or development that could affect compliance with the standards set forth in this Ordinance.
7. Any proposal to create, expand or alter a use or structure which involves using, storing, or generating hazardous substances.
8. Wireless communication facilities.

**B. Site Plan Not Required.** Submission of a site plan shall not be required in the following circumstances. However, documentation will still need to be submitted as necessary for a Zoning Compliance Permit (See paragraph C below).

1. Single and two-family dwelling units on individual lots.
2. Residential accessory buildings (for personal use) less than 1,200 sq. ft. in area in residential or agricultural zoning districts.
3. Agricultural accessory buildings located in agricultural zoning districts.
4. Uses requiring a Conditional Use Permit unless determined by the Zoning Administrator that review by the Planning Commission is required.

**C. Site Plan Review Not Required by the Planning Commission.** Uses with approved site plans or existing buildings which propose a change constituting ten percent (10%) or less of the building floor area or ten percent (10%) or less of the required parking spaces may be reviewed, approved and administered by the Township Zoning Administrator. Such review and approval by the Township Zoning Administrator shall be duly reported to the Planning Commission at the next regularly scheduled meeting.

Uses or activities not requiring site plan review before the Planning Commission shall include a sketch plan with accurate dimensions and submitted to the Township Zoning Administrator for review for a Zoning Compliance Permit showing the following information:

1. The parcel in question with dimensions and legal description
2. Plan view of existing and proposed buildings and structures
3. Existing and proposed building elevations.
4. Location of drives, public or private roadways, sidewalks, easements, and parking areas.
5. Copy of Driveway Tube approval from the Van Buren County Road Commission. If such approval is not available at the time of application, the Zoning Compliance Permit may be approved conditional on submittal of such permit within a specified time period.
6. Location of existing or proposed utilities, water, and sewage systems.
7. Description of adjacent land uses.
8. Location of existing natural and man-made site features including wood lots, wetlands, streams, lakes, ponds, and similar environmental conditions.
9. A description of any change in grade or drainage system, except those changes to accommodate basement and driveway grading. All excavation and grade changes shall have been reviewed and approved by the Van Buren County Drain Commissioner's office when located within 500 ft. of a watercourse (drain, creek, stream, river, pond or lake).
10. Any other information required by the Township Supervisor necessary to establish compliance with this and other ordinances of Decatur Township.

### **SECTION 18.03 APPLICATION PROCESS**

Application for site plan review shall be made to the Township by filing of not less than ten (10) copies of an application form and detailed site plan with the office of the Township Clerk at least thirty (30) calendar days in advance of the regularly scheduled Planning Commission meeting at which the plan is to be first considered. Fees are required to be paid in accordance with the fee schedule in effect as established by the Township Board at the time the application is made.

The Township Clerk and/or Zoning Administrator shall examine the site plan to determine that it contains all the necessary information. If it is incomplete, it shall be returned to the applicant. If it is complete and appears to comply with the requirements of the Zoning Ordinance, it shall be processed in accordance with this Ordinance.

- A.     **Application Form.** Each submittal for site plan review shall be accompanied by a completed application form furnished by the Township and shall include the following information:
1.     The applicant's name, address, and phone number.
  2.     The address and parcel number of the property.
  3.     A signed statement that the applicant is the owner of the property or has a legal financial interest in the property (i.e. purchase agreement).
  4.     The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
  5.     Project description, including the total project title, number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, and other pertinent information.
  6.     The gross and net acreage of all lots or parcels in the project.
  7.     Existing zoning classification, land uses, and structures on the subject parcel.
  8.     Name and address of developer (if different from the applicant), engineer, architect and/or land surveyor.
  9.     Project completion schedule/development phases.
  10.    Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.
- B.     **Site Plan Information.** Each submittal for site plan review shall be accompanied by a detailed site plan which shall consist of an accurate drawing, showing the

entire site and all land within 300 feet of the site. The scale of the site plan shall be not less than 1 inch = 50 feet if the subject property is less than 3 acres, and 1 inch = 100 feet if three acres or more. If multiple sheets are used, each shall be labeled and the preparer identified. If there is an accurate site plan for the lot on file with the Township, the Township Zoning Administrator may waive the requirement for a site plan. The following information shall be included:

1. Name of development and general location sketch.
2. Name, address and phone number of owner(s), developer, engineer, architect and/or designer.
3. North arrow, scale, and date of original drawing and revisions.
4. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, Registered Land Surveyor or Registered Professional Community Planner. The architectural plans of the buildings shall be prepared by and bear the seal of a Registered Architect. A site plan for an alteration or addition to an existing structure may be prepared by the builder or contractor.
5. A legal description and address of the property in question.
6. The area of the site in square feet and acres excluding all existing and proposed public rights-of-way.
7. The dimensions of all lots and subject properties, showing the relationship of the subject property to abutting properties, including lots across rights-of-way and easements. The boundaries of the subject property shall be clearly indicated on the site plan, differentiated from other contiguous property. If the parcel is a part of a larger parcel, boundaries of total land holding shall be indicated.
8. Existing topographic elevations at two foot intervals, including ground elevations of all existing buildings, drives and/or parking lots, and any adjacent unusual surface conditions. Indicate direction of drainage flow.
9. The location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, and wetlands.

10. Location and type of existing vegetation, including location of all existing trees over five (5) inches in diameter.
11. Any significant site amenities and unique features.
12. Existing land uses and zoning classification of the subject parcels and adjacent parcels.
13. All required minimum setbacks from the existing or proposed right-of-way and from adjacent lots.
14. The location and dimensions (length, width, height) of all existing and proposed structures on the subject property and all existing structures within 300 feet of the subject property.
15. The location and width of all existing public roads, rights-of-way or private easements of record, abutting streets, alleys, and driveway locations to abutting streets.
16. Copy of Driveway Tube approval from the Van Buren County Road Commission. If such approval is not available at time of application, the site plan may be approved conditional on submittal of such permit within a specified time period.
17. With residential proposals, a site summary indicating the number and location of one bedroom units, two bedroom units, etc., typical floor plans with the square feet on floor areas; density computation, recreation facilities, open spaces, street names, and lot coverage.
18. With non-residential proposals, the number of offices, number of employees, the number of floors and typical floor plans and cross sections.
19. Proposed parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed per ordinance requirements) and type of surfacing.
20. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development.

21. Proposed traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks. Designate loading and unloading areas, barrier free access, any fire lanes, and carports.
22. Proposed finish grade of buildings, driveways, walkways, and parking lots.
23. Proposed type of building materials, roof design, projections, canopies and overhangs, roof-located mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
24. Proposed water service including any proposed tap ins, main extensions or extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains.
25. Proposed sanitary sewer facilities and the location of all existing utilities, easements and the general placement of lines, manholes, tap-ins, pump stations, and lift stations.
26. Proposed storm water management plan including design of sewers, outlets (enclosed or open ditches), and retention or detention ponds. Sufficient data regarding site run-off estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanency of drainage detention and/or retention as well as the impact on local surface and groundwater. The plan shall indicate location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes should be specified on the site plan.
27. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment.
28. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam.
29. Soil erosion and sedimentation control measures.
30. Detailed landscaping plan indicating location, types and sizes of material.
31. All proposed screening and free standing architectural walls, including typical cross-sections and the height above ground on both sides.

32. The dimensions and location of all signs, both wall signs and free-standing signs and of lighting structures and shielding.
33. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
34. Location and specifications for any existing or proposed outdoor or below ground storage facilities as well as any screening or containment structures or clear zones required by government authorities.
35. Easements for proposed public rights-of-way, utilities, access, shared access, and drainage.
36. Notation of any variances which have been or must be secured.
37. Notation of performance guarantees to be provided including amounts, types, and terms.
38. Statement that applicant will comply with State, Local and Federal laws, as applicable to the site or intended use.
39. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or Township. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services, impact on historical or cultural resources, displacement of people or other uses as a result of the proposed development, alterations of the character of the surrounding area, effect on the Township 's tax base and adjacent property values, or other data which the Township may reasonably deem necessary for adequate review.
40. The size, location and description of any proposed interior or exterior areas or structures for storing, using, loading or unloading of hazardous substances. A listing of types and quantities of hazardous substances which will be used or stored on-site in quantities of hazardous substances which will be used or stored on-site in quantities greater than 100 kilograms or 25 gallons per month.

41. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup.
42. Plans depicting existing and proposed building elevations.
43. For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated. A detailed site plan need be submitted only for that portion of the property for which a building permit will be applied for; a general site plan which clearly indicates the overall project intent may be submitted for the remainder of the site.
44. Building elevations of the proposed structure(s) from each direction shall be shown.

#### **SECTION 18.04 CRITERIA FOR GRANTING SITE PLAN APPROVAL**

Each site plan shall conform to all applicable provisions of this Ordinance. The following criteria shall be used by the Planning Commission as a basis upon which site plans will be reviewed and approved. The Township shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

- A. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
- B. The site plan shall comply with the zoning district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in this Ordinance.
- C. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
- D. The site plan shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users. Where landscaping is provided, there must be provision for maintaining all plantings through a regular program of fertilizing, irrigating, pruning, mowing and replacing all dead and diseased materials.



- E. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- F. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
- G. All streets shall be developed in accordance with Township Ordinances and the Van Buren County Road Commission design specifications. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a Township recognized source of reference. The applicant may be required to dedicate adequate land and improvements to the Township in order to achieve access which is safe and convenient.
- H. Special attention shall be given to proper site drainage. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjacent lots or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm-water facilities, and the prevention of erosion and dust. In addition, special attention shall be given to the installation of appropriate fencing and other safety measures adjacent to and surrounding stormwater retention and detention areas. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Where possible and practical, drainage design shall recognize existing natural drainage patterns; the natural flow of water shall not be altered. Final grades may be required to conform to existing or future grades of adjacent properties.
- I. All off-street parking, loading and unloading areas and outside storage areas, including areas for storage of trash, that face or are visible from adjacent residential districts or public thoroughfares, shall be screened by walls, fencing or landscaping of effective height as required within the landscape provisions of this ordinance. Building entrances designed for vehicular access shall not access any building through the front yard of a development.

- J. Adequate services and utilities including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.
- K. Any use permitted in any zoning district must comply with all applicable requirements of state, local, and federal statutes including health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, wetlands, and requirements of the State Fire Marshal. Site plan approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.
- L. An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values; to relieve the stark character of parking lots; to conserve energy, provide visual and sound privacy and to otherwise facilitate the preservation and creation of a healthful, convenient, attractive and harmonious community.
- M. It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with sound site development standards of the Township and with the Township Master Plan.
- N. A major objective shall be to retain, enhance and protect the quality, value and privacy of all residential land uses.
- O. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development potential of lands.
- P. All sites shall be designed to comply with State and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

**SECTION 18.05 REVIEW AND APPROVAL.** Site Plans shall be reviewed in accordance with the following procedures:

- A. **Department Review.** The Township may secure comments from the Building Inspector, Van Buren County Road Commission, Sheriff's Department, and the Township's Consultant Engineer and/or Planner, and forward all comments to the Planning Commission for its review. The Planning Commission shall review the plans and may solicit further comments from an Engineer, Planning Consultant and other agencies, groups or persons, as appropriate.
- B. **Site Plan Approval.** The Township Planning Commission is hereby authorized to review and approve, with or without conditions or to review and deny approval, all site plans submitted under this Ordinance. Guidelines for consideration of each case shall follow the zoning ordinance and other applicable ordinances. When the Planning Commission approves a site plan with conditions from the applicant, the Township Zoning Administrator and/or Clerk shall require a revised site plan with a revision date, indicating said conditions on the site plan.
- C. **Record of Action.** Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the Decatur Township Planning Commission. A final copy of the approved site plan shall be so marked and placed on file with the Township Clerk's office.
- D. **Final Site Plan.** When a site plan approval is required, no building permit shall be issued until three copies of a final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the Planning Commission, the Township Zoning Administrator or their designees. Prior to issuance of a permit, one copy of the final signed plan shall be filed with each of the following: Township Clerk, Building Official and the Applicant.

**SECTION 18.06 ISSUANCE OF BUILDING PERMIT AFTER SITE PLAN APPROVAL.**

Complete construction plans including component phases, shall be submitted for review by the State Building Inspector. Upon review and finding that the construction plans meet with the requirements of site plan approval and other applicable ordinances of the Township, and upon receipt of the Zoning Compliance Permit from the Zoning Administrator, the Building Inspector shall issue a building permit for said construction.

Site plan approval shall be valid for one year from the date of approval. If an applicant does not obtain a building permit within one year after site plan approval, the site plan approval expires

and is of no force or effect, unless extended by a vote of the Planning Commission. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner and/or applicant.

**SECTION 18.07      MODIFICATION OF AN APPROVED SITE PLAN**

Once site plan approval has been granted by the Planning Commission, changes to the approved site plan shall require a re-submission and payment of the required application fee.

**SECTION 18.08      CONFORMITY TO APPROVED SITE PLAN REQUIRED**

Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan.

Upon completion of the installation of required improvements as shown on the approved site plan, the property owner/applicant shall submit to the Township Clerk two copies of an "as built" site plan, certified by an engineer or architect, at least one week prior to the anticipated occupancy of any building. A Certificate of Occupancy shall be withheld by the Building Official in any case where the site plan and major conditions as approved by the Planning Commission have not been complied with. Any minor variations may be approved by the Building Official, and shall be reported within 30 days to the Planning Commission after the issuance of Certificate of Occupancy.

## **CHAPTER 19**

### **CONDITIONAL USE PERMIT REVIEW PROCEDURES**

#### **SECTION 19.01 CONDITIONAL USE PERMIT REVIEW**

The Township Board, upon recommendation by the Planning Commission, shall have the following specific powers and duties concerning conditional use approvals.

- A. **Statement of Intent.** The procedures and standards set forth in this Chapter are intended to provide a consistent and uniform method for review of proposed plans for conditional land uses.

In hearing and deciding upon conditional use permit requests, the Township Board shall base its actions, and the Planning Commission shall base its recommendations, on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the Township into districts, within each district the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of conditional uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

- B. **Application.** The application for conditional land use review shall be made on the forms and according to the guidelines provided by the Zoning Administrator and/or Township Clerk and shall be submitted to the Township Clerk accompanied with the appropriate fees. Each application shall be accompanied by the following:

1. The Chapter of this Ordinance under which the conditional land use is sought.
2. A site plan which shall include all the information required by this Ordinance in Chapter 18, or a sketch at the discretion of the Township Board or Planning Commission.
3. A letter describing the proposed use of the property.
4. Other information which the Planning Commission and/or Township Board may reasonably deem necessary for adequate review.

The application shall be submitted by the owner having an interest in land for which the conditional land use approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled due to lack of representation.

- C. **Public Hearing.** Upon receipt of a complete application, site plan, and attachments, if any, the Township shall schedule a public hearing on the request. The notice shall be given in accordance with the requirements in D below.
- D. **Public Notice.** All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.
  - 1. **Responsibility.** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.
  - 2. **Content.** All mail, personal, and newspaper notices for public hearings shall:
    - a. **Describe nature of the request.** Identify the planning or zoning action being requested that requires the public hearing.
    - b. **Location.** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. (No street addresses are required when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.)
    - c. **When and where the request will be considered.** Indicate the date, time, and place of the public hearing(s).

- d. **Written comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
  - e. **Handicap access.** Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible shall be provided in the notice.
3. **Personal and Mailed Notice.**
- a. **General.** Except as otherwise provided in this Ordinance and State Law, notice shall be provided to:
    - i. The owners of property for which approval is being considered, and the applicant, if different than the owners(s) of the property.
    - ii. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed and occupants within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Township. If the name of the occupant is not known, the term “occupant” may be used in making notification.
    - iii. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 19.01.D.5, Registration to Receive Notice by Mail.
  - b. **Notice by mail/affidavit.** Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
4. **Timing of Notice.** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided for a public hearing on an application

for a rezoning, text amendment, conditional use, planned unit development, variance, appeal, or ordinance interpretation not less than fifteen (15) days before the date the application will be presented at a public hearing.

5. **Registration to Receive Notice by Mail.** Any neighborhood organization, public utility company, railroad, or any other person may register with the Clerk to receive written notice of all applications for development approval pursuant to Section 19.01.D.3, Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located.
  - a. The Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
  - b. The requesting party must provide the Clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.
  
- E. **Impact Statement.** For Conditional Uses, the Planning Commission may require the applicant prepare an Impact Assessment in accordance with the requirements in Section 13.03.E. Based on the results of the Impact Assessment, the Planning Commission may recommend and Township Board may approve a bond or escrow fee be required to ensure the restoration of the site upon completion of the proposed use to a condition where it may be feasibly used for one of the permitted uses in the subject zoning district.
  
- F. **Planning Commission Recommendation.** Following the public hearing, the Planning Commission shall review the application for the conditional land use permit, together with the public hearing findings and reports and recommendations of Township staff, consultants and other reviewing agencies. The Planning Commission shall make a recommendation to the Township Board to deny, approve, or approve with conditions, requests for conditional land use approval.
  
- G. **Township Board Review and Approval.** The Planning Commission shall forward their recommendation, the minutes and findings of the public hearing, and any reports and recommendations from the Township Staff and Consultants to the Township Board for their review. Within a reasonable time, the Board shall make a decision to deny, approve, or approve with conditions the conditional use



permit. The review and decision shall be based upon the standards provided in Section G below. The decision shall include the findings of fact, conclusions, and any conditions attached to the approval, if applicable.

H. **Standards for Granting Conditional Use Approval.** Approval of a conditional land use permit shall be based on the determination that the proposed use will comply with all requirements of this ordinance, including site plan review criteria set forth in Chapter 18.01. In addition, the following standards shall be met:

1. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
2. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the Township as a whole.
3. The proposed conditional land use shall be compatible with and in accordance with the general principles and future land use configuration of the Township Master Plan and shall promote the intent and purpose of this Ordinance.
4. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
  - a. The size, placement, and materials of construction of the proposed use in relation to surrounding uses.
  - b. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  - c. The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.
  - d. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.

- e. The hours of operation of the proposed use. Approval of a conditional land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- 5. The location of the proposed conditional land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:
  - a. Proximity and access to major thoroughfares.
  - b. Estimated traffic generated by the proposed use.
  - c. Proximity and relation to intersections.
  - d. Location of and access to off-street parking.
  - e. Required vehicular turning movements.
  - f. Provision for pedestrian traffic.
- 6. The proposed conditional land use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
- 7. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.
- 8. The proposed use shall be compatible with the natural environment.
- I. **Recording of Township Board Action.** Each action taken with reference to a conditional land use proposal shall be duly recorded in the minutes of the Township Board. The minutes shall record the findings of fact relative to each conditional land use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file in the Clerk's office and made available to the public after publication.
- J. **Effective Duration of Conditional Use Approval.** Conditional use approvals shall run with the owner/operator granted permission and may be issued for

specified periods based upon the impacts of the proposed use to surrounding property. The sale, transfer or conveyance of the property on which the conditional land use is located shall nullify the conditional use approval. Any new proposed owner or operator shall be required to submit an application for a conditional use permit and be recommended by the Planning Commission and approved by the Township Board for a new conditional use permit in order to continue said operation or activity.

- K. **Amendments to Conditional Land Uses.** When an application is received to expand or change the use, traffic pattern, or other elements of a conditional land use, the application shall be subject to the same procedures followed for an original conditional approval of land use. The denial of an application to amend an existing Conditional Use Permit shall not nullify or cause to prohibit the applicant from continuing to operate in compliance/conformance within the specifications of the original (existing) Conditional Use Permit approval.
  
- L. **Revocation of Conditional Land Use Approval.** Approval of a conditional land use permit and site plan may be revoked by the Township Board if construction is not in conformance with the approved plans. In such a case, the Zoning Administrator shall place the conditional land use on the agenda of the Township Board for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Township Board and answer questions. The Township Board may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

## **SECTION 19.02 PERFORMANCE GUARANTEES**

- A. **Purpose.** To insure compliance with the provisions of this Ordinance and any conditions imposed hereunder, the Planning Commission or Zoning Board of Appeals may require that a performance guarantee be deposited with the Township to insure the faithful completion of improvements, in accordance with the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, surfacing of drives, parking, and acceleration/deceleration lanes, traffic control devices, sewer or water line expansion, storm water retention areas and land reclamation activities.
  
- B. **Scope of Requirement.** The performance guarantee can apply only to those specific features and actions which the Planning Commission or Zoning Board of Appeals considers necessary to protect natural resources or the health, safety, or

welfare of residents, project users, or the general public. A performance guarantee may not be required for the entire project. The guarantee is limited to those project components specifically designated by the Planning Commission or Zoning Board of Appeals.

C. **General Requirements.** A performance guarantee shall be required by the Planning Commission on the applicable portion(s) of a site plan under any of the following circumstances:

1. To meet the costs of improvements required to be made by the applicant to public facilities owned by the Township as a condition of site plan approval.
2. To ensure the completion of the common elements of site plan affecting two or more parties.
3. To ensure the completion of those portions of a site plan which will not be completed by the applicant prior to a request for occupancy.

The Planning Commission may require a performance guarantee on any other specific improvement when determined by resolution that the guarantee is necessary to protect the natural resources of the Township or the health, safety, or welfare of residents, project users, or the general public.

D. **General Conditions:**

1. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. No building permit or related Township permit shall be issued unless the Zoning Administrator is satisfied that the guarantee is in full compliance with this Article.
2. The performance guarantee shall be in the form of:
  - a. A cash deposit or deposit by certified check drawn on a bank authorized to do business in the State of Michigan, or
  - b. An irrevocable letter of credit issued on behalf of the Township by a bank authorized to do business in the State of Michigan, or
  - c. A surety bond in a form and manner acceptable to the Township Attorney. The costs of the review of a surety bond by the

Township Attorney shall be paid by the applicant as part of the issuance of a permit.

3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements associated with a project for which site plan approval or zoning variance has been obtained. Accordingly, the applicant shall provide an itemized listing of estimated costs and a proposed time schedule to complete all of the improvements determined to require a performance guarantee. The Zoning Administrator shall review the submitted costs for reasonableness and shall determine an accurate amount for the performance guarantee. In determining the amount, the Zoning Administrator may consider signed contracts or sub-contracts supplied by the applicant or the Zoning Administrator may secure or require that the applicant secure a sealed statement from a licensed architect or engineer verifying the estimates.
4. Cash funds or a certified check made payable to the Township shall be deposited by the Township into an account in a financial institution with which the Township regularly conducts business.
5. In the case of a guarantee exceeding \$2000, and by request of the applicant, the guarantee may be released to the applicant in an amount proportional to the work completed on various elements, provided that a minimum of ten percent (10%) shall be retained on each element until the satisfactory completion of the entire project. The amount of work completed shall be based upon an inspection and determination by the Zoning Administrator.
6. An amount not to exceed the actual cost of the installation of landscape materials may be retained by the Township for at least one (1) year following the installation of said materials to insure proper maintenance and, if necessary, replacement. This amount shall be released to the applicant upon certification by the Zoning Administrator that all landscape materials are being maintained in good condition.
7. The unexpended balance of a performance guarantee, including interest accrued, shall be returned to the applicant following inspections by the appropriate Township officials and a positive determination by the Zoning Administrator that the required improvements have been satisfactorily completed and that all other requirements of this Chapter are met.

- E. **Unsatisfactory Completion of Improvements.** When required improvements are not installed or maintained within the time stipulated or are not completed in accordance with the standards set forth within this Ordinance or as agreed upon at the time of conditional use permit approval, the Planning Commission or the Zoning Administrator may order the improvements completed by the Township or by an independent contractor or that the site be returned to its original condition.

The Zoning Administrator shall order the completion of the improvements and so notify the applicant by certified mail at least thirty (30) calendar days prior to the undertaking of completion. During this time period, the applicant may seek an order from a court of competent jurisdiction to prevent the action by the Township.

All costs incurred by the Township for the completion of the improvements or the restoration of the site, including direct administrative costs, shall be assessed against the performance guarantee including any interest accrued on any funds deposited in escrow.

- F. **Subdivision Improvements.** This Chapter shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited with the Township by the applicant pursuant to the Subdivision Control Act (P.A. 288 of 1967, as amended).

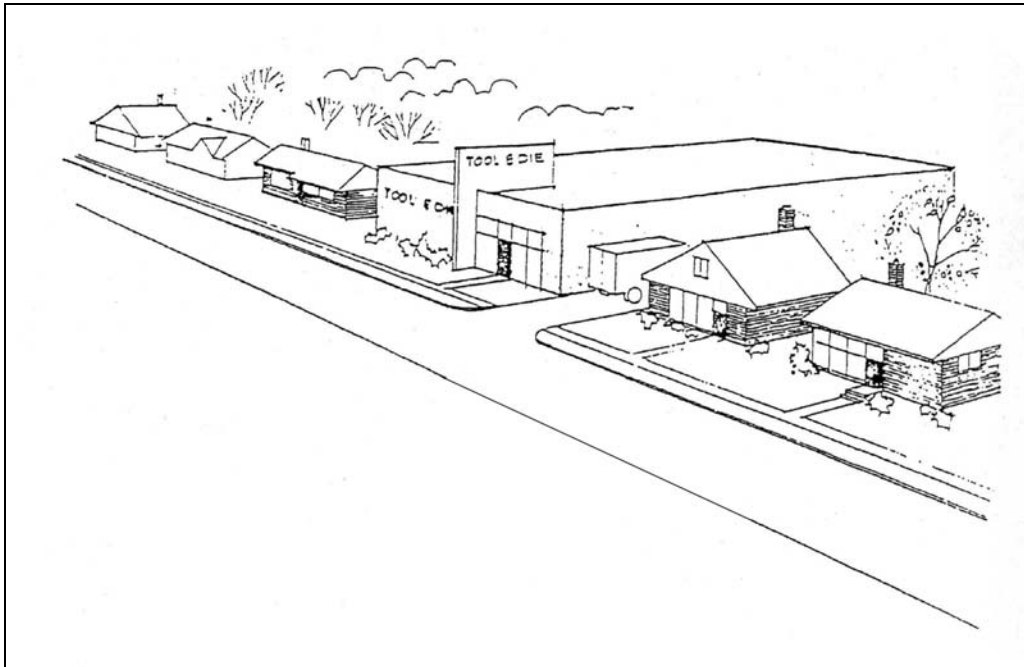
**CHAPTER 20**

**NONCONFORMING USES AND STRUCTURES**

**SECTION 20.01 INTENT**

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are declared by this Ordinance to be incompatible with the current or intended use of land in the district in which they are located.

Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.



## **SECTION 20.02 NONCONFORMING USES OF LAND**

A nonconforming use of land occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located.

Where, on the effective date of this ordinance, or the effective date of an amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. **Expansion of Use.** No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. **Moving.** No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. **Discontinuation of Use.** If such nonconforming use of land ceases for any reason for a period of more than twelve consecutive (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. In applying this Section to seasonal uses, the time during the off-season shall not be counted, provided that the off-season time for such uses is reported to the Township.
- D. **Damage by Fire of other Natural Disaster.** Any nonconforming use that is damaged by fire, flood, wind, or other natural means, may be restored, and the nonconforming use that existed prior to such damage may be continued and resumed. This shall be permitted provided that such restoration is started within 12 months after the time of such damage and is diligently pursued to completion. A one time extension of not more than one year may be granted upon review and approval of the Planning Commission. The granting of an extension will be based upon the applicant's capability to complete the project within a specified timeframe. Damaged structures with nonconforming uses that are not repaired within these time requirements shall be considered abandoned and shall lose their nonconforming status.

## **SECTION 20.03 CONTINUANCE OF NONCONFORMING USE OR STRUCTURE**

A nonconforming structure exists when the height, size, minimum floor area, or lot coverage of a structure or the relationship between an existing building and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.



Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. **Expansion of Structure.** Structures, or uses nonconforming by reason of height, yards, area, or parking provisions may be extended, altered or modernized provided that no additional encroachment of the height, yard, area or parking provisions are occasioned thereby.
- B. **Moving.** Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is relocated after it is moved.

#### **SECTION 20.04 ALTERATIONS, REPAIRS AND MAINTENANCE**

- A. **Protecting Public Safety.** Repairs or maintenance deemed necessary by the Building Inspector to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Building Inspector, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
- B. **Damage by Fire or other Natural Disaster.** Any nonconforming structure or building, but not a nonconforming use, that is damaged by fire, flood, wind or other natural means may be restored, and the conforming use or occupancy of such building or structure, or part thereof, which existed at the time of such destruction may be continued or resumed. This shall be permitted provided that the reconstruction of the nonconforming structure does not increase the nonconformity that previously existed and that such restoration is started within a period of one year after the time of such damage or event and is diligently prosecuted to completion. A one time extension of not more than one year may be granted upon review and approval of the Planning Commission. The granting of an extension will be based upon the applicant's capability to complete the project within the allowed time frame. Damaged structures or uses that are not repaired within these time conditions shall be considered abandoned and shall lose their nonconforming status.
- C. **Enlargement & Extension Beyond Present Building Confines.** No nonconforming use of land, except residential dwellings, shall hereafter be enlarged or extended beyond its present building confines. A nonconforming use

of land may however, be expanded or extended within its present building confines. Furthermore, a residential nonconforming use may be expanded or extended up to twenty-five (25) percent of the ground floor area of the existing residence.

**SECTION 20.05 TOWNSHIP REMOVAL OF NONCONFORMING USES AND STRUCTURES.**

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the Township, pursuant to Section 208, Public Act 110 of 2006, as amended, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of the nonconformity.

**SECTION 20.06 CHANGE IN TENANCY OR OWNERSHIP**

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance.

**SECTION 20.07 ENCUMBERING LAND REQUIRED TO SATISFY REGULATIONS**

No portion of a lot necessary for compliance with the provisions of this Ordinance in regard to area, height, bulk, and placement regulations in connection with an existing or proposed building, structure, or use, shall through sale or otherwise again be used as a part of the lot required in connection with any other building or structure or use.

**SECTION 20.08 UNLAWFUL NONCONFORMITIES**

No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

**SECTION 20.09 RECORDING OF NONCONFORMING USES AND STRUCTURES**

The Township shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Township with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

**SECTION 20.10 PLANS ALREADY FILED**

Where plans for a building have been filed which would conform with the zoning regulations then effective, but not with subsequently enacted regulations, and where a Building Permit for such building has been issued, such building may be erected provided construction is begun within three (3) months and diligently pursued to completion.

## **CHAPTER 21**

### **ZONING BOARD OF APPEALS**

#### **SECTION 21.01 CREATION**

It is hereby created under P.A. 110 of 2006 Township Zoning Act the Decatur Township Zoning Board of Appeals, referred in this Ordinance as the “Zoning Board of Appeals.” The Zoning Board of Appeals shall be constituted and appointed as provided by Michigan Zoning Enabling Act and shall be comprised of five members (5) members.

#### **SECTION 21.02 MEMBERSHIP**

- A. The Zoning Board of Appeals (ZBA) shall consist of five members, one of whom shall be a member of the Planning Commission. If another member is a Township Trustee, said member shall not serve as chair of the Zoning Board of Appeals.
- B. Members shall be selected from electors of the Township residing within the zoning jurisdiction.
- C. The Township Board may appoint up to two (2) alternate members to the ZBA. An alternate member may be called as specified to serve as a regular member in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate may also be called to serve for the purpose of reaching a decision on a case in which the member has abstained due to conflict of interest.
- D. The alternate member shall serve on a case until a final decision is made.
- E. An alternate member has the same voting rights as a regular member.
- F. A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which there is a conflict of interest. Failure to do so shall constitute malfeasance in office.

#### **SECTION 21.03 INTENT**

The purpose of this Chapter is to provide guidelines and standards to be followed by the Zoning Board of Appeals (ZBA) to act on matters where this Ordinance or state law gives jurisdiction to the ZBA.

**SECTION 21.04 ADOPTION OF RULES AND PROCEDURES**

The Zoning Board of Appeals shall establish fixed rules and regulations governing its procedures, meetings, operations, and actions. Said rules shall be made available to the public and shall be in conformance with this Ordinance and the Michigan Zoning Enabling Act.

**SECTION 21.05 JURISDICTION OF THE ZONING BOARD OF APPEALS**

**A. General Authority**

The ZBA shall have the authority to act on those matters where this Ordinance provides for administrative review/appeal, interpretation, or special approval/appeal, and shall have the authority to authorize a variance as defined in this Ordinance and laws of the State of Michigan. Such authority shall be subject to the rules and standards in this Section. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this Ordinance.

**B. Administrative Review**

The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this Ordinance.

**C. Interpretation**

The ZBA shall have authority to hear and decide appeals or requests for interpretation of the Zoning Ordinance, including the zoning map. The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map and boundary interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the Ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultant to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of

the Ordinance. Such authority shall include interpretation of whether a use is permitted in a given zone, or determination of off-street parking and loading requirements for any use not specifically listed. The meeting where the interpretation shall be made shall be a public hearing and be properly noticed in accordance with Section 19.01.D.

**D. Variances**

The ZBA shall have authority in specific cases to authorize one or more variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is not authorized to grant use variances by this Ordinance.

1. The ZBA may grant a requested “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulties shall require demonstration by the applicant of all of the following:
  - a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the Ordinance unnecessarily burdensome.
  - b. The variance will do substantial justice to the applicant, as well as to other property owners.
  - c. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
  - d. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
  - e. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant’s predecessors.
2. Use variances shall be prohibited in Decatur Township.

3. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other person may, but shall not be required to, provide information, testimony and/or evidence on a variance request.

**E. Conditions**

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to achieve any of the following:

1. To insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. To protect the natural environment and conserve natural resources and energy
3. To insure compatibility with adjacent uses of land
4. To promote the use of land in a socially and economically desirable manner.

Conditions imposed shall meet the following requirements:

- a. Be designed to protect natural resources, the health, safety and welfare and 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 purposes which are affected by the proposed use or activity.
- c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance, be related to the standards established in the ordinance of the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case. The breach of any such conditions shall automatically invalidate the permit granted.

## **SECTION 21.06 APPLICATION AND NOTICES**

### **A. Application**

All applications to the ZBA shall be filed with the Township Clerk, on forms provided by the Township, and shall be accompanied by the applicable fee established by resolution of the Township Board. Applications shall include a completed application form, fee, all plans, studies and other information and data to be relied upon by the applicant.

### **B. Site Plan**

A site plan shall be required with all variance requests. The plan shall be to scale and include all property lines and dimensions; setbacks; bearings of angles correlated with the legal description and a north arrow; all existing and proposed structures and uses on the property and abutting lots and parcels, dimensions of the structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this Ordinance. Where an application provides a variance sought in conjunction with a regular site plan review, a site plan prepared according to Chapter 18 shall satisfy the requirements of this section.

The ZBA shall have the authority to require a land survey prepared by a registered land surveyor or registered engineer when the ZBA determines it to be necessary to insure accuracy of the plan.

The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.

### **C. Application Involving an Appeal of Administrative Order**

In a case involving an appeal from an action of an administrative official or entity, shall transmit to the ZBA copies of all papers constituting the record upon which



the action was taken, together with a letter specifying an explanation of the action taken.

**D. Consent of Property Owner Required**

Application to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question, acknowledged by the owner(s) on the application. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.

**E. Notice**

For variances, appeals, and other matters requiring a public notice, notices shall be posted and distributed as required in Section 19.01.D prior to holding the public hearing.

**F. Stay of Proceedings**

An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property. If such certification is made, proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

**G. Decision by the Zoning Board of Appeals**

The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board or commission made in the enforcement of this ordinance, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this ordinance, or to grant a variance from the terms of this ordinance. A decision shall be made upon each case within sixty (60) days after a request or appeal has been filed with the Board unless additional time is agreed upon with the parties concerned.

**SECTION 21.07 DISPOSITION AND DURATION OF APPROVAL**

**A. ZBA Powers**

The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end,

shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this Ordinance and/or by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.

**B. Decision Final**

A decision by the ZBA shall not become final until the expiration of thirty (30) days from the date of entry of such order and service of the same upon the parties concerned unless the ZBA shall find the immediate effect of such order is necessary for the preservation of property or personal rights or public safety and shall so certify on the record. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as proposed under supervision of the secretary, shall constitute the written decision.

**C. Period of Validity**

Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the ZBA shall be valid for a period not longer than one year, unless otherwise specified by the ZBA, and within such period of effectiveness, actual, on-site improvement of property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void.

**D. Record of Proceedings**

The secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be the responsibility of the secretary of the ZBA, and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the ZBA secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval. The official records of the ZBA proceedings shall be filed with the Township Clerk and shall be public records.

**E. Appeal of a ZBA Decision**

Appeals of a ZBA decision may be taken to Van Buren County Circuit Court. Anyone aggrieved by a decision of the board may appeal a decision, provided the

appeal is filed appropriately within 30 days in accordance with the Michigan Zoning Enabling Act.

**F. New Application for Variance**

If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to reconsideration for a period of 365 days, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one year period if conditions upon which their original decision was made change, or if information relating to their original decision are found to be incorrect or inaccurate.

**G. Site Plan Requirements**

If an application or appeal to the Board of Appeals involves a development project which requires a recommendation of site plan approval by the Planning Commission, the applicant or appellant shall first apply for site plan approval as set forth in Chapter 18, "Site Plan Review". The Planning Commission shall review the site plan and shall determine the layout and other features required before granting a recommendation of approval of the site plan. The Planning Commission shall then transmit a copy of the site plan and the Planning Commission's findings thereon to the Zoning Board of Appeals.

## CHAPTER 22

### ZONING ADMINISTRATION

#### SECTION 22.01 RESPONSIBILITIES.

The Township Supervisor, or his/her duly authorized representative as specified in this Chapter, is hereby charged with the duty of enforcing the provisions of this Ordinance. Furthermore, administrative responsibilities are vested in the following Township entities:

- A. Township Board
- B. Planning Commission
- C. Zoning Board of Appeals
- D. Zoning Enforcement Officials, which shall include the Township Supervisor and his/her duly authorized assistants or representatives.

The purpose of this article is to set forth the scope of authority of these entities.

#### SECTION 22.02 TOWNSHIP BOARD

The Township Board shall have the following responsibilities and authority pursuant to this Ordinance.

- A. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to adopt this Ordinance, any amendments to this Ordinance which have been previously considered by the Planning Commission or at a hearing, or as decreed by a court of competent jurisdiction.
- B. **Setting of Fees.** The Township Board shall, by resolution, have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the Township Supervisor shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

- C. **Approval of Planning Commission Members.** In accordance with Michigan Public Act 110 of 2006, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board.

### **SECTION 22.03 TOWNSHIP PLANNING COMMISSION**

- A. **Creation.** The Township Planning Commission is created pursuant to Michigan Public Act 168 of 1959, as amended, the Township Planning Act. The Planning Commission shall have all the powers and duties provided to a Zoning Commission pursuant to Michigan Public Act 110 of 2006, as amended.
- B. **Jurisdiction.** The Planning Commission shall discharge the following duties pursuant to this Ordinance:
  - 1. Formulation of Zoning Ordinance and Amendments. The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board. All public hearings shall be properly noticed in accordance with the requirements of Section 19.01.D.
  - 2. Site Plan Review. The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Chapter 18. As provided for in Chapter 18, the Planning Commission shall be responsible for making a determination to grant approval, approval subject to revisions, or denial of submitted site plans.
  - 3. Conditional Land Use Review. The Planning Commission shall be responsible for holding hearings and review of all applications for conditional land use approval in accordance with Chapter 19 of this ordinance and make recommendations of approval, approval subject to revisions, or denial of approval of a submitted conditional use application to the Township Board. The Board shall be responsible for making the final decision.
  - 4. Planned Unit Development Review. The Planning Commission shall be responsible for holding hearings and review of all applications for planned development in accordance with Chapter 13. The Township Board shall be responsible for granting approval, approval with conditions, or denial of a Planned Unit Development proposal.

- C. **Annual Reports.** Each year, the Planning commission shall submit to the Township Board a report on the administration and enforcement of the Ordinance and recommendations for amendments or supplements.

#### **SECTION 22.04 ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall act on all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the zoning districts map. The Zoning Board of Appeals shall also hear and decide appeals from any order, requirements, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance; and shall hear and decide matters referred to it or upon which it is required to pass under this Ordinance. The Zoning Board of Appeals shall not have the power to alter or change zoning district classification of any property. The creation, responsibilities, and limitations of power of the Zoning Board of Appeals are further specified in Chapter 21 of this Ordinance.

#### **SECTION 22.05 ZONING ENFORCEMENT OFFICIALS**

- A. **Establishment of Enforcement Officials.** As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Township Supervisor or his/her duly authorized assistants or representatives. In carrying out designated duties, enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of this Ordinance.
- B. **Responsibilities of the Zoning Administrator.** The Zoning Administrator shall be appointed by the Township Board and shall serve under the direction of the Township Supervisor. The Township Zoning Administrator may have the following responsibilities:
1. Provide citizens and public officials with information relative to this Ordinance and related matters.
  2. Assist applicants in determining the appropriate forms and procedures related to site plan review, zoning, and other zoning matters.
  3. Review all applications for site plan review, conditional use review, planned development proposals, and take any action required as outlined in this ordinance.
  4. Periodically report to the Planning Commission on the status of Township zoning and planning administration.

5. Maintain up-to-date Zoning Map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and other documents in an orderly fashion.
6. Maintain a record of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses or structures changes.
7. Perform other related duties, as specified by the Township Supervisor and/or Clerk.

C. **Responsibilities of the Township Clerk.** As the primary Administrative Official in the Township, the Clerk shall be responsible for the distribution of applications and information to the public and the collection of applications and permits. The Clerk shall be responsible for the processing and distribution of these items to the proper entities prior to the appropriate meeting. The Clerk shall also be certain that recommendations and materials necessary to communicate between the Planning Commission and Township Board are completed. If desired, the Township Clerk may designate some or all of these duties to another individual in the Township who will bear the same responsibilities.

D. **Conformance with this Ordinance.** It shall be unlawful for the Zoning Administrator to approve any plans or issue any zoning permits until he has inspected such plans in detail and found them to conform with this Ordinance. Without a zoning permit, the Building Official shall not grant a certificate of occupancy.

## **SECTION 22.06 CERTIFICATE OF ZONING APPROVAL**

It shall be unlawful to hereafter commence or to proceed with the excavation for foundation, erection, construction, alteration, enlargement, extension, or moving of any building or structure, or any part thereof; or to change the use of a building, premises, or land or a part thereof to a different use or zoning classification until a Certificate of Zoning Approval shall have been issued by the Township Zoning Administrator.

- A. Applications for a Certificate of Zoning Approval shall be made in triplicate and in writing to the Township Zoning Administrator on forms provided by said Township and shall:
  1. Be signed by the owner of said premises or his qualified agent;
  2. Contain the Tax ID Number of said premises and the address of same;

3. Set forth the proposed use of said premises and buildings situated thereon;
  4. Certify that all provisions of this Ordinance and all other applicable laws and requirements will be complied with (which shall include but not be limited to a Sanitation Permit and Driveway tubes when required);
  5. Contain a site plan showing location and size of premises; dimensions and location of proposed buildings and alterations and additions thereto and other buildings on said premises; set back dimensions; signs; parking areas; and such other data upon which the applicant intends to rely upon to obtain this Certificate;
  6. Be accompanied by such permit fee, as the Township Board shall establish from time to time by Resolution.
- B. The Zoning Administrator shall, within fifteen (15) days after receipt of said application, make a determination whether the building, alteration or addition thereto or proposed use of a building or land, conforms to all provisions of this Ordinance, and if said Administrator so finds, a Certificate of Zoning Approval shall be issued. If the building or proposed use of a building or land is nonconforming, said Certificate of Zoning Approval shall be denied. Said denial shall specifically state wherein the building or proposed use of a building or land differs from this Ordinance. One (1) copy of the application, with proper notations thereon, including approval or denial and the date thereof shall be filed with the Township Clerk as a record, one (1) copy shall be retained by the Zoning Administrator, and one (1) copy shall be returned to the applicant.
- C. Certificate of Zoning Approval shall be non-transferable and shall expire by limitation six (6) months after date of issue if no construction is commenced. A Certificate of Zoning Approval may be extended, after showing cause, for one (1) or more extensions of time, for periods not exceeding ninety (90) days for each extension. A Certificate of Zoning Approval must be obtained prior to application for a Building Permit.
- D. No structure shall be erected, altered, moved or excavation started until the State Building Inspector shall have issued a building permit for such erection or alteration.
- E. It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a Certificate of Occupancy has been issued by the State Building



Inspector for that premises certifying that the structure or use complies with the provisions of this Ordinance and all other applicable laws and regulations. Such occupancy permit shall be granted or denied within thirty (30) days from the date that a written application for such certificate is filed with the State Building Inspector.

- F. Prior to the issuance of such Certificate of Occupancy, the State Building Inspector shall be satisfied that the building erected or that the alterations done, shall comply in all respects with the building and health laws and ordinances and the provisions of these regulations. It shall be the duty of the applicant for such Building Permit or Certificate of Occupancy to furnish to the State Building Inspector such plans or other information as the building inspector may require in order to be reasonably satisfied that the building to be erected or altered will so comply. Fees charged for Certificate of Zoning approval shall be paid to Decatur Township and fees charged for a Building Permit and Certificate of Occupancy shall be paid to the Sate of Michigan or State Building Inspector.

## **CHAPTER 23**

### **AMENDMENTS TO THE ZONING ORDINANCE AND MAP**

#### **SECTION 23.01 STATEMENT OF INTENT**

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the Township, this Ordinance shall not be amended except to correct an error in the Ordinance or, because of changed or changing conditions in a particular area or in the Township generally, to rezone an area, to extend the boundary of an existing District or to change the regulations and restrictions thereof. Such amendment to this Ordinance may be initiated by any person, firm, or corporation by filing an application with the Township Clerk; by motion of the Township Board; or by the Planning Commission requesting the Township Clerk to initiate an amendment procedure. The procedures for amending this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended.

#### **SECTION 23.02 AMENDMENT PROCEDURE**

- A. **Application.** Applications for amendments to this Ordinance shall be filed with the Township Clerk on an appropriate form provided by the Township and accompanied by the required fee. All applications for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following:
1. The applicant's name, address and interest in the application as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
  2. The nature and effect of the proposed amendment.
  3. If the proposed amendment would require a change in the Zoning Map, a complete legal description of the entire land area effected, the present zoning classification of the land, the names and addresses of the owners of all land and the legal descriptions of their land within the area to be rezoned. Also, a fully dimensioned drawing shall be submitted showing the land which would be affected, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration, and the location of all existing and proposed buildings.

4. If the proposed amendment will correct an alleged error, a detailed explanation of such alleged error and detailed reasons the proposed amendment will correct the same.
  5. The changed or changing conditions in the area or in the municipality that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
  6. All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.
- B. **Receipt of Application.** The Township Clerk, upon receipt of an application to amend the Ordinance, shall review the application for completeness and refer same to the Planning Commission for study and report. The Planning Commission shall cause a complete study of the proposed amendment and hold a public hearing in accordance to Subsection (c) below.
- C. **Public Hearing.** Notice of the public hearing for an amendment to this Ordinance shall be given in accordance with the requirements in Section 19.01.D. However, if the amendment is to the zoning map and involves 11 or more parcels, individual street addresses or parcel identification do not need to be provided in the notice for each of the parcels involved. In addition, notice is not required to be distributed to the owners and residents of properties within 300 feet of these 11 or more parcels.
- D. **Planning Commission Recommendation.** Following the public hearing, the Planning Commission shall prepare a report and its recommendations regarding the proposed amendment, and transfer such to the Township Board.
- E. **Township Board Action.** After the Planning Commission has held a Public Hearing and has made a written report to the Township Board indicating their recommendation on the proposed amendment, the Township Board may adopt the proposed amendment, decline to adopt the proposed amendment, or may adopt it in whole, part, or with or without additional changes. The Board may also hold a public hearing on the proposed amendment or refer the proposed amendment back to the Planning Commission for further study and review or for additional public hearings.

**SECTION 23.03 PROTESTS.**

Upon the filing of a notice of intent to request a referendum, the effective date of an amendment shall be either thirty (30) days after publication, if a petition is not filed or the petition lacks adequate signatures, or after approval by the electors if an adequate petition is filed.

Within thirty (30) days following the adoption of an amendment to the Zoning Ordinance, a petition signed by a number of qualified and registered voters residing in the unincorporated portion of Decatur Township equal to not less than fifteen (15) percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected may be filed with the Office of Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of Decatur Township for their approval in accordance with Sections 402 and 403 of the Public Act 110 of 2006.

**SECTION 23.04 CONFORMANCE TO COURT DECREE**

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

**CHAPTER 24**

**VIOLATIONS AND PENALTIES**

**SECTION 24.01 PUBLIC NUISANCE**

Buildings erected, altered, raised, or converted (including tents, mobile homes, and trailer coaches), or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se, and shall be subject to abatement.

**SECTION 24.02 VIOLATION DEFINED**

Any person, firm, corporation, or agent, or employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement official, shall be deemed in violation of this Ordinance. Each day that a violation exists shall constitute a separate offense.

**SECTION 24.03 PENALTIES**

- A. Any person, firm, corporation or other entity who violates the provisions of this Ordinance is responsible for a civil infraction as defined by Michigan Law and subject to civil fine determined in accordance with the following schedule:

|                                                      | <b>Minimum</b> | <b>Maximum</b> |
|------------------------------------------------------|----------------|----------------|
| First violation within a three year period*          | \$50           | \$500          |
| Second violation within a three year period*         | \$125          | \$500          |
| Third violation within a three year period*          | \$250          | \$500          |
| Fourth or more violation within a three year period* | \$400          | \$500          |

\*determined on the basis of the date of the violation(s)

- B. Additionally, the violator shall pay costs, which may include all direct and indirect expenses to which Decatur Township has been put in connection with the violation. In no case, however, shall the costs of less than \$9.00 or more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- C. The Decatur Township Board may further institute injunction, mandamus, abatement, or any other appropriate action to prevent, enjoin, abate or remove any violations of this Ordinance.

**SECTION 24.04 RECORDS OF VIOLATIONS AND REMEDIES**

The Township shall keep accurate records of all decisions and actions relative to identified violations and corresponding actions and remedies.

**CHAPTER 25**

**EFFECTIVE DATE AND REPEALER**

**SECTION 25.01 EFFECTIVE DATE**

This Zoning Ordinance is subject to a referendum pursuant to MCL 125.3402, and therefore said Zoning Ordinance shall not take effect until the expiration of seven (7) days after the publication of this notice, unless a Notice of Intent to file a Petition for Referendum is filed with the Decatur Township Clerk within the aforesaid seven (7) days.

In the event the aforesaid Notice of Intent is timely filed, this Ordinance shall not take effect until the expiration of thirty (30) days after publication of this notice, if no Petition for a Referendum is filed with the Decatur Township Clerk within the aforesaid thirty (30) days, or the Clerk determines that said Petition is inadequate.

In the event an adequate Petition is filed within thirty (30) days of publication of this notice, this Zoning Ordinance shall not take effect until approved by a majority of the registered electors residing in Decatur Township voting on said Petition at the next regular election or at any special election called for that purpose.

**SECTION 25.02 REPEALER**

The present Decatur Township Zoning Ordinance, adopted May 14, 1996, is hereby repealed, and all other Ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Adopted by the Township of Decatur, Van Buren County, Michigan, on this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Joseph Miller, Supervisor

\_\_\_\_\_  
Janet Abshagen, Clerk

I, Janet Abshagen, Clerk of the Township of Decatur, Van Buren County, Michigan, do hereby certify that Board Member \_\_\_\_\_ moved the adoption of said Decatur Township Zoning Ordinance and that Board Member \_\_\_\_\_ supported said motion.

**ORDINANCE NO. 2 of 2009**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF DECATUR TOWNSHIP, VAN BUREN COUNTY, MICHIGAN, BY ADDING TO CHAPTER 16, ENTITLED "GENERAL PROVISIONS AND EXCEPTIONS", THE ITEMS SET FORTH IN THIS ORDINANCE.**

**THE TOWNSHIP OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:**

**Section 1:** The Zoning Ordinance for Decatur Township, Van Buren County, Michigan is hereby amended by adding to Chapter 16 of said Ordinance the following provisions.

A. Section 16.24 - Accessory Building and Structure is hereby amended by adding thereto the following provision.

1. No travel trailer, motor home, mobile home or semi-trailer shall be used as an accessory building or structure in R-1 (Low Density Residential District) and in R-4 (Lake Residential District); provided however that semi-trailers may be temporarily used for storage purposes for a period not exceeding twenty days when the user thereof is in the process of moving to a new location; and provided further that office and storage trailers of Building Contractors are permissible under the provisions of Section 16.15 (B);

B. The following Sections are hereby added to Chapter 16 as follows:

**1. Section 16.35 - INSTALLATION OF DRIVEWAY CULVERTS.**

All driveway culverts, or tubes, which are required by the Michigan Department of Transportation or the Van Buren County Michigan Road Commission for driveway permits, shall be properly installed prior to the construction of the driveway serving said premises. A Certificate of Zoning Approval shall not be issued until any required culvert or tube has been properly installed.

**2. Section 16.36 - UNLAWFUL OCCUPATION OF FLOODPLAINS, STREAMS AND RIVERS.**

A person shall not occupy, or permit the occupation of the land for residential, commercial or industrial purposes, or fill or grade, or permit the filling or grading for a purpose other than agricultural of land in a floodplain, stream or river bed or channel of a stream or river, as ascertained and determined by the Michigan Department of Environmental Quality. No building or structure or addition thereto shall be constructed within a floodplain, stream or river bed or channel of a stream or river except as permitted by the Michigan Department of Environmental Quality as provided in MCL 324.3108.



3. **Section 16.37 - LOT ACCESSABILITY.**

No dwelling unit shall be built on a lot unless the lot abuts upon a public street, or existing private street, or upon a permanent unobstructed access easement of record to a public street. Such easement of record shall have a minimum width of twenty (20) feet, excepting where an access easement of record of less width existed prior to the adoption of this Ordinance. All persons using private streets and easements for access shall maintain and keep same in good repair to enable fire equipment, quick response vehicles and other emergency vehicles to have access to premises served by said private streets or easements without hazzard to emergency equipment vehicles or responders. All regulations contained in the Zoning Ordinance shall apply to such easements of record in the same manner as if the same were dedicated streets.

4. **Section 16.38 - PERFORMANCE GUARANTEES**

A. **Purpose.** To ensure compliance with the Decatur Township Zoning Ordinance, and any amendments thereto and any conditions imposed under said Zoning Ordinance, the Decatur Township Board, Planning Commission and/or Zoning Board of Appeals may require performance guarantees deemed appropriate in accordance with The Michigan Zoning Enabling Act, Public Act 110 of 2006, Section 505 (MCL 125.3505). Performance Guarantees are described and set forth in Chapter 19 of the Decatur Township Zoning Ordinance at Section 19.02.

**Section 2: SEVERABILITY.** Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Section 3: REPEAL.** All other Ordinances or parts thereof of the Township of Decatur, Van Buren County, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 4: DATE OF EFFECT.** This Ordinance amending the Decatur Township Zoning Ordinance is subject to a referendum pursuant to MCL 125.3402, and therefore this Ordinance shall not take effect until the expiration of seven (7) days after the publication of this Ordinance, unless a Notice of Intent to file a Petition for Referendum is filed with the Decatur Township Clerk within the aforesaid seven (7) days.

In the event the aforesaid Notice of Intent is timely filed, this Ordinance shall not take effect until the expiration of thirty (30) days after publication of this Ordinance, if no Petition for a Referendum is filed with the Decatur Township Clerk within the aforesaid thirty (30) days, or the Clerk determines that said Petition is adequate.