

## **Chapter 1**

### **ZONING**

**[HISTORY: Adopted by the Township Board of Trustees of the Township of Lawrence 3-26-2005, as amended 8-8-2013 (Ord. No. 1 of the 2005 Code). Subsequent amendments noted where applicable.]**



ARTICLE I  
**Preamble; Short Title**

**§ 1-1.1. Preamble. [Amended at time of adoption of Code (see Ch. 20, Code Adoption, Art. II)]**

An ordinance enacted to provide for the establishment of zoning districts and regulations for those areas of the Township of Lawrence, within which the proper use of land and natural resources may be encouraged and regulated; to provide for the location, size, and type of uses that may be made of real property; to provide for safety, and other protective measures; to regulate the density of population; to provide for the administration, enforcement and amendment of this chapter; to provide for appeals, to provide for the establishment of a Township Board of Appeals and for the organization and procedures to be followed by the Board of Appeals; to provide for penalties for violations; to prescribe duties for the Township Planning Commission and to provide for the repeal of all other ordinances, or parts thereof, inconsistent with and contrary to the contents of this chapter.

**§ 1-1.2. Short title.**

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



ARTICLE II  
**Purpose and Legislative Intent**

**§ 1-2.1. Purpose.**

Pursuant to the authority granted to Lawrence Township by the Public Acts of the State of Michigan and based upon the Township Comprehensive Development Plan and Policies for the future, this chapter is established for the following purposes.

- A. Promoting and protecting the public health, safety, and general welfare.
- B. Protecting the character and the stability of the open space, residential, and nonresidential areas within Lawrence Township and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to protect the public health.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Promoting healthful surrounding for family life in residential areas.
- F. Preventing the overcrowding of land and undue concentration of buildings and structures, so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- G. Enhancing the desirability and community design of the environment throughout the Township.
- H. Conserving the expenditure of funds for public improvements and services.

**§ 1-2.2. Legislative intent.**

Zoning districts contained in this chapter each have a defined purpose and are based on the Lawrence Township Comprehensive Development Plan and Policies for future land use and development. The districts are sized to be adequate to handle long-term needs, and yet must be monitored relative to any necessary changes or updating as time passes. While the various regulations limit the use of properties, this chapter provides landowners with a range of choices, flexibility, and options for development.

**§ 1-2.3. Compliance.**

Full compliance with the terms and conditions of this chapter, as determined by the Building Official or the Official's duly authorized agent, shall not guarantee that a building, structure or development complies with other requirements of federal, state or local law; however, such law may be described. Any applicant who obtains a zoning permit is solely responsible for full compliance with all terms and conditions of other applicable law which may now be approved or later amended or replaced by statutes of codes of similar purpose, including, but not limited to: the State Construction Code, state statutes concerning county drains, control of soil erosion and sedimentation, County Health Department water and sanitation requirements and all Township ordinances relating to proposed buildings, structures and land uses.<sup>1</sup>

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1. Editor's Note: See Ch. 2, Junkyards, Ch. 5, Division of Lots; Ch. 6, Outdoor Assemblies, Ch. 15, State Construction Code; Ch. 16, Land Division, Ch. 17, Blight, and Ch. 19, Dangerous Structures.

ARTICLE III  
**Administration and Enforcement**

**§ 1-3.1. Administration. [Amended 4-12-2018]**

- A. The provisions of this chapter shall be administered by the Township Planning Commission, the Zoning Board of Appeals, and the Board of Trustees in accordance with Act 33 of Michigan Public Acts of 2008,<sup>2</sup> as amended, and Act 110 of the Michigan Public Acts of 2006, as amended.<sup>3</sup> **[Amended at time of adoption of Code (see Ch. 20, Code Adoption, Art. II)]**
- B. The Township Board of Trustees shall employ or designate a Building Official to act as its officer, or officers, to effect the proper and consistent administration and enforcement of this chapter. The terms and conditions of employment or designation shall be established by the Board of Trustees.
- C. A "building official" is the officer or other designated authority charged with the administration and enforcement of the Lawrence Township Building Code, or his or her duly authorized representative, and is also known as the "Zoning Administrator" for purposes of this chapter.
- D. The designation of a building official may be by ordinance or resolution.
- E. The Building Official is tasked with enforcement of this chapter, and the Code of the Township of Lawrence, Chapters 2, 5, 6, 15, 16, 17, 19, and 26, and all other Lawrence Township ordinances related to land use and construction. The Township may employ multiple building officials with equal, overlapping, and/or distinct authority. A building official may take actions that require a license under state or federal law only if duly licensed. A licensed building official may provide the factual support for a citation or action initiated by another building official or enforcement officer.

**§ 1-3.2. Relief from personal responsibility. [Amended 4-12-2018]**

The Building Official, Planning Commissioner, or other person or entity tasked by ordinance or resolution with the enforcement of this chapter, while acting for the Township, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her official duties. Any suit instituted against any of the aforementioned because of an act performed by him/her in the lawful discharge of his/her duties and under the provisions of this chapter shall be defended by the legal representative of the Township until the final termination of the proceedings. In no case shall any of the aforementioned be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this chapter, and any of the aforementioned acting in good faith and without malice shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his/her official duties in connection herewith.

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2. Editor's Note: See MCLA § 125.3801 et seq.

3. Editor's Note: See MCLA § 125.3101 et seq.

**§ 1-3.3. Duties of Building Official.**

It shall be the responsibility of the Building Official to enforce the provisions of this chapter and in so doing shall perform the following duties:

- A. Issue permits. All applications for building permits shall be submitted to the Building Official, who shall issue building permits and certificates of occupancy when all applicable provisions of this chapter have been complied with.
- B. File applications. The Building Official shall maintain files of all applications for zoning permits and for certificates of occupancy and shall keep records of all zoning permits and certificates of occupancy issued. These shall be filed with the Building Official; such files and records shall be open to public inspection. Copies shall be furnished upon request to any person. Cost for these copies will be determined by the Board of Trustees.
- C. Official copies. Maintain one official copy of an updated zoning ordinance and Zoning District Map, and its amendments.
- D. Inspections. The Building Official or his/her authorized agent shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this chapter.
- E. Record of complaints. The Building Official shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter, and of the action taken consequent to each such complaint; such records shall be public record.
- F. Report to Township Board. The Building Official shall report to the Lawrence Township Board at least quarterly summarizing for the period since the last previous report of all building permits, and certificates of occupancy, all complaints of violation, all appeals, variances and exceptions granted by the Zoning Board of Appeals and state action taken subsequent thereto. Closed files shall be forwarded to the Township Clerk.

**§ 1-3.4. Duties of Planning Commission.**

The following provisions shall apply, subject to the approval and/or upon the request of the Township Board.

- A. Adopt rules and guidelines for the proper administration and enforcement of this chapter.
- B. Act as a policy board on matters of enforcement and administration of this chapter not covered by adopted rules or guidelines.
- C. Conduct public hearings.
- D. Make comprehensive review and recommend changes to this chapter every five years.
- E. Review all proposed requests for special use permits and/or amendments to this chapter for compliance with requirements of this chapter based on Articles VII and



XII and thence recommend appropriate action to the Township Board for approval, disapproval or modification.

- F. Planning Commission members shall attend training sessions as required by the Township Board of Trustees.

**§ 1-3.5. Procedures.**

- A. The Planning Commission shall adopt rules and regulations to govern its procedures. The Planning Commission shall appoint one of its members as Chairperson. The concurring vote of a majority of the members of the Planning Commission shall be necessary to revise any order, requirements, decision or to decide in favor of an applicant any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.
- B. Meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Board in its rules of procedure may specify. Minutes shall be kept of each meeting, and the Commission shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.
- C. The Planning Commission shall fix a reasonable time and date for a hearing. The Commission shall give due notice of the hearing by mail to the parties of interest and to owners of adjacent properties. Where the hearing, in the opinion of the Township Attorney, concerns matters of general applicability in the Township and does not concern only individual lots or parcels, such notice shall be given in a newspaper of general circulation in the Township. However, the Planning Commission shall also notify the parties of interest by mail. All notices of a hearing shall be mailed and published at least five days prior to the date on which the hearing is to be held. **[Amended 4-12-2018]**
- D. Waivers; consultation with Township Attorney; exceptions. **[Added 4-12-2018; amended at time of adoption of Code (see Ch. 20, Code Adoption, Art. II)]**
- (1) The Township of Lawrence recognizes that its ordinances may require a matter to be heard in a regular meeting, with a particular amount of notice, manner of notice, or similar requirement, but that hearing or noticing a matter in such a way may be impractical, create a hardship on an applicant, or have other issues or adverse effects. Therefore, this chapter's provisions that require a type of a meeting, method of notice, notice period, or other similar or related matter may be waived by the person permitted to call any such meeting or provide said notice. This waiver is permitted only if the subsequent scheduling, meeting, and/or notice is consistent with state and federal law and regulations.
  - (2) This provision allows the person permitted to call a meeting the needed flexibility, regardless of the use of mandatory language such as "shall" in particular sections of this chapter. This applies to but is not limited to § 1-5.5J regarding the ZBA, § 1-7.1C(1) regarding the Planning Commission, § 1-7.1C(3) regarding the Board, and other sections.

**§ 1-3.6. Zoning permits.**

Excavation for building or structure shall not be commenced, the erection, addition to, alteration of, or moving of any building or structure shall not be undertaken, or any land shall not be used, or an existing use of land shall not be changed to a use of the different type of class, until a zoning permit or a certificate of occupancy has been secured from the Building Official. A zoning permit shall not be issued for those uses requiring a special use permit, as provided for in this chapter, until a special use permit has been approved in compliance with the provisions of Article VII of this chapter. A zoning permit shall not be issued for those uses requiring more than 10 parking spaces until the site plan has been reviewed and approved, as provided in Article VIII of this chapter.

**§ 1-3.7. Administrative provisions.**

- A. Suspension of permit. Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work, unless in the case of building permits the development proposed shall have passed its first building inspection or is extended by the Building Official.
- B. Previous approvals. Nothing in this chapter shall require changes in the plans, construction or designated use of a building for which a lawful building, electrical, mechanical or plumbing permit has been heretofore issued or otherwise lawfully authorized, and the construction and/or installation of which shall have been commenced within 90 days after the effective date of this chapter; and the entire building or installation shall be completed as authorized within two years after the date of approval of the application or as extended by the Township Board, based upon showing a good cause.
- C. Revocation of permits. **[Amended 4-12-2018]**
  - (1) No person or entity may make any false statement or misrepresentation in procuring any permit or approval, whether in the application itself, any submitted documents, photos, exhibits, or written or oral statements, and regardless of whether such permit or approval is issued by a Building, Electrical, Plumbing, Mechanical, or other Official or agent, the Township itself, or subdivision thereof, such as the Zoning Board of Appeals, the Planning Commission, a department, or other subdivision, including but not limited to special use permits, building permits, variances, permissions to use public facilities, and any other permits or approvals of the Township. This includes any false statements or misrepresentations, regardless of intent, knowledge, negligence, or culpability of the person or entity holding the permit or approval, whether said statements or misrepresentation were made by the holder of the permit or approval, an applicant, an agent of either, a predecessor, or other person or entity if said statement or misrepresentation was material to the granting of the permit or approval. This may allow for the revocation of the historic permit or approval, and may result in subsequent or contemporaneous permits or approvals being revoked.
  - (2) Nothing in this chapter should be construed to limit the revocation of permits or approvals in a municipal civil infraction under Chapter 25 of the Code of

the Township of Lawrence, which may be required to give effect to this chapter. This chapter does not affect the Township's ability to revoke permits and approvals under other law or regulations.

- D. Inspection. The Building Official shall cause to be made the appropriate inspections as required under the State Construction Code and state amendments.
- E. Fees. All fees for inspection and the issuance of permits or certificates required under this chapter shall be collected by the Building Official in advance of issuance. The amount of such fees shall be established by resolution of the Lawrence Township Board of Trustees and shall be in an amount sufficient to defray the cost of inspections and supervision necessary for the implementation and enforcement of this chapter.

### **§ 1-3.8. Certificate of use and occupancy.**

No land shall be occupied or used and no building shall be used or changed in use until a certificate of occupancy or zoning permit shall have been issued by the Building Official, stating that the building and its intended use comply with the provisions of this chapter.

- A. Certificates for existing buildings. Certificates of occupancy may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, such uses of land are in conformity with the provisions of this chapter.
- B. Administration of zoning permits and certificates of occupancy. In cases where a building permit is required under the State Construction Code, the application and issuance of a zoning permit and a certificate of occupancy shall be fully coordinated and integrated into the building permit application and inspection process. As such, an application for a building permit shall also serve as an application for a zoning permit, and the granting or final approval on a building permit shall constitute a final approval of a zoning permit and eligibility for a certificate of occupancy.

### **§ 1-3.9. Enforcement; violations and penalties.**

- A. Violations and penalties. The Building Official shall enforce the provisions of this chapter. Violations of any provisions of this chapter are declared to be nuisance per se. **[Amended 4-12-2018]**
- B. Enforcement procedure. It shall be unlawful for any person to commence operations of any kind that are in violation of the terms of this chapter, and any violations shall be subject to the penalties herein prescribed.
  - (1) Inspection of violation. The Building Official or his agent shall inspect each alleged violation of this chapter within a reasonable period of time of receipt of a notice of an alleged violation and issue an order to correct to the offender.
  - (2) Correction period; requirements of notice. **[Amended 4-12-2018]**
    - (a) Whenever a violation has been confirmed by the Building Official, the Building Official shall give notice, in writing, by First Class Mail addressed to the owner and occupant of the property where the violation

exists and to any person(s) otherwise responsible for said violation. The notice shall specify the location and nature of the violation, and shall indicate that the owner, occupant or person otherwise responsible is required to abate or correct the violation or file the necessary appeal forms with the Zoning Board of Appeals, and shall state the appeal period for appealing the violation with the Zoning Board of Appeals as established by general rule of the Zoning Board of Appeals. The resumption of a corrected or abated violation shall be deemed a continuing violation and must be appealed within the time set by general rule of the Zoning Board of Appeals. If the occupant or owner of the premises is unknown or cannot be located, notices shall be given by posting a copy of said notice upon a conspicuous part of the property where the public nuisance is located and by mailing a copy of said notice by First Class Mail, addressed to the owner or party in interest at the address shown on the current tax records. A violation not corrected within the specified time shall be referred to the Township Attorney.

- (b) Pursuant to MCLA § 125.3604(3), the appeal to the ZBA stays the further proceedings unless the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property; proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.
- C. Any person found to have violated any of the provisions of this chapter by a court of competent jurisdiction, is responsible for a municipal civil infraction under Chapter 25 of the Code of the Township of Lawrence. **[Amended 4-12-2018]**
- D. Cumulative rights and remedies. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- E. The Building Official shall refuse to issue new zoning permits to a person who has refused to correct violations of this chapter or the current State Construction Code in a timely manner on the subject property or any other property within the Township.

### **§ 1-3.10. Interpretation and applicability.**

In the interpretation, application and enforcement of this chapter, whenever any of the provisions or limitations imposed or required herein are more stringent than any other law or ordinance, then the provisions of this chapter shall govern, provided that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, then the provisions of such other law or ordinance shall govern.

ARTICLE IV  
**Terminology**

**§ 1-4.1. Purpose and intent.**

The purpose of this article is to establish rules for the interpretation of the text of this chapter, to define certain words and terms, and to provide the interpretation of this chapter by adoption of a technical dictionary. Other definitions are included within other articles of this chapter.

**§ 1-4.2. Word use.**

For the purpose of this chapter, certain rules of construction are as follows:

- A. Words used in the present tense shall include the future tense, words used in the singular shall include the plural, and words in the plural number shall include the singular, unless the context clearly indicates and stipulates the contrary.
- B. The words "person," "proprietor," "property owner," and "operator" shall include any recognized form of legal entity.
- C. The words "property," "lot," "parcel," "real estate," "premises," "plot," and "land" shall be interpreted to mean real property as delineated and described by legal documents and instruments.
- D. The word "road" shall also mean highway, street, drive, lane and other public thoroughfare.
- E. The word "building" shall include the word "structure."
- F. The words "used" and "occupied," when applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- G. The word "shall" is always interpreted as mandatory and never as permissive or discretionary.
- H. The word "may" shall be interpreted as permissive or discretionary.
- I. The word "required" shall be construed to be mandatory.
- J. The words "he" or "she" or "it" shall apply to any person regulated through this chapter and shall be read interchangeably as if written in the singular or plural number, or the masculine, feminine or neuter gender, respectively, as the context of the applicable provision may require.

**§ 1-4.3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY HOUSING — See "family accessory housing."

ACCESSORY STRUCTURE — A building or structure located on the same lot as the principal building or structure, the use of which is incidental or secondary to the

principal building or use.

**ACCESSORY USE** — A use of land or of a building or portion thereof which is customarily and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or building and located on the same lot with the principal use.

**ADULT DAY CARE** — A governmental or nongovernmental establishment in which one but fewer than seven people over the age of 18 are received for care and supervision for periods of less than 16 hours per day, unattended by a legal guardian, if any, so long as such individuals do not require continuous nursing care.

**ADULT FOSTER CARE** — A governmental or nongovernmental establishment providing twenty-four-hour care for those over the age of 18, such care including supervision, personal care and protection in addition to room and board but excluding those who require continuous nursing care. An adult foster care facility does not include a nursing home, a home for the aged, or a hospital or facility for the mentally ill operated or under contract with the Department of Health and Human Services.

**ADVERTISING SIGN/STRUCTURE** — A structural poster, panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge or ideas to the public about a subject unrelated to the premises upon which it is located; any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other comparable object used as a means to convey information or direct attention to a business, product, service or commodity.

**AGGREGATE** — An inert material used as a component of concrete, mortar, plaster and bituminous pavements. Sand, gravel or crushed stone are the most common aggregates.

**AGRICULTURE LAND USE** — Means of, or pertaining to, or connected with, or engaged in agricultural or tillage which is characterized by the act or business of cultivating or using land and soil for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. See "farm" and "prime agricultural land."

**ALLEY** — A generally narrow vehicular or pedestrian right-of-way that permits access to a rear yard, parking lot or other area of a parcel. Alleys are not designed for general traffic and afford only a secondary means of access.

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

**AMBIENT NOISE** — Background noise or noise that cannot be identified as coming from any particular source.

**APARTMENT** — A room or group of rooms that is designed to function as a single, complete dwelling unit and is located in a multiple-family dwelling.

**APPRAISED VALUE** — The value of property as estimated by an individual qualified to appraise that type of property.

**AREA VARIANCE** — A zoning variance that is granted concerning the size and shape of a building lot and the size, shape, and location of the physical structure to be located

on the lot. This type of variance concerns such zoning requirements as density, required yards, number of parking and unloading spaces, frontage, lot size or height.

**AUTOMOBILE REPAIR AND COMMERCIAL GARAGES** — A premises where the following services may be carried out: general repairs, engine rebuilding, collision repair, painting, and undercoating of vehicles.

**AUTOMOBILE/GASOLINE SERVICE STATIONS** — Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repairs, or service such as polishing, washing, cleaning, and greasing; but not including bumping, painting, or refinishing thereof.

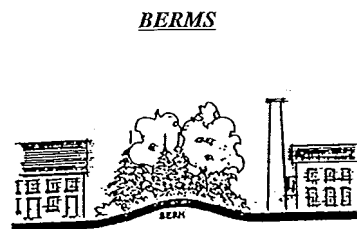
**BASE FLOOD LEVEL** — The highest elevation of a flood having a 1% chance of being equaled or exceeded in any given year.

**BASEMENT** — The portion of a building which is partly below and partly above grade, and having greater than 1/2 its vertical height below surrounding grade. A basement shall not be counted as a story. The height from floor surface below to joist above shall be seven feet or greater.

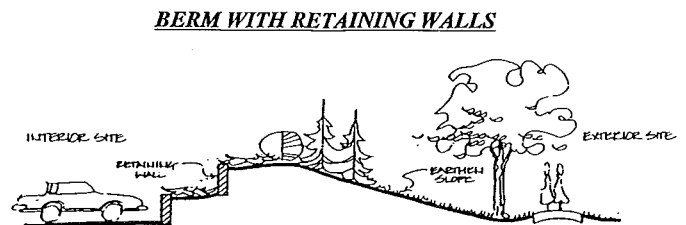
**BED-AND-BREAKFAST** — A private single-family residential structure that meets the following criteria:

- A. Offers accommodations to transient tenants in eight or fewer sleeping rooms, including rooms occupied by the innkeeper or manager, one or more of which are available for rent to transient tenants.
- B. Serves only breakfast to its transient tenants.
- C. Has a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.

**BERM** — An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. (See Figure 4-1 or Figure 4-2.)



**FIGURE 4-1**



**FIGURE 4-2**

**BOND** — A form of insurance required of an individual or firm to secure the performance of an obligation; as in performance bond.

**BUFFER** — A strip of land, including a specified type and amount of planting or

structures, which may be required to protect/screen one type of land use from another, or minimize or eliminate conflicts between them.

**BUILDING** — A combination of material, whether portable or fixed, forming a structure having a roof supported by columns or by walls affording a facility or shelter for use or occupancy by persons, animals or property.

**BUILDING AREA** — The area included within surrounding exterior walls (or exterior walls or fire walls) exclusive of vents, shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if included within the horizontal projection of the roof or floor above.

**BUILDING CODE** — An ordinance governing the design, construction, alteration, enlargement, repair, demolition, removal, conversion, use, and maintenance of all buildings and structures, known as the "Building Code for Lawrence Township, Van Buren County, Michigan."

**BUILDING HEIGHT** — The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deckline of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall.

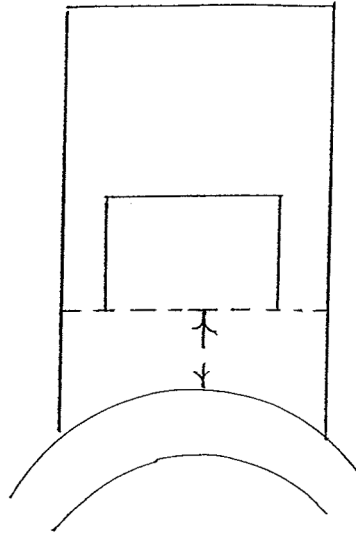
**BUILDING LINE(S)** — A line defining the front, side, and rear yard requirements outside of which no building or structure may be located.

**BUILDING OFFICIAL** — The officer or other designated authority charged with the administration and enforcement of the Lawrence Township Building Code, or his or her duly authorized representative. For purposes of this chapter, the Building Official shall also be known as the "Zoning Administrator."

**BUILDING, FRONT LINE OF** — The line that coincides with the face of the building nearest the front line of the lot, which includes sun parlors and enclosed porches, and steps.

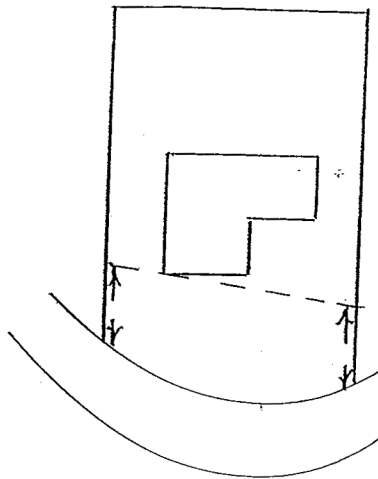
- A. The front building line on any lot with an outside simple curve will be the straight-line chord that intersects the side lines at the point of intersection with the required front setback line. (See Figure 4-3.)





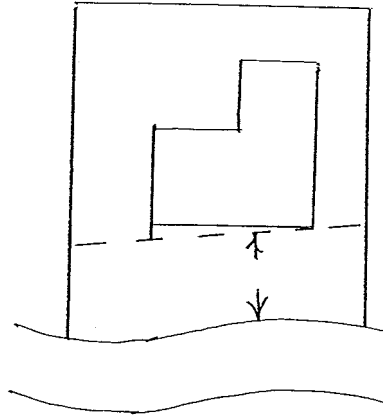
**FIGURE 4-3**

- B. The front building line on any lot with an inside simple curve will be the straight-line tangent perpendicular to the arc radius at the midpoint of the curve. (See Figure 4-4.)



**FIGURE 4-4**

- C. Front building lines on lots with compound, unbroken-back or reverse curves will be determined using the tangent or chord which provides the greatest setback toward the interior of the lot from the required setback line and front lot line. (See Figure 4-5.)



**FIGURE 4-5**

**CAMPGROUND** — As defined in Public Act 368 of 1978, as amended, MCLA § 333.12501 et seq.

**CHANGES IN USE** — A use of a building, structure or parcel of land, or portion thereof, which is different from the previous use in the way it is classified in this chapter or in the State Construction Code, as amended.

**CHILD-CARE CENTER/DAY-CARE CENTER** — A facility, other than a private residence, receiving more than six preschool or school-age children for group care for periods of less than 24 hours per day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

**CHURCH USES/RELIGIOUS INSTITUTIONS** — Churches, synagogues, mosques, church schools, church residences and church-owned land used for related church functions.

**CIDERY** — A facility that produces cider, whether fermented or unfermented, brandy from fruit, or a combination of both. **[Added 7-13-2017]**

**CLEAR VISION AREA** — The unobstructed view across a corner space which is created by the intersection of two vehicular ways that allows a motorist to see oncoming traffic or pedestrians. This vision area shall be clear of any opaque obstructions within a specified distance along or from the right-of-way line(s) of all streets and drives. (See Figure 4-6.)

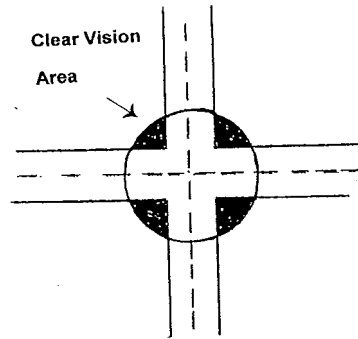


FIGURE 4-6

**CLINIC (ANIMAL)** — A building where animal patients, who may or may not be lodged overnight, are admitted for examination and treatment by a veterinarian or similar professionals.

**CLINIC (MEDICAL)** — A building where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals.

**CLUSTER DEVELOPMENT** — A development where structures are arranged in closely related groups; units are typically of the same type or design character and built at densities in certain areas of a site while preserving the natural features in others on the same site.

**COLD STORAGE** — As it applies in this chapter, "cold storage" pertains to the cooperative keeping of farm produce or goods under climate-controlled conditions for more than one farm or agricultural enterprise.

**COMMERCIAL RECREATION FACILITY** — An outdoor recreational facility, including but not limited to campgrounds, athletic fields, a golf course, racetrack or other spectator/participatory facility that charges a fee for its utilization.

**COMMERCIAL USE** — An activity carried out for monetary gain, including but not limited to retail sales, repair service, or, business offices, food service, entertainment and brokerages, as is found in Article VI.

**COMMERCIAL VEHICLE** — Any motor vehicle which has a commercial license and which has a gross vehicle weight rating (GVWR) of over 10,000 pounds and which is used for commercial uses.

**COMMON LAND** — A parcel or parcels of land together with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

**COMPARISON RETAIL BUSINESS** — A retail facility, which includes but is not limited to the following: department store, automobile dealership, office equipment, or similar uses. This type of shopping facility normally serves a regional market and may be located in close proximity to one another, such as in shopping malls or along a commercial corridor. A comparison retail business provides the consumer with the opportunity to compare things such as price, quality and name brand.

**COMPREHENSIVE DEVELOPMENT PLAN** — The statement of policy by the Planning Commission and Township Board of Trustees relative to the agreed-upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts, and written material representing in summary from the soundest concept for community growth to occur in an orderly, attractive, economical, and efficient manner, thereby creating the very best community living conditions. It is a blueprint for decisionmaking for the future development and framework of the community.

**CONDOMINIUM** — The ownership of a dwelling unit and the space enclosed by the description thereof as contained in the master deed for the complex or project established in conformance with the provisions of the condominium Act 59 of 1978, as amended, MCLA § 559.101 et seq.

**CONDOMINIUM, SITE** — A "site condominium" is a development containing residential, commercial, office, industrial or other structures or improvements for uses permitted in the zoning district in which it is located, in which each co-owner owns in common with the other owners a specific amount of land space for common use, and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a "condominium unit," as described in the master deed. (Also see § 1-9.9 for site condominium-specific definitions.)

**CONSTRUCTION CONTRACTORS ESTABLISHMENT** — A parcel of land, building or structure, or a portion thereof, used to store trucks, excavating equipment, supplies, tools, or materials utilized by construction contractor, subcontractors, and builders.

**CONTIGUOUS** — Lots or parcels in physical contact or touching along some portion of a lot line, and includes lots that are separated only by a lawful roadway or accessway and sharing some common road frontage determined by extending the side lot lines of the lots into the roadway.

**CONVALESCENT OR NURSING HOME** — A residential facility designed to provide a range of personal and medical care services to chronically ill or disabled individuals, and which is licensed by the State of Michigan.

**CONVENIENCE COMMERCIAL ESTABLISHMENT** — A retail, office, restaurant, tavern, service business, or other commercial use which is operated from a single building.

**CONVENIENCE RETAIL** — Establishments which sell primarily goods which are edible or disposable in small quantities directly to the consumer and usually situated in a freestanding building.

**CORNER LOT** — See "lot, corner."

**CRAWL SPACE** — Any space accessible with less height than a basement under a structure.

**CUL-DE-SAC** — A street with an inlet/outlet at only one end and a turnaround area of no less than 60 feet in diameter at the other end.

**CUSTOMARY AGRICULTURAL OPERATION** — A condition or activity which occurs on a parcel of land in connection with the commercial production of farm products and includes but is not limited to noise, odors, dust, fumes, operation of

machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, insecticides and herbicides, and the employment of labor when such conditions or activities are conducted in a usually or generally accepted manner (see "farm").

**DENSITY** — The number of dwelling units situated on or to be developed on a net acre of land.

**DENSITY, GROSS** — "Gross density" means a figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot.

**DENSITY, NET** — "Net density" means a figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot, excluding any lot area owned by a government entity used as a public or private street, located within a designated floodplain area or occupied by a nonresidential use.

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

**DRIVE-IN FACILITIES** — Commercial enterprises that permit the consumer to do business or be entertained without leaving his car.

**DRIVEWAY** — A private access to a single parcel of land, not including a site condominium.

**DWELLING UNIT** — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**DWELLING, MULTIPLE-FAMILY** — A building or structure under one roof designed for occupancy by three or more persons or families, each occupying a single, complete independent dwelling/housing unit. Such a building often has a common heating, electrical or water system (but may be metered separately) and may also have common hallways, stairs or elevators.

**DWELLING, SINGLE-FAMILY** — A detached building, including a mobile home, designed for or occupied as one dwelling unit with common cooking and utilities, and complies with the following regulations:

- A. A single-family dwelling, including mobile homes and manufactured housing, shall have a minimum area of not less than 1,040 square feet and a minimum width of 20 feet across any horizontal elevation, exclusive of basements, garages, porches and breezeways, unless otherwise allowed in the zoning district. **[Amended 10-9-2014; 11-13-2014]**
- B. All single-family dwellings shall comply with the pertinent building code.
- C. The dwelling shall be placed upon and secured to a permanent foundation in accordance with the State Building Code and, where applicable, the manufacturer's installation instruction.
- D. The foundation shall be concrete blocks or a poured foundation if the dwelling is not placed upon a basement or crawl space.
- E. If the dwelling is manufactured off the site, it shall be installed with the wheels

removed. In addition, a dwelling shall not have an exposed towing mechanism, undercarriage or chassis.

DWELLING, TWO-FAMILY/DUPLEX — A building containing two dwelling units.

EASEMENT — An interest in or right over land of another, providing access to the property (i.e., as in utility easement).

ERECTED — The construction, alteration, reconstruction, moving upon, or any other physical activity upon a lot.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance, by public utilities or municipal departments or commissions, of overhead surface or underground gas, electrical, steam, petroleum, or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and similar equipment and accessories in connection therewith, but not including buildings except those necessary to house the foregoing, reasonably necessary for the department or commission or for the public health or safety or general welfare shall be permitted as authorized or regulated by law and other ordinance of the pertinent jurisdiction in any use district, it being the intention thereof to except such erection, construction, alteration, and maintenance from the application of this chapter, except electrical substations and gas regulator stations which require a special use permit as provided elsewhere in this chapter.

EXCAVATION — Removal or recovery, by any means whatsoever, of soil, rock, sand, gravel, peat, muck, marrow, shale, limestone, clay, or other mineral or organic substances other than vegetation from water or land, whether exposed or submerged.

EXISTING USE — The use of a parcel of land or a structure at the time of the enactment of this chapter or amendment thereof.

EXPLOSIVE — A chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or destroying life and limb.

FAMILY — An individual, two or more persons related by marriage or adoption, or a group not to exceed six persons not related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, hotel or similar dwelling for group use. Domestic servants residing on the premises shall be considered as part of the family.

FAMILY ACCESSORY HOUSING — A complete, self-contained dwelling created within an existing single-family home or a separate detached dwelling. Family accessory housing is not considered a two-family or multifamily dwelling for purposes of this chapter. It has its own kitchen, bath, living area, and sleeping area and is occupied by persons who are related by blood, marriage, or adoption to those persons occupying the principal dwelling unit. For a separate detached dwelling to qualify as a family accessory housing, it must:**[Amended 4-12-2018]**

- A. Not be leased or rented; and
- B. The land must be able to be split so as to create two parcels, each containing one of the aforementioned dwellings, by a future property owner taking into consideration setback, available splits under the Land Division Act,<sup>4</sup> vehicular access, and other zoning requirements.

**FARM** — A parcel of land being actively used for agricultural purposes except as exempted by state or federal agencies.

**FENCE** — A structure intended for use as a barrier to property ingress and egress, as screen from objectionable vista, noise, and/or for decorative use. A fence may be living as in a hedge or other plantings.

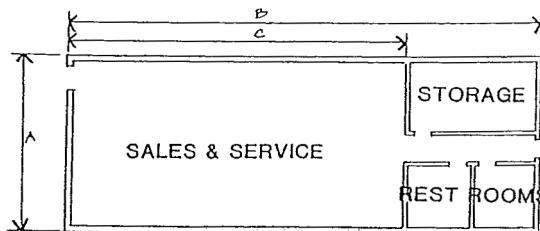
**FENCE, SCREENING** — A structure to prevent the passage of light and to screen and separate a use.

**FILL/FILLING** — The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

**FLOODPLAIN** — That area of land adjoining a lake, river or stream, which will be inundated by a base flood.

**FLOOR AREA RATIO** — The ratio between the amount of floor area permitted to be constructed on a building lot and the size of the lot.

**FLOOR AREA, GROSS** — The area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features. (See Figure 4-7.)



**A x B = Gross Floor Area**

**FIGURE 4-7**

**FLOOR AREA, USABLE (NET)** — That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area that is used or intended to be used for hallways, stairways, and elevator shafts, utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the internal faces of the exterior walls.

**FRONT YARD** — See "yard, front."

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4. Editor's Note: See MCLA § 560.101 et seq.

**GARAGE, PRIVATE** — An accessory building used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.

**GENERAL RETAIL** — Stores which sell dry goods, packaged foods, hardware, appliances, computers, jewelry and other similar merchandise directly to the public.

**GOVERNMENT, COMMUNITY-OWNED BUILDINGS OR PUBLIC BUILDINGS** — A building or buildings which shall serve as essential services and safety of the community, but shall not serve as a residential facility.

**GRADE** — A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line.

**GRANDFATHER CLAUSE (PREEXISTING NONCONFORMING)** — A provision in a newly adopted zoning ordinance regulating certain conduct or activities that allows the regulated activity to continue as previously conducted or otherwise exempts it from compliance with the new ordinance. Changes to expand or alter a structure, land or use shall require compliance with the provisions of the particular section of this chapter covering the district in which the building, use or land is located.

**GROSS FLOOR AREA** — See "floor area, gross."

**GROUND COVER** — Grasses or other plant growth or commonly accepted material to keep soil from being blown or washed away.

**HAZARDOUS MATERIALS** — Any solid, liquid or gaseous substance that when dumped, spilled or released into the surrounding environment poses a risk to public or environmental health, safety or welfare upon exposure to such material.

**HEIGHT** — The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

**HOME OCCUPATION, CUSTOMARY** — An occupation, profession or hobby allowed within a dwelling unit or accessory building and carried on by the inhabitants thereof, as well as their employees, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes. It does not change the character thereof, and does not endanger the health, safety, and/or welfare of any 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, profession or hobby. Also known as "cottage industry," "home-based business," "home marketing network," or "home interactive distribution or marketing."**[Amended 7-13-2017]**

**HOME OCCUPATION, MAJOR** — An occupation, profession or hobby carried on within a dwelling unit, or an accessory structure and carried on by the residents themselves, employees, subcontractors, and agents, whether for consideration or gratuitously. A major home occupation cannot change the character of the property, and cannot endanger the health, safety, and/or welfare of any 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, profession or hobby. The following is prohibited unless the Township explicitly allows for it in the granting of the special use permit, and it is carried on in compliance with all Township ordinances, as well as state and federal laws and regulations (Article IX, § 1-9.8B(2) to (4) and C(2), does not apply to major home occupations):**[Added 4-12-2018]**



- A. The carrying on of the occupation, profession or hobby outside of a wholly enclosed structure;
- B. The outdoor storage of materials, equipment, or accessory items and/or display of materials, goods, or supplies used in the conduct of the home occupation;
- C. The employment of more than four people in a given month (including residents themselves, employees, agents, and subcontractors); and
- D. The sale of goods to the public that are not manufactured on site (manufacturing does not include repackaging, slight modifications to color, form, and other modifications to purchased goods that do not result in a substantial transformation of the previous good to a good that is distinct in form from the modified good).

**HOTEL** — A building containing six or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

**HOUSEHOLD PETS** — Any domesticated dog, cat or other animal kept for friendship or hunting purposes. Household pets do not include wild or exotic animals as defined by state law.

**INDUSTRIAL USE** — A structure, building, or parcel of land, or portion thereof, utilized or inherently designed to be utilized for the purpose of production, manufacturing, processing, cleaning, testing, rebuilding, assembly, distribution, finishing, construction or printing of goods or products and related research and development facilities, or salvage operations.

**INOPERABLE MOTOR VEHICLE** — A vehicle, as defined in Act 300 of 1949,<sup>5</sup> as amended, which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power, and which condition exists and continues for a period of 30 days and which has no current State of Michigan license or registration properly attached, except upon a showing to the Township Board of undue hardship or other extenuating circumstance. Removal shall be at owner's expense.

**INTENSITY OF LAND USE** — This term means the amount of activity associated with a specific land use. Intensity of land use shall be determined by the Township based on, but not limited to, the following criteria:

- A. Amount of vehicular traffic generated;
- B. Amount of pedestrian traffic generated;
- C. Noise, odor and air pollution generated;
- D. Potential for litter;
- E. Type and storage of materials connected with the operation;
- F. Total residential units and density, where applicable; and
- G. Total building coverage on the parcel.

**JUNK** — Miscellaneous dry, solid waste material resulting from housekeeping,

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5. Editor's Note: See MCLA § 257.1 et seq.

mercantile and manufacturing enterprises and offices, including, but not limited to, scrap metals, rubber and paper; abandoned, wrecked, unlicensed and inoperable automobiles and motor vehicles; rags, bottles, tin cans, and comparable items.

**JUNKYARD** — Any land or building used for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles or machinery, or parts thereof.

**KENNEL, COMMERCIAL** — Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats or other domestic animals and which has a license from the Animal Control Office.

**LANDSCAPING** — An arrangement of elements which may include plant materials, such as trees, shrubs, ground covers, perennial and annual plants; landscape elements such as rocks, water features, fences, screens, walls, paving materials, and site lighting; and site furnishings such as benches, drinking fountains, trash receptacles, and planters for aesthetic and functional purposes.

**LARGE SOLAR ENERGY SYSTEM** — A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW).**[Added 7-9-2020]**

**LOT** — A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet the minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this chapter. Such lot shall have access to a public street and may consist of:

- A. A single lot of record;
- B. A portion or portions of lot(s) of record;
- C. Any combination of complete and/or portions of lots of records; or
- D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this chapter.
- E. Lots can be corner, interior, or double frontage.

**LOT AREA** — The area of land within the boundary of a lot excluding any part under water, and, in addition, it is the area of land bounded by any back lot line, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the back lot line and extending to the right-of-way line of the roadway.

**LOT COVERAGE** — The percent of the lot occupied by buildings or structures, including accessory buildings or structures.

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

**LOT LINE, FRONT** — That line which abuts a street or private road. For an existing lot of record serviced by an easement or other established access, the front line shall be that line which abuts said easement or access.

**LOT LINE, REAR** — Generally considered to be the line that is opposite from the front lot line and also farthest in distance from the front lot line.

**LOT OF RECORD** — A lot existing prior to April 1, 1997, being the effective date of the Land Division Act (P.A. 288 of 1967, as amended)<sup>6</sup> and recorded in the office of the County Register of Deeds. For the purposes of this chapter, land contracts and purchase options not recorded in the County Register of Deeds's office, but dated and fully executed prior to the effective date of this chapter, or prior ordinances, shall also constitute a lot of record.

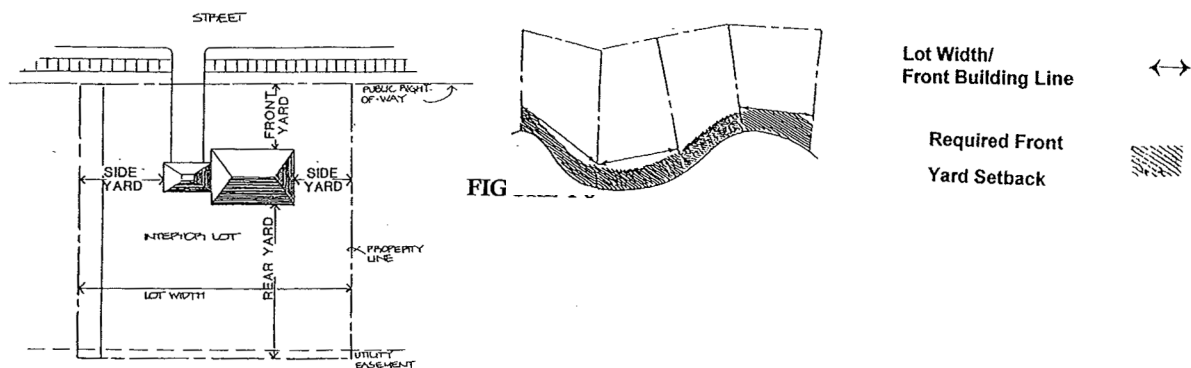
**LOT WIDTH** —

A. Lot width shall be measured as follows:

- (1) **LOT WIDTH WITH PARALLEL SIDE LOT LINES** — The required width shall be measured on a straight line, which is perpendicular to the side lot lines. No part of such measuring line shall be closer to the front property line than the depth of the required front yard.
- (2) **LOT WITH NONPARALLEL SIDE LOT LINE** — The required lot width shall be measured on a straight line, which shall be a measuring line, which is parallel to a straight line, which connects the side lot lines where they intersect the front property line. The measuring line shall be located at least the distance of the required front yard from the front property line. If the measuring line is located behind the rear line of the required front yard, the measuring line shall be the front building line.

B. The required minimum straight-line distance between the side lot lines where they intersect the front property lines shall be determined as follows:

- (1) For all lots not located on a turning circle of a cul-de-sac street, said distance shall not be less than 80% of the required lot width. (See Figure 4-8 or Figure 4-9.)



- (2) For lots located on a turning circle of a cul-de-sac street, said distance shall be at least 80 feet. (See Figure 4-10.)

6. Editor's Note: See MCLA § 560.101 et seq.

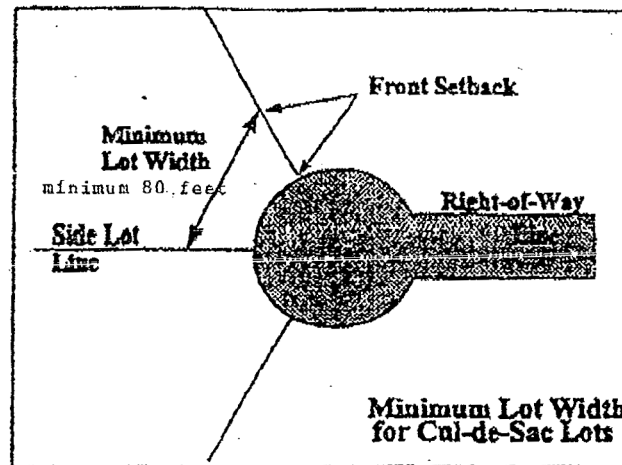


FIGURE 4-10

**LOT WIDTH-TO-DEPTH RATIO** — Lots created after the effective date of this chapter having a lot area of less than 25 acres shall have a lot width which is equal to or greater than 1/4 the depth of the lot.

**LOT, CORNER** — A lot that is situated at the junction of at least two streets, at which the angle of intersection is no greater than 135°. This chapter specifies that corner lots have two front yards, one rear yard and one side yard.

**MANUFACTURED HOUSING PARKS** — Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two mobile homes, and including any accessory buildings, structures or enclosures comprising facilities used by the park residents. Such shall comply with the provisions of this chapter and P.A. 419 of 1978, as amended.

**MEDICAL AND/OR RECREATIONAL MARIHUANA FACILITY**[Added 12-12-2019; amended 6-11-2020] —

A. The term includes any of the following:

- (1) **GROWER FACILITY** — Limited to facilities with a marihuana grower license, of any class, issued under the Medical Marihuana Facilities Licensing Act (MMFLA), Act 281 of 2016, as amended,<sup>7</sup> or its equivalent license under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended,<sup>8</sup> as well as the state rules promulgated under the respective statutes, and as licensed by the Township.
- (2) **PROCESSOR FACILITY** — Limited to facilities with a processor license issued under the Medical Marihuana Facilities Licensing Act (MMFLA), Act 281 of 2016, as amended, or its equivalent license under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended, as well as the state rules promulgated under the respective statutes, and as licensed by the Township.
- (3) **SAFETY COMPLIANCE FACILITY** — Limited to facilities with a safety

7. Editor's Note: See MCLA § 333.27101 et seq.

8. Editor's Note: See MCLA § 333.27951 et seq.

compliance facility license, issued under the Medical Marihuana Facilities Licensing Act (MMFLA), Act 281 of 2016, as amended, or its equivalent license under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended, as well as the state rules promulgated under the respective statutes, and as licensed by the Township.

- (4) SECURE TRANSPORTER FACILITY — Limited to facilities with a secure transporter license issued under the Medical Marihuana Facilities Licensing Act (MMFLA), Act 281 of 2016, as amended, or its equivalent license under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended, as well as the state rules promulgated under the respective statutes, and as licensed by the Township.

B. The term does not include a facility with a marihuana retailer license, marihuana provisioning center license, designated consumption establishment, marihuana event organizer license, or any other license, including special licenses, under the MMFLA and MRTMA, as amended, or under the state rules promulgated under the respective statutes, or a facility without a license under the MMFLA or MRTMA, as no facilities other than those enumerated in Subsection A(1) through (4) above are permitted in the Township.

C. "Equivalent license" is as that term is defined under the MRTMA.

MICROBREWERY — A facility that manufactures any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, or other cereal grains in potable water. **[Added 7-13-2017]**

MINIMUM LOT SIZE — The smallest or least area of a parcel allowed in said district.

MINI WAREHOUSING — A building or portion thereof designed or used exclusively for storing personal property of an individual or family when such is not located on the lot with their residence. Personal property may include, but is not limited to, passenger motor vehicles, house trailers, motorcycles, boats, and campers, which are generally stored in residual accessory structures.

MOBILE HOME — A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days. A mobile home does not include a recreational vehicle.

MODULAR (MANUFACTURED) HOUSING UNIT — An assembly of materials or products intended to comprise all or part of a building or structure and that is assembled at other than the final location of the unit of the building or structure by a repetitive process under circumstances intended to ensure uniformity of quality and material content. The term is intended to include mobile homes.

MOTEL — Please see "hotel."

MOTOR HOME — A motor vehicle designed to be utilized as temporary living quarters normally for recreation, camping or travel purposes, having kitchen or bathroom facilities, or both.

MULTIFAMILY HOUSING — A structure having three or more dwelling/housing units under a single roof and often having a common heating, electrical or water

system (but may be metered separately) and may also have common hallways, stairs or elevators.

**NEW CONSTRUCTION** — Structures from which the start of construction commenced on or after the effective date of this chapter.

**NONCONFORMING BUILDINGS/STRUCTURES** — A building or structure (or portion thereof) lawfully existing at the time of adoption of this chapter, or a subsequent amendment thereto, that does not conform to the provisions of this chapter relative to height, bulk, area, placement or yards for the zoning district in which it is located.

**NONCONFORMING LOT** — A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was conforming ("of record") prior to enactment of this chapter.

**NONCONFORMING USE** — A building, structure, plot, premises or use of land lawfully existing at the time of the effective date of this chapter which does not conform to the regulations of the district in which it is situated.

**NUISANCE** — An activity consisting of an unlawful or unreasonable use of property by an individual that causes injury or damages to another or to the public in general. Common examples include excessive noise, odor, smoke or vibration.

**OCCUPANCY CERTIFICATE** — A written document received from the Building Official stating that the Township Building Code, as amended, and this chapter have been complied with as they apply to the construction of a building or structure and the use of a lot and that the building may now be occupied for its designated purpose.

**OPEN-SPACE RATIO** — The ratio between open space on the lot, whether required or not, and the total lot area.

**OPEN SPACE, REQUIRED** — See "required open space."

**OWNER** — A person who lawfully controls the possession of real or personal property.

**PARK** — A parcel of land, building, or structures used for recreational purposes, including but not limited to playgrounds, sport fields, game courts, trails, picnicking areas and leisure time activities.

**PARKING SPACE** — A land area of not less than 10 feet by 20 feet exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.

**PERFORMANCE STANDARDS** — General criteria that are set to ensure that particular structure, type of land use or development will be able to meet certain minimum standards or that its effects on the community will not exceed set limits.

**PERSONAL SERVICES** — Uses which include but are not limited to dentists, physicians, barbers, beauticians, attorneys and similar services.

**PLANNED UNIT DEVELOPMENT (PUD)** — A parcel of land which is planned and developed as a single entity containing residential clusters consisting of individual and multiple building sites and common open space property which may contain varied residential dwelling types, institutional uses or office development, and which is designated and developed under one owner or organized group as a neighborhood or a community unit.

**PRIME AGRICULTURAL LAND** — Land most efficiently suited to the production of row, forage and fiber crops.

**PRINCIPAL STRUCTURE** — The main structure to which the premises is devoted.

**PRINCIPAL USE** — The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PRIVATE ROADS** — Privately owned and maintained roads constructed to County Road Commission standards and characterized by a joint operating agreement that runs with the land and binds the benefited parcels; is formally named and so marked; and includes other requirements specified by the Township Board.

**PROHIBITED USE** — A use of land or building which is not permitted within a particular land development district and includes other requirements specified by the Township Board.

**PROOF OF EQUITABLE TITLE** — A recorded land contract agreement or recorded deed conveying to the purchaser interest in real estate and/or any assignments of the purchaser's interest thereof.

**PUBLIC UTILITIES** — Any person, firm, corporation, municipal department or board authorized to furnish the public electricity, gas, steam, sanitary sewer, telephone, telegraph, transportation, or water service.

**REFUSE/TRASH STORAGE SPACE** — Any exterior space designated by a site plan for containers, structures, or other receptacles intended for temporary storage of solid waste materials.

**REHABILITATION** — The upgrading of an existing building or part thereof which is in a dilapidated or substandard condition.

**REQUIRED OPEN SPACE** — The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this chapter.

**RESTAURANT** — An establishment where food and/or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether, or not entertainment is offered, and includes establishments commonly known as "bars," "grills," "cafes," "taverns" and "nightclubs," permitting consumption on the premises.

**RESTORATION** — The reconstruction or replication of an existing building's original architectural features.

**RETAIL BUSINESS** — See "comparison retail business."

**RIGHT-OF-WAY** — A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**ROADSIDE STAND** — A structure for the display and sale of agricultural/garden products.

**ROOM** — An area of a dwelling unit, not including bathrooms, closets and kitchens.

**SCREEN** — A fence, landscaping, berm, or combination thereof that obscures the view from one site to another to a reasonable extent.

**SETBACK** — The minimum horizontal distance between the road right-of-way line and a building or structure.

**SETBACK LINE** — A line parallel with and at the minimum required distance from the road right-of-way line.

**SIGN(S)** — Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services (see Article XI).**[Amended 4-12-2018]**

**SOLAR ARRAY** — Any number of photovoltaic devices connected to provide a single output of electric energy or other energy.**[Added 7-9-2020]**

**SOLID WASTE** — Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleaning, municipal and industrial sludge, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous products, and slag or slag products directed to a slag processor or to a user of slag or slag products.

**SPECIAL EVENT FACILITY** — A facility where special events are permitted to occur under this section. Special event facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a fee for the use of the facility, such as for a fund-raiser for a charitable nonprofit organization. Facilities may operate entirely within a structure, outside of a structure, or both inside and outside a structure. Facilities must include physical improvements necessary to accommodate special events, such as access and circulation improvements, parking areas, and water supply and sewer systems.**[Added 4-12-2018]**

**SPECIAL EVENTS** — A celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. Uses, including private parties, gatherings, and similar activities, that are not subject to a use agreement between a private individual or group and the homeowner are not defined as a "special event" and are not regulated under this section.**[Added 4-12-2018]**

**SPECIAL USE PERMIT** — A permit recommended by the Planning Commission and approved by the Township Board of Trustees to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected zoning district under special uses authorized by permit. These special uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.

**SPOT ZONING** — The assignment of a zoning classification different from the surrounding zoning classifications to a relatively small land parcel. The term is usually employed when the use classification is intended to benefit a particular property owner and is incompatible with the surrounding area.

**STORY** — That portion of a building included between the surface of any floor and the surface of the floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it.

**STREET** — A public, dedicated right-of-way which affords traffic circulation and principal yard means of access to abutting property.



**STRUCTURE ALTERATION** — Any building change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls. A "structure" is anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground.

**SUBDIVISION** — 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 one year or of building development that results in one or more parcels of less than 40 acres and that is not exempted from the platting requirements of the Land Division Act. The subdivision plat (a map or chart depicting the subdivision of land) is regulated by the Land Division Act (Public Act 591 of 1996, as amended, MCLA § 560.101 et seq.).

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

**SWIMMING POOL** — Any structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory structure for the purposes of determining required yard spaces and maximum lot coverage.

**TEMPORARY BUILDING** — Structures which are nonpermanent and utilized incidental to construction activity.

**TOWER, COMMUNICATION** — A radio, telephone, cellular telephone or television relay structure of skeleton frame work, or monopole attached directly to the ground or other structure utilized for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunication signals. Not included in this definition are citizen's band radio facilities, short wave facilities, ham and amateur radio facilities, residential television reception antenna/satellite dishes, and governmental facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority.

**TOWER, FREESTANDING** — Towers erected for communication and/or reception and used privately for commercial purposes.

**TRAVEL TRAILER** — A vehicular portable structure built on a chassis, which is less than 35 feet in length and is of such a width and weight as not to require special highway movement permits when drawn by a vehicle.

**UNDEFINED TERMS** — Any term not defined herein shall have the meaning of common or standard use.

**USABLE FLOOR AREA** — See "floor area, usable."

**VARIANCE** — A modification of the literal provisions of the zoning ordinance granted

in specific cases when strict enforcement of this chapter would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

**WAREHOUSE** — A building or portion thereof used for storage of goods, merchandise or other property not permitted in a mini warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

**WATERCOURSE** — An open conduit, either naturally or artificially created, which periodically or continuously contains moving water, draining an area of at least two acres.

**WIND ENERGY CONVERSION SYSTEM (WECS)** — A system designed to convert the energy of wind movement into mechanical power. It includes any combination of the following:**[Added 7-9-2020]**

- A. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
- B. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- C. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
- D. The generator, alternator, or another device to convert the mechanical energy of the surface area into electrical energy;
- E. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- F. Any other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

**WINERY** — A facility that produces wine, brandy, or a combination of both.**[Added 7-13-2017]**

**YARD, FRONT** — An open, unoccupied space extending the full width of the lot between the front property line and the nearest line of the principal building on the lot. (See Figure 4-8.)

**YARD, FRONT–REQUIRED** — The minimum required yard extending the full width of the lot and situated between front property line and the front building line, parallel to the street line. The depth of the required front yard shall be measured at right angles to the street line in the case of a straight street line, and radial to the street line in the case of a curved street line.

**YARD, REAR** — An open, unoccupied space extending the full width of the lot between the rear property line of the lot and the rear line of the principal building on the lot. (See Figure 4-8.)

**YARD, REAR–REQUIRED** — The minimum required yard extending the full width of the lot and situated between a rear property line and the rear building line, parallel to the rear property line. The depth of the required rear yard shall be measured at right angles

to the rear property line.

**YARD, SIDE** — An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side property line and extending from the rear line of the front yard to the front line of the rear yard. (See Figure 4-8.)

**YARD, SIDE-REQUIRED** — The minimum required yard extending between the front yard and rear building lines and situated between a side property line and the side building line, parallel to the side property line. The width of the required side yard shall be measured at right angles to the side property line.

**ZONING** — The dividing of the Township or community into districts of a number and shape considered best suited to carry out the purposes of the Michigan Zoning Enabling Act, Act 110 of 2006,<sup>9</sup> as amended, and the creation of uniform regulations throughout each individual district. Such districts are referred to as "zoning districts" in this chapter.

**ZONING ADMINISTRATOR** — See "building official."

**ZONING BOARD OF APPEALS** — The Zoning Board of Appeals as established and described by this chapter (see Article V).

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9. Editor's Note: See MCLA § 125.3101 et seq.



ARTICLE V  
**Zoning Board of Appeals**

**§ 1-5.1. Creation and membership.**

- A. A Zoning Board of Appeals is hereby established in accordance with Act 110 of the Public Acts of 2006,<sup>10</sup> as amended. The Board shall consist of five members: a member of the Planning Commission; a member of the Township Board appointed by the Township Board; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. The term of office of the member from the Township Board shall not exceed his/her term of office on the Township Board.
- B. Members may be reappointed. An elected officer of the Township shall not serve as Chairperson of the Zoning Board of Appeals. An employee or contractor of the Township may not serve as a member of the Board. A member of the Board shall disqualify him/herself from a vote in which the member has a conflict of interest.

**§ 1-5.2. Duties and powers.**

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006,<sup>11</sup> as amended, so that the objectives of this chapter shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein: administrative review, variance, and expansion of nonconforming buildings and structures.
- B. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this chapter, but does have power to act on those matters for which this chapter provides an administrative review, interpretation, variance or exception.
- C. Zoning Board of Appeals members shall attend training sessions as required by the Township Board of Trustees.

**§ 1-5.3. Procedures.**

- A. The Zoning Board of Appeals shall adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairperson. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this chapter or to effect any variation in this chapter.
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board in its rules of procedure may specify. Minutes

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10. Editor's Note: See MCLA § 125.3101 et seq.

11. Editor's Note: See MCLA § 125.3101 et seq.

shall be kept of each meeting, and the Board shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

- C. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. Notice shall be given pursuant to the requirements of the Michigan Zoning Enabling Act,<sup>12</sup> as presently enacted or later amended.

#### **§ 1-5.4. Administrative review.**

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator.
- B. The Zoning Board of Appeals shall have the power to:
- (1) Interpret, upon request, the provisions of this chapter in such a way as to carry out the intent and purpose of this chapter.
  - (2) Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.
  - (3) Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
  - (4) Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Article X by an analysis of the specific needs.

#### **§ 1-5.5. Variances.**

- A. The Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulty.
- B. A variance shall not be granted by the Zoning Board of Appeals unless and until the following conditions are met:
- (1) A written application for a variance is submitted, demonstrating:
    - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
    - (b) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

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12. Editor's Note: See MCLA § 125.3101 et seq.

- (c) That the special conditions and circumstances necessitating the variance did not result from the actions of the applicant.
  - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
- C. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- D. The Zoning Board of Appeals shall make findings that the requirements of this section have been met by the applicant.
- E. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public interest.
- G. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.
- H. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district.
- I. In exercising the above-mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal is taken.
- J. Each variance granted under the provisions of this chapter shall become null and void unless the occupancy of land or buildings, or the construction authorized by such variance has commenced within 180 days after the granting of such variance, unless extended by the ZBA at a regular meeting.

#### **§ 1-5.6. Appeals.**

- A. Appeals concerning interpretation and administration of this chapter shall be made by filing a notice of appeal specifying the grounds thereof with the Township Clerk within a period of 30 days from the occurrence of the contested action. The Clerk shall transmit to the Board copies of all papers constituting the record upon which the action appealed from was taken.
- B. A fee shall be paid at the time of filing the notice of appeal and shall be deposited in the Township's general fund. The appeal fee shall be established by the Township

Board.

- C. Any party or parties may appear at the hearing in person or by agent or attorney.
- D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- E. An appeal shall stay all proceedings in furtherance of the action appealed unless the Building Inspector or Zoning Administrator certifies to the Board that a stay would, in his/her opinion, cause imminent peril to life or property. In such a case, the proceedings should not be stayed other than by a restraining order issued by the courts.

**§ 1-5.7. Duties on matters of appeal.**

All questions concerning application of the provisions of this chapter shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Van Buren County, as provided by law.



ARTICLE VI  
**Zoning Districts, Map and Schedule of Regulations**

**§ 1-6.1. General regulations.**

A. Establishment of districts. For the purposes of this chapter, the Lawrence Township, Michigan, is hereby divided into the following districts:

A-1 District: Agricultural District

R-1 District: Rural Residential

R-2 District: Medium Density Residential

R-3 District: Waterfront Residential

R-4 District: Multiple-Family Residential

O-1 District: Professional Office District

C-1 District: Business and Commercial District

I-1 District: Manufacturing District

B. Zoning districts maps. The boundaries of the respective districts are defined and established as depicted on the map entitled "Zoning District Map of Lawrence Township, Michigan,"<sup>13</sup> which is an integral part of this chapter, and which, with the explanatory matter thereon, shall be published as part of this section and is hereby incorporated by reference.

(1) The Zoning District Map of Lawrence Township, Michigan, and subsequent amendments to the text shall be certified and bear the signature of the Lawrence Township Clerk and the Township Supervisor. The Map shall be attested to by the Clerk and shall bear the following words: "This is to certify that the above map is the Official Zoning Map of this chapter, adopted on the 24th day of October, 2002."

(2) If amendments are made in district boundaries or other matters depicted on the Official Zoning Map, such changes shall not be considered final, and building permits shall not be issued until the appropriate amendments have been made on the Official Zoning Map. Such amendments shall be made within 10 normal working days after the effective date of the amendment. Each amendment shall be accompanied by a reference number on the Map, which shall refer to the official action of the Board of Trustees. One copy of the Official Zoning Map shall be maintained and kept up-to-date in the office of the Clerk of Lawrence Township. A second copy shall be kept in the office of the County Clerk. A third copy shall be kept in the office of the Building Official.

C. Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Board of Trustees may, by ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such corrections shall have the effect of

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13. Editor's Note: The Zoning Map is included as an attachment to this chapter.

amending this chapter or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Supervisor of the Lawrence Township, attested by the Clerk and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in this chapter of Lawrence Township, adopted on 24th Day of October, 2002. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map shall be preserved together with all available records pertaining to its adoption or amendment."

### **§ 1-6.2. Rules for interpretation of Official Zoning Map.**

If, because of the scale, lack of details, or illegibility of the Official Zoning Districts Map, there is any uncertainty, contradiction, or conflict regarding the intended location of any district boundaries shown on the Map, the following shall govern:

- A. Where boundaries follow streets or highways, the center line of the street or highway shall be the boundary line or lines.
- B. Where boundaries follow the shoreline of a stream, lake or other body of water, a change in the shoreline shall change the boundaries. Where boundaries follow the center line of a stream, river, canal or other bodies of water, a change in the center line shall change the boundaries.
- C. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- D. A boundary indicated as following the municipal boundary line of a city, village or township shall be construed as following such line.
- E. A boundary indicated as following a railroad line shall be construed as following the right-of-way.
- F. A distance not specifically indicated in the Official Zoning Map shall be determined by the scale of the map to the nearest foot. Should the above not fully explain a question of boundaries, the Zoning Board of Appeals shall have the authority to make an interpretation on appeal based upon the aforementioned standards.

### **§ 1-6.3. Scope.**

- A. General provisions:
  - (1) Every building or structure erected, any use of land, building or structure, any structural alteration or relocation of an existing building or structure and any enlargement of, or addition to, an existing use of land, building or structure occurring after the effective date of this chapter shall be subject to all regulations of this chapter which are applicable within the zoning district in which such land use, building or structure shall be located.
  - (2) Uses are permitted by right only if specifically listed as uses permitted by right in the various zoning districts. Accessory uses are permitted as indicated in the various zoning districts, and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed, or where provided for, and

if the required conditions are met.

- (3) A use of land, buildings, or structures not specifically mentioned in the provision of this chapter shall be classified upon appeal by the applicant or by request of the Building Official to the Planning Commission. A decision of the Planning Commission may be appealed by either party to the Zoning Board of Appeals.
  - (4) When setback areas, open space areas, off-street parking areas or loading areas are required for compliance with this chapter in connection with any use of land, building or structure, such areas must be located on the same property as the use of land, building or structure for which it is required. No part of such areas may be utilized to meet a similar requirement for any other use, building or structure on an adjacent property, unless a special use permit is granted by the Planning Commission.
  - (5) No use of land, buildings, structures or portions as provided in this section shall be erected or utilized without the prior approval of the site plan in accordance with Article VIII of this chapter.
- B. Uses existing before ordinance. Any use of land or development activity existing on the effective date of this chapter may continue subject to the provisions contained in Article IX, § 1-9.17 of this chapter.
  - C. Zoning of vacated areas. If a street, alley or other public right-of-way within the Township is vacated by official governmental action and if the lands within the boundaries thereof attach to and become part of lands adjoining the street, alley or public right-of-way, such lands shall automatically acquire and be subject to the same zoning regulations applicable to adjoining lands and shall be governed by this chapter.
  - D. Zoning of filled land and use of waters. If earthen fill is placed in any lake or stream, the created land shall automatically and without further government action acquire and be subject to the same zoning regulations applicable for lands to which the land attaches or is adjacent, and the created land shall be used for those purposes as are permitted under this chapter for the adjoining lands.
  - E. Zoning of annexed areas. When property is annexed into the Township, the Planning Commission shall consider the appropriate district classification and shall propose an amendment to this chapter concerning the annexed land to the Board of Trustees within one year of the effective date of the annexation. In the interim period, the existing zoning regulations shall remain in effect.
  - F. Application of regulations. The right to continue a land use or activity which is either permitted by this chapter or established as a legal nonconformity shall be vested with the property rather than with the current property owner. No rights shall be terminated for reason of transfer of ownership. The right to continue a land use or activity shall transfer automatically upon the conveyance of the property as long as there is no change in the characteristics or increase in the intensity of use.

**§ 1-6.4. Permitted uses.**

The regulations herein established in order to promote the public health, safety, and general welfare of the residents of Lawrence Township are uniform throughout each district and shall be applied consistently to each class of land, building or structure within each district of this chapter. Within each district so established there are three categories of uses.

- A. Uses permitted by right. Such uses shall be allowed when in accordance with the provisions of this chapter.
- B. Use permitted under special conditions. Such use shall be allowed, subject to the specific conditions imposed for said use in this chapter.
- C. Use permitted by issuance of a special use permit. The special use permit has been established to facilitate the inclusion within a district of certain uses which present potential injurious effects upon the surrounding property, public safety, public health, public services, or the general welfare of the community.

**§ 1-6.5. A-1: Agricultural District.**

- A. Intent and purpose. It is the goal of this district to preserve, enhance, and stabilize existing areas within the Township which are presently utilized for general and specialized farming and areas which, because of their soil characteristics and/or natural flora, should be conserved for agricultural use. Additionally, it is the intent of this district to promote the orderly and harmonious development of the Township by preserving predominately rural and agricultural lands from development and to preserve the essential characteristics and economic value of these areas as agricultural land.
- B. Uses permitted by right. In the A-1 Agricultural, no building or parcel shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this chapter.
  - (1) One-family dwelling.
  - (2) Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agricultural enterprises along with uses incidental to the above.
  - (3) Raising and keeping of cattle, hogs, horses, ponies, and similar livestock upon a lot having an area of one acre or more.
  - (4) Raising and keeping of small animals, such as poultry, rabbits, sheep and goats.
  - (5) Public or private parkland of a noncommercial nature.
  - (6) Public and private conservation areas and structures for the conservation of water, soils, open space, forest, and wildlife resources.
  - (7) Public areas, such as forest preserves, game refuges, and forest type recreation areas, and similar public uses of low intensity recreational character.

- (8) Child/adult day care or child/adult foster care providing care for six or fewer individuals.
- C. Uses permitted under special conditions. In addition to the general requirements of this district, the buildings and uses identified in this section shall meet the following additional requirements.
- (1) Cemeteries, public or private subject to the provisions of Article VIII, Site Plan Review. **[Amended 4-12-2018]**
  - (2) Permanent roadside stands selling products grown in Van Buren County provided that contiguous space for the parking of customer vehicles is furnished off the public right-of-way and provided further that all of the requirements for accessory buildings contained in Article IX, Supplemental Regulations, are met.
  - (3) Customary home occupations, provided the requirements for home occupations contained in Article IX, Supplemental Regulations, are complied with.
  - (4) Public or private educational buildings or uses subject to the provisions of Article VIII, Site Plan Review.
  - (5) Any accessory use or building shall be located on the same parcel as the principal building or contiguous lot or lot separated by a road or private road. Where a parcel is contiguous to a lot or parcel fronting on a lake in a different zoning district, customary accessory uses and buildings are permitted to be constructed, provided that such uses and buildings are incidental to the residential use.
  - (6) Family accessory housing with approval of site plan under Article VIII, Site Plan Review. **[Added 4-12-2018]**
- D. Uses permitted by special use permit. The following uses of land and structures may be permitted in this district through the application and approval of a special use permit as provided for in Article VII of this chapter. The land uses identified in this section may have additional regulations specified in Article VII of this chapter.
- (1) Religious institutions: churches, convents, parsonages, and other housing for religious personnel.
  - (2) Public buildings or utility structures, which include storage yards, substations and transformer stations.
  - (3) State-licensed day care or foster care providing care for seven or more individuals.<sup>14</sup>
  - (4) Private airports or landing fields.
  - (5) Commercial riding or boarding stables for the hiring, selling, or boarding of 10 or more horses.

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14. Editor's Note: Original Sec. 6.5.4.D of the 2005 Code, Accessory Apartment or Family Accessory Housing, which immediately followed this subsection, was repealed 4-12-2018.

- (6) Campgrounds.
- (7) Greenhouses and nurseries selling at retail on the premises.
- (8) Game hunting or fishing preserves operated for profit.
- (9) Veterinary hospitals, clinics, and commercial kennels.
- (10) Seasonal labor residential complexes associated with agricultural enterprises.
- (11) Sawmills and associated lumber processing operations.
- (12) Grain and seed elevators and sales: cold storage for cooperative and/or wholesale agricultural products.
- (13) Golf courses, driving ranges, and country clubs.
- (14) Sand, gravel, or mineral extraction operations. (See § 1-7.2G for requirements.)
- (15) Mobile home park developments.
- (16) Contractor's office.
- (17) Planned unit developments.
- (18) Bed-and-breakfasts.
- (19) Raising and keeping of cattle, hogs, horses, ponies, sheep, and similar livestock upon a lot having an area less than one acre.
- (20) Wineries, cideries and microbreweries. **[Added 7-13-2017]**
- (21) Major home occupations, provided the requirements for home occupations contained in Article IX, Supplemental Regulations, are complied with except those in conflict with the definition of major home occupations, including but not limited to § 1-9.8B(2) to (4) and C(2). **[Added 4-12-2018]**
- (22) Special event facilities. **[Added 4-12-2018]**
- (23) Grower facility: Class A, Class B and Class C, as regulated under § 1-7.2J. **[Added 12-12-2019]**
  - (a) The facility shall be located on a minimum of 40 acres for outdoor grow facility and a minimum of 20 acres for indoor grow facility. The minimum acreage requirement may be comprised of multiple parcels if the parcels have common ownership and are contiguous to each other.
  - (b) The facility, including outdoor grow operations, shall conform with all setbacks such that no portion of the operation shall intrude into the setbacks.
  - (c) The facility shall have a minimum separation distance from a permanent dwelling, whether or not occupied, on adjacent parcels as listed below:
    - [1] Outdoor grow facility: 500 feet.

[2] Indoor grow facility: 300 feet.

(24) Processor facility, when located on the same site as a grower facility, as regulated under § 1-7.2J. **[Added 12-12-2019]**

(a) The facility shall be set back a minimum of 100 feet from the road right-of-way and property lines.

(25) Large solar energy system. **[Added 7-9-2020]**

(26) Wind energy conversion system (WECS). **[Added 7-9-2020]**

E. Site development standards. The following maximum and minimum standards shall apply to all uses and structures in the A-1 Agricultural District.

(1) Site plan review: Refer to Article VIII.

(2) Single-family dwellings, either constructed on site or off site, shall have a minimum gross foundation area of not less than 1,040 square feet and a minimum width of 20 feet across any horizontal elevation, exclusive of basements, garages, porches, and breezeways, unless otherwise allowed in the zoning district. **[Amended by 11-13-2014]**

(3) Signage requirements: Refer to Article XI.

(4) Parking requirements: Refer to Article X.

(5) Maximum building height: Refer to Schedule A.<sup>15</sup> Structures for agricultural operations, such as barns or silos, may be permitted up to 75 feet in height.

(6) Special land uses: Additional regulations for special land uses are contained in Article VII.

### **§ 1-6.6. R-1: Rural Residential District.**

A. Intent and purpose.

(1) It is the goal of this district to provide low-density residential development to balance the demand for housing in a rural setting with the need to preserve the natural and agricultural lands of the Township.

(2) It is further the intent and purpose of this district to permit development of low-density residential properties within areas of the Township presently without public water and sewerage services and likely to remain without such services for an indefinite period of time.

B. Uses permitted by right. In the R-1 Residential District, no building or parcel shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this chapter.

(1) One-family dwelling.

(2) Public or private parkland of a noncommercial nature.

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15. Editor's Note: Schedule A, Zoning Ordinance–Dimensional Regulations, is included as an attachment to this chapter.

- (3) Family day care or adult foster care providing care for six or less individuals.
- C. Uses permitted under special conditions. In addition to the general requirements of this district, the buildings and uses identified in this section shall meet the following additional requirements.
- (1) Any accessory use or building shall be located on the same parcel as the principal building or contiguous lot or lot separated by a road or private road. Where a parcel is contiguous to a lot or parcel fronting on a lake in a different zoning district, customary accessory uses and buildings are permitted to be constructed, provided that such uses and buildings are incidental to the residential use.
  - (2) Customary agricultural operations, including general farming, truck farming, fruit orchards, nursery, greenhouses, and usual farm buildings, but subject to the following conditions:
    - (a) Horses may be kept on a noncommercial basis when appropriately housed and fenced. The minimum lot area requirement for the first horse shall be one acre. For each additional horse to be housed and fenced on the lot, an additional one acre per horse shall be provided.
    - (b) Other customary farm animals may be kept on a noncommercial basis when appropriately housed and fenced, providing that they do not create a public nuisance.
    - (c) All manure shall be kept out of the boundary setback.
  - (3) Customary home occupations, provided the requirements of Article IX are complied with.
  - (4) Public or private educational buildings or uses that receive site plan approval from the Planning Commission under Article VIII.
  - (5) Family accessory housing with approval of site plan under Article VIII, Site Plan Review. **[Added 4-12-2018]**
- D. Uses permitted by special use permit. The following uses of land and structures may be permitted in this district through the application and approval of a special use permit as provided for in Article VII of this chapter.
- (1) Religious institutions: churches, convents, parsonages, and other housing for religious personnel. Public buildings or utility structures, which include storage yards, substations and transformer stations.
  - (2) State-licensed day care or foster care providing care for seven or more individuals.
  - (3) Family accessory housing.
  - (4) Private airports or landing fields.
  - (5) Commercial riding or boarding stables for the hiring, selling, or boarding of horses. Special land uses in this category shall require a minimum of one acre



per horse.

- (6) Greenhouses and nurseries selling at retail on the premises.
  - (7) Game hunting or fishing preserves operated for profit.
  - (8) Veterinary hospitals, clinics, and kennels.
  - (9) Seasonal labor residential complexes associated with agricultural enterprises.
  - (10) Sawmills and associated lumber processing operations.
  - (11) Grain and seed elevators and sales: cold storage for cooperative and/or wholesale agricultural products.
  - (12) Golf courses, driving ranges, and country clubs.
  - (13) Sand, gravel, or mineral extraction operations. (See § 1-7.2G for requirements.)
  - (14) Mobile home park developments.
  - (15) Contractor's office, provided there is no retail business establishment. All equipment and material storage on site must be in an enclosed building.
  - (16) Planned unit developments.
  - (17) Bed-and-breakfasts.
  - (18) Major home occupations provided the requirements for home occupations contained in Article IX, Supplemental Regulations, are complied with except those in conflict with the definition of major home occupations, including but not limited to § 1-9.8B(2) through (4) and C(2). **[Added 4-12-2018]**
  - (19) Special event facilities. **[Added 4-12-2018]**
- E. Site development standards. The following maximum and minimum standards shall apply to all uses and structures in the R-1 Residential District.
- (1) Dimensional requirements. All applicable requirements of Schedule A shall be met.
  - (2) Site plan review. Required under the guidelines established in § 1-8.2.
  - (3) Single-family dwellings, either constructed on site or off site, shall have a minimum floor area of not less than 1,040 square feet and a minimum width of 20 feet across any horizontal elevation, exclusive of basements, garages, porches and breezeways, unless otherwise allowed in the zoning district. **[Amended by 11-13-2014]**
  - (4) Signage requirements. Refer to Article IX.
  - (5) Parking requirements. Refer to Article X.
  - (6) Special land uses. Additional regulations for special land uses are contained in Article VII.

**§ 1-6.7. R-2: Medium Density Residential.**

## A. Intent and purpose.

- (1) It is the goal of this district to provide medium-density residential development in a traditional subdivision, site condominium, planned unit development, or cluster housing option which is located in a geographic area which is recommended by the Comprehensive Development Plan for this type of development.
- (2) It is further the intent and purpose of this district to permit development of medium-density residential properties within areas of the Township which may have, but are not required to have, public water and sewerage services.

## B. Uses permitted by right. In the R-2 Residential District, no building or parcel shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this chapter.

- (1) One-family dwelling.
- (2) Duplex dwelling.
- (3) Public or private parkland of a noncommercial nature.
- (4) Family day care or adult foster care providing care for six or less individuals.

## C. Uses permitted under special conditions. In addition to the general requirements of this district, the buildings and uses identified in this section shall meet the following additional requirements:

- (1) Any accessory use or building shall be located on the same parcel as the principal building or contiguous lot or lot separated by a road or private road. Where a parcel is contiguous to a lot or parcel fronting on a lake in a different zoning district, customary accessory uses and buildings are permitted to be constructed, provided that such uses and buildings are incidental to the residential use.
- (2) Customary home occupations.

## D. Uses permitted by special use permit. The following uses of land and structures may be permitted in this district through the application and approval of a special use permit as provided for in Article VII of this chapter.

- (1) Religious institutions: churches, convents, parsonages, and other housing for religious personnel.
- (2) Public buildings or utility structures, which include storage yards, substations and transformer stations.
- (3) State licensed day care or foster care providing care for seven or more individuals.
- (4) Accessory apartment or elderly cottage housing opportunity (ECHO).
- (5) Private airports or landing fields.

- (6) Planned unit developments.
  - (7) Cluster housing option.
  - (8) Public or private educational buildings or uses which receive site plan approval from the Planning Commission under Article VIII.
  - (9) Bed-and-breakfasts.
  - (10) Any accessory use or building not located on the same parcel as the principal building.
- E. Site development standards. The following maximum and minimum standards shall apply to all uses and structures in the R-2 Residential District.
- (1) Dimensional requirements. All applicable requirements of Schedule A<sup>16</sup> shall be met.
  - (2) Site plan review. Required under the guidelines established in § 1-8.2.
  - (3) Single-family dwellings, either constructed on site or off site, shall have a minimum floor area of not less than 1,040 square feet and a minimum width of 20 feet across any horizontal elevation, exclusive of basements, garages, porches and breezeways, unless otherwise allowed in the zoning district. **[Amended by 11-13-2014]**
  - (4) Duplex dwellings, either constructed on site or off site, shall have a minimum gross foundation area of not less than 750 square per unit, exclusive of basements, garages, porches, and breezeways.
  - (5) Duplex dwellings shall provide 15,000 square feet of land area per unit.
  - (6) Signage requirements. Refer to Article XI.
  - (7) Parking requirements. Refer to Article X.
  - (8) Special land uses. Additional regulations for special land uses are contained in Article VII.

### **§ 1-6.8. R-3: Waterfront Residential Development.**

A. Purpose and intent.

- (1) It is the goal of this district to provide residential development in a waterfront recreational environment, located on an individual parcel, traditional subdivision, site condominium, planned unit development, or cluster housing option which is located in a geographic area recommended by the Comprehensive Development Plan for this type of development.
- (2) It is further the intent and purpose of this district to permit development of waterfront residential properties within areas of the Township which may have, but are not required to have, public water and sewerage services.

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16. Editor's Note: Schedule A, Zoning Ordinance–Dimensional Regulations, is included as an attachment to this chapter.

- B. Uses permitted by right. In the R-3 Waterfront Residential District, no building or parcel shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this chapter.
- (1) One-family dwelling.
  - (2) Public or private parkland of a noncommercial nature.
- C. Uses permitted under special conditions. In addition to the general requirements of this district, the buildings and uses identified in this section shall meet the following additional requirements.
- (1) Customary accessory uses and buildings, provided that such uses and buildings are incidental to the residential use. Any accessory use or building shall be located on the same parcel as the principal building or contiguous lot or lot separated by a road or private road.
  - (2) Waterfront access lots which meet the requirements of § 1-9.18.
- D. Uses permitted by special use permit. The following uses of land and structures may be permitted in this district through the application and approval of a special use permit as provided for in Article VII of this chapter.
- (1) Bed-and-breakfast.
  - (2) Public buildings or utility structures which exclude storage yards, substations and transformer stations.
  - (3) State-licensed day care or foster care providing care for any number of individuals.
  - (4) Planned unit developments.
  - (5) Public or private educational buildings or uses which receive site plan approval from the Planning Commission under Article VIII.
- E. Site development standards. The following maximum and minimum standards shall apply to all uses and structures in the R-3 Waterfront Residential District.
- (1) Dimensional requirements. All applicable requirements of Schedule A shall be met.<sup>17</sup>
  - (2) Site plan review. Required under the guidelines established in § 1-8.2.
  - (3) Single-family dwellings, either constructed on site or off site, shall have a minimum gross foundation area of not less than not less than 1,040 square feet and a minimum width of 20 feet across any horizontal elevation, exclusive of basements, garages, porches and breezeways, unless otherwise allowed in the zoning district. **[Amended by 11-13-2014]**
  - (4) Signage requirements. Refer to Article XI.
  - (5) Parking requirements. Refer to Article X.

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17. Editor's Note: Schedule A, Zoning Ordinance—Dimensional Regulations, is included as an attachment to this chapter.

- (6) Special land uses. Additional regulations for special land uses are contained in Article VII.

**§ 1-6.9. R-4: Multiple-Family Residential.**

A. Purpose and intent.

- (1) It is the goal of this district to provide high-density residential development options in traditional subdivision, site condominium, planned unit development, or cluster housing options which are located in a geographic area which is recommended by the Comprehensive Development Plan.
- (2) It is further the intent and purpose of this district to permit development of medium-density residential properties within areas of the Township which presently have, or are likely to have in the future, public water and sewerage services.
- (3) Additionally, it is the intent of this district to permit the development of duplex and multiple-family residential structures through the review and approval of a special use permit.

B. Uses permitted by right. In the R-4 Residential District, no building or parcel shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this chapter.

- (1) One family dwelling, two-family dwellings, and multiple-family dwellings.
- (2) Public buildings, including governmental, utility, or public service use; excluding storage yards, transformer stations, and substations.
- (3) Public or private parkland of a noncommercial nature.
- (4) Family day care or adult foster care providing care for six or less individuals.

C. Uses permitted under special conditions.

- (1) In addition to the general requirements of this district, the buildings and uses identified in this section shall meet the following additional requirements:
- (2) Customary accessory uses and buildings, provided that such uses and buildings are incidental to the principal use.

D. Uses permitted by special use permit. The following uses of land and structures may be permitted in this district through the application and approval of a special use permit as provided for in Article VII of this chapter.

- (1) State-licensed day care or foster care providing care for more than seven individuals.
- (2) Family accessory housing.
- (3) Planned unit developments.
- (4) Public or private educational buildings or uses which receive site plan approval from the Planning Commission under Article VIII.

- (5) Seasonal, residential, recreational camps which meet the site development standards of the R-4 District.
  - (6) Mobile home parks.
- E. Site development standards. The following maximum and minimum standards shall apply to all uses and structures in the R-4 Residential District.
- (1) Dimensional requirements. All applicable requirements of Schedule A shall be met.<sup>18</sup>
  - (2) Site plan review. Required under the guidelines established in § 1-8.2.
  - (3) Dwelling units, either constructed on site or off site, shall have a minimum gross foundation area of not less than 1,040 square feet and a minimum width of 20 feet across any horizontal elevation, exclusive of basements, garages, porches and breezeways, unless otherwise allowed in the zoning district. **[Amended by 11-13-2014]**
  - (4) Duplex dwellings shall provide 10,000 square feet of land area per unit and shall meet the requirements of § 1-6.8E(3).
  - (5) Multiple-family dwellings shall provide a minimum parcel size of 20,000 square feet for the first unit and 5,000 square feet for each unit thereafter.
  - (6) Signage requirements. Refer to Article XI.
  - (7) Parking requirements. Refer to Article X.
  - (8) Special land uses. Additional regulations for special land uses are contained in Article VII.

**§ 1-6.10. O-1: Professional Office.**

- A. Purpose and intent. It is the intent of this district to provide areas for low-intensive office, administrative and institutional uses in geographic locations where adequate public utilities are available and access is provided by primary streets. The location of this district shall be compatible with adjacent land uses.
- B. Uses permitted by right:
  - (1) Offices for attorneys, accountants, architects, engineers, and similar professions.
  - (2) Offices for financial institutions, real estate offices, insurance offices, credit reporting agencies, business management and consulting, and similar business offices.
  - (3) Photographic studios.
  - (4) Professional services establishments providing human health care on an outpatient basis.

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18. Editor's Note: Schedule A, Zoning Ordinance—Dimensional Regulations, is included as an attachment to this chapter.

- (5) Medical, optical and dental offices.
  - (6) Medical, optical and dental laboratories.
  - (7) Offices for nonprofit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.
  - (8) Mortuaries and funeral homes, not including crematories.
  - (9) Religious institutions.
  - (10) Private educational facilities.
  - (11) Public buildings.
- C. Permitted uses under special conditions. Uses permitted under special conditions shall meet the general conditions identified in Article VIII, Site Plan Review, and any requirements identified in Article IX, Supplemental Regulations.
- (1) Temporary buildings.
  - (2) Accessory buildings and uses.
  - (3) Off-site parking (within 300 feet of principal use).
  - (4) Massage therapy with trained and licensed staff under State of Michigan Regulations for medical/health practices and services.
- D. Uses permitted by special use permit pursuant to Article VII of this chapter:
- (1) Public utility installations (pump or relay stations which are enclosed and unmanned).
  - (2) Child-care center providing care for 12 or more children (P.A. 116, 1973<sup>19</sup>).
  - (3) Any other use which is, in the opinion of the Planning Commission, similar to the use permitted by right.
- E. Dimensional requirements. The following maximum and minimum standards shall apply to all uses and structures in the O-1 Professional Office District.
- (1) Dimensional requirements. Uses and structures in this district shall meet the requirements of Schedule A.<sup>20</sup>
  - (2) Site plan review. Refer to Article VII.
  - (3) Signage requirements. Refer to Article XI.
  - (4) Parking requirements. Refer to Article X.
  - (5) Maximum building height. Refer to Schedule A.<sup>21</sup>

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19. Editor's Note: See MCLA § 722.111 et seq.

20. Editor's Note: Schedule A, Zoning Ordinance–Dimensional Regulations, is included as an attachment to this chapter.

21. Editor's Note: Schedule A, Zoning Ordinance–Dimensional Regulations, is included as an attachment to this chapter.

**§ 1-6.11. C-1: Commercial District.****A. Purpose and intent.**

- (1) It is the intent of this district to provide for a variety of commercial establishments, business firms, and professional offices by right that offer retail sales and services at logical and sound locations near the population being served which minimize the day for convenience goods and services. This district would permit a mixture of land uses utilizing a variety of setbacks, buffer yards and other means of screening so as to mitigate or minimize conflicts between neighboring, yet different, land uses.
- (2) The district is also intended to provide for highway-oriented, shopping center, and general commercial development which are intended to serve a greater segment of the population under special conditions and special use permits. Whether the intensity of the commercial activity is high or relatively benign, the district shall be developed so as to not harm adjacent residential areas. Public utilities, public sanitary sewers and public water systems may be required before the larger, denser commercial development can proceed.
- (3) Commercial land uses developed within this zoning district should be in conformance with the recommendations of the Comprehensive Development Plan.

**B. Uses permitted by right:**

- (1) Arcades.
- (2) Boardinghouses and lodging houses/bed-and-breakfasts.
- (3) Convenience commercial establishments.
- (4) Convenience retail.
- (5) Comparison retail.
- (6) General retail and department stores.
- (7) Financial institutions, including drive-through services.
- (8) Medical services.
- (9) Motels and hotels.
- (10) Offices.
- (11) Personal and professional services.
- (12) Rapid copy and FAX centers.
- (13) Restaurants and taverns.
- (14) Secondhand and antique stores.
- (15) Mortuaries and funeral homes.



- (16) Seasonal farm markets.
  - (17) Automobile parts sales and tire service.
  - (18) Public buildings, public recreation, and open space.
  - (19) Signs may be provided pursuant to Article XI.
  - (20) Single-family dwelling.
- C. Uses permitted under special conditions. Uses permitted Under Special Conditions shall meet the general conditions identified in Article VIII, Site Plan Review, and any requirements identified in Supplemental Regulations (Article IX).
- (1) Customary accessory uses and accessory buildings.
  - (2) Churches and other religious institutions.
  - (3) Commercial garages (site plan review).
  - (4) Drive-in facilities and theaters (site plan review).
  - (5) Convalescent/nursing homes (site plan review).
  - (6) Off-site parking (within 300 feet of principal use).
  - (7) Building materials, hardware, farm equipment and garden supply.
  - (8) Commercial site condominium development pursuant to Article V of this chapter.
  - (9) Automobile service stations.
  - (10) Retail greenhouse and nurseries.
  - (11) Vehicle sales and service, recreational vehicles.
  - (12) Planned shopping centers with less than 100,000 square feet of floor space.
  - (13) Adult entertainment (Article IX).
  - (14) Premanufactured housing display and sales (major arterial and site plan review).
  - (15) Temporary outdoor uses in accordance with Article IX of this chapter.
- D. Uses permitted by special use permit. The following uses of land and structures may be permitted in this district through the application and approval of a special use permit as provided for in Article VII of this chapter. The land uses identified in this section may have additional regulations specified Article VII of this chapter.
- (1) Planned shopping center and shopping mall (ten-acre minimum).
  - (2) Commercial recreational activities.
  - (3) Child-care center for 12 or more persons (Michigan Public Act 116 of 1973<sup>22</sup>).

- (4) Public service and utility maintenance installations and storage facilities.
  - (5) Commercial indoor weapons firing range.
  - (6) Mini warehousing.
  - (7) General building contractor establishment with or without outdoor storage.
  - (8) Clinics: veterinary and animal hospital (when entirely indoors).
  - (9) Processor facility. **[Added 12-12-2019]**
  - (10) Safety compliance facility. **[Added 12-12-2019]**
  - (11) Secure transporter facility. **[Added 12-12-2019]**
- E. Site development standards. The following maximum and minimum standards shall apply to all uses and structures in the C-1 District.
- (1) Dimensional requirements. Structures and uses within the C-1 Commercial District shall meet the lot area, lot width, yard setback, lot coverage, and height requirement as identified in Schedule A.<sup>23</sup>
  - (2) All commercial and business development under this section shall be subject to site plan review as specified in Article VIII of this chapter.
  - (3) Solid waste. All business and commercial establishments shall provide an approved solid waste disposal system. Trash receptacles/dumpsters shall be subject to site plan review.
  - (4) All exterior lighting shall be directed toward the interior of the site and not represent a nuisance to adjacent properties.

### **§ 1-6.12. I-1: Industrial Manufacturing District.**

#### A. Purpose and intent.

- (1) It is the intent of this district to provide for a variety of heavy commercial and light industrial uses by right which are characterized by relatively low traffic generation and the absence of objectionable external effects in areas of the Township affording direct access to county primary roads, railroads and airports. Such areas are intended to have existing utilities, adequate water source, adequate sewer and adequate stormwater drainage or retention. Such industrial areas should be free of noncompatible uses and designed so as not to harm adjoining land uses. In addition, this district is intended to provide for more intense industrial development with the approval of a special use permit in settings which are conducive to public health, economic stability and growth, protection from blight, deterioration and nonindustrial encroachment, and efficient traffic movement, including employee and truck traffic. Land conducive to this intense development shall be located on roadways and provided with public sanitary sewer, where possible, adequate water supply

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22. Editor's Note: See MCLA § 722.111 et seq.

23. Editor's Note: Schedule A, Zoning Ordinance—Dimensional Regulations, is included as an attachment to this chapter.

and stormwater drainage.

- (2) Industrial and manufacturing uses of land and/or structures should be in conformance with the recommendations of the Comprehensive Development Plan.

B. Uses permitted by right:

- (1) Sales and service of building materials, farm equipment, garden supplies, heavy equipment, new mobile and modular homes, semitrailers, and containers.
- (2) Heavy construction companies.
- (3) Jobbing and machine shops.
- (4) Mini warehousing/storage.
- (5) Manufacturing (light).
- (6) Printing/publishing houses.
- (7) Research and development establishments.
- (8) Warehousing.
- (9) Monument and art stone production.
- (10) Processing of machine parts.
- (11) Trade/industrial schools.
- (12) Fabricating of small metal products.
- (13) Contractor establishments.
- (14) Grain and feed elevators.
- (15) Nursery or greenhouse.
- (16) Crop land and horticulture without livestock.
- (17) Public and private noncommercial parks and recreation facilities.
- (18) Signs pursuant to Article XI of this chapter.
- (19) Junkyards.

C. Uses permitted under special conditions. Uses permitted under special conditions shall meet the general conditions identified in this section, Article VIII, Site Plan Review, and any requirements identified in Article IX, Supplemental Regulations.

- (1) Public service and utility maintenance and storage facilities.
- (2) Commercial indoor weapons range.
- (3) Open outdoor storage.

- (4) Truck terminal.
  - (5) Off-site parking (within 300 feet of principal use).
  - (6) Industrial laundry.
  - (7) Wholesale business without storage of flammable liquids or combustible material.
  - (8) Office incidental to the industrial use.
  - (9) Restaurant or tavern without drive-through service.
  - (10) Veterinary clinic and animal hospital with indoor kennels.
- D. Uses permitted by special use permit pursuant to Article VII of this chapter:
- (1) The aboveground or underground storage and sale of hazardous materials, if permitted by and in compliance with state and federal law and regulations. **[Amended 4-12-2018]**
  - (2) Cement and asphalt plants.
  - (3) Communication/commercial towers.
  - (4) Drop forging, punch pressing, plating, and chemical processes.
  - (5) Metal and wood stripping establishments.
  - (6) Industrial parks.
  - (7) Automobile salvage and junkyards.
  - (8) Livestock auction yard and livestock transport facilities.
  - (9) Refineries and power generating plants.
  - (10) Rail terminals.
  - (11) Meat or poultry processing plant and/or slaughterhouses.
  - (12) Dry bulk blending plant and/or handling of liquid.
  - (13) Nitrogen fertilizer and anhydrous ammonia.
  - (14) Repair and temporary storage of damaged mobile homes.
  - (15) Wood processing facility.
  - (16) Impound lots.
  - (17) Junkyards.
  - (18) Grower facility: Class A, Class B and Class C, as regulated under § 1-7.2J. However, the grower facilities must be in a fully enclosed building; there are no outdoor grower facilities permitted in I-1. **[Added 12-12-2019]**

- (19) Processor facility. **[Added 12-12-2019]**
- (20) Safety compliance facility. **[Added 12-12-2019]**
- (21) Secure transporter facility. **[Added 12-12-2019]**
- E. Site development requirements. The following maximum and minimum standards shall apply to all uses and structures in the I-1 District.
  - (1) Dimensional requirements. Structures and uses within the I-1 District shall meet the lot area, lot width, lot setback, lot coverage, and height requirement as identified in Schedule A.<sup>24</sup>
  - (2) External areas for storage are permitted when screened on all sides by an opaque fence of not less than six feet in height.
  - (3) All industrial developments and/or expansions shall be subject to site plan review, including landscaping requirements as specified in Article VIII of this chapter.

**§ 1-6.13. Open Space Overlay District. [Added 12-12-2002]**

- A. Purpose and intent.
  - (1) In accordance with Public Act 177 of 2002,<sup>25</sup> this district is intended to provide an alternative to traditional subdivisions pursuant to the Zoning Enabling Act (P.A. 110 of 2006, MCLA § 125.3101 et seq.) for the purpose of encouraging the use of Township land in accordance with its character and adaptability; assuring the permanent preservation of open space, agricultural lands, and other natural resources; allowing innovation and greater flexibility in the design of the residential developments; facilitating the construction and maintenance of streets, utilities and public services in a more economical and efficient manner; ensuring compatibility of design and use between neighboring properties; and encouraging a less sprawling form of development, thus preserving open space as undeveloped land. **[Amended at time of adoption of Code (see Ch. 20, Code Adoption, Art. II)]**
  - (2) Open space development has numerous environmental and community benefits, including:
    - (a) Reduces the impervious cover in a development. Impervious cover contributes to degradation of water resources by increasing the volume of surface runoff and preventing infiltration of rainfall into the soil surface.
    - (b) Reduces pollutant loads to streams and other water resources.
    - (c) Reduces soil erosion potential by reducing the amount of clearing and grading on the site.
    - (d) Preserves green space.

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24. Editor's Note: Schedule A, Zoning Ordinance–Dimensional Regulations, is included as an attachment to this chapter.

25. Editor's Note: See MCLA § 322.319.

- (e) Preserves open space for recreation.
  - (f) Reduces the capital cost of development.
  - (g) Reduces the cost of stormwater management.
  - (h) Provides a wider range of feasible sites to manage stormwater.
  - (i) Reduces the cost of public services needed by the development.
  - (j) Can increase future property values.
  - (k) Preserves/creates wildlife habitat.
  - (l) Creates a sense of community and pedestrian movement.
  - (m) Can support other community planning goals, such as farmland preservation, affordable housing and architectural diversity.
- (3) It is the desire of Lawrence Township to protect the natural community resources by promoting open space development within the jurisdiction. These regulations are intended to preserve a traditional rural character to the land use pattern within the Township through the creation of small residential nodes contrasting with open space and less intensive land uses. These regulations are intended to result in a specific development substantially consistent with zoning ordinance standards, yet allow for modifications from the general standards. The Open Space Overlay District shall be established as an overlay district applicable to the following districts:
- (a) A-1 Agricultural District.
  - (b) R-1 Rural Residential District.
  - (c) R-2 Medium Density Residential.
- B. Scope. For the purposes of this article, an "open space community" is defined as a predominately single-family residential development in which dwelling units are placed in close proximity in 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 and will remain in an undeveloped state. Dwelling units other than single-family units, such as duplexes, attached condominium units, or apartments, commercial, office, and those permitted in the underlying district, are permitted when the project has a minimum gross site area of 25 acres.
- C. Eligibility.
- (1) Minimum project size. The minimum size of an open space community shall be five acres of contiguous land.
  - (2) Open space. The proposed development shall preserve a minimum of 50% of the gross land area as open space, maintained in an undeveloped state.
  - (3) 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.

- (4) Open space requirements:
- (a) The applicant shall guarantee to the satisfaction of the Township Planning Commission that all open space portions of the development will be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as recorded deed restrictions, covenants that run perpetually with the land or a conservation easement.
  - (b) The 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. The conveyance shall also indicate the proposed allowable use(s) of the dedicated open space; require that the dedicated open space be maintained by parties who have an ownership interest in the open space (such as a homeowner's association); provide standards for scheduled maintenance of the open space; and provide for maintenance to be undertaken by Lawrence 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.
  - (c) The conveyance shall provide that residents of the development have access to the open space at all times and dictate whether open space is for the sole benefit of the development or may be open to residents of the Township.
  - (d) The following land areas are not included as dedicated open space for the purposes of this article: setbacks and lawns (lots), the area of any street right-of-way or any portion of the project used for commercial purposes.
  - (e) 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. Any changes to the open space not designated on the approved plan shall be approved by the Lawrence Township Planning Commission.
  - (f) The following are considered high priorities for inclusion in designated open space: resource buffers, high-quality forest resources, individual trees, critical flora/fauna habitat areas and/or high-quality soil resources.
  - (g) At least 75% of designated open space shall be contiguous, with no portion less than 100 feet wide.
  - (h) Impervious cover, tennis courts, paved walkways, picnic shelters, etc.) shall not exceed 5% of the total open space area.

## D. Design criteria.

- (1) The total number of residential units allowable within an open space development shall not exceed the number of units that would otherwise be allowed in the existing zoning district using conventional development after exempting out all existing and proposed road and utility rights-of-way and any land that includes wetlands, submerged areas, land within the 100-year floodplain, and slopes of 25% or greater.
- (2) Frontage distance may be reduced to 25% of the underlying zoning district requirements.
- (3) Rear, front, and side yard setbacks may be reduced to 50% of the requirements in the underlying zoning district.
- (4) Lot size may be reduced to 25% of the area required in the underlying district.
- (5) Irregular lot shapes and shared driveways are permitted in open space design.
- (6) Open space developments may incorporate duplex, attached residential units and/or apartment units so long as the overall permitted density of the development are maintained.
- (7) Open space developments may incorporate commercial land use components, provided that the following are met:
  - (a) The total area occupied by the commercial land uses may not exceed 5% of the gross area of the open space community, or a maximum of five acres, whichever is less.
  - (b) All commercial uses shall be compatible with the residential area.
  - (c) The Planning Commission finds that the architectural design of the structures is compatible with the balance of the development.
  - (d) All commercial structures are connected to a pedestrian access system servicing the project.
  - (e) All parking and loading areas serving the commercial uses shall be to the rear of the commercial structure and fully screened from view of any public roadway.
  - (f) The allowable commercial uses within such an area shall be recorded as a deed restriction on the property and shall be restricted to the following:
    - [1] Food and beverage stores.
    - [2] Personal service establishments such as hair salons, barbershops, tailors, dry-clean pickup and dropoff (no processing) and similar uses.
    - [3] Child-care/day-care centers, preschool, public and private K through 12 schools.
    - [4] Convalescent homes and retirement homes.



[5] Offices for professionals, including doctor, dentist, attorney, engineer, accountant, architect, financial consultant or broker, publisher, real estate, secretarial services and similar uses.

- (8) Direct access onto a county road shall be required for an open space community.
- (9) If an existing use of the property shall remain after the open space development is approved, it must be incorporated into the development plan.
- (10) Signs shall be permitted pursuant to Article XI.

E. Site plan review and approval process.

- (1) An application for approval of an open space community plan shall be executed by or on behalf of the landowner and filed with the Township Building Official. A filing fee as set forth by resolution of the Township Board, payable to the Township, shall be submitted with the application.
- (2) Plan requirements. A site plan shall be required per Article VIII of this chapter, regardless of uses. Additionally, the applicant shall be required to submit the following.
  - (a) Statement of purpose.
  - (b) General plan of development, including designation of proposed land uses by relative intensity and proportion of land area intended for each land use.
  - (c) Program and time line of development outlining the proposed stages of development. In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the planned development are intended to be filed.
  - (d) The location, function, ownership and manner of maintenance of common open space.
  - (e) The use, location, approximate height, bulk and location of buildings and other structures.
  - (f) The plan for disposition of sanitary waste and stormwater.
  - (g) The substance of covenants, grants of easement or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements for public utilities.
  - (h) The location and width of proposed streets and the relationship of proposed streets and other public facilities in proximity to the development.
  - (i) The proposed conditions and form of performance bonds or irrevocable bank letters of credit to ensure the proper implementation of the plan.

- (3) A public hearing shall be held by the Planning Commission on the tentative plan for an open space community, and a report and recommendation thereof submitted to the Township Board.
- (4) The Township Board shall hold a public hearing on the tentative plan. The tentative plan may be approved, approved subject to modifications, or rejected by the Township Board, after a report and recommendation from the Planning Commission.
- (5) Approval by the Township Board of a tentative plan shall constitute the rezoning of the subject land to OS, open space.
- (6) Approval by the Township Board of a tentative plan shall qualify an area for application for approval of a final plan and development as an open space community for two years. If a final plan is not approved for development within such time, the Board may extend the designation for an additional two-year period, or initiate rezoning proceedings to redesignate the property to the land use classification previously existing or the land use that would be deemed suitable for the property.
- (7) Final plan for development of open space.
  - (a) A final plan for development of the open space community shall be submitted to the Planning Commission for review and approval. The application for approval conditions and form of bonds as were set forth by resolution at the time of tentative approval. In accordance with the schedule proposed in the application for a tentative approval, the applicant may elect to submit for final approval on a portion of the development. The final plan shall be in substantial compliance with the previously approved tentative plan approved by the Township Board and shall not:
    - [1] Involve a reduction of the area set aside for common open space;
    - [2] Increase by more than 10% the gross floor area proposed for nonresidential uses; and/or
    - [3] Increase by more than 5% the total ground area covered by buildings.
  - (b) If the final plan varies more than the limits set forth in Subsection E(7)(a)[1] through [3] above, the Township Board must approve the final plan after a public hearing.
- (8) After a final plan is approved, construction must start within 12 months. If development is not begun within such time, the final plan must be resubmitted for approval.

ARTICLE VII  
**Uses Authorized by Special Use Permit**

**§ 1-7.1. General standards and requirements.**

A. Intent and purpose.

- (1) Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this chapter to provide a set of procedures and standards for specific uses of land or structures that will allow and maintain sound provisions for the protection of the health, safety and general welfare of the inhabitants of Lawrence Township. In order to provide controllable and reasonable flexibility, this article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a special use permit. By such a procedure, the Township Planning Commission has the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public welfare.
- (2) The following section, together with previous references in other articles of this chapter, designate specific uses that require a special use permit and, in addition, specify the procedures and standards which must be met before such a permit can be issued.

B. Application procedures. An application for a special use permit for any land or structure use permitted under this article shall be submitted and processed under the following procedures:

- (1) Applicant. Any person owning or having an interest in the subject property may file an application for one or more special use permits provided for in this chapter in the zoning district in which the land is situated.
- (2) Submission of application. An application shall be submitted through the Building Official for consideration to the Planning Commission on a form provided by the Building Official. Each application shall be signed by the property owner. The application shall be accompanied by payment of the fee as established by the Township Board of Trustees to cover costs of processing the application.
- (3) Required information. One application for a special use permit, filled out in full, shall be presented to the Building Official and accompanied by one of the following:
  - (a) Twelve copies of a preliminary sketch plan. In this instance, the applicant will be required to complete the site plan review process of Article VIII after completion of the special use permit procedure. Additional copies may be required.
  - (b) A complete application for site plan review, including application form,

final site plan and all applicable fees. In this instance, the site plan review process will be conducted simultaneously with the review of the special use permit and in conformance with Article VIII of this chapter.

- (c) An application complying with the provisions of this chapter shall be scheduled for public hearing by the Planning Commission.
- (4) Incomplete applications.
  - (a) An application made without full compliance with this chapter shall be returned to the applicant, with a request with the missing information.
  - (b) An application which is incomplete shall not constitute submission as to commence the running of time for processing the application.
- (5) Upon receipt of a complete application by the Building Official, the Township shall transmit one copy to any agency considered to be impacted or affected by the land use request for review and comment. This includes but is not limited to the County Drain Commissioner and the County Road Commission.
- (6) Other having interest. Any person having an interest in any application may present any petition or document supporting his position for or against such application.
  - (a) All documents shall be submitted to the Building Official no later than 15 days before the hearing at which the application will be considered.
  - (b) It shall be incumbent upon the applicant to furnish adequate evidence in support of the proposed use complying with the provisions of this chapter. It shall be the obligation of the applicant to furnish sufficient evidence or proof of ongoing compliance with the provisions of this chapter.
- (7) Requirements and limitations for granting special use permits. **[Amended 4-12-2018]**<sup>26</sup>
  - (a) Until a special use permit has been issued for any use requiring the same in this chapter, and until a proper building permit has been granted pursuant to the special use permit, there shall be no construction, as defined by MCLA § 125.1502a(n), or excavation on said land, nor shall there be made any use of land related to the request for the special use permit except as provided herein. While a special use permit application is pending, a limited building or demolition permit application may be submitted if no objection to its submission is raised by the Planning Commission at a regular or special meeting of the Planning Commission following the submission of the special use application.
  - (b) The request to submit a limited building or demolition permit application may be made on the special use permit application itself, or in a separate request submitted at or before the initial hearing on the special use permit application.

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26. Editor's Note: This ordinance renumbered original Sec. 7.1.2(F)(3) of the 2005 Code as original Sec. 7.1.2(G).

- (c) The Planning Commission shall consider the Building Inspector's opinion, the proposed special use, the likelihood of granting the special use permit, the impact on the neighboring properties and the community if a structure is built or demolished in whole or in part and the special use permit is denied, and any other factors the Planning Commission considers relevant.
- (d) The granting of a limited building or demolition permit is not an approval of any special uses, building, structure, or excavation locations, or other matters depicted, referred to, or implied in any documents submitted with the limited building or demolition permit or special use permit application. Further, any work done pursuant to a limited building or demolition permit may need to be modified, redone, or removed in light of requirements of the Planning Commission or the Township Board for approval of the special use permit.

A LIMITED BUILDING OR DEMOLITION PERMIT and APPLICATION will contain the following reservation of rights: "THIS BUILDING OR DEMOLITION PERMIT SHOULD NOT BE CONSTRUED AS AN APPROVAL OF ANY SITE PLANS OR SPECIAL USE PERMIT APPLICATIONS. THIS INCLUDES SITE PLANS THAT WERE ATTACHED TO THIS LIMITED BUILDING OR DEMOLITION PERMIT APPLICATION. THE TOWNSHIP RESERVES THE RIGHT TO DENY ANY SITE PLANS AND/OR SPECIAL USE PERMITS, AND ANY AMENDMENTS THERETO, PENDING IN OR STILL TO BE SUBMITTED TO THE TOWNSHIP. THE APPLICANT PROCEEDS AT HIS/HER OWN RISK WITH FULL UNDERSTANDING THAT THE AFOREMENTIONED SITE PLANS, SPECIAL USE PERMITS, AND OTHER PERMITS, APPLICATIONS, OR APPROVALS MAY BE DENIED OR HAVE ADDITIONAL CONDITIONS PUT ON THEM WHICH MAY PREVENT FURTHER CONSTRUCTION, RESULT IN FINANCIAL LIABILITY OR LOSS, OR OTHERWISE RESULT IN HAVING TO MODIFY, REDO, OR UNDO STRUCTURES OR EXCAVATIONS, OR MAY RESULT IN APPLICANT HAVING TO TAKE FURTHER ACTION."

"I am the owner or the owner's authorized agent capable of binding the owner. The owner/applicant deems the work, structure, excavation, and/or demolition is acceptable even if the pending or to be submitted special use permit is DENIED. The owner/applicant states that even if the special use permit is denied said construction, excavation, and/or demolition furthers the owner/applicant's desire to develop the property for other reasons."

Date: \_\_\_\_\_ Owner/Agent: \_\_\_\_\_

C. Review and findings.

- (1) Public hearing. The Planning Commission shall review the application at its next regular meeting following filing and shall set a date for public hearing within 45 days thereafter. Notice shall be given pursuant to the requirements

of the Michigan Zoning Enabling Act,<sup>27</sup> as presently enacted or later amended, concerning the request.

- (2) Planning Commission recommendations. Upon conclusion of such hearing procedures, the Planning Commission shall transmit a written recommendation within 30 days to the Township Board setting forth the reasons for the acceptance, denial or modification of the special use permit application. Such recommendation shall be forwarded to the Township Clerk.
  - (3) Township Board action. Upon receipt of the Planning Commission recommendation, the Township Board shall consider the special use permit application at its next regular meeting. The Township Board shall accept or reject the application based upon materials received and testimony recorded by the recording secretary at the public hearing. Following favorable action by the Township Board, the Clerk shall issue a special use permit subject to site plan review and/or other conditions as have been placed on such permit by the Planning Commission and Township Board. All conditions shall be clearly specified in writing.
- D. Basis of determination. Before recommending approval of a special use permit to the Board of Trustees, the Township Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this chapter, shall be satisfied by the completion and operation of the special use under consideration.
- (1) General standards.
    - (a) The Township Planning Commission shall review the particular circumstances of the special use request under consideration in terms of the following standards and shall recommend its approval only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this chapter.
      - [1] The proposed use, activities, processes, materials, equipment and conditions of operation will not be detrimental to the public welfare, persons or property by reason of noise, fumes, dust, glare, traffic or objectionable odors.
      - [2] Essential public facilities and services such as roads, fire and police protection, drainage facilities, refuse disposal, and schools are adequate for the proposed use or are capable of being adequately provided for.
      - [3] Requirements for additional public services and facilities which will be created by the proposed use will not be detrimental to the economic welfare of the community. All standards set forth in this chapter will be complied with.
      - [4] All administrative requirements pertaining to the issuance of special use permits have or will be complied with.

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27. Editor's Note: See MCLA § 125.3101 et seq.

- [5] The proposed use, activities, processes, materials and equipment and conditions of operations shall be consistent with the objectives of the Comprehensive Development Plan.
- [6] Where feasible, the proposed activity should not be located such that it will directly or indirectly have a substantial adverse impact on the natural resources of the county. This includes but is not limited to lakes, rivers, streams, country drains, major forests, water recharge areas, and major mineral deposits. See Natural Resources and Environmental Protection, 1994 P.A. 451 (MCLA § 324.101 et seq.). **[Amended at time of adoption of Code (see Ch. 20, Code Adoption, Art. II)]**
- (2) Conditions. The Lawrence Township Planning Commission may recommend approval, approval with conditions, or disapproval of a special use application. If the Planning Commission recommends approval with conditions, the Township Board shall have the authority to add conditions necessary to ensure compliance with the standards contained in this or other applicable Township ordinances and regulations. Such conditions shall be enforced by the Building Official. The hours of operation may be set by the Planning Commission. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- (3) Performance guarantee. In reviewing a special use permit, the Township Planning Commission may recommend that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to ensure compliance with an approved site plan and the special use permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the special use permit. In fixing the amount of such performance guarantee, the Township Planning Commission shall limit it to reasonable improvements required to meet the standards of this chapter and to protect the natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including, but not limited, to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967,<sup>28</sup> as amended. The Township Planning Commission and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of work completed on the required improvements as work progresses and include it in its recommendation to the Board of Trustees.
- E. Effective date of special use permit. The special use permit shall become effective when the application has been approved by the Board of Trustees.

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28. Editor's Note: See MCLA § 560.101 et seq.

- (1) A building permit shall not be issued until approval of such special use permit by the Lawrence Township Board of Trustees.
  - (2) Land subject to a special use permit may not be used or occupied for purposes of such special use until after a certificate of occupancy for it has been issued pursuant to this chapter.
- F. Transfer and/or expiration of special use permit.
- (1) Transfer of special use permit. In order to ensure continued compliance with the terms of this chapter and a special use permit issued under it, each special use permit shall specify terms for transfer of a valid special use permit from the present landowner or operator to a subsequent owner or operator. The responsibility for said transfer in accordance with the terms of the special use permit shall be that of the permit holder of record with the Lawrence Township Planning Commission. Failure of a special use permit holder to properly transfer a special use permit shall not release the permit holder of record from ordinance penalties for any subsequent action undertaken on the land in violation of the terms of the special use permit. Transfer of a special use permit shall be made on a form supplied by the Building Official for that purpose. Proper completion of the form shall require documentation of assumption by the new owner of an interest in the land/operation in question and a written agreement that the new owner/operator will assume the obligations and responsibilities specified in the special use permit, including deposit of a bond or other performance guarantee, when so required by the special use permit. When such transfer has been properly completed and any bond or other performance guarantee deposited properly with the Township by the new permit holder, any bond or performance guarantee on deposit with the Township by the previous permit holder shall be returned in accord with the terms of this chapter.
  - (2) Expiration of special use permit:
    - (a) A special use permit shall be valid for as long as the permitted use continues in accordance with the terms stated therein, unless otherwise stated in the special use permit. If there is not compliance with the terms of the special use permit within six months from the date of its issuance, then it shall automatically expire and be of no further effect or validity. Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by subsequent owner.
    - (b) The Township Clerk shall notify the applicant, in writing, mailed to the address listed on the application that such special use permit has expired.
- G. Reapplication. No application for a special use permit which has been denied, wholly or in part, by the Township Board of Trustees shall be resubmitted until the expiration of one year from the date of such denial except on the grounds of newly discovered evidence or proof of changed conditions.
- H. Requirement compliance: penalties. It shall be the duty and obligation of the owner(s), or operator(s) if such is under a management arrangement, to at all times



be in compliance with the use requirements of this chapter and the stipulations of the special use permit under which their particular use is governed. Failure thereof shall be in violation of this chapter and subject to the penalties and remedies provided in § 1-3.9 and the continuance thereof is hereby declared to be a nuisance per se.

- I. Once granted a special use permit, the use is a permitted use. Any use for which a special use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located, provided:
  - (1) Such permit was issued in conformity with the provisions of this chapter;
  - (2) Such permit shall be deemed to affect only the lot or portion thereof and uses there upon for which the special use permit shall have been explicitly granted; and
  - (3) Such permit authorizes a use which is subsequently built, operated and maintained to compliance with this chapter, the special use permit and all conditions established with its approval.
- J. Specific requirements. The general standards and regulations of this section are basic to all uses authorized by special use permit. The specific and detailed regulations set forth or referred to hereafter in other specified sections of this chapter relate to particular uses and are hereafter requirements which must be met by those uses in addition to the aforementioned general standards and regulations.

### **§ 1-7.2. Permitted special uses.**

Special land uses which may be permitted are specifically listed within each of the zoning districts in Article VI. The basis of determination and the general standards for reviewing all listed special land uses in the various zoning districts can be found in § 1-7.1. Additional standards for special land uses are as follows.

- A. Planned unit developments (PUD).
  - (1) Purpose. The planned unit development is designed to provide for maximum environmental choice for the residents of the Lawrence Township by encouraging creativity and flexibility of low-density residential design, diversity of building types, open space arrangements and environmental preservation, and the integration of nonresidential uses such as professional office, research and supportive services and amenities through the special use permit process.
  - (2) Intent. It is the intent of this section to provide for an added degree of flexibility in the placement and interrelationship of buildings incorporating a variety of residential dwellings and encouraging a more creative approach to development. Such criteria are further intended to:
    - (a) Result in a more efficient development pattern with shorter streets and utility networks.
    - (b) Preserve existing natural assets, such as stands of trees, floodplains, open fields and the like.

- (c) Accomplish a more desirable residential environment than would be possible through the strict application of minimum requirements of this chapter.
  - (d) Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all living units.
  - (e) Develop property as individual lots or common building sites. Common land and open space are essential elements of the plan related to affecting the long-term aesthetic and economic values of the entire development.
  - (f) Provide for supportive amenities, such as recreational uses, which, in the opinion of the Planning Commission, are in conformance with the Comprehensive Development Plan and the objectives of the proposed development.
  - (g) Provide for planned professional office/research working environments in conjunction with the planned living environments, which enhance the residential stability and economic base of Lawrence Township through the application of the special use permit process.
- (3) General requirements, restrictions and standards:
- (a) Minimum project area. Minimum project area allowable for a PUD shall be 15 acres.
  - (b) Location. Planned unit developments may be located in those districts as designated upon recommendation of the Planning Commission and approval by the Township Board of Trustees.
  - (c) Uses permitted. Only the following land and/or building uses may be permitted under the provisions of this section:
    - [1] All uses permitted in the district for which the PUD is approved.
    - [2] Any additional uses which can be shown to be compatible with the general objectives of the Township's Comprehensive Development Plan as well as integral to the specific PUD scheme in which they are contained. For the purpose of this section, an "integral use" shall be defined as a use which has a specific functional relationship with other uses contained in the development, as for example, a day-care center, which serves primarily the needs of residents of the development.
  - (d) Performance objectives.
    - [1] Yard, setback, lot size, type of dwelling unit, height, and frontage requirements restrictions are waived for the PUD; provided, however, that the spirit and intent of this section, as defined in § 1-7.2A(1), are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site and

shall determine the suitability of the total development plan in accordance with § 1-7.2A(1) of this section.

- [2] Access. Every structure or dwelling unit shall have access to a public street, walkway and other areas dedicated to common use and shall allow access for emergency vehicles.
- [3] Land usage. The approximate location of structures, shown on the conceptual development plan, shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
- [4] Privacy. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.
- [5] Off-street parking. Parking convenient to all dwelling units and other uses shall be provided pursuant to the minimum requirement of Article X of this chapter. Common driveways, parking areas, walks and steps may be required, together with appropriate lighting, in order to ensure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
- [6] Development concept. All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond site.
- [7] Utilities. Planned unit developments shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for construction of storm sewer facilities, including grading, gutters, piping, and treatment of turf to handle stormwaters, and to prevent erosion and the formation of dust. This could include the establishment of retention basins in order to minimize stormwater runoff.
- [8] Pedestrian circulation. The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from vehicular movement.
- [9] Recreation areas. Recreational areas and facilities shall be provided in easily accessible locations and shall be accessible to emergency vehicles.
- [10] Planting. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site

features; additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.

- (e) Density. The density (dwelling units per acre) in a PUD shall not exceed the density of the zone in which it is located. When more than one zone is involved, the density of the project will be the average of the zones, weighted in direct proportion to the size of the property within the project in each zone. Only 1/2 of the total portion of the site comprised of floodplain, swamps, (wetland) or a water body may be used in the calculation of densities of a project.
- (f) Open spaces. "Common open space" is defined as parcel or parcels of land or an area of water or a combination of land and water designed and intended for the use or enjoyment of the residents of the PUD or of the general public. Common open space does not include proposed street rights-of-way, open parking area, or commercial areas. Common open space may contain accessory structures and improvements necessary or desirable for religious, educational, noncommercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged, such as children's informal play areas in close proximity to individual dwelling units, according to the concentration of dwellings; formal parks; picnic areas; playgrounds; and scenic open areas and communal, noncommercial recreational facilities.
  - [1] The area of common open space within a PUD project may not be less than 25% of the total land area of the project.
  - [2] All common open space shown on the final site plan must be reserved or dedicated by lease or conveyance of title to a corporation, association or other legal entity, or by reservation by means of a restrictive covenant. The terms of such lease or other instrument must include provisions guaranteeing the continued use of such land for the purposes intended and for continuity of proper maintenance of those portions of the open space land requiring maintenance.
- (g) Circulation facilities. The arrangements of public and common ways for pedestrian and vehicular circulations shall be coordinated with other existing or planned streets in the area.
- (h) The PUD's landscape plan shall meet the requirements of Article VIII (Site Plan Review).
- (i) The PUD's site plan shall meet the requirements of Article VIII (Site Plan Review).
- (j) The PUD may be developed in stages or phases, but must receive conceptual approval for future states and final site plan approval prior to construction of each state or phase.
- (k) Initial construction on the first phase of the project must begin within two

years of approval from Lawrence Township.

- (l) In the opinion of the Building and Zoning Official, amendments to the approved PUD which increase the intensity of use or increase the impact on adjacent properties must be resubmitted to the Planning Commission for review and approval.
- (4) Development agreements and financial guarantees.
    - (a) Upon approval of the PUD, the applicant shall develop, with the Township, a development agreement to ensure that all of the customary municipal improvement required by existing ordinances and regulations will be properly made and that funds will be made available by the applicant to ensure the installation of certain site improvements prior to any permits being issued.
    - (b) Financial guarantee shall be required by the Township in the form of a cash deposit, certified check, bond or other financial guarantee/instrument acceptable to the Township to ensure compliance with such requirements as infrastructure, drives, walks, parking, landscaping, or other features of the development.
    - (c) The financial guarantee shall be deposited with the Township at the time of issuance of the permit authorizing the project or activity. The Township shall release portions of the guarantee as work is completed on the project or activity and accepted by the Township Board.
    - (d) The developer shall establish a separate escrow account with the Township to cover such additional review costs as engineering, legal, or other professional assistance as may be required.
  - (5) Approval process. Submission, review, and recommendation of a planned unit development shall be subject to the following three-step process:
    - (a) Preapplication conference. Prior to submission of an application for a planned unit development, the applicant shall meet with the Building Official and other appropriate staff to outline the fundamental elements of the proposed development (location, acreage, residential density, nonresidential density, building types, specific uses, open space and natural features and proposed circulation). The applicant shall receive at the preapplication conference an explanation of ordinance requirements, procedures, and estimated time lines.
    - (b) Preliminary development concept. Prior to setting a public hearing on an application for a special use permit, the Planning Commission is required to review and comment on the preliminary development concept for the proposed PUD. The intent of the Planning Commission review is to provide as much feedback as possible on the applicant prior to the official public hearing as required in Article VIII. Prior to the Planning Commission's review of the preliminary development concept, the following information shall be submitted:

- [1] Evidence of ownership or equitable interest in the proposed site of the PUD.
- [2] Legal description and generalized location.
- [3] Written, detailed description of the proposed uses.
- [4] Unless requested otherwise, 12 copies of a conceptual site plan for the proposed development, which contains the following information:
  - [a] Readable scale.
  - [b] Existing zoning of the site and adjacent properties.
  - [c] Existing land use of the site and adjacent properties.
  - [d] Location of proposed structures, parking areas, and open space.
  - [e] Development summary data (acres, units, parking spaces, gross/net density, gross building square footage).
  - [f] General description of water, sanitary and storm drainage systems, including retention basins.
  - [g] Identification of existing natural features of the site and location of specific wetland area.
  - [h] Description of proposed landscape features, buffers, and pedestrian circulation system.
  - [i] Identification of existing and proposed easements.
  - [j] Identification of existing and proposed public and private rights-of-way and adjacent curb cuts.
  - [k] Identification of any proposed nonresidential land uses.
- [5] Description of development ownership, proposed ownership form for residential and nonresidential components, and proposed maintenance concept.
- (6) Final development plan. The final development plan for a proposed planned unit development shall meet the following additional requirements:
  - (a) The special use permit application and all supportive materials shall be submitted at least 30 days prior to the scheduled public hearing for the PUD.
  - (b) The application and supportive materials shall contain a site plan, which contains the information submitted for the preliminary development plan, plus the following information:
    - [1] Meets the requirements of Article VIII (Site Plan Review).
    - [2] Indicates engineering recommendations for water, sanitary sewer,

storm drainage, natural gas, electric and telephone systems.

[3] Indicates recommended road alignments, existing contours and proposed topographic data.

[4] Indicates soil erosion and sedimentation control procedures.

[5] Detailed landscape plans.

[6] Provides a specific schedule of the proposed development, including phasing for major construction features, open space provision, recreational features, common use areas, utilities, and landscaping requirements.

(c) The provision of studies which may be required by the Township, at the applicant's expense, which address issues such as, but not limited to, traffic circulation and safety, utility systems, and environmental impact.

(d) The final development plan shall meet the requirements of reasonable development standards as established by the Township.

(e) A decision shall be made by the Township within 60 days unless extraordinary circumstances prohibit a decision.

B. Commercial communication towers.

(1) Intent. It is the intent of this section to provide regulations controlling the placement, design, modification and construction of commercial communication towers including their accessory uses.

(2) Definition. As used in this section, the following terms shall have the meanings indicated:

COMMUNICATION TOWER — A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or other structure utilized for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunication signals. Not included in this definition are: citizen's band radio facilities, short wave facilities, ham and amateur radio facilities, residential television reception antenna/satellite dishes, and government facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority.

(3) Regulations. The following regulations shall govern the placement, design, modification and construction of commercial communication towers including their accessory uses.

(a) Special use permit. Communication towers are permitted in District C (Commercial) and District I (Industrial) with the approval of a special use permit. Communication facilities which are proposed to attach to existing, preapproved communication towers shall be approved by the Building Official if they meet all the conditions established by the original special use permit. **[Amended at time of adoption of Code (see Ch. 20, Code Adoption, Art. II)]**

- (b) Site plan review. Communication tower applications must receive site plan approval from the Planning Commission.
- (c) Engineering certification. The application shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes. The communication tower must be set back from all property lines a distance equal to its height, unless engineering specifications have been verified by the Building Official that the structural integrity of the communication tower will withstand high winds and impacts, and the likelihood of a communication tower failure is minimal. The support structure for the communication tower shall be contained within the parcel within which the proposed tower is located. The applicant shall incur all cost associated with the Township Engineering review. The applicant shall provide reverification that the antenna mount and structure remain in compliance when additional co-located antennas are installed.
- (d) Airport locations. Communication towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or 1/2 mile of a helipad.
- (e) Co-locations. Applications for communication towers must be accompanied by documentation that the applicant has investigated the potential of co-location of sharing tower facilities with other providers. That documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location or sharing tower facilities with the owners/operators of all existing communication towers within the Township. Applications for communication devices to be located on existing towers or structures may be approved by the Building Official, providing all other requirements of this section are complied with.
- (f) Spacing. In order to prevent a concentration of towers in one geographic area, the minimum spacing distance between communication towers shall be two miles.
- (g) Height. The maximum height of a communications tower shall be 200 feet.
- (h) Accessory structures. Accessory structures are limited to the use associated with the operation of the communications tower. Accessory structures shall not exceed 600 square feet in area and a height of 20 feet. Accessory structures shall not be located closer than 30 feet from all property lines.
- (i) Design certification. The final plans for the communications tower shall be certified by a registered structural engineer and meet all requirements of the Federal Communications Commission, the National Environmental Policy Act of 1969,<sup>29</sup> and the Federal Aviation

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29. Editor's Note: See 42 U.S.C. § 4321 et seq.



Administration.

- (j) Liability. The applicant shall provide documentation that indemnity and insurance provisions exist for the communications tower in the event that the provider abandons the structure. The specific dollar amount of the indemnity and insurance provisions shall be approved by the Township and that the cancellation of such policy shall not be effective without the approval of the Township.
  - (k) Mandatory permit requirements. The following are additional regulations pertaining to communications towers:
    - [1] All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
    - [2] 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.
    - [3] All towers shall be located so that they do not interfere with reception in nearby residential areas.
    - [4] Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
    - [5] There shall be no permanent employees located on the site.
  - (l) Landscaping, screening, fencing and buffering: Landscaping, screening, fencing and buffering plans shall be submitted for review and approval.
  - (m) Abandonment. The communication tower shall be removed by the property owner or lessee within three months of being abandoned. The tower shall be removed to the top of the footing.
  - (n) Unsafe and unlawful communications towers: When any communications tower is determined to be unsafe or is unlawfully erected or maintained and is found to be in violation of the provisions of this chapter, the use of the tower shall be discontinued until all violations are corrected or it shall be removed.
- C. Private roads. Private roads in unplatted areas of Zoning Districts A-1 and R-1, serving two or more family dwellings and pursuant to special use permit, Article VII, shall meet the following criteria:
- (1) Shall be established within a legally recorded easement of 66 feet in addition to the zoning district requirement for lot width.
  - (2) Shall only provide access for parcels abutting the private road.
  - (3) Shall be built to County Road Commission standards for public roads as reviewed and approved by the County Road Commission. All private roads shall include a vehicular turnaround approved by the Lawrence Township Fire Department.

- (4) Shall be established with a legally recorded agreement for all contiguous lots, providing for the maintenance of the road.
- D. Mobile home parks.
- (1) Intent.
    - (a) It is the intent of this section to provide for the establishment, in a district of comparable intensity of land use, well-designed mobile home parks. The regulations and conditions contained in this section are designed to ensure that mobile home parks will provide a comfortable and pleasing environment for persons who seek mobile home residence.
    - (b) Regulations and conditions contained in this section are intended to ensure that mobile home park developments will be served adequately by essential facilities and services, such as access streets, public water, sanitary sewer and storm drainage facilities, refuse disposal, schools, and police and fire protection.
    - (c) The Planning Commission may, by the issuance of a special use permit, authorize the establishment of a mobile home, and such authorization shall be granted only when all the applicable procedures and requirements stated herein are complied with.
  - (2) General requirements, restrictions and standards.
    - (a) Minimum project area. Minimum project area for a mobile home park development shall be 15 acres.
    - (b) Location. Mobile home parks may be located only in those zoning districts identified in this chapter, upon approval of the Planning Commission and in accordance with the following standards:
      - [1] The site shall be adjacent to and serviced by a major arterial or county primary street.
      - [2] The site shall be serviced by existing or programmed essential public facilities and services such as access streets, water, sanitary sewer and storm drainage facilities, and police and fire protection.
    - (c) Uses permitted. Only the following land and/or building uses may be permitted under the provisions of this section:
      - [1] Mobile homes as defined in this chapter.
      - [2] One office building exclusively for conducting the business operations of the mobile home park.
      - [3] Utility buildings for laundry facilities and auxiliary storage space for mobile home tenants.
      - [4] Recreation areas, community buildings, playgrounds and open space for use by mobile home park tenants.

[5] Such additional accessory buildings and uses as are customarily incidental to mobile home park development, except that this shall not include the sale of mobile home units other than by their individual resident owners or the servicing of mobile home units except as is required for normal maintenance by the individual resident owner or his contractors.

[6] Signs pertaining exclusively to the mobile home park.

(d) General development standards. The design and development of mobile home parks shall be subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission, or any successor agency, which are hereby incorporated by reference as a part of this chapter.

(e) Operating standards:

[1] The operation and business practices of mobile home parks shall be subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission, or any successor agency, which are hereby incorporated by reference as a part of this chapter.

[2] No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of mobile home parks.

E. Family accessory apartment or housing.

(1) Intent. It is the intent of this section to provide standards that will allow extended family living in traditional single-family neighborhoods. Such provisions will permit the conversion of a single-family dwelling to include an accessory apartment as a means of accommodating an elderly parent or other family member. Also permitted will be the placement of detached, removable, self-contained residential units designed for installation on the same lot as the principal dwelling.

(2) Accessory apartment. In addition to the requirements of this section, the following provisions shall be met:

(a) Principal dwelling must be owner-occupied.

(b) Improvement must meet applicable codes.

(c) Additional parking provided per zoning code.

(d) If necessary, additional sanitary services provided.

(3) Family accessory housing. Detached, removable, self-contained units, in addition to meeting the requirements of this section, shall meet the following provisions.

(a) Only owner of principal dwelling may install accessory unit.

- (b) Accessory unit shall be removed upon cessation of occupancy of extended family member.
  - (c) Accessory unit must meet front and side yard setbacks of the district in which it is located.
  - (d) Planning Commission may establish temporary rear yard setback for accessory unit.
  - (e) Accessory unit shall meet applicable codes for manufactured housing.
  - (f) Applicant for accessory unit shall document medical or hardship need.
  - (g) Bonding, or other economic guarantee satisfactory to the Township Board, shall be provided to assure the removal of the accessory unit upon cessation of use. Must be filed with the Township Clerk.
  - (h) Provisions of Article VIII (Site Plan Review) shall apply.
- (4) Time limits.
- (a) The Planning Commission shall establish a time limit, not to exceed five years, unless extended by the Township Board at the end of the initial term, on the utilization of the accessory unit.
  - (b) Notification to be provided to the Township Assessor and Clerk.

F. Private or public junkyard.

- (1) Intent. It is the intent of this section that certain minimum standards of operation be established for junkyards as uses that, because of prior functional characteristics, have a high potential of impact on surrounding properties or the aesthetic quality of the community as a whole.
- (2) Such uses shall be established and maintained in accordance with all applicable State of Michigan statutes and regulations.
- (3) The minimum site area allowable for a junkyard shall be 10 acres.
- (4) All junkyards shall be fenced around the entire periphery of the property in use with a solid screen of sound construction, painted, or otherwise finished neatly and inconspicuously.
- (5) All storage activities shall be confined within the fenced areas.
- (6) Fences shall be set back 100 feet from any public street.
- (7) No burning shall be allowed so as to create a nuisance.
- (8) Junk and other debris may not be stacked in any manner such that it could be visible outside the site from the base of the fence. Junkyards shall not be located in areas which are impossible to screen from view from adjacent properties or public streets.
- (9) Those junkyard uses of land or structures which involve and are limited to the

storage of used, inoperative motor vehicles, salvage and resale of used motor vehicle parts and the cartage of motor vehicles in wrecked or inoperable condition shall comply with the following minimum standards for site development:

- (a) All such uses may only be granted a special use permit if all license and regulatory requirements of the Michigan Department of State, Bureau of Automobile Regulation (or successor), Michigan Department of Environmental Quality, and other state agencies having jurisdiction have been fully complied with.
  - (b) All activities involving motor vehicle storage, salvage of used motor vehicle parts, assembly of parts, cutting or welding activities and repair of motor vehicle components shall be confined within screened enclosed as required in the subsection immediately following.
  - (c) Outdoor motor vehicle storage and all permitted and related activities shall be screened by an opaque fence or wall, earthen berm covered with turf or other plantings, or by a dense evergreen planting. Such screening shall be designed so as to obstruct view of stored materials and salvage operations from public streets and occupied structures on adjoining lands. Such screenings shall be shown on the site plan submitted for approval in connections with the special use permit application.
  - (d) Screening required in connection with this section shall be set back a minimum of 100 feet from any public street.
  - (e) Every effort shall be made to prevent oil, gasoline, and hydraulic fluids from entering the soil.
  - (f) No burning shall be allowed so as to create a nuisance.
  - (g) Motor vehicles, motor vehicle components or other materials or equipment associated with this use shall be stacked or piled so as not to be visible from the base of the fence.
  - (h) Steps satisfactory to the District Health Department and the Township shall be taken to control rats and other rodents on the site.
- (10) In addition to application fees for special use permit or site plan review that may apply, an initial license fee of \$100 shall accompany an application for a license to the Township Clerk.
- (11) A renewal license fee paid annually on the first day of April shall be paid by each applicant in the sum of \$100 to the Township Clerk.

G. Sand, gravel, or mineral extraction operations.

- (1) Procedural rules and regulations. Applications for a permit to mine shall be made on an form supplied by the Building and Zoning Department. The removal of sand, gravel or an earth change clearly incidental is exempt from this chapter.

- (2) General site plan requirements. In addition to the necessary application, payment of fees and compliance with the site plan requirements of § 1-8.4, the petition shall be accompanied plans drawn to a scale of one inch equals 100 feet, and said plan shall also include the following information:
  - (a) Name and address of the owner(s) of the land from which removal will take place.
  - (b) Name, address and telephone number of person, firm or corporation who will be conducting the actual removal operation.
  - (c) Location, size and legal description of the total site area to be mined.
  - (d) The progressive phase unit extraction and reclamation plan for both the total project and each phase unit and shall include:
    - [1] The method and direction of extraction.
    - [2] Surface overburden stripping plans.
    - [3] The depth of grade level over the entire site from which the material will be removed.
    - [4] Provisions for grading, revegetation, and stabilization that will minimize soil erosion, sedimentation and public safety problems.
    - [5] Provisions for buffer areas, landscaping and screening.
    - [6] Description of location of each phase, number of acres included in each phase, estimated length of time to complete each phase, and the amount of time projected to complete the entire project.
  - (e) Drainage on and away from the mining area showing directional flow of water in drainage ways, natural watercourses and streams, intermittent and flowing, including discharge from the extraction operation.
  - (f) The proposed haul route that it is expected will be the predominate traffic pattern for vehicles to and from the site.
  - (g) The location and size of any processing equipment and/or structure.
  - (h) Estimated length of time to complete the entire operation.
  - (i) Area in acres from which excavation will take place in the first year of operation and successive years to completion.
  - (j) A detailed plan of operation for stripping topsoil and overburden, stockpiling, excavating and rehabilitating. Details shall include depths of cuts and fills and the type of fill, if any is proposed.
  - (k) Measures to be taken by the applicant to control noise, vibration, dust, and traffic.
- (3) Reclamation during operation and following termination or abandonment.

- (a) Progressive reclamation. All phase units shall be reclaimed progressively as they are worked out to the extent that they shall be reasonably natural and inconspicuous and shall be reasonably lacking any hazards. All slopes and banks shall be graded to angles which do not exceed three feet horizontal to one foot vertical.
  - (b) Sufficient topsoil shall be stockpiled on the premises and promptly redistributed on abandoned areas or where extraction operations have been substantially discontinued for any period in excess of one year. Such areas shall then be seeded with at least temporary protection the first year and by the second year, permanent seeding to stabilize the soil, lessen soil erosion potential and encourage proper growth. Seeds and fertilizer shall be applied according to recommendations by the Natural Resources Conservation Service and this chapter.
- (4) Site development requirements.
- (a) Setbacks in which no part of the mining operation may take place, excepting ingress or egress shall be as follows:
    - [1] Excavation shall not take place less than 50 feet from any adjacent property line.

Exception: The Planning Commission may authorize the complete removal of material to an adjacent property line in situations where two extraction operations share a common property line, provided written authorization is received from both property owners.
    - [2] Excavation shall not take place less than 50 feet from any county-designated primary road right-of-way.
    - [3] Excavation and stockpiling shall not take place closer than 50 feet from any county-designated secondary road right-of-way.
    - [4] No fixed machinery shall be erected or kept within 100 feet of any property or street right-of-way.
  - (b) Fencing.
    - [1] The Planning Commission shall, in establishing the requirements for fencing of the operation, take into account the scale of the operation, the population density in the surrounding areas, and the potential hazard to the health, safety and welfare of the citizens of Van Buren County. If fencing is deemed a requirement of the permit to mine, the Planning Commission shall specify the location of the required fencing.
    - [2] The owner shall install and maintain fencing around the perimeter of the site or around the cell which is being mined. The fence shall consist of four-foot woven wire farm fence with one strand of barbed wire on the top, or greater. The fence shall be securely attached to support posts not greater than 16 1/2 feet apart.

- (c) Interior traveled surfaces. Interior access roads, parking lots, haul loading and unloading areas shall be watered or chemically treated so as to limit the nuisance caused by windblown dust.
  - (d) Pondered areas. Should the final result of the excavation result in the creation of a body of water, the perimeter of the excavation shall be graded to a slope not to exceed three feet horizontal to one foot vertical to the seasonal low-water level.
- (5) Reclamation upon termination or abandonment.
- (a) An operator shall remove all worthless debris and rubbish from the plant site and mining area within one year of the date of termination of operations or abandonment of the property.
  - (b) A mining area shall be reclaimed by an operator pursuant to these rules by the end of the permit period or within the time set forth in the operator's reclamation plan approved by the Planning Commission.
  - (c) Grading. All slopes and banks shall be graded to a minimum of a 3:1 slope and treated in the following manner to prevent soil erosion:
    - [1] Standards for seeding rates, fertilizer and mulching shall be adhered to if they are recommended by the Natural Resources Conservation Service or County Cooperative Extension Service and approved by the Planning Commission.
    - [2] The owner/operators are required to contact the Natural Resources Conservation Service or County Cooperative Extension Service for assistance in land reclamation.
  - (d) Upon written request of an operator, the Planning Commission may grant an extension of the reclamation period if such an extension is warranted and believed necessary to obtain an acceptable reclamation result.
  - (e) Equipment removal. Upon cessation of mining operations, the operating company, within a reasonable period of time, not to exceed 12 months thereafter, shall remove all structures, building, stockpiles and equipment.
- (6) Notice of abandonment; evidence of continuing use:
- (a) An operator shall submit written notice to the Planning Commission within six months of abandonment of the extraction area or any portion thereof.
  - (b) When activities on or use of the mining area, or any portion thereof, have ceased for more than one year, or when, by examination of the premises by other means, the Planning Commission determines that the mining area or any portion thereof has in fact been abandoned by an operation, the Planning Commission shall give the operator written notice of its intention to declare the mining area or portion thereof abandoned.



- (c) Within 30 days following receipt of the notice, the operator shall have an opportunity to submit evidence that the use of the mining area or portion thereof is continuing. If the Planning commission finds the evidence satisfactory, it shall not make the declaration.
- (7) Financial guarantees.
- (a) Before issuance of a permit, there shall be filed by the applicant a surety bond, executed by a reputable surety company authorized to do business in the State of Michigan, or an irrevocable bank letter of credit or cash bond running to the Lawrence Township Board, conditioned upon the prompt compliance with all provisions of this section and the requirements of the county and state.
  - (b) The Planning Commission shall, in establishing the amount and type of financial guarantee, consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs and other reasonable expenses likely to be incurred by the Township, where the surface mine is located.
  - (c) In determining the area for which the guarantee must be supplied, the Planning Commission may consider the following:
    - [1] Any area stripped of topsoil or overburden.
    - [2] Any area from which material is extracted.
    - [3] Any area utilized for stockpiling, extracted material, overburden and topsoil.
    - [4] Any area which from a past year of operations has not been fully rehabilitated on the annual anniversary of the issuance of the special use permit.
    - [5] Any other land determined by the Planning Commission as integral to the operation, which is directly deemed by it to warrant protection under financial guarantee.
    - [6] Future use of property mined.
  - (d) The amount of the bond may be reduced at a rate equal to the ratio of work completed on the required improvements as work progresses. The term "improvements" should not be construed to mean the project itself, but rather those features associated with the project which are deemed necessary to protect the health, safety and welfare of Lawrence Township's or Van Buren County's resources and future users or inhabitants of the proposed project.
- (8) Hours of operation.
- (a) The owner(s) and/or operators shall conduct said extraction operation, and use equipment located thereon, only between the following designated hours:

[1] Hours of operation for all phases of the operation which include, but are not limited to: excavation, hauling, processing, to between 5:00 a.m. to 10:00 p.m., Monday through Saturday, with no Sunday or holiday operations. The holidays shall include the following:

[a] Memorial Day.

[b] Labor Day.

[c] New Year's Day.

[d] Thanksgiving Day.

[e] July 4th.

[f] Christmas.

(b) Additional emergency hours may be allowed by prior approval by the Planning Commission when it is shown that extenuating circumstances exist.

(9) Additional site development requirements. No machinery shall be erected or maintained within 100 feet of any property or road right-of-way line. Secondly, no processing equipment or machinery shall be maintained or stored outside the limits of the mining activity area as delineated by the site plan.

(10) Prohibited uses. The storage or accumulation of abandoned machinery, vehicles, or other equipment, tires, trash or junk shall not be permissible in any mining operation.

The dumping or depositing by other means of human waste or garbage shall not be permissible in any mining operation.

(11) Haul routes.

(a) Interior haul routes.

[1] Interior haul roads shall be as indicated on the general site plan.

[2] Interior haul roads, parking lots, and loading areas shall be watered or chemically treated so as to limit the nuisance of windblown dust.

(b) Exterior haul roads. Before the issuance of a permit to mine, the applicant shall provide the Planning Commission an agreement between the applicant and the Van Buren County Road Commission concerning road maintenance.

(12) Conditions and safeguards. The Planning Commission may impose such additional conditions and safeguards deemed necessary for the public health, safety or general welfare, for the protection of individual property rights, and for ensuring the intent and purpose of this chapter. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

(13) Issuance of a permit to mine. Permits for surface mining shall be issued to the

operator. When an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this chapter as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time, the permit to mine may be transferred.

- (14) Permit expiration. If approval for a permit to mine is granted by the Planning Commission, it shall be for a specific period of time not to exceed five years. Those permits granted for a period exceeding one year shall be inspected a minimum of once a year by the Zoning Administrator to ensure compliance with the permit and this chapter.
- (15) Violations. Violation notices shall be issued in the same manner as for notices of abandonment described in Subsection G(6).
- (16) Modification of the general site plan.
  - (a) The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight.
  - (b) Planning Commission, which may allow the modification of the general site plan when:
    - [1] Modification of the plan is necessary so that it will conform with the existing laws.
    - [2] It is found that the previously approved plan is clearly impossible or clearly impractical to implement and maintain.
    - [3] The approved plan is obviously not accomplishing the intent of this chapter.
- (17) Existing nonconforming operations.
  - (a) Any existing nonconforming sand, gravel or mineral extraction operation that lawfully existed at the effective date of this amendment may continue operations within the boundaries of the excavated areas, haul routes, loading or processing zones that exist on that date. Any expansion outside of the boundary of these combined areas as they exist on the effective date of this amendment will require submission of an application for special use permit and site plan under the provisions of Article VII and Article VIII of this chapter.
  - (b) In order to determine the boundaries of the excavated areas, haul routes, or loading or processing zones, the Planning Commission may consider any area stripped of topsoil or overburden, any area from which material is being extracted, any area utilized for stockpiling, extracted material, overburden and topsoil, or any area other than land determined by the Planning Commission as integral to the operation.

- H. Campgrounds. Campgrounds for limited period camping, and including commercial recreation areas incident thereto, services buildings, picnic areas, on-site automobile parking and incidental retail sales to those engaged in recreation activities upon the premises, provided adequate acreage and natural or artificial screening is provided to isolate the site from adjoining residential zones and subject to the following conditions and limitations:
- (1) Campgrounds and associated recreation areas must have frontage on a public road.
  - (2) Campgrounds and associated recreation areas incident thereto must contain at least five acres of camping and recreation area.
  - (3) Areas designed for travel trailers, camp trailers, and/or tent trailers must meet the applicable State of Michigan licensing requirements and such rules and regulations as may be promulgated by the State Health Commission and the State Council of Health.
  - (4) Any sale of foodstuff or merchandise shall be clearly incidental to the needs of the occupants and users of the campgrounds and associated areas while therein and shall consist of packaged merchandise only.
- I. Wineries, cideries and microbreweries. **[Added 7-13-2017]**
- (1) Intent. Wineries, cideries and microbreweries are welcomed by Lawrence Township as appropriate farm activities. It is the Township's intent to promote local agricultural production by allowing construction of a tasting room and retail sale of associated products in the agricultural district, subject to a special use permit. It is also the Township's intent to encourage the growing of crops and production as an integral component of the rural and agricultural ambience of Lawrence Township, and to maintain the viability of farming through value-added processing and direct sales of beverages made from locally grown crops.
  - (2) General requirements, restrictions, and standards. Wineries, cideries and microbreweries are permitted by special use permit in the Township, provided:
    - (a) The winery, cidery, or microbrewery shall obtain and maintain all necessary licenses, permits, and permissions to operate under federal, state, and local law and regulations.
    - (b) Production limitations:
      - [1] Wineries may produce up to 50,000 U.S. liquid gallons of wine, brandy, or a combination of both, during one calendar year, in total;
      - [2] Cideries may produce up to 50,000 U.S. liquid gallons of cider, whether fermented or unfermented, brandy, or a combination of both, during one calendar year, in total;
      - [3] Microbreweries may produce up to 30,000 barrels (one barrel equaling 31 U.S. liquid gallons) of an alcoholic beverage created by fermentation of an infusion or decoction of barley, malt, hops, or

other cereal grains in potable water.

(c) Facility dimensional limitations:

- [1] The parcel area on which the facility is permitted shall be at least 10 acres; the minimum parcel width shall be at least 200 feet;
- [2] The total land area covered by the buildings and structures used for processing, storage, and sales shall not exceed 2% of the contiguous lot area;
- [3] The aboveground portion of any individual building shall not be greater than 15,000 square feet; and
- [4] All new buildings shall meet the same setback requirements for the zoning district the parcel is located in. If a building is open to the public, that building shall be set back at least the required setback distance from the respective lot line for the zoning district the parcel is located in. Any legal nonconforming building may have any setback distance reduced subject to Planning Commission approval to encourage the use of existing buildings.

(d) Operations open to the public:

- [1] Consumption of alcoholic beverages at the facility by the public shall be limited to tasting-room quantities. No member of the public may imbibe more than four twelve-ounce beers at 5% alcohol by volume, four five-ounce glasses of wine at 12% alcohol by volume, or four one-point-five-ounce servings of distilled spirits at 40% alcohol by volume, or an equivalent amount of alcohol (such as eight twelve-ounce beers at 2.5% alcohol by volume) in any given day at the facility. In order to facilitate tasting, the facility may offer tasting-room-size cups or glasses to facilitate tasting. However, the limits on the amount of alcohol permitted to be consumed on any day by each member of the public is as stated above.
- [2] Tours, tasting rooms, and areas may only be open to the public between the hours of 10:00 a.m. and 7:00 p.m. The public may only be offered alcohol products on site during those times.

(e) Adjunct food services may be provided. In conjunction with the above tasting room, adjunct food services may be provided. However, the following applies:

- [1] No grill, stove, oven, fryer, smoker, or similar cooking equipment may be used at the facility for the preparation of food offered to the public at the facility;
- [2] Only toasters, toaster ovens less than 20 inches by 20 inches by 20 inches or smaller, refrigerators, and microwaves are permitted;
- [3] Food may be prepared off site; and

[4] The facility may not otherwise operate as a restaurant.

(f) Retail sales.

[1] Retail sales of merchandise, beverages, and advertising associated with the products produced at the facility are permitted. Only beverages produced at the facility or merchandise or advertising materials depicting products made at the facility may be sold at the facility.

[2] All retail sales shall be clearly subordinate to the production of the beverage produced.

[3] The retail sales shall be no more than 25% of the floor area devoted to the winery/brewery/cidery, but in no case shall it occupy more than 2,000 square feet of floor area.

(g) Additional limitations.

[1] Any special use permit granted pursuant to this section will terminate if the facility ceases to operate as a cidery, winery, or microbrewery for a period of nine months.

[2] No alcoholic beverage or alcoholic products other than those produced by the winery, microbrewery, or cidery be provided or sold on the premises. All alcoholic products must be for human consumption.

[3] It is a condition of any special use permit issued that the facility and owner shall comply with all federal, state, and local law or regulation regarding the sale, distribution, storage, and manufacturing of alcoholic spirits.

[4] The facility is subject to inspection to determine compliance with this chapter and other federal, state, and local laws and regulations.

[5] Parking spaces shall be provided in accordance with the requirements of § 1-10.1G.

J. Medical and/or recreational marihuana facilities. **[Added 12-12-2019; amended 6-11-2020]**

(1) A medical and/or recreational marihuana facility may be authorized to operate within the Township by the holder of a state operating license, under the Medical Marihuana Facilities Licensing Act (MMFLA), Act 281 of 2016, as amended,<sup>30</sup> and/or under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended,<sup>31</sup> respectively, as well as the rules promulgated under the respective statute, and all applicable local ordinances.

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30. Editor's Note: See MCLA § 333.27101 et seq.

31. Editor's Note: See MCLA § 333.27951 et seq.

- (2) Medical and/or recreational marihuana facilities may co-locate on the same property to the extent permitted by state laws and regulations.
- (3) Medical and/or recreational marihuana facility licenses may stack to the extent permitted by state laws and regulations.
- (4) No medical and/or recreational marihuana facility shall be located within 1,000 feet of any school or public park/playground, with the minimum distance between uses measured between the facility and the nearest property line of the school or public park/playground.
- (5) Outdoor trash containers or dumpsters may be required in order to control the disposal of waste or by-products from any facility operation. When required, an outdoor trash container or dumpster shall be subject to the following:
  - (a) The placement of the container shall be subject to site plan review.
  - (b) Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.
  - (c) All containers shall rest on a concrete pad.
  - (d) A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate shall be of sufficient height to completely screen the container.
  - (e) The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.
- (6) A medical and/or recreational marihuana facility shall be reviewed in consideration of the following:
  - (a) Lighting. The placement and arrangement of outdoor lighting serving the facility shall provide adequate security and comply with the outdoor lighting standards set forth in § 1-9.6.
  - (b) Noise. Noise and vibration shall be minimized in their effect upon the surrounding area by the utilization of modern equipment designed to accomplish such minimization and the use of walls and vegetative buffers/screens.
  - (c) Odor. Odor shall be minimized in its effect upon the surrounding area by the utilization of a modern odor control system designed to accomplish such minimization and operational procedures.
  - (d) Environment. Information on the storage and use of products, water and energy consumption, and waste disposal associated with a facility will be required to allow for an assessment of potential impacts on the site and surrounding area and the applicability of state and local regulations.
  - (e) Traffic. A facility shall be located in consideration of the ingress/egress, loading and travel patterns of the traffic associated with the operation of the facility, with specific attention toward avoiding the creation of traffic

through a predominantly residential area.

- (f) Security. Security measures, such as fencing, access controls, and video surveillance, will be considered in determining the ability of the facility to adequately provide for public safety.
- (g) Impact on neighboring property. Barriers and/or buffers, facility separations, and/or operational requirements may be applied to minimize identified injurious or annoying impacts on surrounding properties.

K. Large solar energy systems. **[Added 7-9-2020]**

- (1) Purpose and intent. The purpose and intent of this subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of large solar energy systems.
- (2) Site plan drawing and supporting materials. All applications for a large solar energy system's use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
  - (a) All requirements for a site plan contained in the Code of the Township of Lawrence.
  - (b) All lot lines and dimensions, including a legal description of each lot or parcel comprising the large solar energy system.
  - (c) Names of owners of each lot or parcel within Lawrence Township that is proposed to be within the large solar energy system.
  - (d) Vicinity map showing the location of all surrounding land uses.
  - (e) Location and height of all proposed solar arrays, buildings, structures, electrical tie lines and transmission lines, security fencing, and all aboveground structures and utilities associated with a large solar energy system.
  - (f) Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all aboveground structures and utilities on the property.
  - (g) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the large solar energy system and within 100 feet of all exterior property lines of the large solar energy system.
  - (h) Proposed setbacks from the solar array(s) to all existing and proposed structures within the large solar energy system.
  - (i) Land elevations for the solar array's location and the relationship to the land elevations of all existing and proposed structures within the large solar energy system at a minimum of five-foot contours.



- (j) Access driveways within and to the large solar energy system, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Van Buren County Road Commission approval and shall be planned so as to minimize the use of lands for that purpose.
  - (k) Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the large solar energy system.
  - (l) A written description of the maintenance program to be used for the solar array and other components of the large solar energy system, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the large solar energy system is decommissioned.
  - (m) Planned lightning protection measures.
  - (n) Additional details and information as required by the special use permit requirements of the Code of the Township of Lawrence, or as required by the Planning Commission.
- (3) Application escrow account. An escrow account shall be deposited with the Township by the applicant when the applicant applies for a special use for a large solar energy system. The monetary amount deposited by the applicant in escrow with the Township shall be the amount of \$10,000, to cover all reasonable costs and expenses associated with the special use review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special use review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so within 30 days, the special use process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant. The Township shall provide a summary of all account activity to the applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the special use shall be returned in a timely manner to the applicant.
- (4) In addition to Township Building Codes, compliance with the County Building Codes and the National Electrical Safety Code is required. Construction of a large solar energy system shall comply with the National Electrical Safety Code and the County Building Code (as shown by approval by the county) as a condition of any special use under this section. In the event of a conflict between the County Building Code and National Electrical Safety

Code (NESC), the NESC shall prevail.

- (5) Certified solar array components. Components of a solar array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
- (6) Height. Maximum height of a solar array, other collection device, components or buildings of the large solar energy system, excluding substation and electrical transmission equipment, shall not exceed 15 feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed 100 feet.
- (7) Lot size. A large solar energy system shall be located on one or more parcels with an aggregate area of 10 acres or greater.
- (8) Setbacks. A minimum setback distance of 50 feet from all exterior property lines of the large solar energy system and existing public roads and railroad rights-of-way shall be required for all buildings and solar arrays, provided that a setback of 75 feet shall be required adjacent to any residential structure.
- (9) Lot coverage. A large solar energy system is exempt from maximum lot coverage limitations.
- (10) Screening/security. A large solar energy system shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least six feet in height with a one-foot extension arm consisting of a minimum of three strands of barbed wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of large solar energy system shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the large solar energy system from adjacent residential structures, subject to the following requirements:
  - (a) The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four feet in height and shrubs two feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than seven feet apart on center. All unhealthy (60% dead or greater) and dead material shall be replaced by the applicant within one year, or the next appropriate planting period, whichever occurs first.
  - (b) All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit,

surety or corporate guarantee for an amount equal to 1.5 times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.

- (c) Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this subsection, and any special use may be subject to revocation.
- (11) Signage. No advertising or non-project-related graphics shall be on any part of the solar arrays or other components of the large solar energy system. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
  - (12) Noise. No component of any large solar energy system shall emit noise exceeding 65 dBA as measured at the exterior property boundary or the existing ROW line.
  - (13) Lighting. All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
  - (14) Distribution, transmission and interconnection. All collection lines and interconnections from the solar array(s) to any electrical substations shall be located and maintained underground inside the large solar energy system, except in areas where technical or physical constraints make it preferable to install equipment aboveground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
  - (15) Abandonment and decommissioning. Following the operational life of the project, the applicant shall perform decommissioning and removal of the large solar energy system and all its components. The applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review and approval prior to issuance of the special use. Under this plan, all structures, concrete, piping, facilities, and other project-related materials above grade and any structures up to 42 inches below grade shall be removed off site for disposal. Any solar array or combination of photovoltaic devices that is not operated for a continuous period of 12 months shall be considered abandoned and shall be removed under the decommissioning plan. The ground must be restored to its original topography within 365 days of abandonment or decommissioning. Restoration shall also include bringing soil to its predevelopment composition to ensure agricultural use upon restoration. Soil tests shall be required as a part of the decommissioning plan both before development and prior to decommissioning. Soil shall be brought back to predevelopment state within 365 days of abandonment or decommissioning.
    - (a) The applicant will obtain a surety bond for reclamation in an amount to be determined by Township Engineer as a condition of site plan approval.

- (b) The Engineer will be able to review the size of the farm and the number of solar panels that will be installed. The amount of the surety bond would fluctuate depending on the size of the farm. Once the Engineer sets the surety bond amount, be sure to confirm that the applicant obtains it. This may be a condition of site plan approval.
  - (c) The surety bond is to remain in place for the length of the leases/contracts.
- (16) Approval time limit and extension. Special use and site plan approvals, under this subsection, shall be valid for two years beginning on the date of Township Board approval. Once commenced, should construction cease for period of 12 consecutive months, the special use and site plan approvals shall be considered null and void. If construction began prior to the expiration date established by Township Board approval, the special use and site plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the applicant prior to the expiration date established by Township Board approval, the Township Board may consider an additional one-year period upon showing of good cause for the extension.
- (17) Conditions and modifications. Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two copies of the final approved site plan shall be signed and dated by the Chairperson of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
- (18) Inspection. The Township shall have the right, at any reasonable time, to provide a twenty-four-hour notice prior to the desired inspection to the applicant to inspect the premises on which any large solar energy system is located. The Township may hire one or more consultants, with approval from the applicant (which shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the large solar energy facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- (19) Maintenance and repair. Each large solar energy system must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a large solar energy system fails to meet the requirements of this subsection and the special use, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven days), the safety hazards are not corrected, the applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the large solar energy system

must be shut down, the applicant shall immediately shut down the large solar energy system and not operate, start or restart the large solar energy system until the issues have been resolved. The applicant shall keep a maintenance log on the solar array(s), which shall be available for the Township's review within 48 hours of such request. The applicant shall keep all sites within the large solar energy system neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

- (20) Roads. Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a large solar energy system shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate county agency a description of the routes to be used by construction and delivery vehicles and any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all county requirements regarding the use and/or repair of county roads.
- (21) Continuing security. If any large solar energy system is approved for construction under this subsection, the applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the large solar energy system. Such financial security shall be kept in full force and effect during the entire time that the large solar energy system exists or is in place, and such financial security shall be irrevocable and noncancelable.
  - (a) Continuing obligations. Failure to keep any required financial security in full force and effect at all times while a large solar energy system exists or is in place shall constitute a material and significant violation of the special use and this subsection, and will subject the large solar energy system applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the special use.
- (22) Other requirements. Each large solar energy system shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township ordinances.
- (23) Prior to the issuance of any building permits, the Zoning Administrator must approve issued-for-construction plans sealed by a licensed Michigan professional engineer. The issued-for-construction plans must conform to all applicable dimensional and site design requirements, the applicable conditions of the resolution approving the SUP, and the site plan. The Zoning Administrator may approve minor deviations from the approved site plan contained within the issued-for-construction plans as long as the layout depicted is contained within the geographic area depicted on the site plan or where said deviation are less than 250 feet. The Fire Department must confirm all access roads and turnarounds shown on the issued-for-construction plans allow Fire Department vehicles to turn around and be maneuverable without

impediment. The Planning Commission must approve all deviations beyond minor deviations.

L. Wind energy conversion systems. **[Added 7-9-2020]**

- (1) Purpose. This subsection has been developed with the intention of obtaining an appropriate balance between the desire for renewable energy resources and the need to protect the public health, safety, and welfare of the community and the character and stability of the Township's residential, agricultural, recreational, commercial and/or industrial areas and preserving and protecting the Township's important and sensitive environmental and ecological assets and areas, open space, viewscapes and aesthetics, wetlands, and other ecological and environmentally sensitive areas. The dangers of WECS are documented in various studies and include falling ice or "ice throws," sleep disturbance caused by nighttime wind turbine noise, danger to human health based on decibel levels, and other impacts.

- (2) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

ADVERSE SOUND CHARACTER — Sound that causes building rattle, is impulsive, tonal, or has low-frequency bass rumble.

AMBIENT — The sound pressure level exceeded 90% of the time over a ninety-six-hour measurement period with daytime/nighttime division.

ANSI — The American National Standards Institute.

AUDIBLE — The varying degrees of sound perception as reported by affidavit, including, but not limited to, just perceptible, audible, clearly audible, and objectionable.

dBA — The A-weighted sound level.

dBC — The C-weighted sound level.

DECIBEL (dB) — The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated "dB."

EMERGENCY WORK — Any work or action necessary to deliver essential services in an emergency situation, including, but not limited to, repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way, and abating life-threatening conditions.

EQUIVALENT SOUND LEVEL (or Leq) — The sound level measured in decibels with an integrating sound level meter and averaged on an energy basis over a specific duration.

EXCESSIVE NOISE — Sound that is determined by ordinance to be too loud or unnecessary or creates a noise disturbance.

GIS — Geographic information system and is comparable to GPS (global positioning system) coordinates.

L10 — The noise level exceeded for 10% of the time of the measurement duration. This is often used to give an indication of the upper limit of fluctuating noise, such as that from road traffic.

L90 — The noise level exceeded for 90% of the time of the measurement duration and is commonly used to determine ambient or background noise level.

NOISE — A sound, especially one that is loud or unpleasant or that causes disturbance. Any airborne sounds of such level and duration as to be or tend to be injurious to human health or welfare (well-being) or that would unreasonably interfere with activities or the enjoyment of life or property.

NONPARTICIPATING LANDOWNER — A landowner who has not signed a contract or any legal document with the WECS applicant and has not given up rights to their owned land to the WECS applicant.

PARTICIPATING LANDOWNER — A landowner who has leased land to the WECS applicant, received financial remuneration from the WECS applicant, recorded with the Van Buren County Register of Deeds said agreement, and has a contract with the WECS applicant. A participating landowner may also be called a "WECS contract leaseholder." A participating landowner may or may not have turbines or infrastructure located on their property.

PASQUILL STABILITY CLASS — Reference, wikipedia.org "Outline of air pollution dispersion."

QUIET RURAL OR RESIDENTIAL PROPERTY — Any property where there is an inherent expectation of quiet, including, but not limited to, all residential, business, or agricultural-zoned properties, single-family homes, and retirement homes.

SCADA (SUPERVISORY CONTROL AND DATA ACQUISITION) — A computer system that monitors and controls WECS units.

SOUND LEVEL METER — An instrument for the measurement of sound levels that meets the ANSI requirements of S1.4-1983 (or later revision) for Type 1 or 2 instruments. For frequency analysis, octave and 1/3 octave filters shall conform to ANSI S1.11-1986 (or later revision).

SURVIVAL WIND SPEED — The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

TIP HEIGHT — The height of the turbine with a blade at the highest vertical point.

WECS APPLICANT — The person, firm, corporation, company, limited liability corporation or other entity, as well as the applicant's successors, assigns and/or transferees, which applies for Township approval (permit) to construct a WECS and WECS testing facility. An applicant must have the legal authority to represent and bind the participating landowner, or lessee, who will construct, own, and operate the WECS or testing facility. The duties and

obligations regarding a zoning approval for any approved WECS or testing facility shall be with the WECS or testing facility owner, and jointly and severally with the owner, operator, and lessee of the WECS or testing facility if different than the WECS owner.

**WIND ENERGY CONVERSION SYSTEM (WECS) TESTING FACILITY** — A structure and equipment such as a meteorological tower for the collection of wind data and other meteorological data and transmission to a collection source, shall not be deemed to be a communication tower.

- (3) Public utilities. Transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment owned or provided by public utility companies or by the Township shall be permitted in all zoning districts. Any equipment enclosures, substations, equipment storage buildings or similar structures shall be subject to the site plan review requirements. Any office, manufacturing, or sales buildings must be located in the Commercial or Industrial Zoning District. All communication towers or commercial wind energy conversion systems operated by public utility companies shall be subject to the requirements of Subsection L(5), Commercial wind energy conversion systems (WECS). Unless specifically noted, all WECS permit information and supporting documentation shall be allocated reasonable Township review time based on complexity and outside expertise review. Requirements shall be presented in written form and allow a minimum of 30 days before Township discussion. The Township may, at its discretion, review provided documents sooner than 30 days. Providing documents without time for the Planning Commission to review shall result in permit denial and require the WECS applicant to reapply. Each subsection herein requires approval by the Planning Commission unless otherwise noted. The Township shall review all documentation to assure that residents' health, welfare, and safety are not negatively impinged.
- (4) Exempt towers and wind energy conversion systems (WECS). Communication towers, antennas, wind energy conversion systems (windmills, turbines) and related facilities located on the premises of a farm, home, or business and which do not primarily involve the sale of electricity or communication services off the premises shall be exempt from the requirements of Subsection L(5), Commercial wind energy conversion systems (WECS). However, exempt towers and WECS are subject to the following noise regulations Code of the Township of Lawrence. Such units shall be allowed as a permitted accessory use in all zoning districts, providing the electricity or communication services are primarily used on site for a farm, home or business. In the case of a WECS, the total height with the blade fully extended (tip height) shall not exceed 130 feet, and the minimum clearance from ground level to the blade at its lowest point shall be 20 feet. The minimum setback from property lines and road right-of-way lines shall be equal to three times the tip height of the unit (WECS blade at its highest point).
- (5) Commercial wind energy conversion systems (WECS). Wind energy conversion systems and WECS testing facilities, other than those exempted under Subsection L(4), Exempt towers and wind energy conversion systems (WECS), shall only be allowed as special land uses in the A-1 Exclusive



Agricultural Zoning District. Supporting data and documentation must be submitted in their entirety at time of application. The applicant shall provide to the Township updated documents throughout the lifespan of the WECS upon request by the Township Board or Planning Commission. The applicant shall also include the following:

- (a) Permitting costs. An escrow account shall be set up when the applicant applies for a special use permit for a WECS and WECS testing facilities. The monetary amount filed by the applicant with the Township shall be in an amount in accordance with the Township Escrow Policy to cover all reasonable costs and expenses associated with the special use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the applicant place additional monies into the Township escrow should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within 14 days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant within 90 days of permitting process completion. An itemized billing of all expenses shall be provided to the applicant. The Township shall hire qualified professionals for each and any of the technical fields associated with the special use permit, such as, but not limited to, electrical, acoustics, environment, economics, wildlife, health, and land use.
- (b) Environmental assessment. The applicant shall fund an environmental assessment or impact study and other relevant reports or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review. Studies shall be limited to the area within three miles outside of the Township boundaries.

[1] The applicant shall perform preconstruction ground water testing on all wells located within the required setback distance of a proposed turbine location. The operation of the WECS shall not negatively impact any groundwater well or groundwater source in the vicinity of the WECS. Complaints regarding impact of the WECS on groundwater sources shall be promptly forwarded to the Township Board as part of the complaint resolution process. The Township Board will consider proof of a negative impact arising from the installation and/or operation of the WECS on a groundwater well or source in the vicinity of the WECS as a violation of the conditions of the special use approval.

[2] A background (ambient) sound study shall be performed and a report provided which indicates Leq 1 second, L10, and L90 sound levels

using A-weighting and C-weighting. Data shall be collected at midpoints along property lines of adjoining nonparticipating and participating landowners. Measurement procedures are to follow the most recent versions of ANSI S12.18 and ANSI S12.9, Part 3, guidelines (with an observer present). Measurements shall be taken using an ANSI or IEC Type 1 precision integrating sound level meter. The study must include a minimum of a four-day (ninety-six-hour) testing period, include one Sunday, and divide data by daytime and nighttime. The sound background study shall report for the period of the monitoring topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction.

- (c) Economic impact. The applicant shall fund and provide an economic impact study for the area affected by the WECS project. Such a study shall include probable financial impact regarding jobs, tax revenue, lease payments and property values at a minimum and average setback distances. Business and residential growth potential shall be considered.
- (d) Site plan. The applicant shall submit a site plan. The applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards, as well as information regarding health, welfare and safety in areas including, but not limited to, noise, vibration, shadow flicker, and blade ice deposits. This information shall also address the potential for the WECS to structurally fail or collapse, and what results should be expected in such an event. Additional requirements for a WECS site plan are as follows:
  - [1] Building siting. GIS locations and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other aboveground structures associated with the WECS.
  - [2] Nearby building siting. GIS locations and height of all adjacent buildings, structures, and aboveground utilities located within three times the minimum setback distance for nonparticipating landowners where the proposed WECS and WECS testing facility will be located. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or testing facility, located on the lot or parcel involved.
  - [3] Access driveways. GIS location of WECS and testing facility access driveways together with details regarding dimensions, composition, and maintenance of the proposed driveways. The site plan shall include traffic routes, time of the year use, staging areas, and any other physical sites related to WECS. Construction of the access driveway that serves a WECS or testing facility is required to protect the public health, safety, and welfare by offering an adequate means by which governmental agencies may readily access the site in the event of an emergency. All such roads shall be constructed to allow

access at all times by any emergency service vehicles, such as fire, police, and repair. Access driveways shall be no closer than 300 feet to adjacent property unless the applicant provides documentation in the form of a signed approval by affected participating and nonparticipating landowners. Such approval shall be recorded with Van Buren County Register of Deeds using only the WECS Waiver Form, Revision 1 or later.

- [4] Facility security. Security measures shall be sufficient to prevent unauthorized trespass and to protect health, welfare, and safety.
  - [5] Maintenance program and resolution program. The applicant shall provide to the Township a written description of the problem and failure program to be used to resolve any WECS and WECS testing facility issues, including procedures and schedules for removal when determined to be obsolete or abandoned.
  - [6] Site lighting. A lighting plan for each WECS and testing facility. Such plan must describe all lighting that will be utilized and documentation that FAA requirements are met. RADAR-activated lighting shall be utilized if allowed by the FAA. Such a plan shall include, but is not limited to, the planned number and location of lights, light color, activation methods, effect on Township residents and whether any lights blink. Due to complexity in describing lighting effects for health, welfare, and safety, the applicant shall, if available, provide example locations with product descriptions, where similar, or proposed, lighting solutions are currently deployed. Lighting shall be fully shielded from ground, be FAA-compliant, and be of most current design, to minimize lighting blinking and brightness nuisance.
  - [7] Proof of any applicable documents recorded at the Van Buren County Register of Deeds.
  - [8] If there are any changes to any site plan for a WECS or testing facility, including any changes in road locations, road access, the location of accessory structures, and/or the location of any turbine, a revised site plan shall be submitted and approved prior to construction. Any revised site plan must provide revised calculations to address all of the items required under the original plan submission (i.e., setbacks, shadow flicker, noise, etc.).
  - [9] Supplemental. Additional detail(s) and information as requested by the Planning Commission.
- (e) Site insurance. The applicant shall provide proof of insurance for each WECS at all times for at least \$10,000,000 for liability, property damage, livestock damage, and future earnings loss. The applicant shall provide yearly proof of insurance to the Township that confirms active coverage for the applicant, Township, participating landowners, and nonparticipating landowners. Aggregate policies are allowed if minimum coverage per WECS is satisfied and coverage is provided for every site

where the applicant's equipment is located.

- (f) Removal insurance (decommissioning). To ensure proper removal of each WECS structure when it is abandoned or nonoperational, the application shall include a proof of the financial security in effect before the permit is approved. The security shall be licensed in the State of Michigan and be in the form of 1) cash deposit or 2) performance (surety) bond selected by the Planning Commission and bonded by a top institution from the Department of the Treasury's Listing of Approved Sureties, Department Circular 570, T-list. The duration of the security shall be termed to the removal of each WECS as stated in this subsection. Additionally, security is based on each WECS and is to be backed by owner assets, operator assets, parent company assets, and leaseholder assets approved by the Planning Commission.

- [1] The amount of each WECS security guarantee (surety) shall be the average of at least two independent (of applicant) demolition (removal) quotes, obtained by the Planning Commission and approved by the Board, plus 10%. If the quantity of quotes obtained is two, the formula shall be  $(\text{quote 1} + \text{quote 2})/2 * 1.10$ . The security guarantee shall be no less than \$800,000 per WECS. Quotes shall be based on individual WECS removal and shall not group multiple WECS simultaneous removals together. Quotes shall be ordered and obtained by the Township from established demolition companies. The demolition method shall be approved by the Township Board. Quotes shall not include salvage values. The security guarantee shall be updated every five years at the rate of 1.5 times CPI (consumer price index) for each year.
- [2] Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction operations begin on the WECS project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this subsection, and shall subject the applicant to all available remedies to the Township, including enforcement action, fines, revocation of the special use approval and WECS removal.
- [3] The applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.
- [4] In the event the WECS owner, operator, parent company, or performance bond defaults on any or all of the previously outlined decommissioning requirements, the participating landowner upon which each WECS is located shall be responsible and liable for the removal of each WECS. Failure of the participating landowner to comply with the removal and decommissioning guidelines shall result in the Township having the WECS removed at the expense of

the participating landowner. If funding is not available to cover the costs of removal by the participating landowner, legal action to pursue the seizure of participating landowner property(ies) will take place to cover such costs.

- (g) Safety manual. The applicant shall provide an unredacted copy of the manufacturer's safety manual for each model of turbine without distribution restraints to be kept at the Township Hall and other locations deemed necessary by the Planning Commission or local first responders. The manual should include standard details for an industrial site, such as materials, chemicals, fire, access, safe distances during WECS failure, processes in emergencies, etc.
- (h) Repair policy documentation. The applicant shall provide a detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or noncompliant WECS. Sections of the process book should consider any ordinance requirement or WECS performance deficiency.
- (i) Noise. The applicant shall provide an initial sound modeling report and a six-month post-construction report for the project with a schedule and documentation which adhere to the following:
  - [1] Chart outlining ordinance requirements and a description of compliance or noncompliance.
  - [2] Declaration of whether submitted data is modeled or measured.
  - [3] Declaration of values, test methods, data sources, and similar for all modeled or measured data.
  - [4] Estimated timeline for project, including ordinance requirements completed, construction, post-construction, and validation testing.
  - [5] Applicant measured data shall be accompanied by SCADA data confirming full power during testing. Unless otherwise requested, minimum SCADA data format shall be grouped in twenty-four-hour periods and one-second intervals, including wind vector, wind speed, temperature, humidity, time of day, WECS power output, WECS amps, WECS volts, WECS nacelle vector, WECS blade RPM, WECS blade pitch.
  - [6] Permitting data may be submitted based on WECS manufacturer data. However, measured data from active and similar WECS facilities shall be simultaneously submitted.
  - [7] It is acknowledged that WECS units sustain wear over time. The applicant is to submit data from existing and similar WECS installations showing aged sound measurements (to demonstrate compliance potential over the life of WECS) in accordance with this subsection for five-, ten-, and fifteen-year-old units.
  - [8] Modeling factors shall be set for the worst-case environment, such

as high humidity, frozen ground (nonporous), atmospheric variances (atmospheric profile Pasquill Stability Class E or F preferred), elevated noise source and no ground cover. Use of modeling methods (standards) shall have deficiencies (limitations) fully disclosed and shall include known error margins. Nondisclosure of modeling method deficiencies shall require resubmission of the SUP in its entirety with complete modeling deficiencies disclosed.

(6) Commercial wind energy conversion systems (WECS): Standards and Requirements. The WECS project shall meet the following standards and requirements:

- (a) Setback. The minimum setback from any property line of a nonparticipating landowner or any road right-of-way shall be no less than four times tip height of the WECS or WECS testing facility unless the applicant provides documentation in the form of a signed approval by affected participating and nonparticipating landowners waiving these requirements. Documents in full shall be recorded using only the WECS Waiver Form, Revision 1 or later, with the Van Buren County Register of Deeds. For WECS, use the turbine pole center line as the WECS measuring point.
- (b) Ground clearance. The minimum clearance from ground level to the blade at its lowest point shall be 100 feet.
- (c) Applicant compliance. The WECS and related equipment shall comply with any and all state, federal, county and Township requirements.
- (d) Blade clearance. Blade arcs created by a WECS shall have a minimum of 100 feet of clearance over and from any structure.
- (e) Braking. Each WECS shall be equipped with a braking, or equivalent, device capable of stopping the WECS operation in high winds with or without SCADA control. Braking systems shall be effective during complete GRID power failure where WECS are unable to communicate with SCADA control or receive power.
- (f) Signage. Each WECS and testing facility shall have one sign per turbine, or tower, located at the roadside and one sign attached to base of each WECS, easily visible throughout four seasons. Signs shall be at least two square feet in area. Signs shall be the same and shall uniquely identify each WECS. Signage shall comply with Article XI, Signs, Nameplates, and Advertising Structures. Additional signage on and around the tower is recommended. The sign shall contain at least the following:
  - [1] Warning of high voltage.
  - [2] Participating landowner's name, WECS owner's name, and operator's name.
  - [3] Emergency telephone numbers and web address. (List more than one number.)

- [4] If the WECS uses fencing, place signs on the perimeter fence at fence entrance door.
- [5] Unique identification, such as address of the WECS. If more than one WECS is on an access drive, units shall have further identification such that first responders can positively identify them. An identification example is "321 Ruger Rd, Caro, MI Unit A."
- (g) Communication interference. Each WECS and testing facility shall be designed, constructed and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced and confirmed by a licensed engineer, the applicant must produce confirmation that said interference had been resolved to residents' satisfaction within 90 days of receipt of the complaint. Any such complaints shall follow the process stated in the complaint resolution section.<sup>32</sup>
- (h) Infrastructure wiring.
- [1] All electrical connection systems and lines from the WECS to the electrical grid connection shall be located and maintained underground. Burial depth shall be at a depth that causes no known environmental, land use, or safety issues. Depth shall be a minimum of six feet below grade, be deeper than drain tile and be in compliance with NEC 2014 or newer code standards. All utility lines shall be staked in the field, so as to provide notice to property owners as to the location of utilities, including installing a marker at four feet below grade to identify the utility line location.
- [2] The Planning Commission may waive the burial requirement and allow aboveground structures in limited circumstances, such as geography precludes, or a demonstrated benefit to the Township. The waiver shall not be granted solely on cost savings to the applicant. Requests for variation shall consider aesthetics, future use of land, and effect on nearby landowners.
- (i) Road damage. The applicant shall post a financial security in the form of a surety bond from a surety company that is listed as an acceptable surety on Federal Surety Bonds in Circular 570 of the U.S. Department of Treasury, or letter of credit from, or an escrow account established in, a financial institution licensed in the State of Michigan for the cost of repairs of county roads within the Township, in an amount of \$1,250,000. The amount and standards for road repair work shall be determined by a third-party road inspector appointed by mutual agreement of the Township, applicant and Van Buren County Road Commission. The bond shall only be released (in whole or in part) when the Township Board, in consultation with the Van Buren County Road Commission and said third-party inspector, determines that all required road work has been completed and approved by the road inspector in consultation with the

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32. Editor's Note: See Subsection L(6)(y) of this section.

Van Buren County Road Commission and/or MDOT. The Township may consult with the third-party road inspector to verify the proposed bond amount of \$1,250,000. If the third-party inspector determines that the amount needed for road repairs and upgrades is higher, the applicant will post a financial security in the amount determined by the third-party inspector. All road repairs must be complete within 90 days of project completion, or maintenance completion, but shall not exceed 365 days from project commencement or maintenance completion.

- (j) Road use agreement. The applicant shall provide and execute a road use agreement with the Township and shall file a copy of such agreement with the Township Clerk before construction of any accessory road and/or road improvements. The road use agreement is subject to review and approval of the Township attorney. The applicant shall provide a written status report annually to the Township Board as to the ongoing scope of road work and shall also provide written notice to the Township Board when all required road work has been completed. The Township may require the renewal of the bond for road work to cover costs of road work to be completed in the future.
- (k) Liability insurance. The current WECS owner and operator shall insure for liability for the WECS without interruption until removed and comply with the site insurance section<sup>33</sup> to protect the current WECS owner and operator, Township and property owner.
- (l) Coating and color. A WECS shall be painted a nonobtrusive (light environmental color such as beige, gray or off-white) color that is nonreflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
- (m) Strobe effect. Under no circumstances shall a WECS or testing facility produce shadow flicker, or strobe effect, on properties without a signed release from affected participating and nonparticipating landowners. Documents in full shall be recorded with the Van Buren County Register of Deeds. Each wind turbine shall also use a shadow flicker mitigation system, including but not limited to the Vestas Shadow Detection System, or other similar system.
- (n) Ice detection. The applicant shall install an ice mitigation system on each turbine, including but not limited to the system developed by Vestas, or other similar system, to monitor ice formation on each wind turbine (WECS) and to facilitate immediate shutdown of any wind turbine if ice is detected on the turbine.
- (o) Fire suppression. The applicant shall provide and install on a WECS a fire suppression system, including but not limited to Firetrace or other similar system, and ensure that such system is operable at all times.
- (p) Voltage. The applicant shall demonstrate that the WECS prohibits stray

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33. Editor's Note: See Subsection L(5)(e) of this section.



voltage, surge voltage, and power from entering the ground, and shall correct any voltage issued that is caused by the WECS.

- (q) Protection of adjoining property. In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any WECS or testing facility unless it finds that the WECS or testing facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.
- (r) Removal and site renovation. A condition of every approval shall be adequate provision for the removal of the structure in its entirety whenever it ceases to actively produce power for 180 days or more. The Planning Commission can grant an extension of an additional 180 days upon the WECS owner demonstrating that the structure will be put back into use. Removal shall include the proper receipt of a demolition permit from the Building Official and proper restoration of the site to original condition. Removal of the structure, wiring, and its accessory use facilities shall include removing the caisson and all other components in their entirety. Restoration must be completed within 365 days of nonoperation. The Planning Commission can grant an extension of 180 days upon the WECS owner demonstrating that an extension is necessary.

[1] Participating landowners may waive complete underground wiring removal if they can demonstrate that any and all remaining underground wiring will not negatively affect the environment, such as, but not limited to, water quality, natural water flow, or area wildlife. Participating landowners shall execute a waiver and record same in full with Van Buren County Register of Deeds waiving these requirements.

- (s) WECS height. The maximum tip height of any WECS or WECS testing facility shall not exceed 500 feet.
- (t) Avian protection. Each wind turbine shall have a bird/bat sensor installed and utilized upon it.
- (u) Post-construction studies. The applicant shall prepare a post-construction avian and wildlife study one year post-construction, as well as five years post-construction, of the completion of a WECS, which shall comply with the requirements of the U.S. Fish and Wildlife Service and the Michigan Department of Natural Resources. A copy of the study shall be provided to the Township Board.
- (v) Post-construction documents. The applicant shall provide a complete set of as-built drawings for electrical structures, collection lines and surface markings to the Township Clerk within six months of completing work on the WECS.
- (w) Operations training. The applicant shall provide training for the Lawrence Township Fire Department and all fire departments that provide mutual aid to Lawrence Township before beginning operations of the utility grid wind energy system and shall likewise provide regular training at least

annually thereafter. The applicant shall report annually to the Township Board as to the status of the training of the Township Fire Department, in addition to reporting annually to the Township Board of any incidents that required response by the Fire Department (or any fire departments responding via mutual aid) to the WECS.

- (x) Operational, maintenance, and issue resolution. Each WECS and testing facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation, including WECS removal. The applicant shall keep a maintenance log on each WECS and must provide a complete log to the Township within 30 days of request.
- (y) Complaint resolution. A complaint resolution process shall be established by the Township. The form shall include, but not be limited to:
  - [1] Receiving and forwarding of complaints. A third-party answering switchboard, website or equivalent, paid for by the applicant or WECS or testing facility owner. The cost to maintain and support shall be funded in the amount of \$10,000 and be replenished at least every five years by the applicant or WECS owner. The Planning Commission shall select a complaint resolution process that is independent of the facility operator or owner and that reports to the Township first and operator second. Upon receiving a complaint, the Township shall forward said complaint to the WECS owner.
  - [2] Investigation of complaints. The Township shall initiate an investigation into a complaint within 60 days utilizing escrow funds to hire the appropriate expert(s).
  - [3] Hearing of complaints. The Township Board shall set a public hearing date within 60 days of completion of investigation of complaints where experts, residents and/or the applicant may present information before the Township Board. Notice of hearing shall be via certified mail.
  - [4] Decision of complaints. The Township Board shall issue a decision and corrective actions within 45 days from hearing of complaints.
- (z) The applicant shall be required as a condition of approval to fund an escrow account for investigation of complaints for, but not limited to, shadow flicker, stray voltage, noise, and signal interference to the amount of \$15,000, to be used at the discretion of the Lawrence Township Board. When escrow account balance is below \$5,000, the Township shall notify the applicant, and the applicant shall replenish the account in the amount of \$15,000 within 45 days.
- (aa) Regulation of WECS commercial and industrial noise. To preserve quality of life, peace, and tranquility, and protect the natural quiet of the environment, this subsection establishes the acoustic baseline, background sound levels for project design purposes and limits the

maximum noise level emissions for commercial and industrial developments. Residents shall be protected from exposure to noise emitted from commercial and industrial development by regulating said noise.

- (bb) The Township Board reserves the right to require the WECS applicant to shut down any WECS unit that does not meet ordinance requirements until such WECS unit meets ordinance requirements or is removed.
- (cc) Complaints. If the Township Board confirms and issues a corrective action, SCADA data from WECS within two miles of issue shall be required and delivered to the Township within 20 days of notification. The SCADA data format shall be determined by the Township, Township licensed engineers, or Township professional acousticians. Unless otherwise requested, minimum SCADA data format shall be grouped in twenty-four-hour periods and one-second intervals, including wind vector, wind speed, temperature, humidity, time of day, WECS power output, WECS amps, WECS volts, WECS nacelle vector, WECS blade RPM, and WECS blade pitch. Fees for providing SCADA data are not to exceed \$100 per request. Residents shall have the right to also request SCADA data in at least the minimum format at the cost of \$200 per WECS per time period requested. Common SCADA formats shall include meteorological and performance data such as, but not limited to, temperature, humidity, power output, RPM, wind velocity, wind direction, and nacelle vector. Data format shall be determined by Township, such as CSV or XLXS.
- (dd) Noise.

[1] No WECS shall generate or permit to be generated audible noise from commercial or industrial permitted facilities that exceeds 39 dBA or 49 dBC (dBC to dBA ratio of 10 dB per ANSI standard S12.9, Part 4, Annex D) during the night, 9:00 p.m. to 8:00 a.m., for any duration, at a property line or any point within a nonparticipating property, unless the applicant provides documentation in the form of a signed agreement by the participating and nonparticipating landowner waiving these requirements. Said documents in full shall be recorded with the Van Buren County Register of Deeds waiving these requirements. Documents in full shall be recorded with the Van Buren County Register of Deeds.

[2] No WECS shall generate or permit to be generated plainly audible noise from commercial or industrial permitted facilities that exceeds 45 dBA or 55 dBC during the day, 8:00 a.m. to 9:00 p.m., for any duration, at a property line or at any point within a nonparticipating property, unless the applicant provides documentation in the form of a signed agreement by the participating and nonparticipating landowner waiving these requirements. Said documents in full shall be recorded with the Van Buren County Register of Deeds waiving these requirements. Documents in full shall be recorded with the

## Van Buren County Register of Deeds.

- [3] No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any acoustic, vibratory, or barometric oscillations in the frequency range of 0.1 to 1 Hz that is detectable at any time and for any duration by confirmed human sensation or exceeds a sound pressure level from 0.1 to 20 Hz of 50 dB (unweighted) re 20uPA or exceeds an RMS acceleration level of 50 dB (unweighted) re 1 micro-g by instrumentation at a nonparticipating landowner's property line or at any point within a nonparticipating landowner's property.
  - [4] No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any vibration in the low-frequency range of 0.1 to 20 Hz, including the 1 Hz, 2 Hz, 4 Hz, 8 Hz, and 16 Hz octave bands, that is perceivable by human sensation or exceeds an rms acceleration level of 50 dB (unweighted) re 1 micro-g at any time and for any duration either due to impulsive or periodic excitation of structure or any other mechanism at a nonparticipating landowner's property line or at any point within a nonparticipating landowner's property.
  - [5] A tonal noise condition generated from commercial or industrial permitted facilities shall be assessed an upward noise penalty of 5 dBA (example: 42 dBA increased to 47 dBA) for assessment to the nighttime and daytime noise limits.
  - [6] A noise level measurement made in accordance with methods in the noise measurement and compliance section<sup>34</sup> that is higher than 39 dBA or 49 dBC during the nighttime hours or 45 dBA or 55 dBC during the daytime hours, adjusted for the penalty assessed for a tonal noise condition, shall constitute prima facie evidence of a nuisance.
  - [7] An acoustic, vibratory or barometric measurement documenting oscillations associated with commercial or industrial permitted facilities with levels exceeding the limits herein shall constitute prima facie evidence of a nuisance.
  - [8] All commercial and industrial activity shall comply with limits and restrictions anywhere at any time on another property unless the applicant provides documentation in the form of a signed approval by affected participating and nonparticipating landowners. Documents in full shall be recorded with the Van Buren County Register of Deeds waiving these requirements. Documents in full shall be recorded with the Van Buren County Register of Deeds.
  - [9] Leq 1-sec shall be used for all measurements and modeling.
- (ee) Lawrence Township and its representatives shall have the authority to

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34. Editor's Note: See Subsection L(7) of this section.

inspect the WECS (any of the wind turbines, the roads and/or accessory structures) upon reasonable notice of at least 24 hours to the applicant. The applicant may require that a representative of the applicant accompany the Township and/or its representatives on any inspection.

- (ff) The applicant shall enter a host agreement with Lawrence Township regarding taxation.
- (7) Noise measurement and compliance.
- (a) Post-construction validation and compliance testing shall include a variety of ground and hub height wind speeds, at low (between six and nine mph), medium (between nine and 22 mph) and high (greater than 22 mph). SCADA data shall be provided in the format determined by the Township, Township licensed engineers, or Township professional acousticians. Compliance noise measurements are the financial responsibility of the WECS owner of the facility and shall be independently performed by a qualified professional acoustician approved by the Planning Commission when directed by the Lawrence Township Board or their designated agent. Compliance noise measurements shall not exceed the stipulated noise limits and shall assess for and apply tonal noise penalties when warranted.
  - (b) Quality. Measurements shall be attended. All noise measurements shall (must) exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The latter two can be excluded by calculating the dBA noise level by excluding octave band measurements above the 1,000 Hz band as in ANSIS12.100 3.11. The ANS-weighted sound level is obtained by eliminating values for octave bands above 1,000 Hz, or 1/3 octave bands above 1,250 Hz, and A-weighting and summing the remaining lower frequency bands. The wind velocity at the sound measurement microphone shall not exceed three m/s (seven mph, maximum) during measurements. A seven-inch or larger diameter windscreen shall be used. Instrumentation shall have an overall internal noise floor that is at least 5 dB lower than what is being measured. During testing of elevated sources, including, but not limited to, wind turbines, the atmospheric profile shall be Pasquill Stability Class E or F preferred, Class D as alternate.
  - (c) Noise level. Noise measurements shall be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level and ANSI S12.9, Part 3 (Quantities and Procedures for Description and Measurement of Environmental Sound - Part 3: Short-term Measurements with an Observer Present), using Type 1 meter, A-weighting, fast response.
  - (d) Tonal noise. Tonal noise shall be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement shall constitute prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the

noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands for by 15 dB in low 1/3 octave bands (10 to 125 Hz), 8 dB in middle-frequency bands (160 to 400 Hz), or 5 dB in high-frequency bands (500 to 10,000 Hz).

- (e) Sample metric and rate. Noise level measurements for essentially continuous non-time-varying noise sources shall be acquired using the Leq (fast) metric at a sample rate of one per second. For fluctuating or modulating noise sources, including, but not limited to, wind turbines, a ten-per-second sample rate or faster shall be used. These sample rates shall apply to dBA, dBC and unweighted 1/3 octave band measurements.
  - (f) Reporting. Measurements of time-varying dBA and dBC noise levels and 1/3 octave band levels shall be reported with time-series level-versus-time graphs and tables. Graphs shall show the sound levels graphed as level-versus-time over a period of time sufficient to characterize the noise signature of the noise source being measured. For one-per-second sampling, a five-minute-or-longer graph shall be produced. For ten-per-second sampling, a thirty-second-or-longer graph shall be produced. Reporting shall identify, and graphs shall be clearly notated, identifying what was heard and when the noise source is dominating the measurement. Reporting shall furnish all noise data and information on weather conditions and Pasquill Class occurring during testing.
- (8) Compliance.
- (a) All applicable requirements of the Township's ordinances must be met in their entirety, as well as all other applicable laws, ordinances, and rules of the federal, state, county, and Township governments. Any subsequent development or change on the property shall comply with all requirements of the Township's ordinances or other ordinances and regulations in effect at that time. Noncompliance with ordinance requirements during the SUP process shall result in denial or revocation of the permit.
  - (b) Noncompliance with post-construction ordinance requirements shall result in fines (minimum \$250/day), permit denial, and WECS decommissioning.
  - (c) Nuisance compliance complaints shall be resolved after the complaint resolution process<sup>35</sup> is completed. The applicant shall provide a resolution plan within 30 days and resolve complaints within 90 days. A WECS may be shut down during resolution time to extend resolution time to 180 days.
  - (d) For non-nuisance compliance, and upon formal notice from the Township or resident to the WECS permit holder, the WECS permit holder shall respond within 30 days with a resolution plan, and up to 180 days to resolve a compliance breach. Failure to resolve any compliance breach shall result in permit loss. Unless otherwise stated, the applicant shall

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35. Editor's Note: See Subsection L(6)(y) of this section.

provide in advance and comply with ordinance requirements prior to the Township granting the permit. Special permits shall not be allowed.

- (e) In addition to any other remedies or complaint resolution procedures set forth in this subsection, any violation shall also constitute a municipal civil infraction in accordance with Chapter 25. Each day on which any violation of this subsection continues shall constitute a separate offense. The Township may bring an action for an injunction to restrain, prevent or abate any violation of this subsection.
- (f) Upon change of ownership, operator or parent company, the Township shall receive from the new owner, operator or parent company notification and updated documents within 30 days, including, but not limited to, legal proof of change, corporate legal contact, security bond updates, emergency contact, and local contact.





ARTICLE VIII  
**Site Plan Review**

**§ 1-8.1. Purpose and intent.**

- A. It is the purpose of this article to require site plan review approval for certain building structures and uses that can be expected to have a significant impact on natural resources, traffic patterns and the character of future development in the area.
- B. The requirements contained in this article are intended to reduce the hazards to life and property due to fire, flooding, soil erosion, pollution, dust, fumes, noise vibrations, noxious odors and other hazards; and to promote and facilitate the adequate provision of a system of roads, streets and parking, sewage disposal, drainage, public education, recreation and other public requirements and to promote the harmonious relationship of uses through proper design.

**§ 1-8.2. Site plan review requirements.**

- A. Site plan review shall be required for:
  - (1) Special use permits, site condominium projects, and planned unit developments, mobile home parks, family accessory housing, multiple-family dwellings and private roads, commercial or industrial projects.
  - (2) All public and governmental facilities.
  - (3) All open space developments.
- B. For uses requiring site plan review, all of the following activities shall be done only in accordance with a plan approved under this article:
  - (1) Any change to a building which would affect the approved off street parking, landscaping, or other site plan requirement. This includes, but is not limited to: construction, moving, external alteration, addition and change in use.
  - (2) The use of any building or land.
  - (3) The issuance of any permit for building, grading or occupancy.

**§ 1-8.3. Site plan review coordination.**

- A. Prior to approving a site plan submitted under this section, the Building Official and the Planning Commission shall request the review and recommendations of the County Drain Commissioner, the County Road Commission, the appropriate public health official, and any other appropriate technical reviews.
- B. These additional reviews are not mandatory for detached single-family construction located in platted subdivisions.

**§ 1-8.4. Site plan review procedures.**

- A. Application. The owner or his designated agent shall file an application requesting

site plan review with the Building Official on a special form designed for the purpose as approved by the Township Board. The application shall be accompanied by the appropriate fees as established by the Board of Trustees and the various agencies having jurisdiction.

- B. Site plan. Each application for site plan review shall be accompanied by a site plan. The site plan shall consist of a scale drawing of not less than one inch equals 40 feet for parcels less than three acres and one inch equals 100 feet for parcels three acres or more. Twelve copies of the site plan shall be submitted to the Township. Additional copies may be required. The drawing shall also include:
- (1) North arrow and property dimensions. The date prepared and the name and address of the preparer.
  - (2) Existing and proposed topography at contour levels of not more than two feet and site drainage plan.
  - (3) Zoning classifications of the subject property and all adjacent properties.
  - (4) Existing public and/or private rights-of-way and easements.
  - (5) Watercourses and water bodies, including surface drainageways within 500 feet of the subject property, and other requirements of Part 91, Soil Erosion and Sedimentation Control, of Act 451 of 1994, the Natural Resources And Environmental Protection Act, MCLA §§ 324.9101 to 324.9123a. [**Amended 4-12-2018**]
  - (6) Accurate location of abutting streets and proposed alignment of streets, drives, and easements serving the development.
  - (7) Accurate location and use of all existing and proposed structures and the intended uses thereof, lot lines, including setbacks from property lines, and dimensions.
  - (8) Location and design of parking areas in compliance with Article X.
  - (9) Location of water supply, wastewater systems, and all other utilities (existing and proposed).
  - (10) Proposed location of common open spaces and facilities, if applicable.
  - (11) Proposed location of accessory buildings and uses, including signs, air handlers, chillers, generators and other similar equipment.
  - (12) Proposed landscape plan and significant existing vegetation. Location, size, and type of existing plant materials to be saved or moved. Sections, elevations, plans and details of landscape elements such as berms, walls, ponds, retaining walls, and tree wells.
  - (13) Proposed location of refuse receptacles and feed storage containers. Location and method of screening of refuse receptacles and other such facilities and the landscape treatment of each.
  - (14) Recorded legal description and property tax ID number of the subject property.

C. Planning Commission review.

- (1) The Planning Commission shall respond to the applicant within 60 days of the receipt of an application determined complete by the Building Official.
- (2) The Planning Commission shall take action by majority vote to either approve, deny, or approve the site plan subject to compliance with certain modifications, timing limitations, or inspection requirements.

**§ 1-8.5. Standards for site plan review approval.**

In reviewing an application for site plan review, the following standards shall apply:

- A. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
- B. All buildings or groups of buildings shall be so arranged to permit emergency vehicle access as recommended by the appropriate public safety agency.
- C. Every structure or dwelling unit shall have access to a public street, walkway or other areas dedicated to common use or public way.
- D. Appropriate measures shall be taken to ensure that the addition or removal of surface waters will not adversely affect neighboring properties or the county storm drainage system.
- E. Provisions shall be made for the construction of storm sewer facilities, including grading, gutters, piping and treatment of turf, to handle stormwater and prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicle or pedestrian traffic or create puddles in paved areas.
- F. Secondary containment for aboveground areas where hazardous substances are stored or used shall be provided and shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substances.
- G. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
- H. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without permits and written approvals.
- I. All refuse receptacles shall be screened from casual view from the public rights-of-way and adjoining land uses. Full opaque screening shall be required in accordance with Article IX of this chapter.
- J. Motor vehicles access. All points of entrance or exit for motor vehicles shall be no closer than 30 feet from the intersection of the right-of-way lines of two streets and

not closer than 10 feet from an adjacent property line. The minimum driveway width at the curblineline shall be 30 feet. The minimum width of access drive shall be 16 feet. The angle of intersection of the center line of any driveway with the center line of the street shall be no less than 60° unless separate acceleration and deceleration lanes are provided.

K. Landscape requirements of § 1-8.6.

**§ 1-8.6. Landscape, screening and buffer requirements.**

A. Intent. It is the intent of this section to require landscape buffers and screening to reduce negative effects between incompatible land uses, and to enhance aesthetic qualities, character, privacy, and land values in the Township. Landscape plans shall preserve, to the extent possible, the existing vegetation on the site.

B. General landscape development standards.

- (1) Landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound, workmanship like manner and according to accepted good planting and grading procedures.
- (2) The owner of property required to be landscaped by this section shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris.

C. Buffer zone requirements.

- (1) A buffer zone shall be required on the subject parcel between zoning districts as indicated in Table 8.1.
- (2) A buffer zone shall be required on the subject parcel even if the adjacent parcel is unimproved land.
- (3) When any developed parcel requiring a buffer zone changes to a more intense land use or a special land use approval and/or site plan review is required, the buffer shall comply with the buffer zone matrix (Table 8.1), and buffer zone development standards set forth in this section.
- (4) If existing conditions are such that a parcel cannot comply with the buffer zone standards, then the Planning Commission shall determine the character of the buffer based on the following criteria:
  - (a) Traffic impacts.
  - (b) Increased building and parking lot coverage.
  - (c) Increased outdoor sales, display, or manufacturing area.
  - (d) Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
  - (e) Visual, noise, and air pollution.
  - (f) Health, safety, and welfare of the Township.

- (g) Additional dwelling units and resulting density (residential development).
- (5) If two zoning districts requiring a buffer zone are separated by a thoroughfare, the design of the buffer zone shall be determined by the Planning Commission based on the criteria contained in § 1-8.6C.

<b>Table 8.1</b> <b>Landscape Buffers Matrix</b> <b>Adjacent Zone of Adjoining Property</b>								
Subject Zone	A-1	R-1	R-2	R-3	R-4	O-1	C-1	I-1
A-1								
R-1								
R-2								
R-3	C	C	C					
R-4	B	B	B	B				
O-1	B	B	B	C	C			
C-1	B	B	B	B	B	C		
I-1	A	A	A	A	A	B	B	

NOTE: Read from Subject Zone across to Adjacent Zone. Subject Zone is the property being developed.

**BUFFER ZONES:**

- A - Buffer Zone Level A      30 feet
- B - Buffer Zone Level B      20 feet
- C - Buffer Zone Level C      10 feet

 No buffer zone required

- D. Buffer zone development standards. Required buffer zones shall comply with the following standards:
  - (1) Buffer Zones Level A.
    - (a) Minimum width of 30 feet.
    - (b) The buffer zone shall consist of landscape material, screen walls, berm, fence, or combination of these elements.
    - (c) The buffer zone shall also contain a landscape screen of at least 10 feet in width, consisting of appropriate landscape material to mitigate the impact of noise, dust and glare on adjacent property.
    - (d) The landscape material, berm, screen wall or fence shall be located as close as possible to the property line of adjacent property.
    - (e) The buffer zone shall contain a three-foot-high screen comprised of plant

material, berms, screen walls or fences, or any combination of these elements.

- (f) All areas outside of the planting beds shall be covered with grass or other appropriate ground cover.
- (2) Buffer Zone Level B.
    - (a) Minimum width of 20 feet.
    - (b) The buffer zone shall consist of landscape material, screen walls, berm, fence, or combination of these elements.
    - (c) The buffer zone shall also contain a landscape screen of at least 10 feet in width consisting of landscape material to mitigate the impact of noise, dust and glare on adjacent property.
    - (d) The landscape material, berm, screen wall or fence shall be located as close as possible to the property line of adjacent property.
    - (e) All areas outside of the planting beds shall be covered with grass or other appropriate ground cover.
  - (3) Buffer Zone Level C.
    - (a) Minimum width of 10 feet.
    - (b) All areas outside of the planting beds shall be covered with grass or other appropriate ground cover.
    - (c) All applicable standards in this article.
- E. Minimum standards for berms.
- (1) Berms shall be constructed so as not to erode (see Figure 8-1).
  - (2) Berms shall be constructed in such a manner so as not to alter on-site drainage patterns or on adjacent properties or obstruct vision for reasons of safety, ingress or egress.
  - (3) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site (see Figure 4-2).
  - (4) Berms shall not encroach into the clear vision areas at intersections or driveways and property line intersections.
- F. Minimum standards for screen walls and fences.
- (1) All screen walls and fences shall be constructed with new, durable, weather-resistant and easily maintainable materials. Barbed-wire fences are not permitted.
  - (2) The screen wall or fence may be constructed with openings that do not exceed 20% of the wall surface. The openings shall not reduce the intended obscuring effect of the walls.

- (3) Screen walls or fences shall not be constructed so as to alter drainage on site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
  - (4) All fences, screens, walls, or structural screens shall be erected no higher than 12 feet nor higher than four feet within the required front setback.
  - (5) No screen wall, fence or structural screen shall be constructed or erected in the clear vision area for reason of safety, ingress, or egress.
  - (6) Detention/retention areas shall be permitted within the buffer zones, provided they do not hamper the screening intent of the buffer or jeopardize the survival of the plant materials. Fencing may be required by the Planning Commission if it is determined to be in the interest of public safety.
  - (7) Solid waste dumpsters and recycling containers may be installed in the buffer zones, provided they are shielded by a continuous, opaque screen at least six feet high. The screen may be comprised of berming, plant material, screen walls or fences or any combination of these elements. All fences, walls, structural screens and gates of refuse receptacle enclosures shall meet the requirements of Article IX of this chapter.
- G. Street parking landscape development standards. Parking lot landscape areas shall comply with the following standards:
- (1) All landscaped areas shall be covered by grass, shredded bark, mulch, stone, or a living ground cover.
  - (2) The Planning Commission shall approve the location of off-street parking landscaping using the following criteria: Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for reason of safety, ingress, or egress (see Figure 8-3).
  - (3) In no case shall any buffer zone be considered as part of the off-street parking landscaped area.

#### **§ 1-8.7. Modification and expiration of approved site plans.**

- A. An approved site plan may be modified only by resubmission accompanied by the payment of an additional fee as prescribed in the Schedule of Fees adopted by the Township Board of Trustees.
- B. Approval of a site plan is valid for a period of 12 months. If actual physical construction or improvements on a site plan has not commenced during this period, the approval of the site plan shall be null and void, unless extended by the Planning Commission.

#### **§ 1-8.8. Appeals.**

The decision of the Planning Commission is final, except when it is alleged that the decision is inconsistent with the provisions of this chapter or that there was an error of fact involved in the decision. In such cases, the applicant may file an appeal with

the Township Zoning Board of Appeals. The Zoning Board of Appeals shall review the matter and take action to sustain, reverse, or remand the decision of the Planning Commission.



ARTICLE IX  
**Supplemental Regulations**

**§ 1-9.1. Purpose.**

It is the purpose of this article to establish miscellaneous regulations which have not been specifically provided for in other portions of this chapter.

**§ 1-9.2. General regulations.**

- A. Access to a street. All lots of record created after the effective date of this chapter shall have frontage on a public street or private road by special use permit and approved access, except in the case of an officially approved group housing development or an approved mobile home park as provided for in this chapter.
- B. Unsafe buildings. Nothing in this chapter shall prevent compliance with an order by an appropriate authority to demolish, correct, improve, strengthen, or restore to a safe condition any building declared to be unsafe.
- C. Grading and filling of property. The final grade surface of ground areas remaining after the construction of a building or structure and any earth changes made in connection with use of land shall be designed and landscaped such that surface water flows away from the building or structure and is collected or managed in a manner which avoids any increase in surface water discharge onto adjacent properties or public roads, the erosion of or filling of any road ditch, the blockage of any public watercourse, the creation of standing water over a private sewage disposal drainage field, and any unnecessary impoundment of surface water. The provision of this section shall be to administer and enforce pursuant to Article VIII, Site Plan Review, when applicable. In all other cases, the Building Official shall determine whether the provisions of this section are met, provided that he first consults with the County Drain Commissioner and the Superintendent of the County Road Commission (if county road right-of-way is involved) before taking any action to correct the situation. When it is determined by the Building Official, after the aforementioned consultation, that inadequate surface water control exists, no certificate of occupancy shall be issued until the situation is corrected and approved by the Building Official.
- D. Required water supply and sanitary sewerage facilities. No structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe, potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial wastes. All such installations and facilities shall conform with the minimum requirements of the County Health Department, Michigan Department of Health and Human Services and/or Department of Natural Resources, Waste Water Division.
- E. Soil erosion and sedimentation. All development in all districts shall conform to the County Erosion/Sedimentation Ordinance and general rules; and P.A. 60 of 1995, MCLA § 324.9101, the Natural Resources and Environmental Protection Act. **[Amended at time of adoption of Code (see Ch. 20, Code Adoption, Art. II)]**

- F. Uses of structures for temporary dwellings. No structure shall be used for dwelling purposes that does not meet the minimum standards, as defined in this chapter and the current Construction Code.<sup>36</sup>
- G. Temporary buildings. Temporary buildings may be permitted for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one year, whichever is the lesser time period. However, the Township Board may grant an extension to this one-year time period.

### § 1-9.3. Supplementary use regulations.

- A. Accessory buildings. Authorized accessory buildings may be erected as a part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it, and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made a part of the principal building shall not be nearer than 10 feet from any other structure on the same lot nor the distances shown in the dimensional chart in Article VI. An accessory building located in a front yard shall be set back the required distance for all primary structures. Accessory structures shall be prohibited without the existence of a principal structure.
  - (1) Accessory uses: garages. The structural space which is permissible in residential districts for motor vehicle storage and for incidental space as accessory to an authorize use shall not exceed the following:
    - (a) In all residential districts, the storage of unlicensed commercial vehicles shall be limited to one vehicle per residential dwelling which is owned and operated by a member of the residence or resident (occupant) at the location of storage. For the purposes of this section, "storage" means maintaining the vehicle outside of a fully enclosed structure for a period of 10 days).
    - (b) Space in a garage accessory to a multiple-family unit or a motel shall not be rented out except to occupants of the principal dwelling.
    - (c) An accessory building shall not occupy more than 30% of the area of any required rear yard.
  - (2) Accessory buildings: all districts.
    - (a) In a rear yard. No accessory building, including detached garages, shall be closer than the required setback for the district.
    - (b) In a side yard. No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance for the district.
    - (c) On a corner lot. No accessory building shall be closer to the side street lot

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36. Editor's Note: See Ch. 15, State Construction Code.

line than the side yard setback of the principal building on the lot.

**§ 1-9.4. Supplementary area regulations.**

- A. Exception to required lot area. Any legally created lot created and recorded prior to the effective date of this chapter may be used for any permitted use even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided:
- (1) That the other requirements of the residential district are met.
  - (2) That no adjacent land or lot is owned by the owner of the lot in question.
  - (3) That no lot shall be so reduced in area that the required open spaces will be smaller than those established as a minimum for the district in which the lot is located.
- B. Lot area can be allocated once. No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for the construction of a proposed building or the alteration of an existing building.

**§ 1-9.5. Supplementary height regulations.**

- A. Permitted exceptions: structural appurtenances:
- (1) The following structural appurtenances shall be permitted to exceed the height limitations. Exceptions may be authorized only when all of the following conditions are satisfied: No portion of any building or structure permitted as an exception to a height limitation shall be used for human occupancy or for commercial enterprise. Any structural exception to height limitations shall be erected only to such height as may be necessary to accomplish the purpose it is intended to serve, so as not to become a hazard to aviation. Structural appurtenances exceeding the maximum height limitations within 10 miles of a public airport shall not be allowed without the approval of the Airport Zoning Board having jurisdiction. If the roof area of structural elements permitted to exceed the height limitations exceed 20% of the gross roof area, they shall be considered as integral parts of the whole structure and thereby shall not exceed the height limitations.
    - (a) Ornamental in purpose, such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments.
    - (b) Appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts, aerials, television antennas, and cooling towers.
    - (c) Commercial freestanding towers, when not attached to a building or structure, shall be constructed in compliance with state and federal regulations pertinent thereto.
    - (d) Freestanding towers, such as TV or radio towers, intended primarily to serve the occupants of the main structure shall not exceed 1 1/2 times the

structural height limitations for structures in that district.

- (2) Small energy wind converters shall be permitted in the agricultural district by right, provided that the tower does not exceed 100 feet and there is compliance with Subsection A(1). The units may be permitted in residential zones by right, provided the units do not exceed 35 feet in height and meet all the required setbacks for accessory buildings.
- B. Permitted exceptions: residential district. There shall be no exceptions permitted for residential structures; certain nonresidential structures in residential districts may be permitted to exceed height limitations, provided there is compliance with the provisions of Schedule A, Article VI.<sup>37</sup> Solar collectors attached to the roof of a structure shall not be included in the height measurement for the purpose of this section.
- C. Permitted exceptions, commercial, office and industrial districts. In any commercial, office or industrial district, any principal building may be erected to height in excess of that specified for the district, provided each front, side and rear yard is increased one foot for each one foot of such additional height. In those districts not requiring one or more yard setbacks, any portion of a principal building may be erected to a height in excess of that specified for that particular district, provided that such portion is set back from all street, lot and required yard lines one foot for each foot of additional height.

#### **§ 1-9.6. High-intensity lighting.**

Where high-intensity lighting, such as mercury vapor, metal halide, high-pressure sodium, low-pressure sodium, incandescent flood, quartz flood, etc., is used, it shall be located to prevent direct lighting of adjacent properties.

#### **§ 1-9.7. Permanent swimming pool regulations for all districts.**

Permanent pools used for swimming or bathing shall conform to the yard setback requirement as required for accessory uses and structures in this chapter and comply with the State Construction Code<sup>38</sup> and county public health requirements.

#### **§ 1-9.8. Home occupations, including farms and farm operations.**

Home Occupations:

- A. Intent. It is the intent of this section to set forth the requirements for establishing a home occupation as an accessory use of a single-family detached dwelling unit, such as involving the crafting, electronic/mail order sale or marketing of goods, the provision of services, or the instruction in a craft or fine arts, which is conducted within the dwelling unit or within accessory structures located on the same parcel by one or more persons, all of whom reside within the dwelling, and which is clearly incidental and secondary to the use of the dwelling as a residence.
- B. Regulations and standards.

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37. Editor's Note: Schedule A, Zoning Ordinance—Dimensional Regulations, is included as an attachment to this chapter.

38. Editor's Note: See Ch. 15, State Construction Code.

- (1) Home occupations are not permitted within two-family or multiple-family dwellings.
- (2) There shall be no outdoor, on-site storage of materials, equipment, or accessory items and/or display of materials, goods, or supplies used in the conduct of the home occupation. Only normal household type of equipment and furniture are to be used in the home occupation. Computers, FAX machines, and copiers may all be used in the home occupation.
- (3) Only members of the immediate family who reside on the premises shall be employed in any part of the operation of the home occupation. All activities related to the home occupation shall be carried on entirely indoors.
- (4) Home occupations are permitted only in the principal structure/building, including attached and detached structures. However, in no case shall more than 25% of the gross floor area of the principal building be utilized for a home occupation.
- (5) A home occupation shall not generate an unduly burdensome amount of traffic for the general area in which it is located.
- (6) Adequate parking spaces shall be provided on the premises for persons patronizing the establishment.
- (7) The establishment of a home occupation shall not necessitate exterior modification or alter the fire rating, except as may be required by the Building Code, to any structure/building on the property.
- (8) Uses, other than as may be permitted by SUP, which shall be prohibited as home occupations shall include, but shall not be limited to, the following:
  - (a) Antique shops.
  - (b) Convalescent and nursing homes.
  - (c) Nursery schools.
  - (d) Funeral homes.
  - (e) Kennels.
  - (f) Medical or dental clinics or hospitals, or animal hospitals.
  - (g) Refuse collection businesses.
  - (h) Walk-in customer retail sales of any product, except those products sold that are directly incidental to the permitted home occupation (i.e., hair care products by a hairdresser).
- (9) Signs shall be permitted in general accordance with this chapter. One sign with a maximum of nine square feet in area may be mounted flat against the wall of the home occupation. One sign with a maximum of two square feet in area may be located in the front yard so as to not be a clear vision hazard or in the road right-of-way. In no case shall the number of signs exceed two. **[Amended**

**7-13-2017]**

(10) Compliance with all other applicable laws and ordinances.

C. Standards for farms and farm operations.

- (1) The incidental sale of farm produce is permitted from the roadside, provided:
  - (a) The sale is temporary and/or seasonal (not to exceed 180 days).
  - (b) The sale is of produce grown in Van Buren County.
  - (c) All temporary displays and signs advertising temporary sale are removed from the roadside when not in use.
  - (d) Other retail sales shall be limited to items made by the family residents of the dwelling where the home occupation is located.
- (2) In the agricultural, industrial and commercial districts only, persons requiring the use and storage of backhoes and other heavy equipment, trucks, well drilling rigs, and other similar equipment pertinent to their business operation and for their livelihood shall be permitted.

**§ 1-9.9. Site condominiums.**

- A. Intent. The intent of this section is to ensure that plans for site condominium developments within Lawrence Township proposed under the provisions of the Condominium Act, Act 59 of Michigan Public Acts of 1978,<sup>39</sup> 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 Michigan Subdivision Control Act, Act 288 of the Public Acts of 1967,<sup>40</sup> as amended. It is also the intent of this section to ensure that such development is in conformance with the requirements of this chapter, as amended; and other applicable Township ordinances and county, state and federal regulations.
- B. Operating definitions and development terms. As used in this section, the following terms shall have the meanings indicated:

**BUILDING ENVELOPE** — The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condo project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.

**BUILDING SITE OR LOT** — The building envelope and the limited commons area together in a site condo development are considered the functional equivalent of a standard subdivision lot.

**CONDOMINIUM ACT** — The Condominium Act, Act 59 of Michigan Public Acts of 1978, as amended.<sup>41</sup>

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39. Editor's Note: See MCLA § 559.101 et seq.

40. Editor's Note: See MCLA § 560.101 et seq.

**CONDOMINIUM BUILDING OR STRUCTURE** — The principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g., in a residential development, the condominium structure would refer to the house and any attached garage. A condominium structure can also be a building envelope.

**CONDOMINIUM DOCUMENTS** — The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner of the condominium.

**CONDOMINIUM PROJECT or SITE CONDOMINIUM SUBDIVISION PROJECT** — A condominium project developed under Public Act 59 of 1978, as amended, consisting of more than one condominium unit which is not subject to the provisions of the Subdivision Control Act 288 of 1967, as amended.

**CONDOMINIUM SUBDIVISION PLAN** — The drawings and information prepared in accordance with Section 66 of the Condominium Act.<sup>42</sup>

**CONTRACTIBLE CONDOMINIUM** — A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this chapter and the Condominium Act.

**CONVERSION CONDOMINIUM** — A condominium project containing condominium units some or all of which were occupied before filing of a notice of taking reservations under Section 7 of the Condominium Act.<sup>43</sup>

**EXPANDABLE CONDOMINIUM** — A condominium project to which additional land may be added in accordance with this chapter and the Condominium Act.

**GENERAL COMMONS ELEMENTS/AREAS** — The land area other than the limited commons areas of the site condominium development that are held in common by all co-owners and used for parks, streets, open space or other common activities.

**LIMITED COMMONS ELEMENTS/AREAS** — A portion of the general commons elements reserved in the master deed for the exclusive use of less than all of the co-owners and used for landscaping, vehicle parking areas, or driveways.

**MASTER DEED** — The condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project. All other information required by Section 8 of the Michigan Condominium Act<sup>44</sup> is included.

**MOBILE HOME CONDOMINIUM PROJECT** — A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

**NOTICE OF PROPOSED ACTION** — The notice required by Section 7 of the Condominium Act,<sup>45</sup> to be filed with Lawrence Township and the appropriate

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41. Editor's Note: See MCLA § 559.101 et seq.

42. Editor's Note: See MCLA § 559.166.

43. Editor's Note: See MCLA § 559.107.

44. Editor's Note: See MCLA § 559.108.

45. Editor's Note: See MCLA § 559.107.

agencies of Van Buren County.

**SETBACK: FRONT, SIDE, AND REAR YARD** — Distance measured from the respective front, side and rear yard boundary lines associated with the building lot to the respective front, side and rear of the condominium structure/building envelope.

**SITE CONDOMINIUM UNIT** — A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

- C. Approval required. All proposals to divide property other than according to the Subdivision Control Act must go through this chapter's site plan review process. In determining whether to approve a site plan for a site condominium, the Planning Commission shall consult with the development official, Township Attorney, County Drain Commission and County Road Commission regarding the adequacy of the master deed, deed restrictions, utility systems and streets, site layout and design, and compliance with all requirements of the Condominium Act and this chapter. A special use permit may be required for a site condominium project where the provisions of particular sections of this chapter identify the need for such a permit.
- D. General requirements and standards.
- (1) No construction, grading, work, or other development shall be done upon the land intended to be used for a site condominium until a final site plan has been approved, except with express permission of the Planning Commission. No permits for erosion or sanitary sewage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Planning Commission and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums.
  - (2) A building, structure, or use to be placed on a condominium lot requires site plan approval under this chapter before a certificate of zoning compliance may be issued.
  - (3) The Planning Commission shall have the authority to review and approve or deny preliminary and final site plans for site condominiums.
  - (4) Each site condominium unit shall be located within a zoning district that permits the proposed use and can include commercial, industrial or residential buildings.
  - (5) The building envelope and the limited commons area together in a site condo development are considered the functional equivalent of a standard subdivision lot. The total of these site condo lots shall not cover more than 75% of the total land area in the site condo development, thereby leaving a minimum of 25% for general commons area.
  - (6) The site condominium developments must meet the use and dimensional requirements of the zoning district in which they are located.



- (7) For the purposes of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot. Ground floor coverage and floor area ratio shall be calculated using the area of the condominium lot.
- (8) Each condominium lot shall be connected to public water and sanitary sewer facilities or have an approved water/utility system by the appropriate county and/or state agencies.
- (9) Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act,<sup>46</sup> shall comply with all regulations of the zoning district in which located and shall be approved by the Building Official. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- (10) Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act,<sup>47</sup> shall comply with all regulations of the zoning district in which located and shall be approved by the Building Official. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
- (11) All information required by this chapter shall be updated and furnished to the Township, and the applicable certificates of zoning compliance must be approved prior to the issuance of the building permits.

E. Preliminary site plan requirements.

- (1) A preliminary site plan shall be filed for approval with the Planning Commission on or before the time the notice of proposed action is filed with the Building Official.
- (2) The preliminary site plan shall include all land that the developer intends to include in the site condominium project and prepared in accordance with the following requirements: Twenty copies of the site plan shall be submitted to the Township. The preliminary plan shall be drawn at a scale of not more than 100 feet to the inch and shall include or be accompanied by the following information:
  - (a) The name of the project; the name and address of the developer; the name, address and seal of a registered surveyor or engineer preparing the plan; and a description of the property to be developed.
  - (b) A key map showing the location and position of the property and its

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<sup>46</sup>. Editor's Note: See MCLA § 559.148.

<sup>47</sup>. Editor's Note: See MCLA § 559.149.

relationship to surrounding streets and the surrounding area, including existing zoning of abutting areas.

- (c) North arrow, scale, contour interval, and legend, when appropriate.
- (d) Contour elevations adjusted to United States Geological Survey (USGS) datum at not more than five-foot intervals.
- (e) Where appropriate, establish floodplain contours and elevations adjusted to United States Geological Survey (USGS) datum.
- (f) The location of all existing streets, lots, plats, public utilities, drains, streams or bodies of water on or abutting the property.
- (g) The lot lines, intended layout, and intended use of the entire property owned or represented by the developer. The following shall be included:
  - [1] Street and sub-street right-of-way: locations, width and curve radii.
  - [2] Proposed street names.
  - [3] Boundaries of all limited common elements, general common elements and building envelopes.
  - [4] Building site lines, site line dimensions to the nearest foot, site and block numbers, and building site areas to the nearest 10 square feet.
- (h) The location and dimensions of all existing or proposed easements or open space reserves, including electrical and telephone easements.
- (i) The locations and tentative sizes of proposed sanitary sewers, storm sewers, and catch basins, water mains, culverts, bridges, ponding areas, ponds, and lagoons.
- (j) Statements regarding:
  - [1] Intent to utilize private water or sewerage facilities.
  - [2] Zoning and lot size requirements.
  - [3] Zoning requirements for front, side, and rear yards.
  - [4] Size and type of street(s). (Developers are encouraged to utilize the road design and construction standards of the County Road Commission.)
  - [5] Intent to install gas, sidewalks, streetlights, and shade trees.
  - [6] Use of rivers, streams, creeks, lakes, or ponds.
- (k) The use and occupancy restrictions and maintenance provisions for all general and limited common elements as will be contained in the master deed.

F. Final site plan requirements.

- (1) A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.
  - (2) A final site plan shall be filed for review by the Planning Commission for the total site condominium project or for each phase of development shown on the approved preliminary site plan.
  - (3) In addition to the provisions of this section of this chapter, the final site plan shall meet the requirements of this chapter.
  - (4) A final site plan shall include all information required in Section 66 of the Condominium Act<sup>48</sup> and the master deed and bylaws. The final site plan shall also include all information required in Article VIII of this chapter. (Exception: In the case of a site plan application for a site condominium project that consists only of condominium lots with no buildings or other structures, the locations of and the dimensions of condominium lots, setbacks, and required yards shall be shown on the final site plan.)
  - (5) The applicant shall provide proof of approvals by all county and state agencies having jurisdiction over the improvements in the site condominium development, including but not limited to the County Drain Commissioner, County Road Commission, and the District Health Department. The Planning Commission shall not approve a final site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.
- G. Revision of site condominium subdivision plan. If the site condominium subdivision plan is revised, the final site plans shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.
- H. Streets and roads. All streets and roads, whether public or private, proposed for any site condominium shall be developed with the minimum design, construction, inspection, approval, and maintenance requirements of the Van Buren County Road Commission. In a case where private streets are proposed, the Planning Commission may approve a different set of design and construction standards upon submission of documentation by a professional engineer. The Site Condominium Association shall be responsible for maintenance, signage, and snow removal on all private roads and for the ingress and egress of all emergency and public service vehicles.
- I. Dedication of private streets. Whenever a private street, as recorded in the master deed, is to be dedicated for public use, it is necessary to obtain the consent of all co-owners, mortgagees, and other persons interested in the condominium.
- J. Amendments to master deed or bylaws. Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan shall be reviewed and approved by the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of

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48. Editor's Note: See MCLA § 559.166.

any amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

- K. Development agreement. The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with Lawrence Township, incorporating the terms and conditions of final site plan approval and record the same in the office of the Register of Deeds for the county.
- L. Construction located in general common element. Any application for a building permit for construction to be located in a general common element shall include written authorization by the condominium association for the application.
- M. Monuments and lot irons.
  - (1) Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.
  - (2) Upon submission of the appropriate documentation by a professional engineer, a delay in the setting of required monuments or irons for a reasonable time may be granted, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or any irrevocable bank letter of credit running to Lawrence Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board of Trustees. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the state of Michigan that the monuments and irons have been set as required within the time specified. If the developer defaults, the Township Board of Trustees shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.
- N. Rights-of-way and utility easements. All rights-of-way and utility easements shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities. The developer shall dedicate to the appropriate agency all easements for utilities. All streets shall be dedicated to the county and shall be constructed in accordance with the standards of the County Road Commission. Water, sewer and electrical easements may be placed within streets, subject to the submission of the appropriate documentation by a professional engineer.
- O. Improvements. All improvements in a site condominium shall comply with the design specifications as adopted by Lawrence Township and/or the appropriate county agency and any amendments thereto from time to time.

#### **§ 1-9.10. Adult businesses.**

- A. Purpose. The purpose and intent of this section is to regulate the location of adult

businesses in the Township by preventing the concentration of such uses in close proximity to each other and to minimize the negative impacts of their operation by separating such uses from residential, office/commercial and other areas of public congregation. This regulation is done with the understanding that the Township recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a deleterious effect upon adjacent residential, office and commercial areas. The Township recognizes that the regulation of such uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods, nonresidential areas or other places of public congregation.

B. Definitions. Adult businesses shall include the following definitions.

**ADULT BUSINESS** — Adult bookstores, adult movie theaters, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors and nude modeling studios, or any combination thereof, as defined in this section, which meet all other criteria of this chapter as used in this section.

- (1) **ADULT BOOKSTORE** — An establishment which excludes minors, as defined in MCLA § 722.51 et seq., and has, as a significant portion of its stock-in-trade, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion pictures films and/or videotapes, or novelty items or paraphernalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material which exceeds 35% of the floor area of the establishment.
- (2) **ADULT BUSINESS, SIGNIFICANT PORTION** — A business where a significant portion of the stock-in-trade or services provided meets at least one of the following criteria:
  - (a) 35% or more of the stock, materials, novelties or services provided are classified as adult materials and/or services as defined herein.
  - (b) 35% or more of the usable floor area of the building in which the adult business is located is used for the sale, display and/or provision of services classified as adult materials and/or services, as defined herein.
  - (c) The advertising (signs, publications, television, radio, and other media) associated with the business depicts, describes or relates to specified sexual activities and/or specified anatomical areas.
- (3) **ADULT CABARET** — An establishment (which may or may not include the service of food or beverages) having as an activity the presentation or display of male or female impersonators, dancers, entertainers, waiters, waitresses or employees who display specified anatomical areas as defined herein.
- (4) **ADULT MOVIE THEATER** — An establishment, in a completely enclosed building or room, which excludes minors, as defined in MCLA § 722.51 et seq., and offers, for an admission fee, membership fee or other valuable

consideration the viewing of motion-picture films, videotapes, pictures or photographs, cable television, satellite transmissions or the visual media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, as defined herein, for the observation of patrons therein.

- (5) ADULT NOVELTIES — Objects, items, and/or devices offered for sale which are designed for sexual stimulation or which stimulate human genitals.
- (6) ADULT PERSONAL SERVICE BUSINESS — A business having as its principal activity a person, while nude or while displaying specified anatomical areas, as defined herein, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body-painting studios, wrestling studios, personal dance rooms, and conversation parlors.
- (7) BUTTOCK — Includes the perineum and anus of any person.
- (8) MASSAGE PARLOR — An establishment wherein private massage is practiced, used or made available as a principal use of the premises.
- (9) MASSAGE — Offering for sale, through the use of physical, mechanical or other devices, the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating of the body of another.
- (10) NUDE MODELING STUDIO — A place which offers as its principal activity the providing of models to display specified anatomical areas, as defined herein, for artists and photographers for a fee.
- (11) OFFERED FOR SALE — Offered in exchange for money, membership fee or any other valuable consideration.
- (12) SODOMY — Any abnormal sexual act between humans, including humans with animals.
- (13) SPECIFIED ANATOMICAL AREAS —
  - (a) Human male genitals in a discernible turgid state, even if completely and opaquely covered; or
  - (b) Less than completely covered:
    - [1] Female breasts below a point immediately above the top of the areola;
    - [2] Human genitalia and the pubic region; and
    - [3] A buttock and anus.
- (14) SEXUAL INTERCOURSE — Includes genital coitus, fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any person's body.
- (15) SPECIFIED SEXUAL ACTIVITIES — Are defined as:
  - (a) Acts of human masturbation, sexual intercourse or sodomy;

- (b) Fondling or other erotic touching of human genitalia, a pubic region, a buttock, an anus or a female breast.
    - (c) Human genitalia in a state of sexual stimulation or arousal.
- C. Location and uses. Any existing building or land, or new building hereinafter erected, converted or structurally altered, used for an adult business shall meet all of the following conditions:
  - (1) Adult businesses, as defined herein, must be located in the C-1 Commercial and Business District subject to the requirements of this section.
  - (2) No adult business, as defined herein, shall be permitted within a 1,500-foot radius of an existing adult business. Measurement of the 1,500-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.
  - (3) No adult business, as defined herein, shall be permitted within the Official Zoning Map and defined in this chapter. Measurement of the 1,500-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.
  - (4) No adult business, as defined herein, shall be permitted within a 1,500-foot radius of a school, library, park, playground, licensed group day-care center, church, convent, monastery, synagogue or similar place of worship or other place of public congregation. Measurement of the 1,500-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated, including adjoining governmental jurisdictions.
- D. Miscellaneous requirements.
  - (1) No person shall reside in or permit any person to reside in the premises of an adult business.
  - (2) The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the State of Michigan, or who is permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation who have a current massage therapist license.

**§ 1-9.11. Drive-in restaurant or fast-food establishment.**

- A. Site development standards. Drive-in restaurants and fast-food establishments shall be subject to the following restrictions:
  - (1) Minimum lot area: 40,000 square feet.
  - (2) Minimum lot width: 125 feet.

- (3) Structure location. The location of all structures including partially enclosed or covered service areas shall conform to the following requirements:
  - (a) Front setback: 60 feet.
  - (b) Side setback: 25 feet.
  - (c) Rear setback: 30 feet.
- (4) The outdoor space used for service shall be hard-surfaced and adequately drained.
- (5) All outdoor storage areas including areas for the storage of trash and rubbish shall be screened on at least three sides by an opaque wall at least six feet high.
- (6) Drive-in restaurant management shall provide adequate trash and litter containers and policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary to ensure a neat appearance.

**§ 1-9.12. Automobile service station and commercial garage.**

- A. Intent. This section provides standards for automobile service stations and commercial garages.
- B. Permitted uses. The following uses may be permitted by issuance of a special use permit in conjunction with automobile service stations.
  - (1) Retail sales of gasoline, oil, and similar products.
  - (2) Automobile washing.
    - (a) Automobile maintenance, including minor mechanical repairs.
- C. The following uses may be permitted in conjunction with commercial garages by issuance of a special use permit.
  - (1) Automobile towing, including parking of a wrecker and inoperative vehicles waiting for repair within a reasonable period of time.
  - (2) Parking and storage of inoperative vehicles, provided that such parking or storage areas shall be within an enclosed building or shall be screened by an opaque fence not less than six feet in height.
  - (3) Automobile body repairs.
- D. Site development standards. Automobile service stations and commercial garages shall comply with the following site development standards:
  - (1) The minimum site size shall be 15,000 square feet and, in addition, the following:
    - (a) Gasoline service stations shall have 500 square feet of site area for each additional pumping unit over four and 1,000 square feet of site area for each additional service bay over two.



- (b) Commercial vehicle garages shall have 1,000 square feet of site area for each additional service bay over two. There shall also be 600 square feet of additional site area for each space intended for storage of inoperable vehicles waiting for repair within a reasonable period of time.
- (2) The minimum site width shall be 150 feet.
- (3) Building setbacks. Building setbacks shall comply with front yard requirements for the applicable zoning district. Gasoline pump accessory structures, or island, shall be set back no less than 50 feet from all street or highway right-of-way lines and shall not be located closer than 25 feet to any property line abutting a residential district. Hydraulic hoists, pits and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.
- (4) Access drives. There shall be no more than two access driveway approaches for any gasoline service station and/or commercial garage, each of which, however, shall not exceed 30 feet in width at the property line.
  - (a) If the service station site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical but no less than 50 feet.
  - (b) No driveway or curb cut for a driveway shall be located within 10 feet of an adjoining property line as extended to the curb or pavement, or within 20 feet of any exterior lot line as extended.
  - (c) Any two driveways providing access to a major thoroughfare shall be separated by an island with a minimum distance of 20 feet in width along the curb or edge of the pavement. The entire service area shall be paved with a permanent surface of concrete or asphalt.
- (5) A landscaped buffer strip not less than 20 feet wide shall be developed adjacent to all automobile service station and commercial garages for any property line abutting a residential district.

**§ 1-9.13. Motel, motor hotel, hotel and transient lodging facilities except tent or campsites; compliance requirements.**

- A. Minimum floor area of each lodging unit shall contain not less than 250 square feet.
- B. The minimum lot area shall be one acre with a minimum width of 150 feet, provided that there shall be at least 800 square feet of lot area for each lodging unit.
- C. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed more than 25% of the area within the boundary lines of land developed at any one time.
- D. Minimum yard dimensions. All buildings shall observe a setback of not less than 75 feet from any road right-of-way, and not less than 40 feet from any side or rear property line.
- E. The maximum building height shall not exceed two stories or 50 feet.

- F. Site screening. The site may be enclosed by open structure wood or wire fences, and/or shrubs which, along any yard line, shall not exceed six feet in height. No screening shall impair safe vertical or horizontal sight distance for any moving vehicles. Screening at least four feet high shall be erected to prevent headlight glare on adjacent residential or agricultural property. No screening shall be closer than 50 feet to any street line, except headlight screening shall not be closer than 30 feet.
- G. Lighting. All outdoor lighting shall be arranged so that it is deflected from adjacent properties, streets and thoroughfares, and shall not impair the safe movement of traffic.
- H. Swimming pools and other outdoor recreational uses which are accessory to the main use and provided swimming pools are securely enclosed by a fence at least six feet in height.
- I. Accessory uses, such as meeting rooms, taverns, bars, or similar uses, provided such shall be conducted within the same building as the principal use. A caretaker or proprietor's residence shall be permitted as an accessory use only when the principal use is a motel, motor hotel, hotel, or other transient tourist facility.
- J. Motor vehicle access.
  - (1) Site plans. All site plan proposals submitted for this district shall provide for the proper handling of traffic on the highway, frontage road, or street giving access to the district. No access by motor vehicles, other than stated herein, shall be permitted to a local road. All points of entrance or exit shall be no closer than 50 feet from the intersection of the right-of-way lines of two streets.
  - (2) Interstate or interchange site location. Whenever a proposed use is located adjacent to or within 1/2 mile of an existing or planned state or interstate limited-access highway interchange, it shall be incumbent upon the applicant to show that the proposed site location shall not cause unsafe traffic congestion resulting at or in conjunction with said limited-access interchange, and the applicant shall request and submit with his application a written recommendation from the Traffic Division of the Michigan Department of State Highways. In no case shall private access drives be less than 200 feet from an interchange.
- K. Signs shall be those identifying any of the permitted uses within this district and shall be in accordance with the provisions of this chapter.
- L. Off-street parking and loading requirements shall be in accordance with the provisions of Article X.
- M. The storage of refuse and space required for the accumulation and out loading of garbage, trash, scrap, waste, and containers therefore shall be screened on at least three sides by an opaque wall at least six feet high.

#### **§ 1-9.14. Mini warehouses.**

- A. Intent and purpose. It is the intent and purpose of this section to provide

development regulations for mini warehouses. The following procedures and requirements have been established to ensure that adequate provisions are made for, but not limited to, exterior appearance, safety, landscaping, screening, on-site parking and circulation, type of items that can be stored and use limitations of the storage areas.

- B. Authorization. Mini-warehousing shall be permitted in conjunction with a multiple-family dwelling, mobile home park and as cited elsewhere in this chapter.
- C. Site development standards. Mini warehouses shall be subject to the following standards:
  - (1) Lot coverage. Lot coverage of all structures shall be limited to 75% of the total area.
  - (2) Off-street parking. One space shall be provided for each 12 storage cubicles, equally distributed throughout the storage area. This parking requirement may be met by the provision of parking lanes as described below. Two off-street parking spaces shall be provided at the manager's office.
  - (3) On-site circulation and driveway widths. All one-way driveways shall provide for one ten-foot parking lane and one fifteen-foot travel lane. Traffic direction and parking shall be designated by signing or painting. All two-way driveways shall provide for one ten-foot parking lane and two twelve-foot travel lanes. The parking lanes may be eliminated when the driveway does not serve storage cubicles.
  - (4) Landscaping. A landscaping strip shall be provided along all street frontages and along borders where subject property abuts any residential zoning district and constructed in accordance with the requirements of Article IX.
  - (5) Signs shall comply with all the applicable requirements of this chapter.
  - (6) Business activities. No business activities other than the rental of storage units shall be conducted on the premises.
  - (7) Storage uses. Mini-warehouse developments shall be limited to dead storage use only. Auctions, commercial or garage sales, servicing or repair of motor vehicles, boats, trailers, snowmobiles, lawn mowers, and other similar equipment are prohibited.
  - (8) Outside storage. All storage located upon the parcel shall be contained within a fully enclosed building except that motor vehicles, boats, trailers, RVs, and other similar items may be allowed in a fenced-in area.
  - (9) Living quarters. Warehousing in excess of 40,000 square feet may provide living quarters for the on-site manager.
  - (10) Driveways, parking and loading. All driveways, parking, loading and vehicle circulation area shall be constructed of an all-weather, dustless surface.
  - (11) Hazardous materials. The facility shall not be utilized for the storage of flammable, hazardous or explosive materials, as defined in Article IV.

- (12) Setbacks. All buildings shall be setback at least 75 feet from any state or federal highway. There shall be a setback of at least 50 feet from all other roads, or as prescribed in the applicable district, whichever is greater. The rear and side property line setback shall be in accordance with Schedule A or B depending upon the zoning district where it is located.

**§ 1-9.15. Temporary housing permits for emergency situations.**

The Building Official may issue temporary housing permits to authorize the occupancy of a mobile home or recreational vehicle under the following conditions:

- A. The permit shall be conditioned upon compliance with the following standards:
  - (1) The permit shall delineate a time duration not to exceed 180 calendar days. Extensions may be granted by the Building Official.
  - (2) The owner of the damaged structure, or his agent, shall acquire a permit within 90 days for repair or reconstruction of the damaged structure prior to occupancy of the mobile home or recreational vehicles.
  - (3) The mobile home or recreational vehicle will be conditioned upon approval from the County Health Department, but may be allowed up to 30 days with temporary sanitary facilities as approved by the Building Official.

**§ 1-9.16. Solid waste disposal.**

- A. Siting and screening of refuse dumpsters and receptacles.
  - (1) Refuse dumpsters, receptacles, and containers may be permitted or required as accessory to any use, other than single-family residential uses, subject to the following conditions:
  - (2) Site plan requirements. The location and method of screening of dumpsters shall be shown on all site plans and shall be subject to the approval of the Planning Commission.
- B. Recycling containers. Recycling containers may be provided out-of-doors with the following requirements:
  - (1) For existing or new uses receiving a certificate of occupancy prior to the effective date of this section, recycling containers shall be placed adjacent to other on-site refuse containers. If the Building Official determines that it is not practical to place the container adjacent to other refuse containers on the site, said containers may be placed in parking areas, provided that the space used for the container shall not occupy required parking spaces, and further provided that recycling containers shall be enclosed on at least three sides by a screening device approved by the Building Official.
  - (2) For uses receiving a certificate of occupancy after the effective date of this section, recycling containers shall meet the requirements of this section and the requirements for site plan review under Article VIII of this chapter.
- C. Development standards.

- (1) Outside refuse receptacles shall be appropriately screened at least as high as the container but not less than six feet in height.
- (2) Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
- (3) Containers and enclosures shall be located away from public view insofar as possible.
- (4) Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of the development they serve or of nearby buildings.
- (5) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of 1.5 cubic yards or more. Aprons shall be provided for loading of bins with capacity of 1.5 cubic yards or more.
- (6) For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
- (7) Screening and gates shall be of durable construction. Fences, walls, footings, slabs, and curbs shall meet the State Construction Code requirements as used in the Township. If the enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by a concrete curb.
- (8) The area inside and around the outside of the enclosure shall be maintained and litter-free at all times. The enclosure structure shall also be maintained and repaired as necessary.

**§ 1-9.17. Nonconforming uses of land and structures.**

A. Intent and purpose.

- (1) It is the intent of this article to permit nonconforming lots, structures, or uses to continue until they conform.
- (2) It is recognized that there exists within the districts established by this chapter, and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this chapter passed, or amended, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.

B. Nonconforming lots.

- (1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, provided that yard dimensions and other requirements of the lot shall conform to the regulations for the district in which such lot is located, except as follows:

- (a) For lake lots having a lot depth of 125 feet or less, the minimum front yard setback shall be reduced to the greater of 25 feet or the average setback of the existing residential structures on the adjacent lots.
    - (b) For lots having a lot width of 70 feet or less, the minimum side yard setback shall be reduced to 10% of the lot width, but in no case shall the side setback be less than five feet.
  - (2) Yard requirement variances may be obtained through approval of the Zoning Board of Appeals.
- C. Nonconforming uses of land. Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter, as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - (1) In the R-1, R-2, R-3, R-4 and A-1 Districts, residential single-family dwellings shall be permitted on nonconforming lots of record. Expansion of nonconforming structures may be permitted within the guidelines of § 1-9.17D.
  - (2) In the O-1 District, uses which are permitted in these districts may be permitted on nonconforming lots of record. Expansion of nonconforming uses within these districts may be permitted within the guidelines of § 1-9.17D.
  - (3) In the C-1 and I-1 Districts, expansion of nonconforming uses may be permitted by the Planning Commission subject to the site plan review and approval and compliance with the standards for special use permits. Expansion of nonconforming structures may be permitted within the guidelines of § 1-9.17D. **[Amended 4-12-2018]**
- D. Nonconforming structures. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - (1) No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located.
  - (2) Should such a structure be destroyed by any means to an extent of more than 60% of twice its assessed value at the time of destruction, it shall not be reconstructed except in conformance with the provisions of this chapter.
  - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is relocated.

- (4) Any structure, or structure and use of land in combination, in or on which a nonconforming use is superseded by a permitted structure or use, shall thereafter conform to the regulations for the district in which it is located, and the nonconforming use may not thereafter be resumed.
  - (5) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- E. Change in nonconforming uses in office, commercial and industrial districts. Irrespective of other requirements of this chapter, in any business/commercial or industrial district (O-1, C-1 and I-1 Districts), if no structural alterations are made, any nonconforming use of a structure and land may be changed to another nonconforming use of the same or a more restricted classification, provided that the Planning Commission approves a special use permit (Article VII) and approves the site plan (Article VIII) in all cases.
  - F. Change in tenancy or ownership. As long as there is no change in the characteristics or increase in the intensity of the nonconforming use, a change of tenancy or ownership is allowed.
  - G. District changes. Whenever the boundaries of a district shall be changed as to transfer an area from one district to another district of another classification, the provisions of this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.
  - H. Hardship cases. Nonconforming buildings or structures may be structurally changed, altered, or enlarged with the approval of the Zoning Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.
  - I. Illegal uses. Uses of structures or land existing at the effective date of this chapter that were established without approval of zoning compliance or without a valid building permit or those uses which cannot be proved conclusively as existing prior to the effective date of this chapter shall be declared illegal uses and are not entitled to the status and rights accorded legally established uses.

**§ 1-9.18. Lakefront lots: access and use.**

- A. Intent. An ordinance to provide regulations for the access and use of lakefront lots.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
  - DOCK, SEASONAL — A structure utilized for access to the water and which is partially over the surface of the water and carried on supports which extend to the

ground beneath the water and which can be removed and replaced each year.

LAKE — A natural or man-made lake.

LOT, ACCESS — A type of lake lot providing for private or common (semiprivate) access to a lake for one or more access lot beneficiaries. An access lot includes the entire legal description of the lot or parcel in question.

LOT, ACCESS BENEFICIARY — The owners or occupants of any offshore lot or lake lot, and any other person with a right of access to or use of a lake through a lake lot, in whole or in part, by fee ownership, easement, lease, license, gift, business invitation, or any other form of conveyance, dedication, permission, or access or use rights.

LOT, LAKEFRONT — Any lot or parcel of land, whether or not improved, and whether or not platted, any portion of which abuts the shoreline of any lake.

LOT, OFFSHORE — Any lot or parcel of land, whether or not improved, and whether or not platted, which does not abut the shoreline of any lake within waterfront district.

- C. Access and use. Lake lots utilized as access lots in any zoning district shall comply with the following regulations:
- (1) Minimum frontage. An access lot shall have a minimum frontage on the lake corresponding to the minimum lot width for a lot in the zoning district in which the lot is located.
  - (2) Additional frontage requirement. Where the access lot is providing lake access to more than one access lot beneficiary, such access lot shall have at least an additional 50 feet of frontage on the lake for each additional access lot beneficiary.
  - (3) Measurement of lake frontage. Lake frontage shall be measured by a straight line which intersects each sideline of the access lot at the high-water line. Lake frontage consisting in whole or in part of wetland, as commonly defined by the Michigan Department of Environmental Quality, shall not be counted towards the minimum lake frontage required.
  - (4) Minimum lot area. An access lot shall have a minimum lot area corresponding with the minimum lot area for the zoning district in which the access lot is situated, pursuant to the requirements of this chapter.
  - (5) Buffer strips. An access lot shall include a buffer strip parallel with each side lot line. Each buffer strip shall have a minimum width for the entire depth of the access lot corresponding with the minimum side yard setback for the primary structure requirement for the zoning district in which the access lot is located.
  - (6) Use of buffer strips. Buffer strips shall not be used to provide pedestrian and/or vehicular access. No building or structure shall be constructed or erected upon a required buffer strip. Required buffer strips shall not be used for any motorized vehicular traffic or parking, or for storage purposes, or other development purpose of any kind.



- (7) Seasonal and/or permanent docks and access lots. An access lot shall be allowed one dock, provided that the access lot meets the minimum dimensional requirements of this chapter. An additional dock shall be allowed for each additional 50 feet of linear frontage beyond the minimum frontage required in the zoning district in which the access lot is located.
  - (8) Plat requirements. An access lot created as part of a plat or subdivision shall be dedicated at the time of recording of the plat or subdivision for use solely by the owners/occupants of the lots contained within the plat or subdivision, or a specified lesser number.
  - (9) Site condominium requirements. An access lot created as part of a site condominium development shall be specified in the master deed at the time or recording for use solely by the owners/occupants of the sites contained within the site condominium development, or a specified lesser number, and shall conform to the frontage and area requirement as specified in this section.
  - (10) Lake lot: front yard requirements. A lot defined as a "lake lot" can have two front yards (one abutting any existing public rights-of-way and one abutting the shoreline of the lake). The front yard requirement of the lake lot shall be the same as the zoning district within which the lot is located.
  - (11) Lake lot: rear and side yard requirements. The rear and side yard requirements for a lake lot shall be the same as the zoning district within which the lot is located.
  - (12) Generally acceptable high-water elevations. The dimensional requirements of lake lots shall be calculated from the generally acceptable high-water elevations.
- D. Modification by the Zoning Board of Appeals. The Zoning Board of Appeals may, based on the requirements of Article V (Zoning Board of Appeals), vary or modify the strict application of this section if it shall determine that undue hardship will otherwise result and the spirit and intent of this chapter will be preserved by such variance or modification. The Board of Appeals may, as provided for in Article V, impose reasonable conditions upon the use of access lots as it shall deem necessary to preserve the spirit and intent of this chapter.
- E. Public access site. Land abutting a lake, river, or stream which is under the possession and control of the federal, state, county, Township or other governmental agency, and which governmental agency allows public access to a lake, river or stream across the site, is hereby described as a "public access site." The restrictions of this section shall not apply to a public access site, providing that such sites are subject to governmental control enabling the governmental agency to limit boat docking, moorage, boat launching, camping, vehicle parking, and other controls upon use of the site.
- F. Site plan review requirement. Waterfront access lots providing access to more than two access beneficiaries shall be required to obtain site plan approval from the Planning Commission under the provision of Article VIII.
- G. Special use permit requirements. Special use permit approval under Article VII

shall be required for the following uses on access lots:

- (1) Accessory structures.
- (2) Off-street parking lots.
- (3) Lake access lots providing access for access beneficiaries, as defined in § 1-9.18B, representing more than 10% of the total lake lots existing at the time of the application shall be required to obtain a special use permit which meets the requirements of Article VII (Special Use Permits).

**§ 1-9.19. Used manufactured homes. [Amended 4-12-2018]**

Pursuant to regulations and limitations of the various residential zoning districts, where individual manufactured homes are placed on private property, the following provisions shall apply in order to ensure soundness, structural stability, sanitation, and electrical and mechanical safety.

- A. In conjunction with the application for the building permit, the owner shall also make application for a certificate of approval from the Building Official.
- B. An inspection of all units shall be performed by the Building Official prior to placement on the property to determine that no condition exists which poses a threat to life or property. Where such conditions are found to exist, they shall be corrected prior to the time of placement on the property, in the case of units already lawfully located within the Township, and before the unit is brought into the Township when located elsewhere.
- C. Manufactured homes placed on private property are subject to all construction code requirements relevant to single-family structures elsewhere in the Township, including those of Appendix E (Manufactured Housing Used as Dwellings) of the Michigan Residential Code (MRC).
- D. Pursuant to Section AE 201 of the MRC for all manufactured homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required. All units constructed subsequent to that date shall bear a label of approval from HUD or other approved inspecting entity.

**§ 1-9.20. Special event facilities. [Added 4-12-2018]**

Special event facilities. Special event facilities are facilities or land used to accommodate temporary and/or seasonal special events.

- A. A special event facility shall be allowed as a special land use within the Agricultural and Rural Residential Zoning Districts.
- B. No special event facility shall be allowed on property that is not occupied as a residential dwelling.
- C. A special event facility shall be located on a minimum of 10 acres of contiguous land.

- D. No special event facility shall be approved for an attendance level in excess of 500 people, nor host a special event that lasts longer than two days, not including setup and takedown. Attendance is limited to available parking. There shall be no event parking on or along roadways, easements, or avenues of ingress and egress.
- E. Drives and parking areas shall be subject to compliance with Article X of this chapter. Additionally, parking shall be provided at one space for every four persons of the maximum attendance level approved for the facility and shall be subject to compliance with applicable barrier-free requirements.
- F. A parking attendant(s) shall direct traffic into the facility and towards available parking during the arrival of guests.
- G. All temporary structures shall be subject to compliance with applicable building setback requirements.
- H. A special event facility is limited to the following operational period, unless otherwise modified by the Planning Commission:
  - (1) 9:00 a.m. to 9:00 p.m. on weekdays and Sundays.
  - (2) 9:00 a.m. to 12:00 a.m. on Fridays and Saturdays.
  - (3) Modifications could include but are not limited to 9:00 a.m. to 12:00 a.m. on Sundays immediately preceding Memorial Day or Labor Day, open until 10:00 p.m. during the week, or other matters.
- I. Adequate lighting shall be provided on the premises to illuminate outdoor activities and parking areas. All lighting shall be subject to lighting restricts set forth in the Code of the Township of Lawrence, including high-intensity lighting, nuisance, etc. Lighting associated with the special event shall be turned off when the event is not in operation.
- J. A special event facility shall provide a water supply and sewage disposal system necessary to accommodate all special events to the satisfaction of the Van Buren County Health Department.
- K. Noise levels generated at a special event facility shall not constitute a nuisance to adjoining properties. The following noises and disturbances are declared a nuisance: the sounding of any horn, whistle or signal device by any person or on any automobile, motorcycle, bus, or other vehicle for any purpose, except as a danger warning; the playing of any radio, phonograph, musical instrument or other machine or device for producing or reproducing sound in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of other persons; yelling, shouting, hooting, whistling or singing so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity; and any other noise that annoys or disturbs the quiet, comfort or repose of other property owners audible from their property. It shall be prima facie evidence of a violation of this section if the noise or disturbance exceeds 70 decibels at the property line.
- L. Structures and features related to the special event facility shall be kept within an aesthetic that is appropriate within an agricultural environment.

- M. The operation of the facility shall otherwise be consistent with Township ordinances, state and federal law and regulations.
- N. The special use permit shall have a one-year duration, unless the Township allows for a longer duration explicitly. However, the duration shall not exceed three years. The Township may pass a resolution permitting a decreased special use permit fee for renewals, and the applications may be submitted based on the previous applications in the Zoning Administrator's discretion.
- O. In determining whether to grant the special use permit, the Township shall consider the following factors:
  - (1) Proximity to neighbors;
  - (2) Impact of added traffic;
  - (3) Headlight and facility lights impact on surrounding properties;
  - (4) Impact of noise;
  - (5) Other factor they consider relevant; and
  - (6) Measures to mitigate problems with any of the above (said measures are incorporated into the permits requirements).

**§ 1-9.21. Conditional rezoning. [Added 4-12-2018]**

- A. Intent, application for and processing of conditional rezoning.
  - (1) This section is intended to implement Section 405 of the Zoning Enabling Act, MCLA § 125.3405, authorizing conditional rezonings.
  - (2) An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. The offer will be in a proposed conditional rezoning agreement, as described in this section, below. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process; however, the offer must in all events be considered by the Planning Commission before being acted on by the Township Board.
  - (3) The required application and process for considering a rezoning request with conditions will be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
  - (4) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
  - (5) Approval under this section must not obviate the requirement for special land use approval, variance relief, or site plan approval.
  - (6) If the Township is in the process of proceeding with a conditional rezoning under this section and the applicant has not voluntarily offered the condition (or conditions) being considered, the applicant must inform the Township

Clerk, in writing, of such fact before the final action of the Township Board granting the conditional rezoning.

- B. Standards for approval. The following standards, among other factors deemed relevant by the Planning Commission and Township Board, shall be considered in determining whether to approve a rezoning with conditional rezoning agreement; provided, the determination on whether the underlying rezoning itself should be granted will be deemed to be a legislative decision of the Township Board equivalent to a Township Board action on other amendments to this chapter.
- (1) Compatibility with the policies and uses designated for the land and area in the approved Master Plan;
  - (2) Compatibility of the uses and improvements allowed under the proposed rezoning with conditional rezoning agreement with other zones and uses in the surrounding area;
  - (3) Availability and adequacy of public services and facilities and whether there is likely to be any adverse impact from a development or use allowed under the rezoning with conditional rezoning agreement; and
  - (4) Whether the development that would be approved will advance the public interest, weighing the reasonably expected burdens likely to result from allowing the development against the reasonably expected benefits to be achieved by the development.
- C. Approval and effect.
- (1) If the Township Board, after recommendation from the Planning Commission, determines in its discretion that the proposed rezoning with conditional rezoning agreement should be approved, the conditional rezoning agreement will be incorporated by attachment or otherwise as an inseparable part of this chapter adopted by the Township Board to accomplish the requested rezoning with conditional rezoning agreement.
  - (2) The conditional rezoning agreement, as initially submitted, or as may be modified during the course of the rezoning process, will:
    - (a) Be in a form recordable with the Register of Deeds for Van Buren County or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the conditional rezoning agreement in a manner acceptable to the Township Attorney.
    - (b) Contain a legal description of the land to which it pertains.
    - (c) Contain a statement and acknowledgment that the terms and conditions of the conditional rezoning agreement will run with the land and be binding on and inure to the benefit of the property owner and Township and their respective heirs, successors, assigns, and transferees.
    - (d) A specification of all conditions proposed by the landowner to be applicable to the use and development of the land, including the

following to the extent relevant:

- [1] The location, size, height, or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture, and other features.
  - [2] Permissible uses of the property and a specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation, and the like.
  - [3] Preservation of natural resources and/or features.
  - [4] Facilities to address any relevant traffic, stormwater, and water quality issues.
  - [5] Provisions for maintenance of areas on the land, as relevant.
- (e) Contain a statement acknowledging that the conditional rezoning agreement or an affidavit or memorandum giving notice of it may be recorded by the Township with the Register of Deeds for Van Buren County.
  - (f) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that the conditional rezoning agreement, as the same may have been modified during the rezoning process (if applicable), has been freely, voluntarily, and knowledgeably offered by such owners and agreed on in its entirety.
- (3) On the rezoning taking effect, the Zoning Map will be amended to reflect the new zoning classification along with a designation that the land was rezoned with a conditional rezoning agreement. The Township Clerk will maintain a listing of all lands rezoned with a conditional rezoning agreement.
  - (4) The approved conditional rezoning agreement or an affidavit or memorandum giving notice of it will be filed by the Township with the Register of Deeds for Van Buren County.
  - (5) On the rezoning taking effect, the use of the land so rezoned must conform afterwards to all of the requirements of the zoning district and conditional rezoning agreement.
- D. Compliance with agreement. Any failure to comply with a condition within the conditional zoning agreement will constitute a violation of this chapter and be punishable accordingly. In addition, any such violation will be deemed a nuisance per se and subject to judicial abatement as provided by law.
- E. Time period for establishing development or use. Unless a longer or shorter time period is specified in this chapter rezoning the subject land, the approved development or use of the land authorized in the conditional rezoning agreement must be commenced within 12 months from the effective date of the rezoning and afterwards proceed diligently to completion. This time limitation may on written

request of the landowner be extended by the Township Board if it is demonstrated by the landowner and determined by the Township Board, in its discretion, that there is a strong likelihood that the development or use will commence within the period of extension and proceed diligently afterwards to completion and the Township Board determines, in its discretion, that there has not been a change in circumstances that would render the current zoning with conditional rezoning agreement incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

- F. Termination of conditional rezoning agreement. If the approved development or use of the rezoned land does not occur within the time frame specified under Subsection E above, or if the property owner makes a request, in writing, for termination of the conditional rezoning agreement before making any improvements under the conditional rezoning agreement, the rezoning and conditional zoning agreement will be deemed to be immediately terminated except in the Township's discretion as to that part of the land, if any, that has been developed. In the event of such termination, no new development or use of the land will be permitted until a new zoning classification is approved by a rezoning of the land. On such termination, the Planning Commission must immediately initiate the process to rezone the land in whole or in part to its prior or other appropriate zoning classification. The procedure for considering and adopting this rezoning will be the same as applied to all other zoning requests. Once the rezoning has occurred, the Township will, on request of the landowner, record with the Register of Deeds for Van Buren County a notice that the conditional rezoning agreement, except in the Township's discretion as to that part of the land, if any, that has been developed, is no longer in effect.





ARTICLE X  
**Off-Street Parking and Loading**

**§ 1-10.1. Intent of parking provisions.**

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

- A. Definition of floor area. As used in this section, the following terms shall have the meanings indicated:

FLOOR AREA — As applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or those areas where customers, patients, clients, salesmen, and the general public are denied access. "Floor area" shall be measured from the exterior faces of exterior walls.

- B. Fractional space. When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including 1/2 shall be disregarded and fractions over 1/2 shall require one parking space.
- C. Requirements for a use not mentioned. In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply.
- D. Use of parking areas. Commercial repair work, servicing or selling shall not exceed 10 days in any six-month period, if conducted in any parking area. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No sign shall be erected in parking areas except that no more than one directional sign at each point of ingress or egress may be erected which may also bear the name of the enterprise the lot is intended to serve. Such signs shall not exceed 32 square feet in area and shall not project beyond the property line of the premises.
- E. Building additions or other changes in floor area. Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premises use, additional parking shall be provided and maintained in the proper ratio to the use change increased floor area or capacity.
- F. Joint use of parking areas. The joint use of parking facilities by two or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.
- (1) Computing capacities. In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the

same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.

- (2) Record of agreement. A copy of an agreement between joint users shall be filed with the application for a building permit and recorded with the Register of Deeds of the County. The agreement shall include a guarantee for continued use of the parking facility by each party.

G. Parking space requirements. **[Amended 7-13-2017]**

Land Use	Parking Spaces per Designated Unit(s)					
	/Unit	/Employee	/Seat	/100 Sq. Ft.	/Bed/Bedroom	Other
1- and 2-family dwellings	2					
Senior apartment	1	1				5 visit
Multiple	2					
Boardinghouses and lodging houses					1.5	
Motels		1			1	
Convalescent homes		1			0.25	
Hospitals		1			0.33	
Clinics		3				
Auditoriums, churches, stadiums, etc.			0.33			
Elementary and middle schools		1 per employee, plus 1 per classroom				
High schools and colleges		1 per employee, plus 1 per classroom, plus 1 per 10 students, plus auditorium requirement				
Libraries, museums, post offices		0.33		1		
Golf course, tennis clubs, etc.		1				4 per hole; 4 per court

Land Use	Parking Spaces per Designated Unit(s)					
	/Unit	/Employee	/Seat	/100 Sq. Ft.	/Bed/Bedroom	Other
Dance halls, pool halls, video arcades, etc.		1		1		
Bowling alley						5 per alley
Professional offices and banks		1		0.5		
General offices		0.5		0.5		
General retail stores				0.5		
Barbershops and hair salons						2 per chair
Supermarkets, food stores				2		
Automobile and gasoline service stations		1				3 per stall
Drive-in restaurants				2.5		
Funeral homes and mortuaries				4		
Warehouses and wholesale stores				0.2		
Industrial establishments		0.5		0.5		
Winery/cidery/microbrewery tasting room				2		
Winery/cidery/microbrewery processing/bottling				2		

\* For calculating parking space for uses not listed, the Zoning Board of Appeals shall make a determination the most similar use.

H. Location of parking areas. All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, with the exception of the following:

- (1) Uses in C-1 District. Parking on the premises or within 500 feet.
- (2) Uses in I-1 District. Parking on the premises or within 800 feet.
- (3) Public and quasi-public buildings. Places of assembly, private clubs,

associations and institutions: parking on the premises or within 500 feet.

- I. Parking lot plan review. Whenever four or more vehicle parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator before a building permit can be issued. Such plans and specifications shall indicate the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, and any other detailed feature essential to the complete design and construction of the parking area.
- J. Site development standards. All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements.
  - (1) Front yard parking may be considered in nonresidential districts, only the C-1, I-1, and O-1 Districts, with appropriate approval under Article VIII, Site Plan Review, of this chapter.
  - (2) Except for one- and two-family dwellings, parking areas and driveways shall be surfaced with a durable surface, such as asphalt, concrete, crushed stone, gravel or other dustless surface material, and shall be properly drained.
  - (3) A minimum area of 200 square feet or 10 feet by 20 feet shall be provided for each vehicle parking space; each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress.
  - (4) Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
  - (5) Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.
    - (a) Except for parking space provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than 20 feet wide and so located as to secure the most appropriate development of the individual property.
    - (b) Each entrance to and exit from an off-street parking area shall be at least 25 feet from any adjacent lot within a residential district.
  - (6) Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows:
    - (a) For right-angle parking patterns 75° to 90°, the maneuvering lane width shall be a minimum of 20 feet.
    - (b) For parking patterns 54° to 74°, the maneuvering lane width shall be a minimum of 15 feet.
    - (c) For parking patterns 30° to 53°, the maneuvering lane width shall be a

minimum of 12 feet.

- (d) All maneuvering lane widths shall permit one-way traffic movement, except for the 90° pattern, which may provide for two-way traffic movement.
  - (7) Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the parking area and any adjacent road or street.
  - (8) Where a parking area or drive with a capacity of four or more vehicles adjoins a residential district, a landscaped buffer strip at least 10 feet wide shall be provided between the parking area and the adjoining property, or a fence or wall not less than four feet in height shall be erected.
- K. Reduction, modification, waiver. The Board of Appeals may authorize a reduction, modification, or waiver of any of the off-street parking or loading regulations provided in this article when it can be demonstrated that circumstances of extreme practical difficulty exist that would result in hardship to the applicant. Hardship shall not be deemed economic only, but shall be evaluated also in terms of the use of a particular parcel of land. A hardship that is a result of any action of the applicant shall not be considered by the Board of Appeals.

**§ 1-10.2. Loading and unloading space requirements.**

- A. Intent and purpose. In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.
- B. Additional parking space. Loading space required under this section shall be provided as area additional to off-street parking space as required under § 1-10.1G and shall not be considered as supplying off-street parking space.
- C. Space requirements. There shall be provided adequate space for standing, loading, and unloading services not less than 12 feet in width, 25 feet in length, and 14 feet in height, open or enclosed, for uses listed in the following table, or for similar uses similarly involving the receipt of distribution by vehicles of materials or merchandise.

<b>Use</b>	<b>Floor Area (square feet)</b>	<b>Required Space</b>
Commercial uses, such as retail stores, personal services, amusement, automotive service	First 2,000	None
	Next 20,000 or fraction thereof	1 space
	Each additional 20,000 or fraction thereof	1 space
Hotels, offices	First 2,000	None
	Next 50,000 or fraction thereof	1 space
	Each additional 100,000 or fraction thereof	1 space
Wholesale and storage, including building and contractor's yards	First 20,000	1 space
	Each additional 20,000 or fraction thereof	1 space
Manufacturing uses	First 20,000 or fraction thereof	1 space
	Each additional 20,000 or fraction thereof	1 space
Funeral homes and mortuaries	First 5,000 or fraction thereof	1 space
	Each additional 10,000 or fraction thereof	1 space
Hospitals	First 10,000	None
	Next 100,000 or fraction thereof	1 space
	Each additional 200,000 or fraction thereof	1 space
Schools, churches, clubs, public assembly buildings	For each building	1 space
For similar uses not listed	For each building 5,000 or over	1 space

- D. Access. Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley, and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.
- E. Site requirements. Off-street loading spaces and access drives shall be drained and

lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a masonry wall or solid fence not less than four feet in height between the off-street loading space and said residential, educational, recreational, or religious premises or residential zone.

**§ 1-10.3. Access driveway location standards.**

Curb cuts and driveways for access to commercial property shall be spaced from street intersections and adjacent property lines a specified distance for privacy and safety considerations in accordance with the standards established by the County Road Commission.





## ARTICLE XI

**Signs, Nameplates, and Advertising Structures****§ 1-11.1. Purpose and intent.**

The purpose and intent of these rules and regulations governing signs is to apply reasonable controls over size, placement and general appearance of signs in their use in each district that will ensure, promote and safeguard standards for protecting the public health, safety, welfare, and the environment.

**§ 1-11.2. Definitions.**

The definitions in this section are unique to the provisions of this article.

**ABANDONED SIGN** — A sign which no longer identifies or advertises a bona fide business.

**BANNER SIGN** — A sign made of fabric or any nonrigid material with no enclosing framework.

**BILLBOARD** — See "off-premises sign."

**CHANGEABLE COPY SIGN (AUTOMATIC)** — A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

**CHANGEABLE COPY SIGN (MANUAL)** — A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

**CONSTRUCTION SIGN** — A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

**DIRECTIONAL SIGN** — A sign which gives a name, place, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.

**DOUBLE-FACED SIGN** — A sign with two faces.

**ELECTRONIC MESSAGE CENTER** — See "changeable copy sign, (automatic)."

**FLASHING SIGN** — A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light (compare "animated sign," "changeable copy sign").

**FREESTANDING SIGN** — A sign supported upon the ground by poles or braces and not attached to any building.

**GOVERNMENT SIGN** — Any temporary or permanent sign erected and maintained by the Township, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

**HEIGHT (OF A SIGN)** — The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

IDENTIFICATION SIGN — A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

ILLEGAL SIGN — A sign which does not meet requirements of this chapter and which has not received legal nonconforming status.

MAINTENANCE — For the purposes of this chapter, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

MANSARD — A roof having two slopes on all four sides with the lower slope almost vertical and the upper almost horizontal.

MARQUEE — A permanent rooflike structure or canopy of rigid materials supported by and extending from the facade of a building (compare "awning").

MARQUEE SIGN — Any sign attached to or supported by a marquee structure.

NAMEPLATE — A nonelectric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

NONCONFORMING SIGN — A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements but for which a special permit has been issued.

OFF-PREMISES SIGN — A sign structure advertising an establishment, merchandise, service MISE, or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., billboards or outdoor advertising.

ON-PREMISES SIGN — A sign which pertains to the use of the premises on which it is located.

PAINTED WALL SIGN — A sign which is applied with paint or similar substance on the face of a wall.

POLITICAL SIGN — For the purposes of this chapter, a temporary sign used in connection with a local, state, or national election or referendum.

PORTABLE SIGN — Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

REAL ESTATE SIGN — A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

ROOF SIGN — Any sign erected over or on the roof of a building (compare "mansard," "wall signs").

SIGN — Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services. **[Amended 4-12-2018]**

SIGN, AREA OF —

- A. PROJECTING AND FREESTANDING — The area of a freestanding or projecting sign shall have only one face (the largest one) of any double- or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:

- (1) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments, such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
  - (2) If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
- B. WALL SIGNS — The area shall be within a single, continuous perimeter composed of any straight-line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

SUBDIVISION IDENTIFICATION SIGN — A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

TEMPORARY SIGN — A sign not constructed or intended for long-term use.

WALL SIGN — A sign attached parallel to and extending not more than four inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

WINDOW SIGN — A sign installed inside a window and intended to be viewed from the outside.

### **§ 1-11.3. General provisions.**

A. Prohibited signs:

- (1) Encroaching signs and roof signs, as defined herein, are specifically prohibited.
- (2) Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic control device on public streets and roads (i.e., flashing signs).
- (3) Signs which make use of words such as "stop," "look," "danger," or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
- (4) Abandoned signs and sign structures that are no longer in use as originally intended or have been abandoned; or are structurally unsafe, constitute a hazard to safety and health, or those not kept in good repair or maintenance.
- (5) Any sign that obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.

- (6) Any sign or other advertising structure containing any obscene, indecent or immoral matter.
  - (7) Any sign unlawfully installed, erected or maintained after the effective date of this chapter (illegal sign).
  - (8) Signs having flashing, blinking or running-type lights are prohibited for any lots adjoining residential districts except for signs presenting changing of copy for time, temperature and date.
  - (9) Any sign installed prior to the effective date of this chapter without a permit, when in fact previous or other ordinances required a permit (illegal sign).
  - (10) Billboards except where off-premises signs are allowed.
  - (11) Billboards used for on-premises advertising are prohibited.
  - (12) Billboards located within 300 feet of residential districts.
- B. Signs allowed in any district:
- (1) "No hunting," "no trespassing" signs and on-premises directional signs not exceeding four square feet in area.
  - (2) Signs located in the interior of buildings.
  - (3) Any identification, address, or for sale sign affixed to a wall, mailbox, post, lamp post, or pillar; and which is not larger than four square feet in display surface; and not for the purpose of advertising a home occupation.
  - (4) Traffic control or other governmental signs such as, but not limited to, directional signs placed in rights-of-way, legal notices, railroad crossing signs, danger and other temporary emergency signs.
  - (5) Nameplates, memorial signs or tablets, names of buildings, and dates or erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material.
  - (6) Flags or banners bearing the official design of a nation, state, municipality, educational institution and organization.

#### **§ 1-11.4. Permitted signs by zoning district.**

No sign shall exceed a 200 square feet limit in the Township of Lawrence. No sign up to 32 square feet shall require a permit. If over 32 square feet, a permit is required, along with a site plan review.

#### **§ 1-11.5. Temporary uses.**

- A. Signs intended for use over a limited period of time may be permitted.
- B. Temporary signs shall comply with all the requirements of this chapter.

#### **§ 1-11.6. Construction requirements.**

- A. Wind load. Signs and sign structures shall be designed and constructed to resist wind forces of not less than 20 pounds per square foot on signs up to 60 feet in height and not less than 30 pounds per square foot for signs of over 60 feet in height.
- B. Bracing. All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as to not overstress any of the elements thereof. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or the structural frame of the building.
- C. Anchorage. Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support all loads applied.
- D. Electrical. All signs of electrical construction and installation shall comply with the National Electrical Code and shall be connected by a licensed electrician.
- E. Other. The Building Official may require an engineer-sealed set of drawings thereby certifying that all loads are in compliance with this section.

**§ 1-11.7. Sign permits.**

- A. Application for a permit. Application for a permit to erect or replace a sign shall be made to the Building Official by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by his/her agent, or lessee. The application shall contain the following information:
  - (1) The property owner's name and address in full.
  - (2) Applicant's name and address.
  - (3) Address of property on which sign is to be situated.
  - (4) Business to which sign belongs or relates.
  - (5) Total display area in square feet.
  - (6) Proposed setback from right-of-way.
  - (7) Sign type.
  - (8) Sign purpose.
  - (9) Sign height.
  - (10) Height and width of building to be served.
  - (11) Drawing of proposed sign indicating proposed copy.
- B. Sign permits issued on the basis of plans and applications approved by the Planning Commission authorize only the design and construction set forth in such approved plans and applications, and no other design.
- C. The Planning Commission/Building Official shall not approve plans or issue sign

permits for any sign which does not conform to the provisions of this chapter.

- D. The Building Official shall maintain a record of all sign permits issued, and said record shall be open for public inspection.

**§ 1-11.8. Permit fees.**

Permit fees will be established by resolution of the Township Board of Trustees. A copy of current costs will be available from the Building Official and Township Clerk.

**§ 1-11.9. Illegal signs. [Amended at time of adoption of Code (see Ch. 20, Code Adoption, Art. II)]**

For all signs hereafter erected without issuance of a required sign permit, the Building Official shall inform the property owner upon whose property the sign is situated of the alleged violation of this chapter.

**§ 1-11.10. Off-premises advertising signs.**

- A. Notification of the enactment of this section and any future amendments by the Township Board of Trustees along with a copy of each shall be sent by the Township Clerk to the Michigan State Transportation Commission and the Michigan Department of Transportation. All off-premises signs are subject to the site plan provisions of Article VIII.
- B. The Township Board shall adopt a schedule of fees administering this section of this chapter for permits related to off-premises advertising signs and sign structure.
- C. Off-premises advertising signs shall be permitted as a principal or accessory use on parcels of land located along and adjacent to the right-of-way lines of I-94, Red Arrow Highway and CR 365 in any zoning district.
- D. Off-premises advertising signs shall be spaced at least 1,000 feet apart, including signs located on these highways and roads in adjoining townships. For purposes of this chapter, each side of the roadway shall be considered separately.
- E. Off-premises advertising signs shall not have more than two faces.
- F. An inside angle not to exceed 20° may be permitted for a two-faced sign attached at one end.
- G. The maximum area of each face of an outdoor advertising sign shall not exceed 200 square feet except on I-94.
- H. The height of the sign at the highest point on the sign structure shall not exceed 30 feet.
- I. Off-premises advertising signs shall be located at least 300 feet from all residential, church and school structures.
- J. All lighted signs shall not have any light source or reflected glare visible to traffic on any of the highways and roads specified in Subsection D above or on any other road or highway or property adjacent to any of these highways and roads. No

intermittent flashing, rotating, moving or oscillating lighting shall be permitted.

- K. Each sign shall meet all of the highway or road setback requirements for the zoning district in which it is to be located.
- L. Construction of a sign shall be structurally sound so as to withstand the wind load on its surface and any vibration of it so that it will not blow down or change its alignment.
- M. Any off-premises advertising sign not in use for advertising purposes shall have such unused surfaces colored uniformly or, if no panel surface remains, then a uniform color on its structural supports.
- N. All off-premises advertising signs shall comply with all other applicable requirements and conditions of P.A. 106 of 1972, as amended, "The Highway Advertising Act of 1972."<sup>49</sup>
- O. All signs prohibited by P.A. 106 of 1972, as amended, "The Highway Advertising Act of 1972," are also prohibited in the Township.

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49. Editor's Note: See MCLA § 252.301 et seq.





ARTICLE XII  
**Amendments**

**§ 1-12.1. Purpose and intent.**

The purpose of this article is to provide for the amendment of this chapter when provisions become obsolete, when identifiable conditions change in relation to the provisions of ordinance, when errors in this chapter are discovered, when changes are made in the Township's Comprehensive Development Plan, or when the Township Board of Trustees has determined a valid public interest exists.

**§ 1-12.2. Amendment initiation.**

An amendment to this chapter may be initiated by resolution of the Township Board of Trustees, by resolution of the Planning Commission, or by petition of one or more persons having interest in property located within the jurisdiction of this chapter.

**§ 1-12.3. Filing fee.**

The Township Board of Trustees shall establish by resolution a fee to be paid in full at the time of receipt of any application to amend this chapter. Said fee shall be collected by the Township Treasurer and no part shall be refundable to the applicant unless approved by the Township Board. No fee shall be charged when the applicant is a governmental body.

**§ 1-12.4. Amendment procedures.**

- A. The petitioner shall cause to be delivered to the Planning Commission a completed application, not less than 45 days before any regular meeting of the Planning Commission.
- B. The Planning Commission shall adopt an application form to be completed and filed with the Township Clerk by the person or persons petitioning for the change. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.
- C. The Building Official shall review the application for completeness. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.
- D. The Township Attorney shall mail a notice of public hearing by regular first class mail at least 15 days before the date of public hearing to each electric/gas pipeline public utility company, telecommunication service provider, railroad operating within a Township, and manager of each airport within a Township only if the designated entity has registered their name and address with the Clerk for the purpose of receiving zoning public hearing notices.
- E. Comments and recommendations. The above-mentioned review agencies may submit comments and recommendations on the proposed amendment within 35 calendar days of receipt of notice. If no written correspondence is received by the Township Attorney within said 35 calendar days, the Planning Commission shall presume that the review agency has no objections to the proposed rezoning.

**§ 1-12.5. Public hearings.**

- A. The Planning Commission shall hold a public hearing on the proposed amendment after receipt of an application or after the resolution initiating the proposed amendment is adopted by the Township Board of Trustees or Planning Commission, as the case may be, to amend this chapter.
- B. The Township Clerk shall give notice of time and place of the public hearing pursuant to the Michigan Zoning Enabling Act,<sup>50</sup> as presently enacted or later amended.

**§ 1-12.6. Planning commission findings of fact.**

- A. Scope of examination. In reviewing any application for an amendment to this chapter, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its finding in full along with its recommendations for disposition of the application, to the Township Board of Trustees within a period of 60 days. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following findings of fact:
  - (1) What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?
  - (2) What, if any, error in judgment, procedure or administration was made in the original ordinance which justifies the petitioner's change in zoning?
  - (3) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
  - (4) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?
  - (5) Does the proposed amendment adversely affect environmental conditions, or the value of the surrounding property?
  - (6) Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built; such as:
    - (a) Surface water drainage problems.
    - (b) Wastewater disposal problems.
    - (c) Adverse effect on surface or subsurface water quality.
    - (d) The loss of valuable natural resources (such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agricultural land).
    - (e) Does the proposed amendment generally comply with the adopted policies of the Comprehensive Development Plan?

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50. Editor's Note: See MCLA § 125.3101 et seq.

- (7) The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.
- B. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission. The Planning Commission shall transmit its findings of fact, a summary received at the public hearing and its recommended action to the Township Board of Trustees.

**§ 1-12.7. Consideration by Township Board of Trustees.**

Upon receipt of a report and summary of hearing comments from the Planning Commission, the Township Board of Trustees may hold an additional public hearing, if it considers it necessary; or may proceed to adopt the amendment to this chapter. If the Township Board of Trustees considers further changes desirable which are in addition to or departures from the proposed amendment, it may first refer the matter back to the Planning Commission for a further report.

**§ 1-12.8. Notice of adoption.**

Following adoption of an amendment by the Township Board of Trustees, one notice of adoption shall be published in a newspaper of general circulation in the Township within 15 days after the adoption. The notice shall include the following information:

- A. The text of the amendment, which shall include the section or sections amended stated in full.
- B. The effective date of the amendment.
- C. The place and time where a copy of this chapter may be purchased or inspected.

**§ 1-12.9. When effective.**

The amendment shall become effective immediately upon the publication in a newspaper of general circulation within the Township, or on a date which is subsequent to the date of the publication and is specifically provided in the amendatory ordinance.



ARTICLE XIII  
**Relationship to Other Provisions**

**§ 1-13.1. Abrogation and greater restrictions.**

- A. This chapter is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this chapter.
- B. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this chapter shall govern.



ARTICLE XIV  
**Severability**

**§ 1-14.1. Severability.**

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





ARTICLE XV  
**Effective Date**

**§ 1-15.1. Effective date.**

This chapter is hereby adopted at a regular meeting of the Lawrence Township Board of Trustees held on the 24th day of October 2002, and shall be effective on the 9th day of November 2002.

