



# Zoning Ordinance 2020

DEXTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN

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ORDINANCE #43

ADOPTED BY TOWNSHIP BOARD

OCTOBER 13, 2020



## Dexter Township Resolution # 20-586

### A resolution to Adopt the Dexter Township Zoning Ordinance

Whereas, after proper public hearing and recommendation by the Dexter Township Planning Commission, a revised Dexter Township Zoning Ordinance has been proposed, and;

Whereas, after further review by both the Dexter Township Board and the Planning Commission, certain sections of the proposed Zoning Ordinance have been recommended by the Planning Commission to be deleted and/or modified;

Now therefore be it resolved, the Dexter Township Board, by a vote of the majority at a special scheduled and duly noticed meeting held this 13<sup>th</sup> day of October 2020, adopts the Revised Dexter Township Zoning Ordinance dated 13 October 2020 and the Dexter Township Zoning Map as revised on 13 October 2020, with the following changes:

- 1) Delete 14:04 (C) Uses Not Specifically Listed.

The ordinance will be known as Dexter Township Ordinance Number 43. This ordinance will become effective seven (7) days after publication in the Township paper of record, as required by law.

All previous Resolutions and Ordinances, or parts of Resolutions or Ordinances, insofar as they conflict with the provisions of this Resolution and Ordinance are rescinded.

STATE OF MICHIGAN  
COUNTY of WASHTENAW

I, DEBRA A. CEO, Clerk of the Township of Dexter, a Michigan Township Corporation, do hereby certify that at a special meeting of the Dexter Township Board, held in-person in said Township at 10:00 A.M., Eastern Daylight Time, on the 13<sup>th</sup> day of October 2020 and available for public access and comment in-person and virtually on the "Zoom" platform, that the above Ordinance was adopted after Public Hearing and Favorable Recommendation by the Dexter Township Planning Commission and that the following Township Board members were present or absent, as indicated:

	<u>In Person</u>	<u>Virtual</u>	<u>Absent</u>
Harley Rider, Supervisor	x		
Debra Ceo, Clerk	x		
Libby Brushaber, Treasurer	x		
Michael Compton, Trustee	x		
James Drolett, Trustee	x		
Bill Gajewski, Trustee	x		
Mark Mesko, Trustee	x		



That upon motion made by Trustee Mesko and seconded by Trustee Drolett, said Ordinance was adopted on the following roll call vote:

AYES = Rider, Ceo, Brushaber, Compton, Drolett, Gajewski, Mesko

NAYES = None

ABSENT = None

I further certify that on the 22<sup>th</sup> day of October 2020, I caused a summary of said Ordinance to be published in the Ann Arbor News, a newspaper circulated in the Township of Dexter, and that said Ordinance and the record of publication was duly recorded in the Book of Ordinances of the Township of Dexter and is available for public use and inspection at the offices of the Dexter Township Clerk, 6880 Dexter-Pinckney Road, Dexter, Michigan 48130 from 8:30 a.m. to 4:30 p.m. Monday-Thursday by appointment.

  
DEBRA A. CEO

Dated: October 13, 2020

Publish: October 22, 2020

Effective Date: October 29, 2020

**TOWNSHIP OF DEXTER  
WASHTENAW COUNTY, MICHIGAN**

**NOTICE OF ORDINANCE ADOPTION**


**TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF DEXTER, WASHTENAW COUNTY, MICHIGAN, AND OTHER INTERESTED PERSONS:**

**TAKE NOTICE** that the Dexter Township Zoning Ordinance 2020 regulating the development and use of land for such purposes has been adopted by the legislative body of the Township of Dexter, on October 13, 2020, Ordinance No.43, which supercedes the Dexter Township Zoning Ordinance, effective May 1, 2003, and amendments thereto, pursuant to Public Act 110 of 2006, as amended.

The effective date of the Ordinance is October 29, 2020.

This Ordinance may be inspected or purchased at the Dexter Township Hall offices, located at 6880 Dexter-Pinckney Road, Dexter, Michigan 48130 during normal business hours 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding Holidays.

Entry to the Township Hall is by appointment only. Please call the phone number 734.426.3767 to schedule an appointment.

  
Debra Ceo  
Clerk of the Township of Dexter

Dated: October 19, 2020

\* \* \* \* \*

STATE OF MICHIGAN  
COUNTY OF WASHTENAW

I, Debra Ceo, Clerk of the Township of Dexter, hereby certify that on the 22nd day of October, 2020, I caused a true copy of the within Notice of Ordinance Adoption to be published in the Ann Arbor News, a newspaper circulated in the Township of Dexter, and that said Ordinance and the proof of publication was duly recorded in the Book of Ordinances of the Township of Dexter.

  
\_\_\_\_\_

Dated: October 19, 2020.

# Acknowledgements

## **Township Board**

Harley Rider, Supervisor  
Debra Ceo, Clerk  
Libby Brushaber, Treasurer  
Bill Gajewski, Trustee  
James Drolett, Trustee  
Mike Compton, Trustee  
Mark Mesko, Trustee

## **Planning Commission**

Steve Burch, Chair  
Marty Straub, Vice Chair  
Tom Lewis, Secretary  
Bill Gajewski, Ex-officio (Township Board)  
Robert Nester  
Andrew Reiser  
Chandra Hurd

## **Director of Planning and Zoning**

David Rohr

## **Planning Consultant**



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Northville, MI 48167  
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John Jackson, AICP, President  
Brian Keesey, AICP, Senior Principal Planner  
Christopher Madigan, Associate Planner  
Carrie Leitner, Art Director







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# Article 1.

# Title and Purpose

## SECTION 1.01

### Title

This Ordinance shall be known and may be cited as the “Dexter Township Zoning Ordinance.” The Official Zoning Map, a part of this Ordinance, shall be known and may be cited as the “Dexter Township Zoning Map.”

## SECTION 1.02

### Intent and Purpose

The intent and purpose of this Ordinance is to promote and protect the public health, safety, and general welfare by incorporating provisions aimed at achieving the following:

- (A) Preventing the overcrowding of land and undue concentration of structures and uses by regulating the intensity of use of land and lot areas and determining the areas of open spaces surrounding buildings and structures necessary to protect adequate light, air, privacy, and convenience of access to properties;
- (B) Reducing flooding and water pollution;
- (C) Protecting against explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, radioactivity, and other nuisances and hazards;
- (D) Protecting against fire and facilitating the fighting of fires;
- (E) Managing and lessening the impacts of congestion on public highways and streets;
- (F) Promoting the orderly and beneficial development of the agricultural, recreational, residential, lake, and commercial areas within the Township’s zoning jurisdiction, based on a consideration of the character and suitability of these areas;
- (G) Encouraging use of lands and natural resources in accordance with their character, adaptability, and suitability for particular purposes;
- (H) Encouraging adequate and economical provision of transportation, sewerage, drainage, water supply and distribution, education, recreation, and other public services and facilities;
- (I) Promoting adequate provision for the State’s citizens of food, fiber, energy, and other natural resources;
- (J) Allowing for a variety of residential housing types, commercial, institutional, and public uses;
- (K) Conserving and preserving the value of land, buildings, and structures;
- (L) Prohibiting uses or structures that are incompatible with the character of development, uses, or structures permitted within zoning districts;



- (M) Fixing reasonable standards with which all structures and uses shall comply;
- (N) Preventing additions to, alterations of, or remodeling of existing buildings or structures in a manner to avoid the provisions and limitations imposed in this Ordinance;
- (O) Providing for the completion, restoration, reconstruction, extension, or substitution of legally non-conforming structures and uses;
- (P) Establishing standards that are consistent with and promote the Master Plan; and
- (Q) Providing for the administration, enforcement, and amendment of this Ordinance.

SECTION 1.03

## Authority and Findings

- (A) **Zoning Enabling Act:** The Zoning Enabling Act, MCL 125.3101 et seq (Public Act 110 of 2006, as amended) establishes the authority for local units of government to adopt comprehensive zoning regulations and empowers the Township to enact a zoning ordinance and provide for its administration, enforcement, and amendment.
- (B) **Necessity:** The Township has determined it necessary to enact zoning regulations for the purpose of promoting the public health, safety, and general welfare.
- (C) **Master Plan Compliance:** The Township has adopted a Master Plan intended to guide growth in a logical and orderly fashion, which serves as the basis of this Ordinance.

SECTION 1.04

## Scope of Application

The provisions of this Ordinance shall apply to all structures and uses in all zoning districts, unless noted otherwise.

- (A) **Scope:** This Ordinance shall be construed in such a manner as to best accomplish its intent and purpose. In interpreting and applying the provisions of this Ordinance, the standards shall be held to be the minimum necessary for the promotion of health, safety, convenience, comfort, prosperity, and general welfare and shall apply uniformly to each class or kind of structure, land, or use.
- (B) **Construction:** Structures, or portions thereof, shall only be erected, constructed, reconstructed, altered, or maintained as permitted by and in conformity with this Ordinance.
- (C) **Use:** New uses or changes of use shall only be made or maintained in any structure, property, or portion thereof as permitted by and in conformity with this Ordinance.
- (D) **Active Permits:** Any structure for which a permit has been issued before the effective date of this Ordinance may be completed and used in accordance with the plans and applications upon which the permit was granted, provided the construction must be completed within two (2) years of the effective date of this Ordinance.
- (E) **Area:** This Ordinance shall apply to all areas within the Township's zoning jurisdiction.



## SECTION 1.05

## Conflicting Laws

The provisions of this Ordinance shall be in addition to all other ordinances and regulations in effect within the Township.

- (A) **More Restrictive:** Where any condition imposed by any provision of this Ordinance is either more or less restrictive than any condition imposed by any other provision of this Ordinance or any ordinance adopted under any other law, the provision that is more restrictive or that imposes a higher standard shall govern.
- (B) **Abrogate or Annul:** This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard than such easement, covenant, or other private agreement, this Ordinance shall govern.

## SECTION 1.06

## Types of Uses

There shall be no use commenced or continued within the Township, except as authorized by this Ordinance. Only the types of uses listed below are recognized.

- (A) **Permitted Use:** Permitted uses are listed for each zoning district. Permitted uses may also include comparable or similar uses, to be determined as outlined in this Ordinance. See Section 2.02(U)4)f) for the complete definition.
- (B) **Special Land Use:** Special land uses are listed for each zoning district. See Section 2.02(U)4)j) for the complete definition.
- (C) **Accessory Use:** Accessory uses may or may not be listed for each zoning district. See Section 2.02(U)4)a) for the complete definition.
- (D) **Prohibited Uses:** Prohibited uses include all those uses that are not listed for a zoning district, excluding accessory uses and legally nonconforming uses. See Section 2.02(U)4)h) for the complete definition.
- (E) **Temporary Uses:** Uses which are not permanent in nature. See Section 2.02(U)4)k)v) for the complete definition.
- (F) **Legally Nonconforming Use:** Legally nonconforming uses are not listed for each zoning district but may be continued as outlined in this Ordinance. See Section 2.02(U)4)d) for the complete definition.

## SECTION 1.07

## Prior Unlawful Structures, Sites, Lots, and Uses

Any structure, site, lot, or use that was unlawfully constructed, occupied, or created before the effective date of this Ordinance shall continue to be unlawful, unless expressly permitted by this Ordinance, and shall not be considered to be legally nonconforming under this Ordinance.



SECTION 1.08

## Validity and Severability

- (A) **Validity:** If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, that ruling shall not affect any other parts of this Ordinance not specifically subject to the ruling.
- (B) **Severability:** If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular property, district, use, building, or structure, that ruling shall not affect the application of that provision to any other property, district, use, building, or structure not specifically included in the ruling.

SECTION 1.09

## Repeal

- (A) **Repeal:** The Dexter Township Zoning Ordinance adopted on April 15, 2003, with an effective date of May 1, 2003, and all amendments to that Ordinance shall be repealed upon the effective date of this Ordinance.
- (B) **Future Enforcement:** The adoption of this Ordinance and repeal of previous ordinances shall not affect or prevent any pending or future prosecution of or action to abate any violation of any previous zoning ordinance, if the violation is also a violation of this Ordinance.
- (C) **Pending Actions:** The adoption of this Ordinance shall not alter, limit, void, affect, or abate any pending litigation, administrative proceeding, or appeal that existed on the effective date of this Ordinance, order, permit, or decision that was based on the ordinances repealed by this Section.

SECTION 1.10

## Enactment

This Ordinance was adopted at a meeting of the Township Board on October 13, 2020, and it shall be effective at 12:01 am on October 29, 2020.

End of Article



# Article 2.

# Definitions

## SECTION 2.01

### Construction of Language

For the purpose of this Ordinance, specific terms, phrases and rules of construction shall be interpreted as follows in this Article.

- (A) **Interpretations:** The following shall apply to interpretations of language in this Ordinance.
- 1) **Language:** If the meaning of the language of this Ordinance is unclear in a particular circumstance, the individual or body charged with interpreting or applying this Ordinance shall construe the meaning in a manner consistent with the intent of this Ordinance and other zoning and planning laws.
  - 2) **Meaning of Words and Phrases:** Words and phrases defined in this Ordinance shall be construed and understood according to the definition contained in this Ordinance. Technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning. Except as described above, all words and phrases shall be construed and understood according to the common preferred use of the language.
- (B) **Terms:** The following general terms shall have the meanings and be used as outlined below.
- 1) **Ordinance:** The words “this Ordinance” shall mean the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached, as enacted or subsequently amended.
  - 2) **Shall and May:** The term “shall” is always mandatory and not discretionary. The word “may” is permissive.
  - 3) **Particular and General:** The particular shall control the general. For terms used in this Ordinance, the use of a general term shall not be taken to be the same as the use of any other specific term.
  - 4) **Tense:** Words used in the present tense include the future tense unless the context clearly indicates otherwise.
  - 5) **Singular and Plural:** The singular includes the plural and the plural shall include the singular unless the context clearly indicates otherwise.
  - 6) **Person:** The word “person” includes an individual, corporation, association, partnership, trust, firm, or similar entity.
  - 7) **Building:** The word “building” includes the word “structure” and either includes any part thereof.
  - 8) **Build:** The word “build” includes “erect” and “construct.”
  - 9) **Lot:** The word “lot” includes the word “plot,” “tract,” or “parcel.”
  - 10) **Used or Occupied:** The word “used” or “occupied,” as applied to any land or building, shall be construed to include the words intended, arranged, maintained for or designed to be used or occupied.



- 11) **Conjunctions:** The conjunctions noted below shall be interpreted as follows, unless the context clearly indicates otherwise:
  - a) *And:* “And” indicates that all the connected items, conditions, provisions, or events shall apply.
  - b) *Or:* “Or” indicates the connected items, conditions, provisions or events may apply singly or in any combination.
  - c) *Either Or:* “Either...or” indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- 12) **Days:** “Days” means calendar days unless stated otherwise.
- 13) **Successor:** Reference to a specific agency, department, law, act, rule, et cetera, in this Ordinance shall include any successor.

SECTION 2.02

## Definitions

- (A) **Definitions of Words and Phrases Starting with “A”:** The following words and phrases shall have the meanings described below.
- 1) **Abandoned Motor Vehicle:** See “Motor Vehicle, Inoperable.”
  - 2) **Abandonment:** The relinquishment of land or cessation of a use of the land by the owner or lessee without any intention of transferring rights to the land to another owner or of resuming that use of the land or building.
  - 3) **Abutting (lot):** A lot that shares a common border with another lot or parcel. See “Adjacent or Adjoining” and “Contiguous.”
  - 4) **Access:** The way by which one gains ingress or egress to a property.
  - 5) **Addition:** A physical enlargement or expansion of the building envelope of an existing building or structure.
  - 6) **Adjacent or Adjoining:** Touching, contiguous, sharing a common lot line, or located across a street or alley. See “Contiguous.”
  - 7) **Administrative Adjustment:** An adjustment to the base developmental standards of this Ordinance by the approving authority if specified conditions are satisfied.
  - 8) **Adult-related Businesses:** Any business, club, or organization where one or more persons display “specified anatomical areas” or engage in “specified sexual activities,” either in person or by photograph, motion picture, television, or other means, including, but not limited to the following:
    - a) *Adult Bookstore or Video store:* An establishment permitting physical access by customers to floor area or shelf space that is devoted to the display of books, magazines, or other periodicals, video tapes, DVDs, photographs, motion picture films, or other types of video that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.” This also includes any establishment which indicates the availability of such material by any sign, advertisement, or other device audible or visible from anywhere outside the principal building, regardless of the amount of area devoted to said material;
    - b) *Adult Cabaret:* A nightclub, bar, cocktail lounge, restaurant, or similar establishment that has performers and/or employees that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, slides, or other photographic or video reproductions in which a substantial portion of the total presentation is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;



- c) *Adult Theater: Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for viewing by patrons or customers;*
  - d) *Massage Parlor: An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of “specified anatomical areas.” The term “massage parlor” does not include medical or therapeutic massage services or any state-licensed practitioners or medical or related services such as chiropractors or physical therapists;*
  - e) *Public Bath: An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas, and similar facilities intended as accessory uses in a school, health club, motel, or similar facility are not “public baths;”*
  - f) *Specified Anatomical Areas: Human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered;*
  - g) *Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation or sexual intercourse; fondling of or erotic touching of human genitals, pubic region, buttock, or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions; and*
  - h) *Taxi Dance Hall: An establishment that provides dance partners as the direct or indirect result of payment of a fee.*
- 9) **Adult Foster Care Facility:** A governmental or nongovernmental facility that provides foster care, room, board, and supervised care to adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. See also MCL 400.701 (Public Act 218 of 1979). The following types of adult foster care facilities are provided for:
- a) *Adult Foster Care Family Home: A private residence with a capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks in which the licensee shall be a member of the household and an occupant of the residence.*
  - b) *Adult Foster Care Small Group Home: An adult foster care facility with the capacity to receive twelve (12) or fewer adults to be provided foster care in which the licensee is not required to be a resident.*
  - c) *Adult Foster Care Large Group Home: An adult foster care facility with the capacity to receive thirteen (13) through 20 adults to be provided foster care in which the licensee is not required to be a resident.*
- 10) **Adverse Impact:** A negative consequence for the physical, social, or economic environment resulting from an action, activity, use, or development.
- 11) **Agriculture:** The use of land for agricultural purposes, including, but not limited to: farming, dairying, pasturage, apiculture, aquaculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.
- 12) **Agricultural Building or Structure:** A building or structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other farm products and that is clearly incidental and accessory to a commercial farm operation, excluding retail trade but including roadside stands.
- 13) **Agricultural Land:** Land devoted to the commercial production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.





- 14) **Air Pollution:** Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration to be injurious or to unreasonably interfere with the comfortable enjoyment of life and property.
- 15) **Alteration:** Any change, addition, or modification in construction or type of use; any change in the structural members of a structure, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.
- 16) **Appeal:** A petition to the Zoning Board of Appeals for a variance, appeal of a decision, or interpretation or any other petition to the Zoning Board of Appeals, as allowed in this Ordinance and state law.
- 17) **Assisted Living Facility:** A facility, other than a hospital, having as its primary function the rendering of care for extended periods of time to persons afflicted with illness, injury, or an infirmity, including accessory uses that provide services to the residents, staff, and visitors. Also known as nursing home.
- 18) **Awning:** An architectural projection that provides weather protection, identity, or decoration that is wholly supported by the structure to which it is attached and is comprised of a lightweight, rigid skeleton structure over which a covering is attached.

**(B) Definitions of Words and Phrases Starting with “B”:** The following words and phrases shall have the meanings described below.

- 1) **Bar:** An establishment or part of an establishment devoted primarily to the selling, serving, or dispensing of alcoholic beverages for on-site consumption.
- 2) **Basement:** The portion of a building which is partially or totally below grade, but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes.
- 3) **Bed and Breakfast:** A residential facility that is owner-occupied in which overnight accommodations are provided or offered for compensation, including the provision of bathing and lavatory facilities and a breakfast meal.
- 4) **Berm:** A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity or to raise a structure above the natural grade.
- 5) **Biofuel Production Facility, Small:** A facility for the production of biofuel with an annual production capacity of not more than 100,000 proof gallons.
- 6) **Biofuel Production Facility, Large:** A facility for the production of biofuel with an annual production capacity of more than 100,000 but not more than 500,000 proof gallons.
- 7) **Blight:** Unsightly or hazardous conditions, including, but not limited to:
  - a) *The accumulation of debris, litter, junk, or rubble;*
  - b) *Structures characterized by holes, breaks, rot, crumbing, cracking, peeling, or rusting;*
  - c) *Landscaping that is dead, characterized by uncontrolled growth or lack of typical maintenance, or damage;*
  - d) *Outdoor storage of inoperable motor vehicles, recreational vehicles, trailers, and watercraft; and*
  - e) *Any other similar conditions of disrepair and deterioration.*
- 8) **Bottom Land:** The land area of an inland lake, stream, or river that lies below the ordinary high- water mark and that may or may not be covered by water.
- 9) **Breezeway:** A covered structure connecting an accessory building with the principal building.
- 10) **Buffer Area:** A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning



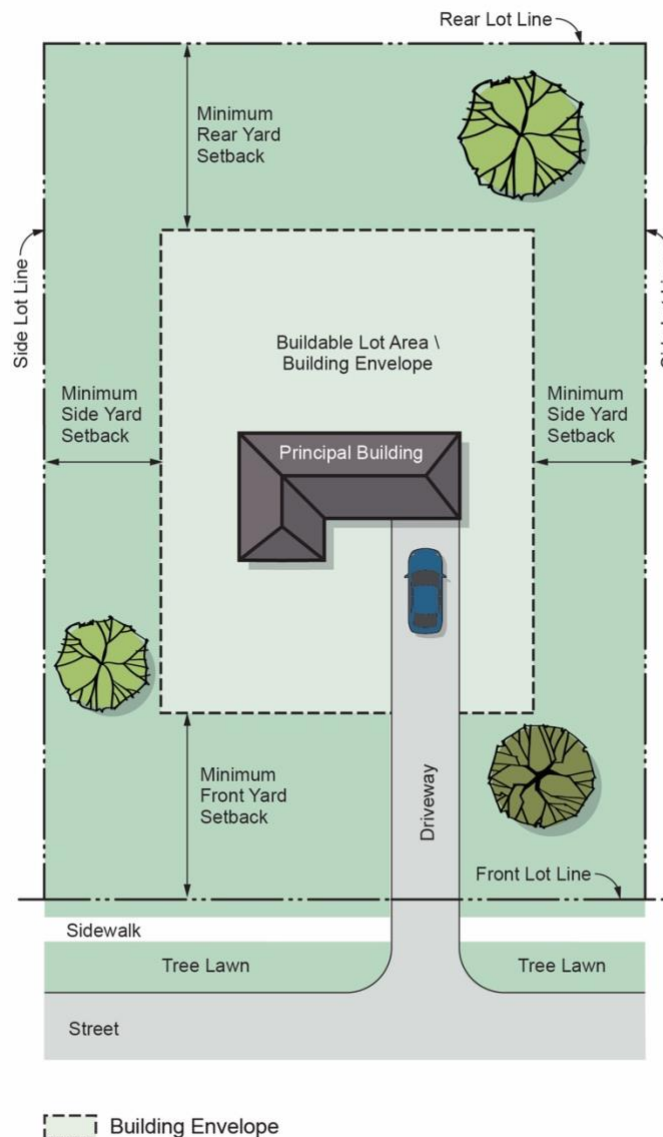


districts. Landscaping, berms, fencing, or open space can also be used to buffer noise, light, and related impacts from abutting properties even if not in a separately established buffer zone.

- 11) **Buildable Area:** The open space on a lot, exclusive of the required yards (setbacks), on which a building may be constructed.

**Figure 2.1: Buildable Lot area**

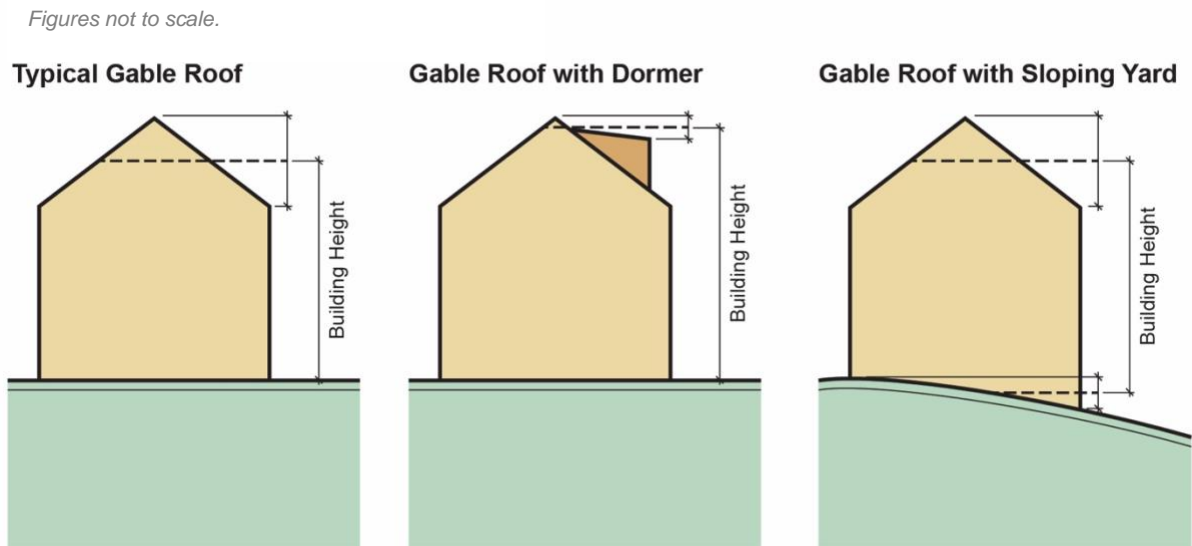
*Figure not to scale.*





- 12) **Buildable Envelope:** The three-dimensional space of a lot defined by the setback standards and height standards in which a building may be constructed.
- 13) **Building:** A type of structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, that is used for the purpose of housing, sheltering, storing, enclosing persons, animals, or personal property, or carrying on commercial or institutional activities. This definition includes, but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.
- 14) **Building Coverage:** The horizontal area of a lot, stated as a percentage of the lot area, that is covered by all buildings located on the lot. This includes all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but does not include fences, walls or hedges used as fences, unroofed decks or patios or swimming pools. Building coverage shall be measured from exterior facades, including roofed porches, patios, and breezeways. Building coverage shall exclude the roof overhang.
- 15) **Building Height:** The average vertical distance measured from the finished grade along the building façade(s) facing front yard(s) and waterfront yard(s) to the highest point of the roof surface, except as follows: to the deck line of mansard roofs and to the average height between lowest point and the highest point of the highest roof surface of gable, hip, and gambrel roofs. For buildings on a lot that has two (2) or more front yards or waterfront yards, the building height shall be the average height of all the facades facing a front yard or waterfront yard.

**Figure 2.2: Building Height**



- 16) **Building, Accessory:** A building that is located on the same lot as the principal building that is clearly incidental and subordinate to the principal building. Examples include, but are not limited to, detached garages, detached sheds, pole barns, outhouses, and bus shelters.
- 17) **Building, Principal:** A building or group of buildings, where the context so indicates, in which the main or principal use of the site is located.



- 18) **Building, Temporary Accessory:** An accessory building without a permanent foundation or permanent anchoring to the ground.

(C) **Definitions of Words and Phrases Starting with “C”:** The following words and phrases shall have the meanings described below.

- 1) **Campground:** A site under the control of a person, business, corporation or public body on which camping sites and/or cabins are offered for the use by the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters, in this context, means a tent, recreational vehicle, rustic cabin, or any portable structure designed to be carried or towed by a vehicle and placed for temporary living quarters.
- 2) **Canopy:** Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.
- 3) **Car Wash:** Any building or structure, or portion thereof, containing facilities for commercial washing of motor vehicles using a conveyor, blower, steam cleaning device, or other mechanical devices, including coin, self-service, and attendant operated drive-through, automatic self-serve, track-mounted units, and similar high-volume washing establishments, but not including hand- washing operations.
- 4) **Carport:** A partially open structure, intended to shelter at least one (1) vehicle.
- 5) **Cemetery:** Land or a facility, including, but not limited to, mausoleums and/or columbariums, used for the perpetual interment of deceased human beings or customary household pets.
- 6) **Certificate of Occupancy:** A document signed by the Building Official as a condition precedent to the commencement of the legal use of a building that acknowledges that the structure complies with the Building Code in force in the Township.
- 7) **Certificate of Zoning Compliance:** A document signed by the Director of Planning and Zoning as a condition precedent to the commencement of the legal use of a structure or land acknowledging that the structure or other improvements or the use of the land is consistent with the standards of this Ordinance. Also known as final certificate of zoning compliance.
- 8) **Change of Use:** The use of a building, structure, lot, or portion thereof that is different from the previous use in the way it is classified by this Ordinance or the Building Code.
- 9) **Church:** See “Religious Institution.”
- 10) **Clear-Vision Zone:** The triangular area at the intersection or a driveway and a street or streets that is to remain clear of visual obstructions.
- 11) **Club:** An organization of persons for special purposes or for the promulgation of sports, recreation, arts, science, literature, politics, agriculture, or similar activities, that is not operated for profit and open only to members and not the general public.
- 12) **Commercial Agriculture:** The use of land and/or structures for the growing and/or production of farm products for income. See also “Farm” and “Farm Operation.”
- 13) **Commercial Vehicle:** Any motor vehicle, other than a passenger vehicle, and any trailer, semi- trailer, or pole trailer drawn by a motor vehicle, that is designed, used, and maintained for the transportation of persons or property for hire, compensation, profit, or in the furtherance of a commercial use.
- 14) **Community Well or Sewage System:** A facility that is owned by a governmental or non- governmental entity and is designed, constructed, operated, and maintained to transport, collect, process and treat potable water to or sanitary sewage from more than one (1) lot or dwelling unit. For the purposes of this definition, an accessory dwelling unit shall not be considered a separate dwelling unit.
- 15) **Condominium Definitions:** The following words, terms, and phrases related to condominiums shall have the following meanings:



- a) *Common Elements, General: Common elements, other than the limited common elements, intended for the common use of all the co-owners.*
- b) *Common Elements, Limited: Portions of the common elements reserved in the master deed for the exclusive use of less than all the co-owners.*
- c) *Condominium: A system of separate ownership of individual units and/or multi-unit projects according to the Condominium Act. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.*
- d) *Condominium Act: Public Act 59 of 1978, MCL 559.101 et seq.*
- e) *Condominium Lot: That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a lot for purposes of determining yard setback standards and other standards of this Ordinance; a condominium unit of vacant land in a site condominium. A condominium lot shall be the equivalent of a "lot."*
- f) *Condominium Project: A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act.*
- g) *Condominium Subdivision or Site Condominium: A division of land on the basis of condominium ownership that is not subject to the provisions of the Subdivision Control Act.*
- h) *Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision that describes the size, location, area, horizontal, and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.*
- i) *Condominium Unit: That portion of a condominium project or condominium subdivision that is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses, or is enclosed by, a building structure.*
- j) *Master Deed: The condominium document recording the condominium project, including all exhibits.*
- 16) **Construction:** The erection, alteration, repair, renovation, demolition, or removal of any structure and the excavation, filling, and grading in connection thereto.
- 17) **Contiguous:** Sharing a common border or lot line or located across a street, alley, or walkway. See also "Contiguous" and "Adjacent or Adjoining."
- 18) **Conventional Plan:** A conceptual subdivision layout based on the uses of land, dimensional requirements, and density allowed by right in the district in which the land is located. The Plan reflects a realistic assessment of wetland use, road rights-of-way and access easements, allocates land for stormwater management facilities, utilities and related infrastructure, and provides lots that shall be able to accommodate the proposed product without encroaching into required setbacks.

**(D) Definitions of Words and Phrases Starting with "D":** The following words and phrases shall have the meanings described below.

- 1) **Dawn:** The nearest half hour or hour following sunrise.
- 2) **Day Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children or adults requiring care for care for periods of less than 24 hours a day and where the parents or guardians are not immediately available. Day Care Center includes a facility that provides care for at least two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, drop-in center, or adult day care center. Day care center does not include any of the following:



- a) *A Sunday school, vacation bible school, or religious instructional class that are conducted by a religious institution where children are in attendance for:*
  - i) *No more than three (3) hours per day for an indefinite period; or*
  - ii) *No more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.*
- b) *A facility operated by a religious institution where children are cared for no more than three hours while the children's parents, guardians, or caregivers are attending religious services.*
- c) *A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency, including: a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.*
- 3) **Day Care Home, Family:** A private home in which the operator permanently resides as a member of the household in which at least one (1) but less than seven (7) minor children or adults requiring care are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children or adults requiring care related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child or adult requiring care for more than four (4) weeks during a calendar year.
- 4) **Day Care Home, Group:** A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children or adults requiring care are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six (6) unrelated minor children or adults requiring care for more than four (4) weeks during a calendar year.
- 5) **Deck:** A platform constructed of wood or similar materials, either freestanding or attached to a structure that is commonly used for outdoor leisure activities.
- 6) **Dedicated Open Space:** Open land that is permanently set aside for protection in an undeveloped or very-limited developed state.
- 7) **Dedication:** The transfer of property interests from one private party to another private or to public ownership for a public purpose. The transfer may be of fee-simple interest or of less than fee interest, including an easement.
- 8) **Demolition:** Any act or process, whether natural or human, that destroys or razes a building or structure or portion thereof.
- 9) **Deed Restriction:** A restriction of use or development that is set forth in an instrument recorded with the Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.
- 10) **Detention Basin or Pond:** A man-made or natural water pond, pool, basin, or depression designed and used to collect surface water in order to impede its flow and to release the water gradually into natural or man-made outlets. A detention basin may or may not have a permanent pool of water. See also "Stormwater Management System."
- 11) **Development:** The construction of a new building or structure, the relocation of an existing building or structure, or the use of open land for a new use.
- 12) **Development Agreement:** A document that sets forth the terms and conditions under which a development shall be constructed, implemented, and maintained.
- 13) **Director of Planning and Zoning:** The authorized person charged with the responsibility of administering and enforcing this Ordinance and appointed by the Township Board.



- 14) **Discharge:** Any addition or introduction of any pollutant, storm water, or any other substance into the storm water system, groundwater, or off-site.
- 15) **Disturbed Area:** An extent of the area of land subject to development through clearing of all or a portion of vegetation, grading, or excavation.
- 16) **Divide or Division:** The partitioning or splitting of a parcel of land for the purpose of sale or lease of more than one year, or for the building development that results in one or more parcels of less than 40 acres or the equivalent. It does not include a property transfer between two or more adjacent lots, if the property taken from one parcel is added to an adjacent parcel.
- 17) **Dock:** A structure built over or floating upon a surface water body and used or intended for use as a landing place for watercraft, fishing, swimming, and other recreational uses and for access to a surface water body or adjacent watercraft.
- 18) **Drainage:** The outflow of water or other fluid from a site or lot.
- 19) **Drive-In or Drive-Through Establishment:** An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- 20) **Driveway:** A means of access for vehicles from a street, alley, or approved access easement across a lot to a parking or loading area, garage, dwelling, or other structure or area on the lot.
  - a) *Commercial Driveway:* A driveway that serves multiple-unit dwellings, commercial uses, and institutional uses.
  - b) *Residential Driveway:* A driveway that serves single-family, two-family, and accessory dwelling units.
  - c) *Shared Driveway:* A driveway described by a recorded easement that provides access to more than one (1) lot.
- 21) **Driving Range:** A limited area on which golfers drive golf balls from a central box, which may also include a practice putting green.
- 22) **Dusk:** The nearest half hour or hour preceding sunset.
- 23) **Dwelling:** Any building, or portion thereof, which is designed or used exclusively as a residence. In no case shall a motor home, trailer coach, recreational vehicle, automobile chassis, tent, or portable building be considered a dwelling. The following words, terms, and phrases related to dwellings shall have the following meanings:
  - a) *Accessory Dwelling:* An accessory dwelling is an area associated with a single-family dwelling that provides supplementary housing containing provisions for living, sleeping, sanitation purposes, and cooking. An accessory dwelling shall not be considered a separate dwelling unit. Also known as a guest apartment, accessory apartment, granny flat, or in-law apartment.
  - b) *Dwelling Unit:* One or more rooms with a bathroom and kitchen facilities designed as a self-contained unit for occupancy for living, cooking, sleeping, and sanitation purposes.
  - c) *Multiple-Family Dwelling:* A building containing three (3) or more dwelling units designed for residential use for three (3) or more families living independently of each other.
  - d) *Single-family Dwelling:* A detached building, or portion thereof, designed and used exclusively as the home, residence, or sleeping place of one (1) family. In the case of a mixed occupancy, where a building is occupied in part as a dwelling, the part so occupied shall be considered a dwelling for purposes of this Ordinance.
  - e) *Two-family Dwelling:* A building containing two (2) separate dwelling units designed for residential use. This shall not include a single-family dwelling with an accessory dwelling.

**(E) Definitions of Words and Phrases Starting with “E”:** The following words and phrases shall have the meanings described below.





- 1) **Easement:** A use granted for limited use of land for a public, quasi-public, or private purpose and within which the owner of the property shall not restrict the granted use.
- 2) **Easement, Access:** An easement that allows a party or parties access or travel across property owned by another party or parties to access or reach another location, property, or place.
- 3) **Employee:** Any person employed or hired, directly or as a contractor, by a firm, business, educational institution, nonprofit agency, corporation, government agency, or other entity, whether or not remuneration is paid or received.
- 4) **Encroachment:** An intrusion upon the property of another, a right-of-way, or easement, without permission.
- 5) **Entrepreneurial Kitchen:** Use of a commercial kitchen by a party other than the tenants for production of food products to be marketed, sold, and consumed off-site.
- 6) **Environmental Impact:** A beneficial or detrimental effect on the environment, including, but not limited to: significant changes in an area's air, water, or land resources.
- 7) **Environmental Impact Statement:** A statement describing the effect of a proposed development on the environment.
- 8) **Erected:** The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a site required for a structure. Excavation, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.
- 9) **Erosion or Soil Erosion.** The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.
- 10) **Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, communication, telephone, electrical, steam, fuel, or water transmission or distribution systems, collection, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, fire hydrants, warning sirens, and similar accessories that are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, office buildings, substations, gate valve stations, structures that are enclosures, shelters for service equipment, maintenance depots, or the outside storage of pipes, cables, transformers, poles, and similar utility equipment or materials.
- 11) **Excavation:** Any breaking of ground, except common household gardening, general farming and ground care. The phrase "general farming" shall not be interpreted to include the removal of soil, minerals, or other material for the purposes of creating a pond or other surface water body.
- 12) **Extraction Operation:** The removal, extraction, or mining of sand, gravel, or similar material for off-site use. See also "Mining" and "Mining, Non-ferrous Metallic."

**(F) Definitions of Words and Phrases Starting with "F":** The following words and phrases shall have the meanings described below.

- 1) **Façade:** The exterior elevation of a building or structure, as viewed from outside the building or structure.
- 2) **Fall Zone:** An area around a tower in which a tower could collapse and fall.
- 3) **Family:** Family shall mean one (1) of the following:
  - a) *An individual or group of two (2) or more persons related by blood, marriage, or adoption, including foster children and domestic employees, together with not more than two (2) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or*
  - b) *A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single, nonprofit*



*housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period or to licensed and approved foster care facilities.*

- 4) **Farm:** Land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- 5) **Farm Operation:** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:
  - a) *Marketing produce at roadside stands or farm markets;*
  - b) *The generation of noise, odors, dust, fumes, and other associated conditions;*
  - c) *The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan Vehicle Code, Public Act 300 of 1949, MCL 257.1 to 257.923*
  - d) *Field preparation and ground and aerial seeding and spraying;*
  - e) *The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides;*
  - f) *Use of alternative pest management techniques;*
  - g) *The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals;*
  - h) *The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.*
  - i) *The conversion from a farm operation activity to other farm operation activities.*
  - j) *The employment and use of labor.*
- 6) **Farm Labor Housing:** Facilities used as living quarters for five (5) or more migratory laborers engaged in agricultural activities, including related food processing.
- 7) **Farm Product:** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to: forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, Cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture. The phrase "farm product" shall not be interpreted to include the commercial slaughtering of farm animals.
- 8) **Fence Definitions:** An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element. The following words, terms, and phrases related to fences shall have the following meanings:
  - a) *Agricultural Fence: A fence erected to enclose an area of land used for commercial agricultural purposes.*
  - b) *Athletic Fence: A fence erected to enclose an athletic field or court.*
  - c) *Fence Height: The vertical distance between the lowest adjacent grade and the topmost portion of the fence, excluding fence posts.*
- 9) **Filling:** The depositing or dumping of any matter into or onto the ground.
- 10) **Flagpole:** A structure used for the sole purpose of displaying flags.





- 11) **Floor Area, Gross:** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the building's facades. Unenclosed and uncovered porches, court yards, or patios shall not be considered as part of the gross floor area except where they are used for commercial purposes.
- 12) **Floor Area, Usable:** The area used for the sale of merchandise or services or to serve patrons, clients, or customers. Floor area that is used, or intended to be used, principally for the storage or processing of merchandise, hallways, stairways, elevator shafts, restrooms, or janitorial service rooms, shall be excluded from the usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.
- 13) **Food Cart:** A motor vehicle, cart, or trailer used for the preparation and/or sale of ready-to-consume foods and beverages.
- 14) **Footing:** That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the pilings.
- 15) **Foster Care Facility:** An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a nursing home, licensed under MCL 333.1101 et seq (Public Act 368 of 1978), or a mental hospital for mental patients, licensed under MCL 330.1001 et seq (Public Act 258 of 1974).
  - a) *Family Home: A foster care facility that provides foster care to six (6) or fewer persons.*
  - b) *Group Home: A foster care facility that provides foster care to seven (7) or more persons.*
- 16) **Foundation:** The supporting substructure of a building or other structure, including, but not limited to: basements, slabs, rat walls, sills, posts, or frost walls.
- 17) **Fraternal Organization:** See "Club."
- 18) **French Drain:** A below-ground drain consisting of a perforated pipe in a trench filled with gravel to permit movement of water through the gravel and into the ground. Also known as a Freedom Drain
- 19) **Frontage:** The total continuous length of the line separating a lot from the right-of-way or access easements and frequently identical to the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the ordinary high-water mark, excluding manmade alterations. See also "Lot Line, Front."
- 20) **Funeral Home:** A building used for the preparation of the deceased for burial, display of the deceased, and for rituals associated with burial or cremation.

(G) **Definitions of Words and Phrases Starting with "G":** The following words and phrases shall have the meanings described below.

- 1) **Garage:** An accessory building or a portion of a principal building designed or used primarily for the storage of motor vehicles, watercraft, recreational vehicles, similar vehicles, and other property owned and used by the occupants of the building to which it is accessory.
- 2) **Gated Community:** A development, whether consisting of single-family, two-family, or multiple-unit dwellings or accessory uses, that are enclosed within a geographical area by restrictive gates at all or some of the entrances.
- 3) **Gated Entrance:** An entrance to a gated community at which a gate, crossbar, door, or other obstructive device is used for the purpose of restricting, controlling, or obstructing access by motor vehicles or pedestrians to or from a street.
- 4) **Gazebo:** A roofed structure that offers an open view of the surrounding area.



- 5) **Golf Course:** A facility where the game of golf is played, including customary accessory uses and buildings, such as, but not limited to: club house, locker rooms, maintenance and administrative facilities, and country club.
  - 6) **Grade Definitions:** The following words, terms, and phrases related to grade shall have the following meanings:
    - a) *Average Grade:* A reference plane representing the average of the level of the ground adjoining a building along all exterior walls.
    - b) *Finished Grade:* The elevation of the ground surface upon completion of construction activities.
    - c) *Grading:* Any stripping, cutting, digging, excavation, filling, or stockpiling of soil or any combination thereof.
    - d) *Natural Grade:* The elevation of the ground surface in its natural state, before man-made alterations.
    - e) *Rough Grade:* The stage at which the grade approximately conforms to the approved plan.
  - 7) **Greenhouse:** A structure having a roof and/or walls of glass or similar material for the protection or propagation of plants.
- (H) **Definitions of Words and Phrases Starting with “H”:** The following words and phrases shall have the meanings described below.
- 1) **Habitable Room:** A room capable of being lived in for any time, as defined in the Building Code.
  - 2) **Hazardous Material:** A substance that, because of its quantity or concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose hazard to human health or to the environment when improperly used, handled, treated, stored, transported, disposed of, or otherwise managed.
  - 3) **Heliport, Private:** An airfield for the operation of helicopters for the personal use of the property owner with no public or commercial use.
  - 4) **Home Occupation:** An occupation, profession, activity, or use carried on in a dwelling or residential property by the resident that is clearly a secondary and incidental use of the property that does not affect the residential character of the neighborhood.
  - 5) **Homeowners’ Association:** A non-profit, community association that is organized in a development in which individual owners share common interests and responsibilities for open space, landscaping, or facilities.
  - 6) **Hoop House:** An unheated greenhouse with light, ridged framing and lightweight covering. Also known as a polytunnel.
  - 7) **Household Pets:** Animals that are customarily kept for personal use or enjoyment within the home. Household pets include, but are not limited to, the following: domestic dogs, domestic cats, domestic tropical birds, domestic tropical fish, and domestic rodents, but exclude poisonous or constrictive snakes and animals that are considered livestock or wild animals.
- (I) **Definitions of Words and Phrases Starting with “I”:** The following words and phrases shall have the meanings described below.
- 1) **Impervious Surface:** Any surface that cannot be effectively and easily penetrated by water, thereby resulting in runoff. Examples include, but are not limited to: “building coverage, roof overhangs, and any material (asphalt, concrete, stone, gravel, etcetera) used in roads, driveways, decks, terraces, patios, porches, sidewalks, or other structures that cannot be effectively and easily penetrated by water. The definition of an impervious surface shall exclude materials that are designed, installed, and maintained to allow for the infiltration of a majority of the water that falls on that surface and prevent runoff, such as



wooden decks, permeable pavers, permeable pavement, or crushed stone or pea stone without binding. Swimming pools and ponds shall not be considered as an impervious surface. See also "Pervious Surface."

- 2) **Impervious Area:** The percentage of the lot area that is covered by impervious surfaces.

(J) **Definitions of Words and Phrases Starting with "J":** The following words and phrases shall have the meanings described below.

- 1) **Junk:** Any motor vehicle, recreational vehicle, watercraft, trailer, machinery, appliance, product, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, plastic, cordage or scrap materials that are damaged or deteriorated whether or not the same could be put to any reasonable use, except when stored within a completely enclosed building. Junk includes any inoperable motor vehicle, recreational vehicle, watercraft, or trailer.
- 2) **Junkyard:** A facility used for one (1) or more of the following:
  - a) *The abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or*
  - b) *The abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running conditions, or parts thereof.*

(K) **Definitions of Words and Phrases Starting with "K":** The following words and phrases shall have the meanings described below.

- 1) **Keeping of Animals:** The keeping of any animal, other than a household pet or commercial livestock, in captivity either indoors or outdoors.
- 2) **Kennel, Commercial:** A facility at which three (3) or more dogs, cats, or other domestic pets, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.
- 3) **Kennel, Hobby:** A facility at which no more than two (2) dogs, cats, or other domestic pets, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.

(L) **Definitions of Words and Phrases starting with "L":** The following words and phrases shall have the meanings described below.

- 1) **Lake:** A permanent surface waterbody that is at least five (5) acres in size.
- 2) **Land Division Act:** The Michigan Land Division Act, Public Act 288 of 1967, MCL 560.101 et seq).
- 3) **Landing Strip:** An airfield used for agricultural crop dusting or personal use of the property owner but with no other public or commercial use.
- 4) **Landscaping:** The treatment of the ground surface with live plant materials, natural materials, structural features, water features, and grading for the purposes of blending the site with the surroundings or providing a buffer with adjacent lots or uses.
- 5) **Lighting:** The following words, terms, and phrases related to lighting shall have the following meanings:
  - a) *Cut-Off Angle: The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source.*
  - b) *Direct Light: Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire.*
  - c) *Fixture, Full Cutoff: A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.*
  - d) *Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.*



- e) *Foot Candle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.*
  - f) *Full Cutoff Shielding: A light fixture that cuts off all upward transmission of light and emits light projected below an imaginary plane passing through the fixture below the light source.*
  - g) *Glare: The brightness of a light source which causes eye discomfort.*
  - h) *Lamp: The component of a luminaire that produces the actual light, including luminous tube lighting.*
  - i) *Light Fixture: The assembly that holds a lamp and may include an assembly housing mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and a refractor or lens for outdoor use or illumination. A light fixture also includes the assembly for luminous tube and fluorescent lighting.*
  - j) *Lighting Plan: A plan showing the location of light fixtures and the intensity of the light within a site and at the lot lines.*
  - k) *Light Shield: Any attachment that interrupts and blocks the path of light emitted from a luminaire or fixture.*
  - l) *Light Source: The primary source of a lighting fixture from which light is emitted, such as a light bulb or similar source.*
  - m) *Lumen: A unit of measurement of luminous flux.*
  - n) *Luminous Tube Lighting: Gas-filled tubing that, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used.*
  - o) *Non-parabolic Light: A bulb or fixture that is not designed to direct light in a specific direction.*
  - p) *Outdoor Protection Lighting: A lighting fixture, generally installed by a utility company on a utility pole, that provides exterior illumination and is generally activated from dusk to dawn.*
  - q) *Shielded Fixture: Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.*
  - r) *Shielding: A permanently installed, non-translucent shade, baffle, or other construction, that limits, restricts, or directs light to meet the standards of this Ordinance.*
  - s) *Street Lighting: Permanent outdoor light fixtures that are specifically intended to illuminate roadways for motor vehicles.*
- 6) **Livestock:** Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, cervids, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include household pets or wild animals.
- 7) **Loading Space:** An off-street space for the temporary parking of a commercial motor vehicle while loading or unloading.
- 8) **Lot:** Land described in a recorded plat or by metes and bounds description, or combination thereof, including a site condominium unit. A lot may consist of:
- a) *A single lot of record;*
  - b) *A portion of a lot of record; or*
  - c) *Any combination of complete and/or portions of lots of record or parcels described by metes and bounds, contiguous to each other, or separated by not more than the width of a public road, or a private road or easement over which the owner of the parcels has access.*



Figure 2.3: Corner Lots, Interior Lots, and Through Lots

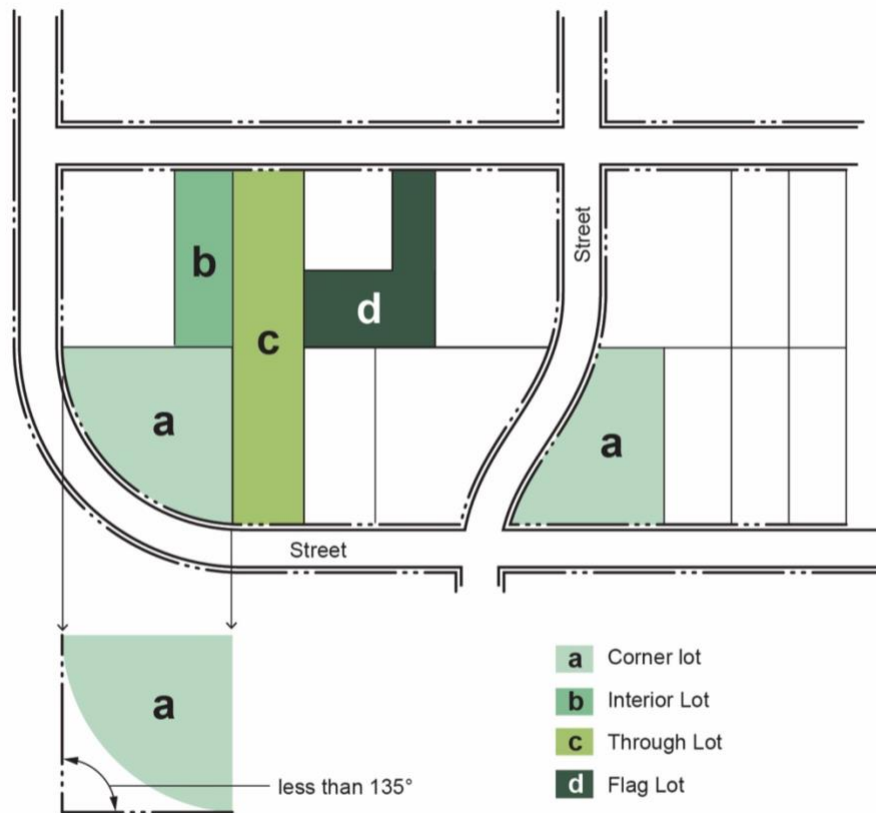
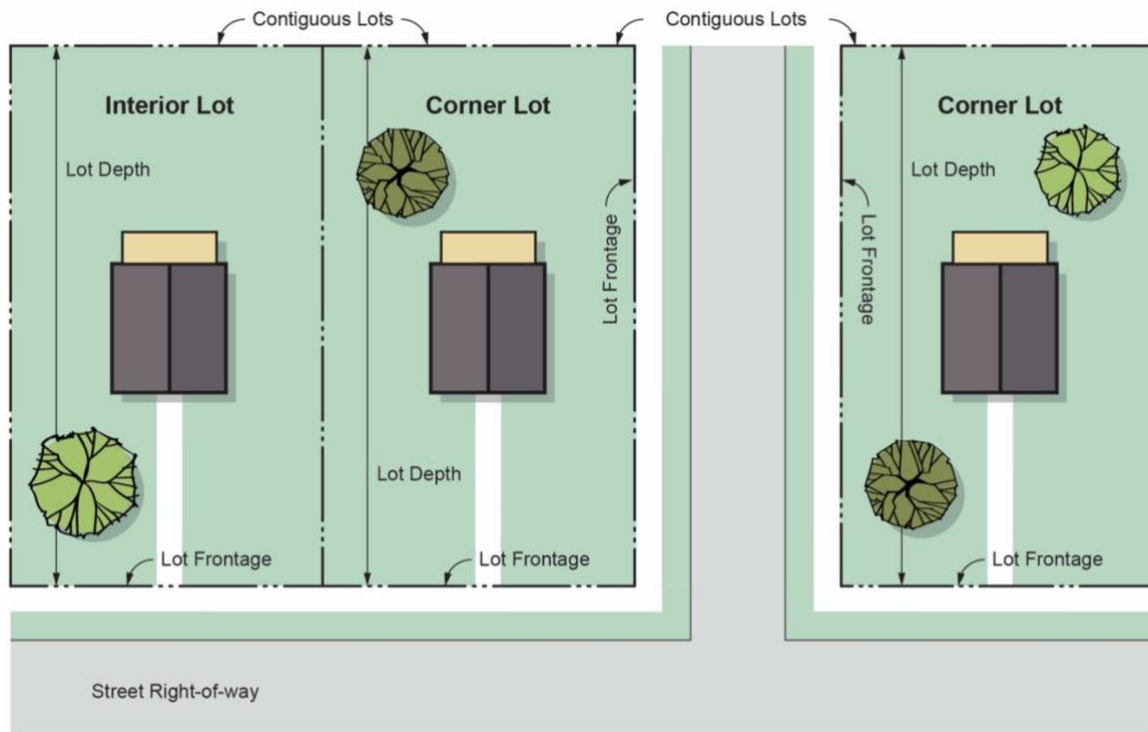


Figure not to scale.

- 9) **Lot Area:** The total horizontal area within the legally defined lot lines, including any street right-of-way or road easement, shared driveway easement, other permanent access easements, and wetlands within the lot.
- 10) **Lot, Common Use Access:** A lot that provides access to a surface water body for more than two (2) dwelling units not located on that lot. The access may or may not include mooring of watercraft.
- 11) **Lot, Common Use:** A lot that other lots have added or dedicated right to use. Also known as common area.
- 12) **Lot, Contiguous:** Lots adjoining each other.



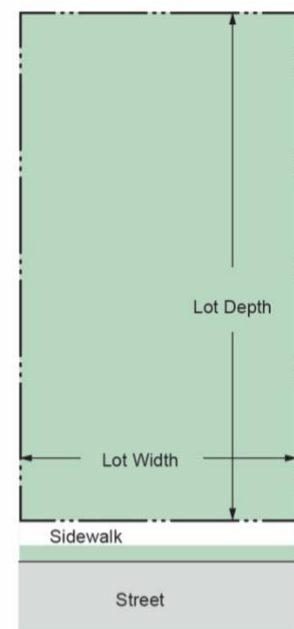
**Figure 2.4: Lot Descriptors**



*Figure not to scale.*

- 13) **Lot, Corner:** Any lot having at least two (2) adjacent sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than 150 feet.
- 14) **Lot, Depth:** The average distance from the front-lot line of the lot to its opposite rear line measured, or the opposite front-lot line for through lots, in the general direction of the side lot lines.
- 15) **Lot, Flag:** A lot whose access to a street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage standards of the district in which it is located.

**Figure 2.5: Lot Depth**

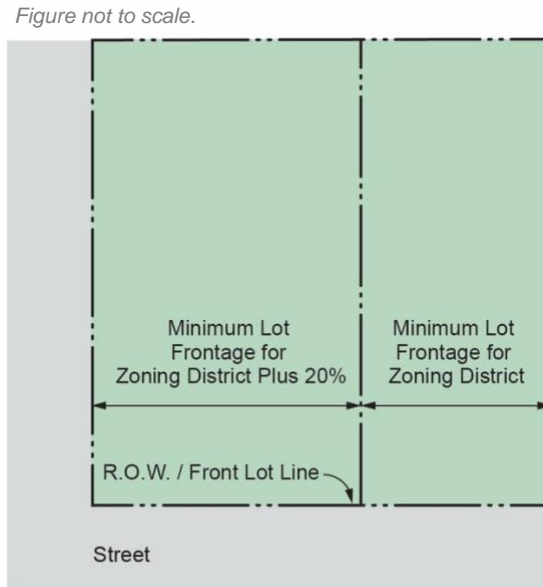


Maximum width-to-depth ratio is 1:4  
*Figure not to scale.*



- 16) **Lot Frontage:** The length of the front lot line.

**Figure 2.6: Lot Frontage**



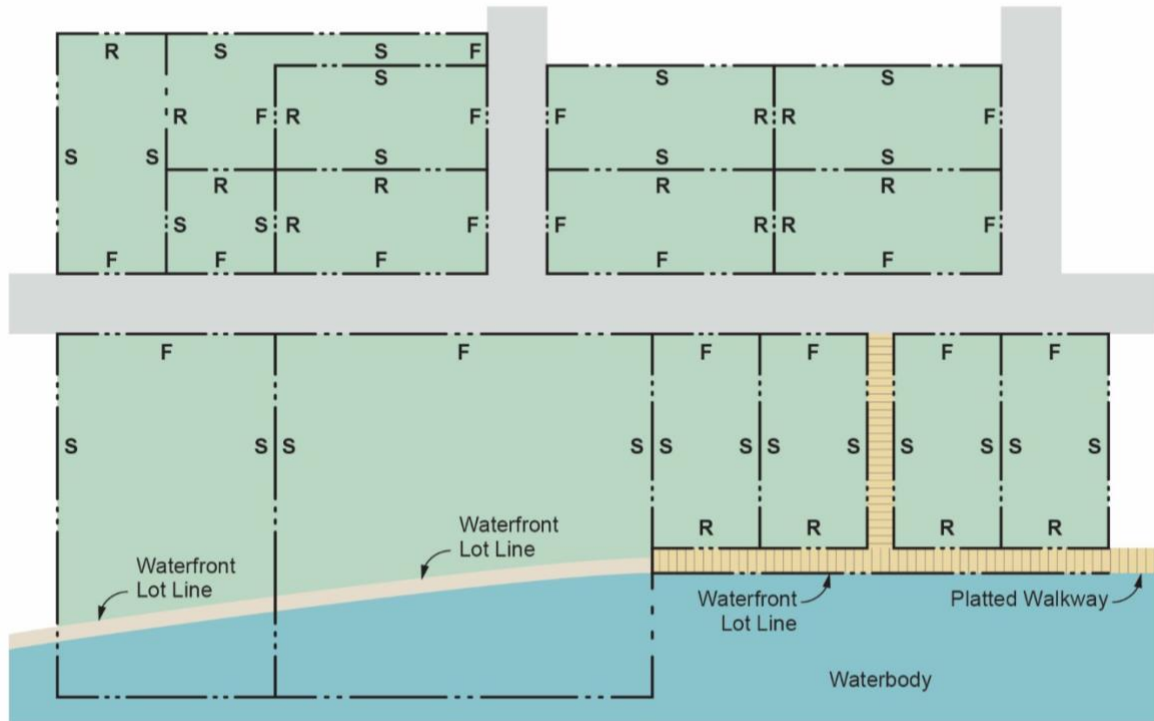
- 17) **Lot, Interior:** A lot other than a corner lot which, with the exception of a “through lot,” has only one (1) lot line fronting on a street.
- 18) **Lot Lines:** The lines bounding a lot. The following words, terms, and phrases related to lot lines shall have the following meanings:
- Lot Line, Front:* The line(s) separating the lot from any street right-of-way, private road, or other access easement. Corner lots and through lots shall have two (2) front lot lines.
  - Lot Line, Rear:* The lot line opposite and most distant from any front lot line, except in the case of a waterfront lot or through lot, which shall not have a rear lot line. This shall also apply to a lot line that is adjacent to a platted alley or walkway, as the context so indicates. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
  - Lot Line, Side:* Any lot line other than a front or rear lot line, including a lot line adjacent to a platted walkway, as the context so indicates.
  - Lot Line, Waterfront:* The lot line separating a lot and a surface water body or the ordinary high-water mark for lots that extend into a surface water body.
  - Lot of Record:* A lot that is part of a subdivision and is shown on a map thereof which has been recorded in the Register of Deeds, a lot described by metes and bounds, or a site condominium unit that was lawfully created in accordance with applicable statutes and ordinances.





**Figure 2.7: Lot Lines**

Figure not to scale.



- 19) **Lot, Through:** An interior lot having frontage on two (2) relatively parallel streets.
- 20) **Lot, Waterfront:** A lot that contains or is contiguous with a surface waterbody. This shall include lots that function as if they are a waterfront lot even though there may be a narrow strip of land, roadway, or access easement between the waterbody and lot.
- 21) **Lot Width:** The horizontal distance between the side lot lines at a distance equal to the front- yard setback.

**(M) Definitions of Words and Phrases Starting with “M”:** The following words and phrases shall have the meanings described below.

- 1) **Manufactured Housing:** A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.
- 2) **Marina:** A waterbody lot that is used for one or more of the following activities:
  - a) Commercial launching or docking of watercraft;
  - b) Commercial storage of water craft;
  - c) Commercial servicing or repair of watercraft; or
  - d) Sales and rental of watercraft.
- 3) **Master Plan:** The Dexter Township Master Plan.
- 4) **Mining:** The commercial mining or extraction of minerals or other materials from the ground.
- 5) **Mining, Non-Ferrous Metallic:** The commercial mining or extraction of metals that do not contain iron.





- 6) **Mixed-Use Development:** A development that integrates a variety of uses on the same site or within the same building.
- 7) **Mobile Home:** A structure, transportable in one or more sections that is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular housing unit, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.
- 8) **Mobile Home Park:** A lot under the control of a single person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether or not for remuneration, together with any building, structure, enclosure, street, equipment, or facility used or intended for use accessory to the occupancy of a mobile home.
- 9) **Mobile Home Site:** The area within a mobile home park designed and designated for use by one (1) mobile home.
- 10) **Model Home:** A dwelling temporarily used as an office or show house for a residential development that is under construction for on-site sales.
- 11) **Modular Housing Unit:** A dwelling unit constructed solely within a factory, as a single unit or in various sized modules or components that are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
- 12) **Moratorium:** A temporary halting or severe restriction on specified developmental activities or uses to allow the Township the necessary time to change policies and adopt or amend Ordinances to best protect and serve the health, safety, and welfare of the community.
- 13) **Motel:** A building or group of buildings used as individual sleeping or dwelling units designed primarily for transient use. The term shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar uses that are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple-unit dwelling.
- 14) **Motor Vehicle:** Unless specifically indicated otherwise, any vehicle including, by way of example, cars, trucks, vans, motorcycles, mopeds, and the like, that are intended to move under their own power. See also MCL 257.33 (Public Act 300 of 1949).
- 15) **Motor Vehicle, Inoperable:** Any vehicle requiring a license in order to operate upon the highways, waterways, or lands of the State of Michigan that is not licensed for use upon the highways, waterways, or lands of the State of Michigan for a period of at least of 30 days and shall also include, whether so licensed or not, any vehicle which is mechanically inoperable for any reason for a period of at least 30 days, except where such vehicle is in a completely enclosed building.
- 16) **Motor Vehicle Service Station:** A facility for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires, and other operational fluids and accessories for motor vehicles, and other accessory retail sales.
- 17) **Motor Vehicle Repair or Maintenance:** A facility for the primary purpose of the retail sales of oil, grease, batteries, tires, and other operational fluids and accessories for motor vehicles, the installation of such items, and for other mechanical motor vehicle repair, not including body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair.
- 18) **Motor Vehicle Sales:** A facility used primarily for the sale of new and/or used motor vehicles, including the outside storage of motor vehicles or recreational vehicles for sale.



**(N) Definitions of Words and Phrases Starting with “N”:** The following words and phrases shall have the meanings described below.

- 1) **Native Species:** A plant or animal that is indigenous to the area.
- 2) **Natural Features:** Features of a site, including, but not limited to, soils, wetlands, floodplains, surface water bodies, topography, trees, woodlands, and other types of vegetative cover, wild animals, endangered species habitat, and geology and geologic formations.
- 3) **Noise Disturbance:** Any sound that endangers or injures the safety, health, or welfare of a reasonable person with normal sensitivities.
- 4) **Nonconforming, Illegally:** A structure, lot, site, or use, or portion thereof, that did not meet the standards of a zoning ordinance in effect at the time it was created or begun and that does not meet the standards of the current Zoning Ordinance. Also known as illegal.
- 5) **Nonconforming, Legally:** A structure, lot, site, or use, or portion thereof, lawfully existing at the time of adoption of a zoning ordinance or subsequent amendment thereto, that does not meet the standards of the current Zoning Ordinance.
- 6) **Nuisance Per Se or Nuisance:** A “nuisance per se” is an act, use, thing, structure, or occupation which when it exists in violation of a provision of this Ordinance is declared by this Ordinance and the Zoning Enabling Act to be a nuisance at all times and in all conditions, regardless of location, circumstance, or surroundings. A “nuisance per se” is distinguished from a “nuisance” which is an act, use, thing, structure, or occupation which annoys, disturbs, or gives offense because of its condition, time, location, circumstance or surrounding. A “nuisance per se” is subject to abatement by order of a circuit court, in addition to civil infraction and misdemeanor penalties and fines.

**(O) Definitions of Words and Phrases Starting with “O”:** The following words and phrases shall have the meanings described below.

- 1) **Occupancy, Change of:** The term “change of occupancy” or “change of use” shall mean a discontinuance of an existing use and the substitution of a use of a similar or different kind or class or the expansion of a use.
- 2) **Occupied:** Used in any manner at the time in question.
- 3) **Open-Air Business:** A business or portion of a business that involves activities for the display and sale of goods, products, and objects outside of a building, including, but not limited to: motor vehicles, bicycles, trailers, swimming pools, snowmobiles, and watercraft sales; rental equipment and services; manufactured home sales; flea markets, lawn furniture, playground equipment, and other home garden supplies and equipment, cemetery monuments; and similar uses.
- 4) **Open Space:** Open space dedicated through permanent recorded deed restrictions or easement that is held for the private or collective use and enjoyment of the owners, tenants, or occupants of a single development.
- 5) **Ordinary High-Water Mark:** The line between upland and bottomland that persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.
- 6) **Outdoor Dining:** A restaurant or portion of a restaurant that is located outside of an enclosed building.
- 7) **Outdoor Storage:** The storage of any material for a period of at least one week, 7 calendar days not within an enclosed building.
- 8) **Overhang:** The portion of the roof that extends beyond the exterior wall or covered porch, deck, or patio.
- 9) **Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship,



partnership, association, or corporation directly or indirectly in control of a structure or real property, or his or her duly authorized agent.

(P) **Definitions of Words and Phrases Starting with “P”:** The following words and phrases shall have the meanings described below.

- 1) **Parcel:** A lot described by metes and bounds or described in a recorded plat.
- 2) **Parcel, Parent:** A lawfully existing parcel or contiguous parcels under common ownership as of March 31, 1997, as defined in the Land Division Act.
- 3) **Park:** An area used for recreational purposes, including, but not limited: to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure-time activities.
- 4) **Parking Definitions:** The following words, terms, and phrases related to parking shall have the following meanings:
  - a) *Handicapped Parking Space:* A parking space that is larger than a typical parking space and designed to provide parking for handicapped-accessible vehicles, including the loading area.
  - b) *Loading Space:* A parking space that is used for the loading and unloading of goods, supplies, and passengers.
  - c) *Maneuvering Lanes:* The areas within a parking area that provide circulation and access to parking spaces.
  - d) *Off-Street Parking Lot:* A land surface or facility providing vehicular, off-street parking spaces, driveways, and maneuvering lanes to provide access for the parking of three (3) or more motor vehicles. Also known as “Parking Lot.”
  - e) *Parking Space:* An area of land provided for a single vehicle off of a street, exclusive of driveways, maneuvering lanes, or entrances giving access thereto, that is fully accessible for parking of a single vehicle.
  - f) *Shared Parking:* A parking area jointly used by more than one (1) use or sites.
- 5) **Patio:** An outdoor courtyard or platform extending horizontally out from a building or located within a yard for leisure activities.
- 6) **Performance Guarantee:** A cash deposit, certified check, irrevocable bank letter of credit, or similar instrument acceptable to the Township to ensure that all improvements and conditions will be completed and adhered to according to an approved plan.
- 7) **Person:** Any individual, partnership, corporation, joint stock association, or any political entity, including any trustee, receiver, assignee, or personal representative.
- 8) **Pervious Surface:** A surface that permits full or partial absorption of storm water. Also known as permeable surface. See also “Impervious Surface.”
- 9) **Planned Unit Development:** A zoning district established pursuant to Section 503 of the Michigan Zoning Enabling Act, MCL 125.3503. The phrase includes such terms as cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objects of this Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- 10) **Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act or a prior statute.
- 11) **Plot Plan:** A plan, drawn to scale, showing the actual measurements, the size and location of existing and proposed structures, the dimensions of the lot, and other relevant information.



- 12) **Pond:** A natural or manmade surface waterbody that is less than five (5) acres and that is used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation, and other related uses for the personal use of the property owner and/or tenants.
- 13) **Porch:** A structure providing a landing at the entrance of a building, which may include a roof.
- 14) **Practical Difficulty:** Special or unique conditions that are peculiar to a lot that cause compliance with the standards of this Ordinance to deprive the property owner of substantial rights similar to those enjoyed by other lots in the same Zoning District. Economic, personal, or financial hardship alone does not constitute a practical difficulty. Additionally, inconvenience, aesthetic considerations, personal preferences, or neighbors' opinions are not considered a practical difficulty.
- 15) **Private Sanitary Sewage Disposal System:** An individual, on-site sewage disposal system, as defined in the Environmental Health Department Sanitary Code.
- 16) **Private Water Supply:** A well or other water supply system approved by the Environmental Health Department pursuant to Part 127 of Public Act 368 of 1978.
- 17) **Proof Gallon:** A gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.
- 18) **Property Lines:** The boundary line between two properties or a property and a right-of-way. Property lines are not necessarily the same as lot lines.
- 19) **Public Facility:** A facility that is operated or maintained by a governmental or similar public unit, agency, commission, board, or similar arm or branch of a governmental or public unit, including, but not limited to: cities, villages, townships, counties, school districts, sewer and water authorities, road commissions, fire departments, and police departments.
- 20) **Public Sanitary Sewer:** A system of pipes, owned and maintained by a governmental unit, used to transport human, organic, and industrial waste from the point of origin to a point of treatment and discharge.
- 21) **Public Safety or Nuisance:** Anything that is injurious to the safety and health of an entire community, neighborhood, or any considerable number of persons, or unlawfully obstructs free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.
- 22) **Public Water System:** A system of pipes, owned and maintained by a governmental unit, used to transport potable water from the point of origin to lots.
- 23) **Public Utility:** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation, or water.

**(Q) Definitions of Words and Phrases Starting with "Q":** The following words and phrases shall have the meanings described below.

- 1) **Queuing Space:** A temporary waiting space for motor vehicles obtaining a service or other activity at a drive-through establishment.

**(R) Definitions of Words and Phrases Starting with "R":** The following words and phrases shall have the meanings described below.

- 1) **Reclamation Plan:** A plan showing how a site will be restored following a particular use.
- 2) **Recognizable and Substantial Benefit:** A clear benefit, both to the ultimate users of the property in question and to the community that would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural



features; or elimination of or reduction in the degree of legal nonconformity in a legal nonconforming use or structure.

- 3) **Recreational Facilities:** A public, commercial, or institutional facility used by or available for use by the general public for outdoor recreation activities, including, but not limited to: miniature golf, swimming pools, athletic fields, and athletic courts.
- 4) **Recreational Vehicle:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. See also MCL 257.49a (Public Act 300 of 1949).
- 5) **Religious Institution:** A facility where persons regularly assemble for religious purposes and related social events that is maintained and controlled by a religious body to sustain religious ceremonies and purposes, together with its accessory buildings, structures, and uses.
- 6) **Repair:** The reconstruction or renewal of any part of an existing structure for the purpose of maintenance.
- 7) **Residence, Principal:** The primary location of an individual's residence.
- 8) **Restaurant:** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee at the same table or counter at which food and beverage are consumed or a cafeteria-type operation where food and beverage generally are consumed within the restaurant building or on the site. The following words, terms, and phrases related to restaurants shall have the following meanings:
  - a) *Carry-Out Restaurant:* A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state for off-site consumption. A carry-out restaurant may or may not also have indoor seating.
  - b) *Drive-Through Restaurant:* A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.
  - c) *Open-Air Restaurant:* A restaurant or portion of a restaurant where food and beverages are consumed on-site outside of an enclosed building.
- 9) **Restoration:** The reconstruction or replication of an existing structure's original architectural features.
- 10) **Retail Sales:** The selling of merchandise directly to the ultimate consumer.
- 11) **Retaining Wall:** A wall or similar structure at least 24 inches high designed to change grade, stabilize soil, retard erosion, or terrace land.
- 12) **Retention Basin or Pond:** A natural or manmade pond, pool, basin, or depression designed used for the permanent storage of storm water that does not have an outlet. Water is removed through infiltration and/or evaporation processes. Retention basins may or may not have a permanent pool of water. See also "Stormwater Management System."
- 13) **Right-Of-Way:** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
- 14) **Right to Farm Act:** The Michigan Right to Farm Act, Public Act 93 of 1981 (MCL 286.471 et seq).
- 15) **Roadside Stand:** A structure that is used seasonally for display and sale of agricultural products. Roadside stands shall not be considered a commercial use.
- 16) **Roof Line:** The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.





17) **Runoff:** That part of stormwater that flows or discharges off-site.

(S) **Definitions of Words and Phrases Starting with “S”:** The following words and phrases shall have the meanings described below.

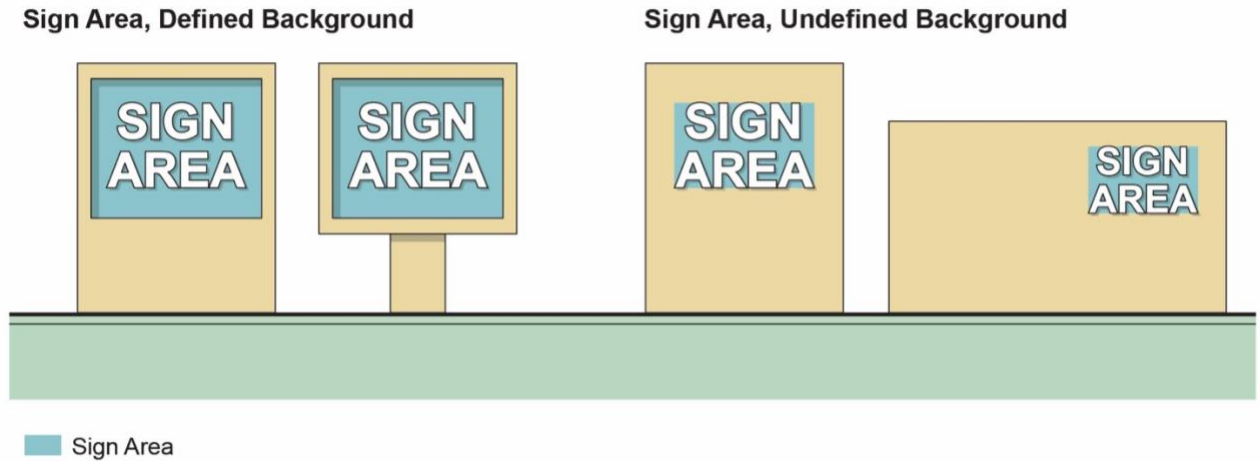
- 1) **Sanitary Facility, Temporary:** A portable, watertight, chemical vault used by the public for special events or on an on-going basis by workers at a construction site. Also known as a porta-pot, porta-john, or honey bucket.
- 2) **Satellite Dish:** A parabolic, dome-shaped, or similarly shaped structure that is greater than 36 inches in width that is used for or intended to be used for reception of satellite transmission signals.
- 3) **School:** An educational facility, whether public or private, that provides education in pre- elementary, elementary, secondary, and/or post-secondary curriculums; special arts such as crafts, dance, music, and/or self-defense; occupational trades; and similar areas of education. This definition shall not apply to home occupations or home schooling.
- 4) **Screen:** A structure providing enclosure or separation, such as a fence and/or visual barrier, maintained between the separated area and adjacent property or rights-of-way. A screen may also be non-structural, consisting of a berm or shrubs or other growing materials that maintain foliage year-round.
- 5) **Secondary Containment:** A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, ground water, surface water, subsurface soils, or the impoundment area for the tanks.
- 6) **Sediment:** Solid matter that has been removed from its site of origin by soil erosion, suspension in water, or wind or water transport.
- 7) **Self-Storage Facility:** A building or group of buildings in a controlled-access or fenced area that contains individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's property that are generally not used on a daily basis. A self-storage facility may include accessory outdoor storage. Also known as mini-storage facility.
- 8) **Setback:** The minimum required distance between a structure, improvement, or use and lot lines, access easements, other structures, natural features, and uses. This distance is measured horizontally from the nearest point of the structure, unless otherwise noted. The following words, terms, and phrases related to setbacks shall have the following meanings:
  - a) *Building-to-Building Setback: The minimum required distance between adjacent buildings.*
  - b) *Front-yard Setback: The minimum required distance between a structure and the front lot line or edge of access easement, extending the full width of the lot.*
  - c) *Rear-Yard Setback: The minimum required distance between the structure and the rear lot line, extending the full width of the lot.*
  - d) *Side-Yard Setback: The minimum required distance between a structure and the side lot line, extending from the front setback to the rear setback.*
  - e) *Waterbody Setback: The minimum required distance between a structure and a shoreline.*
  - f) *Wetland Setback: The minimum required distance between a structure and a wetland.*
- 9) **Sewage Treatment Facility:** A facility designed and used for the collection, removal, treatment, and disposal of waterborne sewage.
- 10) **Shooting Range:** A commercial facility or club that is principally designed and used for the use of firearms and/or bow and arrows that are aimed at targets, skeet, trap, or animals.
- 11) **Sidewalk:** An improved surface for pedestrian or other non-motorized transportation, generally consisting of a hard surface.
- 12) **Shoreline:** The boundary line of a surface waterbody as defined by the ordinary high-water mark.



- 13) **Sign:** Any visual device, identification, description, symbol, illustration, or structure that is intended to visually attract attention from off site or from a public or private right-of-way to identify or direct attention to a person, place, product, service, activity, institution, organization, business, or opinion. The term shall not include official flags, official signs, the minimum signs required for compliance with MCL 324.101 (PA 451 of 1994), and public notice signs required by this Ordinance. The following words, terms, and phrases related to signs shall have the following meanings:
- a) *Awning Sign:* A sign located on or attached to an awning.
  - b) *Back-to-Back Sign:* A sign consisting of two (2) sign faces oriented in opposite directions.
  - c) *Business Center:* A grouping of two (2) or more business establishments on one (1) or more lots that may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determination of the maximum number of free-standing signs.
  - d) *Canopy Sign:* A sign located on or attached to a canopy.
  - e) *Commercial Message:* A message that proposes or promotes a commercial transaction or pertains primarily to the economic interests and commercial identity of the message sponsor.
  - f) *Commercial Sign:* A sign that contains a commercial message, including, but not limited to, businesses, products, services, or sales.
  - g) *Electronic Message Sign:* A sign that displays changing messages or graphics using light emitting diodes.
  - h) *Freestanding Sign:* A sign that is not attached to a principal or an accessory structure, including center pole signs, posts and panels, or monument signs.
  - i) *Moving Sign:* A sign that moves, contains moving parts, or simulates movement, including, but not limited to, spinners, streamers, banners, balloons, spotlights, or scrolling text and moving images, but excluding official flags.
  - j) *Non-commercial Sign:* A sign that contains non-commercial messages, including, but not limited to, designation of public telephones, restrooms, restrictions on smoking, trespassing, or hunting, or political or religious philosophies.
  - k) *Official Flag:* The flag, pennant, or insignia of any nation, state, county, city, or other similar political entity.
  - l) *Official Sign:* A sign covered by the Manual on Uniform Traffic Control Devices and similar sign erected or maintained by a governmental body and signs of a noncommercial nature required by law.
  - m) *Off-Site Sign:* A sign that identifies goods, services, facilities, events, or attractions that are available or provided at a location other than the site upon which the sign is located.
  - n) *Permanent Sign:* Any sign that is displayed or intended to be displayed for an extended period of time of more than 45 days, unless otherwise noted in this Ordinance.
  - o) *Projecting or Perpendicular Sign:* A sign, other than a wall sign that is attached to and projects from a structure or building face and does not project above the roof line or cornice wall.
  - p) *Prohibited Sign:* A sign that is not permitted according to the standards of this Ordinance.
  - q) *Sign Area:* The area enclosing the most protruding points or edges of all sign faces of the sign within a single geometric form or combinations of such forms, excluding any framing.



Figure 2.8: Sign Area



Figures not to scale.

- r) *Sign Height: The vertical distance from the average grade adjacent to the sign to the highest point of the sign or the vertical distance from the grade at the front lot line directly in front of the sign, whichever is less, including framing.*
  - s) *Sign Permit: A zoning permit issued by Dexter Township for installation of a sign signifying compliance with the provisions of this Ordinance, which may include and set forth any conditions that must be met.*
  - t) *Sign Setbacks: The horizontal distance between any portion of a sign and lot lines, structures, and other features.*
  - u) *Temporary Sign: Any sign, with or without frames, that is displayed or designed to be displayed for a limited period of time of 45 days or less, unless otherwise noted in this Ordinance.*
  - v) *Wall Sign: A sign that is attached or painted directly to a building façade with the horizontal sign surface generally parallel to the building wall, but excluding window signs.*
  - w) *Window Sign: A sign that is applied or attached to a window or located in a manner within the building that it is visible from the exterior of the building through a window, but excluding a window display.*
- 14) **Site:** A contiguous area of land, including a lot, lots, parcel, parcels, or combination thereof, under single ownership and control, devoted to or intended for a use or occupied by a structure or a group of structures.
- 15) **Site Plan Definitions:** The following words, terms, and phrases related to site plans shall have the following meanings:
- a) *Administrative Site Plan: A site plan of limited nature that is generally reviewed and approved by the Director of Planning and Zoning.*
  - b) *Approved Site Plan: A plan, including all conditions thereto, that has been approved by the Planning Commission following a duly noticed public hearing.*
  - c) *Combined Site Plan: A site plan that combines the elements of preliminary and final site plans.*
  - d) *Final Site Plan: A plan submitted for site plan review to determine compliance with the standards of this Ordinance and other Township Ordinances.*
  - e) *Preliminary Site Plan: A plan submitted for site plan review to determine general compliance with the standards of this Ordinance and other Township Ordinances.*





- f) *Site Plan*: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the standards of this Ordinance.
- g) *Site Plan Amendment*: A change or modification of a previously approved site plan.
- 16) **Slaughterhouse**: A commercial facility for the slaughtering and processing of animals for food or other products.
- 17) **Slope**: The degree of deviation of a surface from the horizontal, expressed as a ratio of vertical rise or fall to horizontal distance.
- 18) **Soil Erosion Control Measure**: A structure, facility, barrier, berm, process, vegetative cover, basin, and/or other installations designed to control accelerated soil erosion. Temporary measures are installed to control soil erosion during construction or until soils in the contributing drainage area are stabilized. Permanent measures remain after the project is completed.
- 19) **Soil Erosion and Sedimentation Control**: The Soil Erosion and Sedimentation Control Program, Part 91 of the Natural Resources and Environmental Protection Act.
- 20) **Solar Energy System, Accessory**: A system that converts light energy into electrical energy for the purposes of providing on-site electricity.
- 21) **Special Event**: An event of limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a nonconforming use. Special events include, but are not limited to: carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, and similar events. Also includes large events and seasonal events.
- 22) **Special Event Facility**: A facility where large-scale public or private events are held on a regular basis, provided that the facility is incidental and accessory to the primary agricultural or residential use of the site. Special event facilities may include the sale and consumption of food, beverages, and other goods.
- 23) **Special Land Use**: See "Use: Special Land Use."
- 24) **Spire**: The tapering termination of a roof tower, such as a steeple.
- 25) **Stable, Commercial**: A structure and/or use where horses are bred, reared, and/or trained for remuneration.
- 26) **Stable, Private**: An accessory structure and/or use where horses are kept for private use and are not for hire, remuneration, or sale.
- 27) **Storage of Inoperable Vehicles**: The storage or keeping of inoperable motor vehicles or recreational vehicles.
- 28) **Stormwater**: The flow of water that results from precipitation.
- 29) **Stormwater Management System**: A manmade or natural system that conveys, catches, holds, filters, and/or receives stormwater, surface water, or groundwater on a permanent or temporary basis.
- 30) **Stormwater Plan**: A plan showing natural and man-made storm water system improvements and the associated calculations.
- 31) **Street Definitions**: A state highway, county road, dedicated public thoroughfare or approved private road which affords the principal means of access to abutting properties. The following words, terms, and phrases related to streets shall have the following meanings:
- a) *Alley*: A public or legally established thoroughfare, other than a street, providing a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
- b) *Capacity*: The maximum number of vehicles that can pass a given point in one hour under prevailing street and traffic conditions.
- c) *Centerline*: The true center of a street right-of-way.
- d) *Cul-de-sac*: A dead-end street, generally with a traffic circle, turn-around, or other termination point.



- e) *Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by the Road Commission or as a principal or minor arterial by the Michigan Department of Transportation.*
  - f) *Minor Thoroughfare: A public street identified as a county local road by the Road Commission, except that no street in a platted or condominium subdivision nor any private road shall be considered a minor thoroughfare under this Ordinance.*
  - g) *Private Street: Any street that is not publicly owned and maintained.*
  - h) *Public Street: Any street that is publicly owned and maintained.*
  - i) *Street Line: The line of demarcation between a street right-of-way and abutting land. Also known as front lot line.*
  - j) *Stub Street: A street having only one (1) access point for vehicles but which is intended to be extended or continued to serve or connect with adjacent properties or developments in the future.*
  - k) *Street Width: The shortest distance between the street lines delineating either side of a street right-of-way.*
  - l) *Traffic Circle: A raised island located in a street or intersection that is usually landscaped and used as a traffic calming device.*
- 32) **Structural Alteration:** Any change in the supporting members of a building such as the bearing wall, column, beam, or girder, or foundation or any change in the dimensions or configuration of the roof or exterior walls.
- 33) **Structure:** Anything constructed or erected, excluding streets, the use of which requires permanent location on the ground or attachment to something having such location on the ground including, but not limited to: all buildings, porches, decks, patios, sidewalks, fences, swimming pools, driveways, terraces, satellite dishes, and free-standing signs; excepting anything lawfully in a public right-of-way including, but not limited to: utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. The term shall also include recreational vehicles and portable items similar to a structure that are located on a lot for more than 180 days.
- 34) **Structure, Accessory:** A structure that is located on the same lot as the principal structure that is clearly incidental and subordinate to the principal structure. Examples of accessory structures include, but are not limited to: accessory buildings, detached carports, fences, flagpoles, sidewalks, retaining walls, and satellite dishes.
- 35) **Structure, Temporary:** A structure that is not permanently attached to the property and is permitted to exist for a specific reason for a specific, limited period of time.
- 36) **Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent 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. The term does not include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code standards or improvements of mechanical systems.
- 37) **Substation, Electrical or Gas:** A facility for the local distribution of electricity or gas.
- 38) **Swale:** Defined contour of land with gradual slopes that transports and directs the flow of stormwater.
- 39) **Swimming Pool:** Any structure or container located either above or below grade designed to hold water to a depth of at least 30 inches and with an area of at least 250 square feet, intended for swimming or bathing.

(T) **Definitions of Words and Phrases Starting with “T”:** The following words and phrases shall have the meanings described below.



- 1) **Temporary Use or Building:** Shall mean a use or building permitted to exist for a limited period of time under conditions and procedures as provided for in this Ordinance.
- 2) **Topographical Map:** A map showing the existing physical characteristics of an area with contour lines of not more than two (2') feet intervals. Such a map should indicate the direction of water flow.
- 3) **Traffic Impact Analysis:** An analysis of how a use, plan, or development will impact traffic in the surrounding area, including, but not limited to: trips generated, street capacity, street maintenance, and public safety. In some cases, such an analysis should detail the impact on more distant locations within the street network.
- 4) **Trail:** An improved or unimproved path designed for use by pedestrians, cyclists, equestrians, and other non-motorized transportation.
- 5) **Transfer of Development Rights:** The transfer of development rights from one property to another property.
- 6) **Tree Definitions:** The following words, terms, and phrases related to trees shall have the following meanings:
  - a) **Dripline:** A line on the ground corresponding to and vertically below the external boundary of the canopy of a tree.
  - b) **Caliper:** The diameter of a tree.
  - c) **Critical Root Zone:** The area on the ground that corresponds with the dripline of the tree. Also known as root protection zone.
  - d) **Diameter at Breast Height:** The diameter of a tree measured at 4.5 feet above the ground. Also known as DBH.
  - e) **Landmark Tree:** A tree with a caliper of 24 inches or more.
  - f) **Mature Tree:** Any tree with a caliper of ten (10) inches or more.
  - g) **Native Tree:** A tree that has evolved in the area over thousands of years under local soil, hydraulic, and other site conditions.
  - h) **Street Tree:** Any tree located within the street right-of-way or substantially near the street right-of-way.
- 7) **Trip:** A one-way journey from an origin to a destination.

**(U) Definitions of Words and Phrases starting with “U”:** The following words and phrases shall have the meanings described below.

- 1) **Underground Storage Tank:** Any tank located underground, including subterranean pipes, but excluding septic tanks, that is used to contain regulated substances or hazardous materials.
- 2) **Undeveloped State:** A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use, or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park.
- 3) **Upland Area:** The portion of a lot that does not contain soils associated with a wetland, marsh, or floodplain and is not wet for more than 30 days during any given year.
- 4) **Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building is occupied. The following terms, words, and phrases associated with use shall have the following meanings:
  - a) **Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
  - b) **Comparable or Similar Use:** A use not specifically listed as a permitted, accessory, or special land use



*in a zoning district that is similar to a listed use and whose nature is likely to have a similar character and impact.*

- c) *Intensification of Use: To alter the character of a use to the extent that the use generates new or different impacts on the health, safety, or welfare of the surrounding neighborhood, including, but not limited to: the level or amount of traffic, noise, light, smoke, odor, vibration, outside storage, the amount of parking required, an increase in the number of days or hours of operation, or other similar conditions associated with the use.*
  - d) *Legally nonconforming Use: A use lawfully existing at the time of adoption of this Ordinance or an amendment to this Ordinance that is no longer a permitted use. See also "Nonconforming, Legally."*
  - e) *Nonconforming Use: A use that was not legal at the time of adoption of this Ordinance or an amendment to this Ordinance and is not a permitted use in this Ordinance. See "Nonconforming."*
  - f) *Permitted Use: A use that is permitted within a particular zoning district, excluding special land uses.*
  - g) *Principal or Primary Use: The main or primary use of a lot.*
  - h) *Prohibited Use: A use that is not permitted within a particular zoning district.*
  - i) *Reasonable Use: A use of property for a suitable and beneficial purpose that does not lead to unreasonable interference with another's use of property or public health, safety, and welfare. Reasonable use shall not be construed as highest and best use.*
  - j) *Special Land Use: Uses and structures that have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district but which could present unique impacts and/or potential injurious effects upon the primary uses and structures within the zoning district and, therefore, require special consideration in relation to the welfare of adjacent properties and to the community as a whole.*
  - k) *Temporary Use: A use that is of limited duration.*
- 5) **Utilities:** All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewer, oil, gas, electricity, information, and telecommunication.
  - 6) **Utility Box:** Electrical transformers, switch boxes, telephone pedestals and boxes, television pedestals and boxes, traffic boxes, and similar devices.
  - 7) **Utility Pole:** A pole used to support essential services, such as electricity, telephone, cable, or similar telecommunications or used to support street lights, typically located in rights-of-way.

**(V) Definitions of Words and Phrases Starting with "V":** The following words and phrases shall have the meanings described below.

- 1) **Variance:** A variance is a modification of the literal standards of the Zoning Ordinance, where such variance will not be contrary to the public interest or permit a use in a District that is not identified as a permitted principal use in such District. See "Developmental-Standard Variance."
- 2) **Veterinary Clinic:** An establishment that is licensed by the State of Michigan to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention.
- 3) **Vicinity Map:** A map, not necessarily to scale, showing the general location of a lot in relation to abutting properties, streets, and other landmarks.
- 4) **Violation:** The failure of a structure, development, use, lot, or site to be fully compliant with this Ordinance.

**(W) Definitions of Words and Phrases Starting with "W":** The following words and phrases shall have the meanings described below.

- 1) **Wall:** A solid, durable structure made of masonry, stone, concrete, or similar material that encloses or divides an area. For the purposes of this ordinance, a retaining wall shall not be considered a wall.



- 2) **Waste Receptacle:** Any accessory exterior container used for the temporary storage of rubbish, pending collection, having a capacity of at least one (1) cubic yard. Recycling stations and exterior compactors shall be considered waste receptacles. Also known as dumpster or grease bin.
- 3) **Waterbody, surface:** Any area that permanently has water flowing or standing above ground to the extent that evidence of an ordinary high-water mark is established. Lakes, ponds, whether natural or artificial, rivers, streams, and other watercourses and is not confined to one lot or adjacent to common use property and waters characterized by this definition shall be considered as surface water bodies. Private ponds are not waterbodies for the purposes of this ordinance.
- 4) **Watercraft:** A contrivance used or designed for navigation on water, including a vessel, boat, motor vessel, steam vessel, vessel operated by machinery either permanently or temporarily affixed, scow, tugboat, personal water craft, or any marine equipment that is capable of carrying passengers, except a ferry.
- 5) **Watercraft Access Ramp, Commercial:** A commercial, public, or club facility at the water's edge used for the launching and retrieving of watercraft and the parking of the associated tow vehicle and trailer.
- 6) **Watercraft Repair and Storage:** Repair or storage of watercraft on property that is not owned or controlled by the owner of the watercraft or for a commercial purpose.
- 7) **Wetland:** Land characterized by the presence of water at a frequency and duration sufficient to support and that, under normal circumstances, supports wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.
- 8) **Wild Animal:** Any animal, other than a customary household pet or livestock, that lives in a state of nature, untamed and undomesticated, or that, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals, including dogs that are hybrids of wolves, coyotes, or jackals, and cats which are hybrids of ocelots or margays.
- 9) **Wind Energy Conservation System Definitions (WECS):** The following words, terms, and phrases associated with Wind Energy Conversion System shall have the following meanings:
  - a) *Ambient Sound Level: The L90 A-weighted sound pressure emissions level; the level of sound exceeded ninety 90 percent of the time.*
  - b) *Experimental WECS: Any WECS not approved by Underwriter Laboratories, Det Noske Veritas, Germanishcher Lloyd Wind Energie, or similar third party.*
  - c) *Met Tower: A tower used to measure wind that generally has anemometers, direction vanes, temperature and pressure sensors, and other measurement devices.*
  - d) *Micro WECS: A WECS mounted on a building that projects no more than fifteen (15) feet above roofline or mounted on a tower with a total height less than or equal to the permitted building high for the zoning district in which it is located and having a nameplate capacity of two (2) kW or less.*
  - e) *Non-Participating Lots: Lots that are not participating in a WECS project.*
  - f) *Participating Lots: Lots that are participating in a WECS project.*
  - g) *Total (System) Height: The vertical distance between the ground and the highest point of the swept area.*
  - h) *Small WECS: A WECS with a nameplate capacity of ten (10) kW or less and a total height of less than 200 feet.*
  - i) *Swept Area: The area that is swept by the turbine blade.*
  - j) *Wind Energy Conversion System (WECS): A device which converts wind energy into electrical energy.*
- 10) **Winery:** A facility used for the commercial purpose of processing grapes, fruits, juice, and vegetables into wine or similar spirits, including processing, fermenting, aging, bottling, storage, sales, administration, and tasting room.





- 11) **Wireless Communication Definitions:** The following words, terms, and phrases associated with wireless communications shall have the following meanings:
- a) *Cell on Wheels or Carrier on Wheels (COW): A portable, self-contained wireless communication facility that provides wireless communication service on a temporary or emergency basis.*
  - b) *Colocation: Placing or installing wireless communications equipment on an existing wireless communications support structure or another existing structure or in an existing equipment compound. This definition has the same meaning as collocation, as used in MCL 125.3101 et seq.*
  - c) *Communication Tower: Any structure that is designed to support, or is capable of supporting, one (1) or more antenna for wireless communication purposes. This includes but is not limited to: radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, water towers, utility poles, electrical transmission line towers, buildings, and alternative tower structures.*
  - d) *Equipment Compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.*
  - e) *Wireless Communication Equipment: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power-supply cables, and coaxial and fiber-optic cables, but excluding wireless communication support structures.*
  - f) *Wireless Communication Facility: All structures, accessory facilities, transmitters, receivers, and antennas relating to the use of radio and microwave frequency electromagnetic radiation for commercial transmitting and receiving information.*

12) **Woodland:** An area of at least one (1) acre containing 40 or more mature trees per acre.

(X) **Definitions of Words and Phrases Starting with “X”:** The following words and phrases shall have the meanings described below.

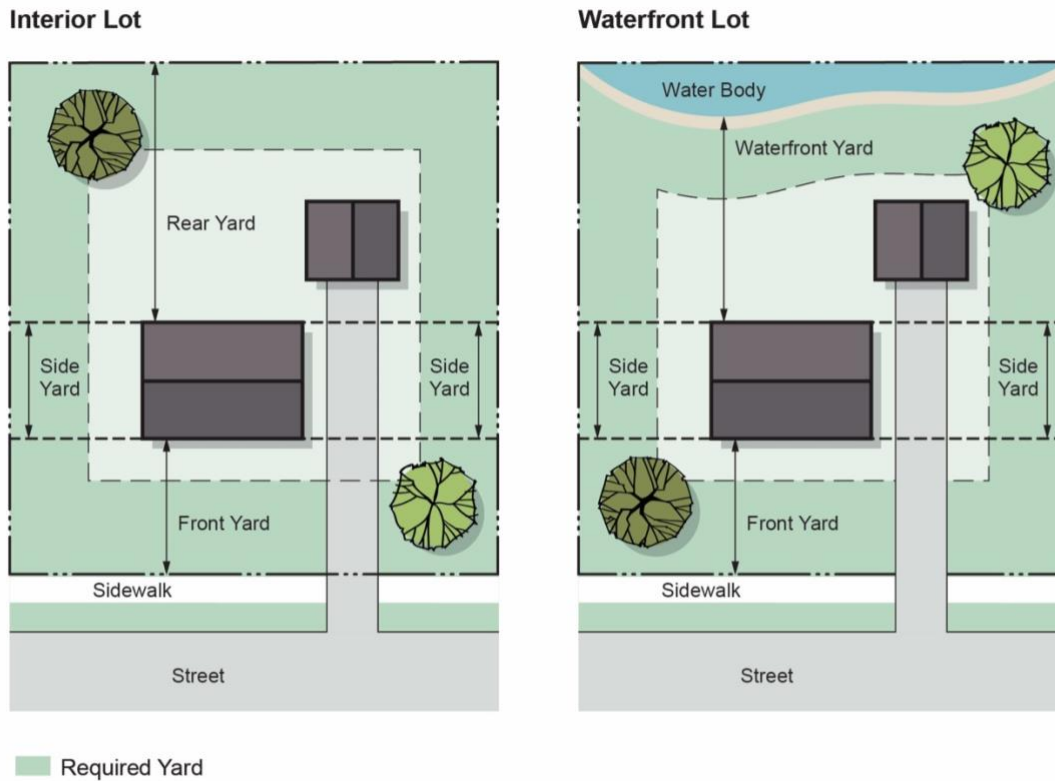
- 1) Section reserved for future use of definitions starting with “X.”

(Y) **Definitions of Words and Phrases Starting with “Y”:** The following words and phrases shall have the meanings described below.

- 1) **Yacht Club:** A club that includes structures and related grounds and mooring spaces watercraft that is used for social and recreational purposes related to pleasure boating and/or swimming and related support services.
- 2) **Yard:** An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance. The following words, terms, and phrases related to yards shall have the following meanings:
  - a) *Front Yard: The open space between the front lot line and the nearest point of the principal building, extending the full width of the lot. There shall be a front yard on each street side of a lot, including corner lots and through lots.*
  - b) *Rear Yard: The open space between the rear lot line and the nearest point of the principal building, extending the full width of the lot.*
  - c) *Side Yard: The open space between the side lot line and the nearest point of the principal building, extending from the front yard to the rear yard.*
  - d) *Waterbody Yard: The open space between the shoreline and the nearest point of the principal building.*
  - e) *Non-required Yard: The open space between the required setback and the principal building. It corresponds to the additional open space between the required yard and the principal building.*



Figure 2.9: Yards



Figures not to scale.

- 3) **Required Yard:** The open space between the lot line and the required setback. The required yard corresponds to the required setbacks for the district.

(Z) **Definitions of Words and Phrases Starting with “Z”:** The following words and phrases shall have the meanings described below.

- 1) **Zoning District:** A portion of the Township within which specific use and developmental standards are uniformly applied as outlined in this Ordinance. Also known as district or zone.
- 2) **Zoning District, Overlay:** A zoning district that extends on top of one or more zoning districts for a specific purpose. Also known as overlay district.
- 3) **Zoning Permit:** A permit issued by the Zoning Administrator or agent signifying compliance with the provisions of this Ordinance, which may include and set forth conditions that must be met. Fence permits, sign permits, etcetera, are all considered zoning permits. Includes major and minor zoning permits. May also be known as preliminary certificate of zoning compliance.
- 4) **Zoning Map:** The map, adopted as part of this Ordinance that graphically depicts all of the zoning districts and their boundaries. Also known as Official Zoning Map.





# Article 3.

## Zoning Districts and Map

### SECTION 3.01

## Establishment of Zoning Districts

For the purpose of this Ordinance, the areas of the Township are hereby divided into the following zoning districts, which shall be known by the following titles and symbols:

SYMBOL	DISTRICT TITLE	ARTICLE WITH STANDARDS <sup>(A)</sup>
<b>AGRICULTURAL AND CONSERVATION DISTRICTS</b>		
AG	Agricultural District	Article 5
RC	Recreation Conservation District	Article 10
<b>RESIDENTIAL DISTRICTS</b>		
CU	Common Use District	Article 9
LR	Lake Residential District	Article 7
MHR	Mobile Home Residential District	Article 8
OSC	Open Space Community Overlay District	Article 15
RR	Rural Residential District	Article 6
<b>COMMERCIAL DISTRICTS</b>		
C	General Commercial District	Article 13
PUD	Planned Unit Overlay District	Article 14
<b>PUBLIC DISTRICTS</b>		
PI	Public Institutional District	Article 11
PR	Public Recreation District	Article 12

**(A) Article with Standards:** This is the article in which most of the use and developmental standards for that district are located. Other standards and provisions may be located throughout this Ordinance.



SECTION 3.02

## Official Zoning Map

For the purpose of this Ordinance, the zoning districts are bounded and defined as shown on a map titled “Official Zoning Map of Dexter Township.” This map is hereby made a part of this Ordinance.

- (A) **Boundaries:** The boundaries of the zoning districts described above are defined and established as depicted in the Official Zoning Map.
- (B) **Signature and Seal:** The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk. It shall also bear the Township Seal, effective date of this Ordinance, and the following text: “This is to certify that this is the Official Zoning Map referred to in the Dexter Township Zoning Ordinance.”
- (C) **Location:** The Official Zoning Map shall be kept in the Planning and Zoning Department office and shall be available for public inspection.
- (D) **Damaged Map:** If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to read, the Township Board shall adopt a new Official Zoning Map, as outlined in this Ordinance and state law, which shall replace the previous Official Zoning Map
- (E) **Amendment of Map:** The Official Zoning Map may be amended from time to time, as outlined in this Ordinance and state law. Such change shall be recorded on the Official Zoning map and shall be identified by the signature of the Township Supervisor, attested by the Township Clerk. It shall also bear the Township Seal, effective date of the amendment to this Ordinance, and the following text: “This is to certify that this is the Official Zoning Map referred to in the Dexter Township Zoning Ordinance.”

SECTION 3.03

## Rules for Interpretation

The following rules of interpretation shall apply if uncertainty exists concerning the exact boundary of zoning districts in the Official Zoning Map.

- (A) **Centerline:** A boundary indicated as approximately following the centerline of a street shall be construed as following the centerline of the street right-of-way.
- (B) **Lot or Parcel Boundary:** A boundary indicated as approximately following a lot or parcel line shall be construed as following the lot or parcel line.
- (C) **Corporate Boundary:** A boundary indicated as approximately following the corporate boundary line of a city, village, or township shall be construed as following that corporate boundary line.
- (D) **Waterbody:** A boundary indicated as approximately following a shoreline shall be construed as following the ordinary high-water mark of that waterbody and, in the event of change in a shoreline, shall be construed as following the actual shoreline.
- (E) **Parallel or Extension:** A boundary indicated as approximately parallel to or an extension of feature above shall be construed as being parallel to or an extension of the feature.
- (F) **Distance:** A distance not specifically identified on the Official Zoning Map shall be determined by the scale of the map.



SECTION 3.04

## Zoning of Vacated and Filled Areas

- (A) **Vacated Areas:** Whenever any street, alley, or other public way is vacated, the lands within the area being vacated shall automatically be placed in the zoning district of the lot to which the vacated area is attached.
- (B) **Filled Areas:** Whenever fill is placed in a waterbody, the new lands shall automatically be placed in the same zoning district of the lot to which the filled area is attached or the adjacent lot, if it is not attached to an existing lot.

SECTION 3.05

## Zoning of Planned Unit Developments and Open Space Communities

- (A) **Overlay District:** Approval of a Planned Unit Development (PUD) or Open Space Community (OSC) shall be reflected on the Official Zoning Map as an overlay district, with the underlying Zoning District shown in addition to the overlay district boundaries.
- (B) **Official Map:** The Official Zoning Map shall, upon recommendation of the Planning Commission, be updated in accordance with applicable laws and this ordinance to identify the boundaries of an approved PUD or OSC.

End of Article



# Article 4.

## Schedule of Regulations

<b>P</b>	Permitted Use	<b>S</b>	Special Land Use
<b>AP</b>	Accessory Permitted Use	<b>AS</b>	Accessory Special Land Use

COMMERCIAL LAND USE	AG	RR	LR	MHR	CU	RC	PI	PR	C
Adult entertainment									S
Banquet hall									S
Bar or club									S
Bed and breakfast	S	S	S			S			
Car wash									S
Carry-out, drive-through, take-out, pick-up, or other form of restaurant or other food service establishment that serves food or drink for off-site consumption									S
Commercial agriculture, excluding slaughterhouses	P	P				P			
Commercial kennel	S								S
Commercial stable	P	S				P		P	
Commercial watercraft access ramp			S			S	S	S	S
Day care center	S	S				S			P
Driving range						P		S	P
Entrepreneurial kitchen	AS					AS	AP	AP	AP
Farm equipment sales and service of equipment	S								P
Food cart						S	P	P	P
Funeral home									P
Golf course or country club		S				S		S	
Health, fitness, or rehabilitation center									P
Junkyard									S
Landscape nursery and greenhouse, including sales of plant materials and supplies	P								P
Marina or yacht club			S			S		S	S
Medical office									P

Article 4.  
**SCHEDULE OF REGULATIONS**



COMMERCIAL LAND USE	AG	RR	LR	MHR	CU	RC	PI	PR	C
Microbrewery or distillery									S
Motel or hotel									P
Motor vehicle sales									S
Motor vehicle service station or maintenance and repair									S
Outdoor dining area									S
Open air sales									S
Personal service establishment that performs services on site within a completely enclosed building									P
Professional office that performs services on site within a completely enclosed building									P
Recycling collection or transfer station							P	P	S
Retail businesses that supply commodities on the premises within a completely enclosed building, such as food, drugs, alcohol, furniture, clothing, dry goods, books, flowers, jewelry, or hardware									P
Roadside stand	P	P							P
Sales of new industrial and construction equipment or the service and repair of such items									S
Self-storage facility									S
Sit down restaurant or other establishment that serves food and drink for onsite consumption, including an outdoor dining area							S	S	
Sit-down restaurant or other establishment that serves food or drink for on-site consumption									P
Sod farm	S	S							
Special event facility	S	S				S			
Veterinary Clinic	P	S							P
Watercraft sales, repair, or storage			S			S			P
Winery	S	S						S	P

INDUSTRIAL LAND USE	AG	RR	LR	MHR	CU	RC	PI	PR	C
Biofuel production, large	S	S				S			S
Biofuel production, small	P	P				P			P
Extractive operation	S								

<span style="background-color: #90EE90; padding: 2px;">P</span> Permitted Use	<span style="background-color: #FFA500; padding: 2px;">S</span> Special Land Use
<span style="background-color: #E0FFE0; padding: 2px;">AP</span> Accessory Permitted Use	<span style="background-color: #FFDAB9; padding: 2px;">AS</span> Accessory Special Land Use



OTHER LAND USE	AG	RR	LR	MHR	CU	RC	PI	PR	C
Accessory uses customarily incidental and subordinate to the permitted principal use	AP	AP	AP	AP	AP	AP			AP
MET tower	P	P					P	P	P
Private club or meeting hall	S	S				S			P
Private landing strip or heliport	S	S							
Private stable	AP	AP	AS			AP			
Signs	AP	AP	AP	AP	AP	AP	AP	AP	AP
Solar energy system	AP	AP	AP	AP	AP	AP	AP	AP	AP
Utility substation	S	S					S		
WECS, micro			AP						
WECS, micro and small	AP	AP		AP	AP	AP	AP	AP	AP
WECS, small			AS						
Wireless communication facility, major colocation	AS	AS	AS	AS		AS		AS	S
Wireless communication facility, minor colocation	AP	AP	AP	AP		AP	AP	AP	AP
Wireless communication facility, new	S	S					S	S	S

PUBLIC AND QUASI- PUBLIC LAND USE	AG	RR	LR	MHR	CU	RC	PI	PR	C
Cemetery	P						P	P	
Common use access lot		S	S		P	S			
Community sewage system	S	S	S	S		S	S	S	S
Community well	S	S	S	S		S	S	S	S
Conservation area	P					P			
Conservation area and game refuge		P						P	
Government office							P	P	P
Library							P	P	P
Observatory							P	P	
Police or fire station							P	P	
Polling place	P	P	P	P	P	P	P	P	P
Public administration building or assembly hall							P	P	P
Religious institution, including housing for affiliated personnel	S	S	S						
School		S	S			S	P	P	
Sewage or water treatment plant							P		

<span style="background-color: #90EE90; padding: 2px;">P</span> Permitted Use	<span style="background-color: #FF8C00; padding: 2px;">S</span> Special Land Use
<span style="background-color: #E0E0E0; padding: 2px;">AP</span> Accessory Permitted Use	<span style="background-color: #FFDAB9; padding: 2px;">AS</span> Accessory Special Land Use



Article 4.  
**SCHEDULE OF REGULATIONS**



RECREATIONAL USE	AG	RR	LR	MHR	CU	RC	PI	PR	C
Campground	S					S	P	P	
Hunting preserve		S							
Indoor recreation, such as indoor theaters, bowling alleys, skating rinks, shooting ranges									P
Outdoor athletic facility or similar recreation facility of an open-space and low-intensity nature	P	P	S	P	P	P		P	P
Outdoor shooting range	S	S				S		S	
Public park or playground	P		S	P	P		P	P	
Recreation site dedicated for a platted subdivision or site condominium	P	P	P	P	P	P			

RESIDENTIAL USE	AG	RR	LR	MHR	CU	RC	PI	PR	C
Accessory dwellings	AP	AP	AP			AP			
Assisted living facility									S
Day care or foster care facility, family home	P	P	P			P			
Day care or foster care facility, group home	S	S	S			S			
Farm labor seasonal housing	AS								
Home occupations	AP	AP	AP			AP			
Mobile home park				P					
Single-family dwellings	P	P	P			P			
Two-family dwellings	P					P			
Upper-level residential									P

<b>P</b>	Permitted Use	<b>S</b>	Special Land Use
<b>AP</b>	Accessory Permitted Use	<b>AS</b>	Accessory Special Land Use

# Article 5.

## Agricultural District (AG)

### SECTION 5.01

#### **Intent**

The Agricultural District is intended to encourage and provide opportunities for the continuation and creation of agricultural operations and uses. Development patterns should be designed to maintain, enhance, and preserve undeveloped natural areas, watercourses, open spaces, farmlands, woodlands, and wetlands. Residential uses that are low-density and consistent with the agricultural character of the district may be incorporated into the Agricultural District.



SECTION 5.02

# Site Development Standards

The following minimum and maximum standards shall apply to all uses and structures in the District unless specifically noted.

<b>Minimum Lot Area</b>	Five (5) acres; or One (1) acre if all the following are met: <ul style="list-style-type: none"><li>• A maximum of one (1) lot with a lot area of less than five (5) acres for every ten (10) acres of the parcel being divided.</li><li>• A maximum of one (1) one-acre lot per whole five (5) acres of parcel to be divided.</li><li>• All lots smaller than five (5) acres shall have access from a shared driveway or a street other than a minor or major thoroughfare.</li><li>• A conservation easement or similar legally binding tool shall prohibit development of an area equal in size to the difference between the five (5) acres per parcel and the size of parcels being created. This easement shall be reviewed and approved by the Township and recorded with the Register of Deeds, with a copy provided to the Township.</li></ul>
<b>Minimum Lot Width</b>	150 feet <sup>1</sup>
<b>Front yard Setback</b>	Footnote 2, 3, 4
<b>Side Yard Setback</b>	Fifteen (15) feet
<b>Rear Yard Setback</b>	30 feet
<b>Waterbody Setback</b>	50 feet or as described in Section 16.34 Waterbody Setbacks, whichever is less. The waterbody setback shall never be less than thirty-five (35') feet.
<b>Wetland Setback</b>	Ten (10) feet
<b>Building-to-Building</b>	Ten (10) feet
<b>Maximum Height</b>	30 feet
<b>Maximum Lot Coverage</b>	Ten (10) percent for buildings except for residential uses as described in Section 16.12. 25 percent for all impervious surfaces.
<b>Permitted Projections</b>	Section 16.35 Permitted Projections

Applicable provisions of Article 18 Off-Street Parking and Loading; Article 19 Signs; Article 20 Landscaping and Screening; Article 21 Lighting; Article 22 Access Controls; Article 23 Environmental Standards; Article 24 Nonconforming Uses; and other provisions of this Ordinance as may be applicable.



SECTION 5.03

## Principal Permitted Uses

The following are principal permitted uses in the District:

- Single-family dwellings
- Two-family dwellings
- Day care or foster care facility, family home
- Biofuel production, small
- Commercial agriculture, excluding slaughterhouses
- Commercial stable
- Conservation area
- Roadside stand
- Veterinary Clinic
- Landscape nursery and greenhouse, including sales of plant materials and supplies
- Outdoor athletic facility or similar recreation facility of an open-space and low-intensity nature
- Recreation site dedicated for a platted subdivision or site condominium
- Cemetery
- Polling place
- MET Tower

SECTION 5.04

## Accessory Permitted Uses

- Accessory dwellings
- Home occupations
- Private stable
- Accessory uses customarily incidental and subordinate to the permitted principal use
- Signs
- Solar energy systems designed exclusively for on-premises consumption
- WECS, micro and small
- Wireless communication facility, minor colocation

SECTION 5.05

## Special Land Uses

The following special land uses are permitted by special approval in the District:

- Day care or foster care facility, group home
- Biofuel production, large
- Farm equipment sales and service of equipment
- Sod farming
- Winery
- Commercial kennel
- Campground
- Outdoor shooting range
- Special event facility
- Religious institution, including housing for affiliated personnel
- Bed and breakfast
- Day care center
- Extractive operation
- Private club or meeting hall
- Private landing strip or heliport
- Utility substation
- Wireless communication facility, new

SECTION 5.06

## Accessory Special Land Uses

- Farm labor seasonal housing
- Entrepreneurial kitchen
- Wireless communication facility, major colocation



SECTION 5.07

## Footnotes

- 1) The lot frontage may be reduced to 66 feet where the front lot line is along a curvilinear segment of road, such as a cul-de-sac, if requiring the full distance would result in a lot with an unnecessarily excess lot width or lot area. The lot shall meet the minimum lot width for at least 66 percent of the lot's depth.
- 2) 50-foot Road Setback: The required front yard setback is 50 feet for any yard abutting the following gravel (exceptions noted) roads, measured from the right-of-way or access easement:
  - Bell Road
  - Brand Road
  - Colby Road
  - Donner Road
  - Fleming Road
  - Huron River Drive (gravel portions only)
  - Island Lake Road (gravel portions only)
  - Lima Center Road
  - Madden Road
  - McGregor Road (paved road)
  - McKinley Road
  - Quigley Road
  - Riker Road
  - Stinchfield Woods Road
  - Toma Road
  - Waterloo Road
  - Wylie Road
- 3) 80-foot Road Setback: The required front yard setback is 80 feet for any yard abutting the following paved roads, measured from the right-of-way or access easement:
  - Dexter-Pinckney Road
  - Dexter-Townhall Road
  - North Territorial Road
  - Hankerd Road
  - Huron River Drive (paved portions only)
  - Island Lake Road (paved portions only)
  - Stofer Road
- 4) 25-foot Local and Private Road Setback. Exceptions, listed below, shall be set back 20 feet:
  - Silver Lake north residential area
  - Argonne Drive
  - Barrington Drive
  - Edgewater Drive
  - Fairway Drive
  - Hillsdale Drive
  - Noah Road
  - Noah Court
  - Parkview Drive
  - Plainview Drive
  - Rainbow Drive
  - South Rainbow Drive
  - Revere Drive
  - Ridgemont Lane

# Article 6.

# Rural Residential District

# (RR)

## SECTION 6.01

### **Intent**

The Rural Residential District is to provide opportunities for relatively low-density residential uses in a manner that maintains, enhances, and preserves open spaces, including farmlands, woodlands, and wetlands that contribute to the rural character of the Township. Opportunities to continue the limited agricultural operations should be encouraged. Woodlands, wetlands, and water courses should be preserved. It is also the intent of the district to provide opportunities for passive and active recreational uses that are compatible with the natural character of the land and surrounding uses.



SECTION 6.02

## Site Development Standards

The following minimum and maximum standards shall apply to all uses and structures in the District unless specifically noted.

Minimum Lot Area	Two (2) acres
Minimum Lot Width	150 feet <sup>1</sup>
Front yard Setback	Footnote 2, 3, 4
Side Yard Setback	Fifteen (15) feet
Rear Yard Setback	30 feet
Waterbody Setback	50 feet or as described in Section 16.34 Waterbody Setbacks, whichever is less. The waterbody setback shall never be less than 35 feet.
Wetland Setback	Ten (10) feet
Building-to-Building	Ten (10) feet
Maximum Height	30 feet
Maximum Lot Coverage	See Section 16.12 for buildings. 20 percent for all impervious surfaces.
Permitted Projections	Section 16.35 Permitted Projections

Applicable provisions of Article 18 Off-Street Parking and Loading; Article 19 Signs; Article 20 Landscaping and Screening; Article 21 Lighting; Article 22 Access Controls; Article 23 Environmental Standards; Article 24 Nonconforming Uses; and other provisions of this Ordinance as may be applicable.

SECTION 6.03

## Principal Permitted Uses

The following are principal permitted uses in the District:

- Single-family dwellings
- Day care or foster care facility, family home
- Biofuel production, small
- Commercial agriculture, excluding slaughterhouses
- Conservation area and game refuge
- Roadside stand
- Outdoor athletic facility or similar recreation facility of an open-space and low-intensity nature
- Recreation site dedicated for a platted subdivision or site condominium
- Polling place
- MET tower

SECTION 6.04

## Accessory Permitted Uses

- Accessory dwellings
- Home occupations
- Private stable
- Accessory uses customarily incidental and subordinate to the permitted principal use
- Signs
- Solar energy systems designed exclusively for on-premises consumption
- WECS, micro or small
- Wireless communication facility, minor colocation





SECTION 6.05

## Special Land Uses

The following special land uses are permitted by special approval in the District:

- Day care or foster care facility, group home
- Biofuel production, large
- Commercial stable
- Hunting preserve
- Sod farm
- Winery
- Common use access lot
- Golf course or country club
- Outdoor shooting range
- Special event facility
- Religious institution, including housing for affiliated personnel
- School
- Veterinary clinic
- Bed and breakfast
- Day care center
- Private club or meeting hall
- Private landing strip or heliport
- Utility substation
- Wireless communication facility, new

SECTION 6.06

## Accessory Special Land Uses

- Wireless communication facility, major colocation

SECTION 6.07

## Footnotes

- 1) The lot frontage may be reduced to 66 feet where the front lot line is along a curvilinear segment of road, such as a cul-de-sac, if requiring the full distance would result in a lot with an unnecessarily excess lot width or lot area. The lot shall meet the minimum lot width for at least 60 percent of the lot's depth.
- 2) 50-foot Road Setback: The required front yard setback is 50 feet for any yard abutting the following gravel (exceptions noted) roads, measured from the right-of-way or access easement:
  - Bell Road
  - Brand Road
  - Colby Road
  - Donner Road
  - Fleming Road
  - Huron River Drive (gravel portions only)
  - Island Lake Road (gravel portions only)
  - Lima Center Road
  - Madden Road
  - McGregor Road (paved road)
  - McKinley Road
  - Quigley Road
  - Riker Road
  - Stinchfield Woods Road
  - Toma Road
  - Waterloo Road
  - Wylie Road
- 3) 80-foot Road Setback: The required front yard setback is 80 feet for any yard abutting the following paved roads, measured from the right-of-way or access easement:
  - Dexter-Pinckney Road
  - Dexter-Townhall Road
  - North Territorial Road
  - Hankerd Road
  - Huron River Drive (paved portions only)
  - Island Lake Road (paved portions only)
  - Stofer Road
- 4) 25-foot Local and Private Road Setback. Exceptions, listed below, shall be set back 20 feet:
  - Silver Lake north residential area
  - Argonne Drive
  - Barrington Drive
  - Edgewater Drive
  - Fairway Drive
  - Hillsdale Drive
  - Noah Road
  - Noah Court
  - Parkview Drive
  - Plainview Drive
  - Rainbow Drive
  - South Rainbow Drive
  - Revere Drive
  - Ridgmont Lane



# Article 7.

## Lake Residential District (LR)

### SECTION 7.01

#### **Intent**

The Lake Residential District provides opportunities for relatively high-density residential uses in a manner that is consistent with the unique physical, economic, and social characteristics of lakefront properties. The regulations applicable to properties in this district are intended to provide opportunities for the recreational uses that are consistent with the character of these lake areas, while protecting the Township's waters and other natural resources by fostering a healthy environment that enhances the use and enjoyment of these areas. Infill development that is consistent with the character of established neighborhoods should be supported.



SECTION 7.02

## Site Development Standards

The following minimum and maximum standards shall apply to all uses and structures in the District unless specifically noted.

<b>Minimum Lot Area</b>	43,560 square feet (1 acre) for lots served by on-site septic 21,780 square feet (0.5 acres) for lots served by off-site septic or sewer
<b>Minimum Lot Width</b>	Fifty (50) feet
<b>Front yard Setback</b>	Footnote 1, 2, 3
<b>Side Yard Setback</b>	Five (5) feet, except as otherwise provided below: <ul style="list-style-type: none"><li>• For buildings with a height greater than eighteen (18) feet, the side yard setback shall be increased at a ratio of one (1) foot for every three (3) feet, or fraction thereof, of building height over 18 feet.</li></ul>
<b>Rear Yard Setback</b>	30 feet
<b>Waterbody Setback</b>	50 feet or as described in Section 16.34 Waterbody Setbacks, whichever is less. The waterbody setback shall never be less than 35 feet.
<b>Wetland Setback</b>	Ten (10) feet
<b>Building-to-Building</b>	Ten (10) feet
<b>Maximum Height</b>	30 feet
<b>Maximum Lot Coverage</b>	30 percent for buildings 45 percent for all impervious surfaces
<b>Permitted Projections</b>	Section 16.35 Permitted Projections

Applicable provisions of Article 18 Off-Street Parking and Loading; Article 19 Signs; Article 20 Landscaping and Screening; Article 21 Lighting; Article 22 Access Controls; Article 23 Environmental Standards; Article 24 Nonconforming Uses; and other provisions of this Ordinance as may be applicable.

SECTION 7.03

## Principal Permitted Uses

The following are principal permitted uses in the District:

- Single-family dwellings
- Day care or foster care facility, family home
- Recreation site dedicated for a platted subdivision or site condominium
- Polling place

SECTION 7.04

## Accessory Permitted Uses

- Accessory dwellings<sup>(4)</sup>
- Home occupations
- Accessory uses customarily incidental and subordinate to the permitted principal use
- Signs
- Solar energy systems designed exclusively for on-premises consumption
- WECS, micro
- Wireless communication facility, minor colocation



## SECTION 7.05

## Special Land Uses

The following special land uses are permitted by special approval in the District:

- Day care or foster care facility, group home
- Commercial watercraft access ramp
- Common use access lot
- Marina or yacht club
- Outdoor athletic facility or similar recreation facility of an open-space and low-intensity nature
- Public park or playground
- Watercraft sales, repair, or storage
- Religious institution, including housing for affiliated personnel
- School
- Bed and breakfast

## SECTION 7.06

## Accessory Special Land Uses

- Private stable
- WECS, small
- Wireless communication facility, major colocation

## SECTION 7.07

## Footnotes

- 1) 50-foot Road Setback: The required front yard setback is 50 feet for any yard abutting the following gravel (exceptions noted) roads, measured from the right-of-way or access easement:
  - Bell Road
  - Brand Road
  - Colby Road
  - Donner Road
  - Fleming Road
  - Huron River Drive (gravel portions only)
  - Island Lake Road (gravel portions only)
  - Lima Center Road
  - Madden Road
  - McGregor Road (paved road)
  - McKinley Road
  - Quigley Road
  - Riker Road
  - Stinchfield Woods Road
  - Toma Road
  - Waterloo Road
  - Wylie Road
- 2) 80-foot Road Setback: The required front yard setback is 80 feet for any yard abutting the following paved roads, measured from the right-of-way or access easement:
  - Dexter-Pinckney Road
  - Dexter-Townhall Road
  - North Territorial Road
  - Hankerd Road
  - Huron River Drive (paved portions only)
  - Island Lake Road (paved portions only)
  - Stofer Road
- 3) 25-foot Local and Private Road Setback. Exceptions, listed below, shall be set back 20 feet:
  - Silver Lake north residential area
  - Argonne Drive
  - Barrington Drive
  - Edgewater Drive
  - Fairway Drive
  - Hillsdale Drive
  - Noah Road
  - Noah Court
  - Parkview Drive
  - Plainview Drive
  - Rainbow Drive
  - South Rainbow Drive
  - Revere Drive
  - Ridgmont Lane
- 4) **Accessory Dwelling Standards.** Accessory dwellings, including but not limited to above-garage apartments, “In-law” suites, or similar, must be on the same parcel as a permitted principal residential structure, not be separated from the principal structure by a right-of-way or access easement, be on a parcel of at least one half (1/2) acre in size, shall not require a new sewer tap or septic field, and must provide one (1) parking space on site per bedroom of the accessory dwelling.



# Article 8.

## **Mobile Home Residential District (MHR)**

### SECTION 8.01

#### **Intent**

The Mobile Home Residential District is intended to provide opportunities for alternative housing in mobile home parks in areas where demand has been demonstrated and where appropriate public services are present.



SECTION 8.02

## Site Development Standards

The following minimum and maximum standards shall apply to all uses and structures in the District unless specifically noted.

<b>Minimum Lot Area</b>	Ten (10) acres
<b>Minimum Lot Width</b>	330 feet
<b>Front yard Setback</b>	50 feet <sup>1, 2</sup>
<b>Side Yard Setback</b>	Fifteen (15) feet
<b>Rear Yard Setback</b>	30 feet
<b>Waterbody Setback</b>	50 feet or as described in Section 16.34 Waterbody Setbacks, whichever is less. The waterbody setback shall never be less than 35 feet.
<b>Wetland Setback</b>	25 feet
<b>Building-to-Building</b>	Fifteen (15) feet
<b>Maximum Height</b>	20 feet
<b>Maximum Lot Coverage</b>	15 percent for buildings. 30 percent for all impervious surfaces.
<b>Permitted Projections</b>	Section 16.35 Permitted Projections

Applicable provisions of Article 18 Off-Street Parking and Loading; Article 19 Signs; Article 20 Landscaping and Screening; Article 21 Lighting; Article 22 Access Controls; Article 23 Environmental Standards; Article 24 Nonconforming Uses; and other provisions of this Ordinance as may be applicable.

SECTION 8.03

## Principal Permitted Uses

The following are principal permitted uses in the District:

- Mobile home park
- Outdoor athletic facility or similar recreation facility of an open-space and low-intensity nature
- Public park or playground
- Recreation site dedicated for a platted subdivision or site condominium
- Polling place

SECTION 8.04

## Accessory Permitted Uses

- Accessory uses customarily incidental and subordinate to the permitted principal use
- Signs
- Solar energy systems designed exclusively for on-premises consumption
- WECS, micro or small
- Wireless communication facility, minor colocation





SECTION 8.05

## Special Land Uses

The following special land uses are permitted by special approval in the District:

- Community well
- Community sewage system

SECTION 8.06

## Accessory Special Land Uses

- Wireless communication facility, major colocation

SECTION 8.07

## Footnotes

1) 50-foot Road Setback: The required front yard setback is fifty (50') feet for any yard abutting the following gravel (exceptions noted) roads, measured from the right-of-way or access easement:

- |  |   |                          |
|--|---|--------------------------|
| • Bell Road                                | • Island Lake Road (gravel portions only) | • Quigley Road           |
| • Brand Road                               | • Lima Center Road                        | • Riker Road             |
| • Colby Road                               | • Madden Road                             | • Stinchfield Woods Road |
| • Donner Road                              | • McGregor Road (paved road)              | • Toma Road              |
| • Fleming Road                             | • McKinley Road                           | • Waterloo Road          |
| • Huron River Drive (gravel portions only) |   | • Wylie Road             |

2) 80-foot Road Setback: The required front yard setback is eighty (80') feet for any yard abutting the following paved roads, measured from the right-of-way or access easement:

- |                          |   |  |
|--------------------------|---|--|
| • Dexter-Pinckney Road   | • Hankerd Road                            | • Island Lake Road (paved portions only) |
| • Dexter-Townhall Road   | • Huron River Drive (paved portions only) | • Stofer Road                            |
| • North Territorial Road |   |  |



# Article 9.

## Common Use District (CU)

### SECTION 9.01

#### **Intent**

The Common Use District is intended to provide opportunities for the shared recreational use of private waterfront land for residents of a development and to preserve and protect the environmental quality by preventing overcrowding of the Township's waterbodies.



SECTION 9.02

## Site Development Standards

The following minimum and maximum standards shall apply to all uses and structures in the District unless specifically noted.

<b>Minimum Lot Area</b>	Five (5) acres
<b>Minimum Lot Width</b>	Two hundred (200) feet
<b>Front yard Setback</b>	Footnote 1, 2, 3
<b>Side Yard Setback</b>	Fifteen (15) feet
<b>Rear Yard Setback</b>	30 feet
<b>Waterbody Setback</b>	50 feet or as described in Section 16.34 Waterbody Setbacks, whichever is less. The waterbody setback shall never be less than 35 feet.
<b>Wetland Setback</b>	Ten (10) feet
<b>Building-to-Building</b>	Ten (10) feet
<b>Maximum Height</b>	20 feet
<b>Maximum Lot Coverage</b>	Five (5) percent for buildings. Fifteen 15 percent for all impervious surfaces.
<b>Permitted Projections</b>	Section 16.35 Permitted Projections

Applicable provisions of Article 18 Off-Street Parking and Loading; Article 19 Signs; Article 20 Landscaping and Screening; Article 21 Lighting; Article 22 Access Controls; Article 23 Environmental Standards; Article 24 Nonconforming Uses; and other provisions of this Ordinance as may be applicable.

SECTION 9.03

## Principal Permitted Uses

The following are principal permitted uses in the District:

- Common use access lot
- Outdoor athletic facility or similar recreation facility of an open-space and low-intensity nature
- Public park or playground
- Recreation site dedicated for a platted subdivision or site condominium
- Polling place

SECTION 9.04

## Principal Permitted Uses

The following are principal permitted uses in the District:

- Common use access lot
- Outdoor athletic facility or similar recreation facility of an open-space and low-intensity nature
- Public park or playground
- Recreation site dedicated for a platted subdivision or site condominium



- Polling place

SECTION 9.05

## Accessory Permitted Uses

- Accessory uses customarily incidental and subordinate to the permitted principal use
- Signs
- Solar energy systems designed exclusively for on-premises consumption
- WECS, micro or small

SECTION 9.06

## Special Land Uses

The following special land uses are permitted by special approval in the District:

- Reserved.

SECTION 9.07

## Accessory Special Land Uses

- Reserved.

SECTION 9.08

## Footnotes

1) 50-foot Road Setback: The required front yard setback is 50 feet for any yard abutting the following gravel (exceptions noted) roads, measured from the right-of-way or access easement:

- |  |   |                          |
|--|---|--------------------------|
| • Bell Road                                | • Island Lake Road (gravel portions only) | • Quigley Road           |
| • Brand Road                               | • Lima Center Road                        | • Riker Road             |
| • Colby Road                               | • Madden Road                             | • Stinchfield Woods Road |
| • Donner Road                              | • McGregor Road (paved road)              | • Toma Road              |
| • Fleming Road                             | • McKinley Road                           | • Waterloo Road          |
| • Huron River Drive (gravel portions only) |   | • Wylie Road             |

2) 80-foot Road Setback: The required front yard setback is 80 feet for any yard abutting the following paved roads, measured from the right-of-way or access easement:

- |                          |   |  |
|--------------------------|---|--|
| • Dexter-Pinckney Road   | • Hankerd Road                            | • Island Lake Road (paved portions only) |
| • Dexter-Townhall Road   | • Huron River Drive (paved portions only) | • Stofer Road                            |
| • North Territorial Road |   |  |

3) 25-foot Local and Private Road Setback. Exceptions, listed below, shall be set back 20 feet:

- |                                      |                   |                       |
|--------------------------------------|-------------------|-----------------------|
| • Silver Lake north residential area | • Fairway Drive   | • Plainview Drive     |
| • Argonne Drive                      | • Hillsdale Drive | • Rainbow Drive       |
| • Barrington Drive                   | • Noah Road       | • South Rainbow Drive |
| • Edgewater Drive                    | • Noah Court      | • Revere Drive        |
|                                      | • Parkview Drive  | • Ridgemont Lane      |



# Article 10.

# Recreation Conservation District (RC)

## SECTION 10.01

### **Intent**

The Recreation Conservation District is intended to provide opportunities for the preservation, creation, and enhancement of passive and active recreational areas and uses that are compatible with the natural character of the land. Measures to protect and enhance natural areas, resources, and amenities, unique habitats, and undeveloped areas are encouraged. Residential uses can be supported in this district where residential density is very low and requires limited alteration of the natural landscape. Expansion of this District is discouraged when more appropriate alternatives are available.



SECTION 10.02

## Site Development Standards

The following minimum and maximum standards shall apply to all uses and structures in the District unless specifically noted.

Minimum Lot Area	Five (5) acres
Minimum Lot Width	330 feet
Front yard Setback	Footnote 1, 2, 3
Side Yard Setback	Fifteen (15) feet
Rear Yard Setback	30 feet
Waterbody Setback	50 feet or as described in Section 16.34 Waterbody Setbacks, whichever is less. The waterbody setback shall never be less than 35 feet.
Wetland Setback	Ten (10) feet
Building-to-Building	Ten (10) feet
Maximum Height	30 feet
Maximum Lot Coverage	See Section 16.12 for buildings. 20 percent for all impervious surfaces.
Permitted Projections	Section 16.35 Permitted Projections

Applicable provisions of Article 18 Off-Street Parking and Loading; Article 19 Signs; Article 20 Landscaping and Screening; Article 21 Lighting; Article 22 Access Controls; Article 23 Environmental Standards; Article 24 Nonconforming Uses; and other provisions of this Ordinance as may be applicable.

SECTION 10.03

## Principal Permitted Uses

The following are principal permitted uses in the District:

- Single-family dwellings
- Two-family dwellings
- Day care or foster care facility, family home
- Biofuel production, small
- Commercial agriculture, excluding slaughterhouses
- Commercial stable
- Conservation area
- Driving range
- Outdoor athletic facility or similar recreation facility of an open-space and low-intensity nature
- Recreation site dedicated for a platted subdivision or site condominium
- Polling place

SECTION 10.04

## Accessory Permitted Uses

- Accessory dwellings
- Home occupations
- Private stable
- Accessory uses customarily incidental and subordinate to the permitted principal use
- Signs
- Solar energy systems
- WECS, micro and small
- Wireless communication facility, minor colocation





SECTION 10.05

## Special Land Uses

The following special land uses are permitted by special approval in the District:

- Day care or foster care facility, group home
- Biofuel production, large
- Campground
- Commercial watercraft access ramp
- School
- Marina or yacht club
- Outdoor shooting range
- Special event facility
- Watercraft sales, repair, or storage
- Food cart
- Common use access lot
- Golf course or country club
- Bed and breakfast
- Day care center
- Private club or meeting hall

SECTION 10.06

## Accessory Special Land Uses

- Entrepreneurial kitchen
- Wireless communication facility, major colocation

SECTION 10.07

## Footnotes

1) 50-foot Road Setback: The required front yard setback is 50 feet for any yard abutting the following gravel (exceptions noted) roads, measured from the right-of-way or access easement:

- Bell Road
- Brand Road
- Colby Road
- Donner Road
- Fleming Road
- Huron River Drive (gravel portions only)
- Island Lake Road (gravel portions only)
- Lima Center Road
- Madden Road
- McGregor Road (paved road)
- McKinley Road
- Quigley Road
- Riker Road
- Stinchfield Woods Road
- Toma Road
- Waterloo Road
- Wylie Road

2) 80-foot Road Setback: The required front yard setback is 80 feet for any yard abutting the following paved roads, measured from the right-of-way or access easement:

- Dexter-Pinckney Road
- Dexter-Townhall Road
- North Territorial Road
- Hankerd Road
- Huron River Drive (paved portions only)
- Island Lake Road (paved portions only)
- Stofer Road

3) 25-foot Local and Private Road Setback. Exceptions, listed below, shall be set back 20 feet:

- Silver Lake north residential area
- Argonne Drive
- Barrington Drive
- Edgewater Drive
- Fairway Drive
- Hillsdale Drive
- Noah Road
- Noah Court
- Parkview Drive
- Plainview Drive
- Rainbow Drive
- South Rainbow Drive
- Revere Drive
- Ridgemont Lane



# Article 11.

# Public Institutional District (PI)

## SECTION 11.01

### **Intent**

The Public Institutional District is intended to provide opportunities for government, civic, and public facilities and services that provide services to the Township and region.



SECTION 11.02

## Site Development Standards

The following minimum and maximum standards shall apply to all uses and structures in the District unless specifically noted.

Minimum Lot Area	None
Minimum Lot Width	None
Front yard Setback	Footnote 1, 2, 3
Side Yard Setback	Fifteen (15) feet
Rear Yard Setback	30 feet
Waterbody Setback	50 feet or as described in Section 16.34 Waterbody Setbacks, whichever is less. The waterbody setback shall never be less than 35 feet.
Wetland Setback	Ten (10) feet
Building-to-Building	Ten (10) feet
Maximum Height	30 feet
Maximum Lot Coverage	Ten (10) percent for buildings. 50 percent for all impervious surfaces.
Permitted Projections	Section 16.35 Permitted Projections

Applicable provisions of Article 18 Off-Street Parking and Loading; Article 19 Signs; Article 20 Landscaping and Screening; Article 21 Lighting; Article 22 Access Controls; Article 23 Environmental Standards; Article 24 Nonconforming Uses; and other provisions of this Ordinance as may be applicable.

SECTION 11.03

## Principal Permitted Uses

The following are principal permitted uses in the District:

- Campground
- Public park or playground
- Food cart
- Cemetery
- Government office
- Library
- Police or fire station
- Polling place
- Public administration building or assembly hall
- School
- Observatory
- Recycling collection or transfer station
- Sewage or water treatment plant
- MET tower

SECTION 11.04

## Accessory Permitted Uses

- Entrepreneurial kitchen
- Signs
- Solar energy system
- WECS, micro or small
- Wireless communication facility, minor colocation



SECTION 11.05

## Special Land Uses

The following special land uses are permitted by special approval in the District:

- Commercial watercraft access ramp
- Sit down restaurant or other establishment that serves food and drink for onsite consumption, including an outdoor dining area
- Utility substation
- Wireless communication facility, new

SECTION 11.06

## Accessory Special Land Uses

- Wireless communication facility, major colocation

SECTION 11.07

## Footnotes

- 1) 50-foot Road Setback: The required front yard setback is 50 feet for any yard abutting the following gravel (exceptions noted) roads, measured from the right-of-way or access easement:
  - Bell Road
  - Brand Road
  - Colby Road
  - Donner Road
  - Fleming Road
  - Huron River Drive (gravel portions only)
  - Island Lake Road (gravel portions only)
  - Lima Center Road
  - Madden Road
  - McGregor Road (paved road)
  - McKinley Road
  - Quigley Road
  - Riker Road
  - Stinchfield Woods Road
  - Toma Road
  - Waterloo Road
  - Wylie Road
- 2) 80-foot Road Setback: The required front yard setback is 80 feet for any yard abutting the following paved roads, measured from the right-of-way or access easement:
  - Dexter-Pinckney Road
  - Dexter-Townhall Road
  - North Territorial Road
  - Hankerd Road
  - Huron River Drive (paved portions only)
  - Island Lake Road (paved portions only)
  - Stofer Road
- 3) 25-foot Local and Private Road Setback. Exceptions, listed below, shall be set back 20 feet:
  - Silver Lake north residential area
  - Argonne Drive
  - Barrington Drive
  - Edgewater Drive
  - Fairway Drive
  - Hillsdale Drive
  - Noah Road
  - Noah Court
  - Parkview Drive
  - Plainview Drive
  - Rainbow Drive
  - South Rainbow Drive
  - Revere Drive
  - Ridgemont Lane



# Article 12.

# Public Recreation District (PR)

## SECTION 12.01

### **Intent**

The Public Recreation District is intended to provide opportunities for preservation, creation, and enhancement of passive and active recreational areas and uses that are compatible with the natural character of the land. Natural areas, resources, amenities, and habitats and undeveloped areas should be protected and enhanced by limiting development and uses that may undermine the quantity and quality of these areas and resources.





SECTION 12.02

## Site Development Standards

The following minimum and maximum standards shall apply to all uses and structures in the District unless specifically noted.

<b>Minimum Lot Area</b>	Five (5) acres
<b>Minimum Lot Width</b>	300 feet
<b>Front yard Setback</b>	Footnote 1, 2, 3
<b>Side Yard Setback</b>	Fifteen (15) feet
<b>Rear Yard Setback</b>	30 feet
<b>Waterbody Setback</b>	50 feet or as described in Section 16.34 Waterbody Setbacks, whichever is less. The waterbody setback shall never be less than 35 feet.
<b>Wetland Setback</b>	Ten (10) feet
<b>Building-to-Building</b>	Ten (10) feet
<b>Maximum Height</b>	25 feet
<b>Maximum Lot Coverage</b>	Five (5) percent for buildings. 20 percent for all impervious surfaces.
<b>Permitted Projections</b>	Section 16.35 Permitted Projections

Applicable provisions of Article 18 Off-Street Parking and Loading; Article 19 Signs; Article 20 Landscaping and Screening; Article 21 Lighting; Article 22 Access Controls; Article 23 Environmental Standards; Article 24 Nonconforming Uses; and other provisions of this Ordinance as may be applicable.

SECTION 12.03

## Principal Permitted Uses

The following are principal permitted uses in the District:

- Commercial stable
- Conservation area and game refuge
- Campground
- Outdoor athletic facility or similar recreation facility of an open-space and low-intensity nature
- Public park or playground
- Food cart
- Cemetery
- Government office
- Library
- Police or fire station
- Polling place
- Public administration building or assembly hall
- School
- Observatory
- Recycling collection or transfer station
- MET tower

SECTION 12.04

## Accessory Permitted Uses

- Entrepreneurial kitchen
- Signs
- Solar energy system
- WECS, micro or small
- Wireless communication facility, minor colocation



SECTION 12.05

## Special Land Uses

The following special land uses are permitted by special approval in the District:

- Commercial watercraft access ramp
- Winery
- Driving range
- Golf course or country club
- Marina or yacht club
- Outdoor shooting range
- Sit down restaurant or other establishment that serves food and drink for onsite consumption, including an outdoor dining area
- Utility substation
- Wireless communication facility, new

SECTION 12.06

## Accessory Special Land Uses

- Wireless communication facility, major colocation

SECTION 12.07

## Footnotes

1) 50-foot Road Setback: The required front yard setback is 50 feet for any yard abutting the following gravel (exceptions noted) roads, measured from the right-of-way or access easement:

- |  |   |                          |
|--|---|--------------------------|
| • Bell Road                                | • Island Lake Road (gravel portions only) | • Quigley Road           |
| • Brand Road                               | • Lima Center Road                        | • Riker Road             |
| • Colby Road                               | • Madden Road                             | • Stinchfield Woods Road |
| • Donner Road                              | • McGregor Road (paved road)              | • Toma Road              |
| • Fleming Road                             | • McKinley Road                           | • Waterloo Road          |
| • Huron River Drive (gravel portions only) |   | • Wylie Road             |

2) 80-foot Road Setback: The required front yard setback is 80 feet for any yard abutting the following paved roads, measured from the right-of-way or access easement:

- |                          |   |  |
|--------------------------|---|--|
| • Dexter-Pinckney Road   | • Hankerd Road                            | • Island Lake Road (paved portions only) |
| • Dexter-Townhall Road   | • Huron River Drive (paved portions only) | • Stofer Road                            |
| • North Territorial Road |   |  |

3) 25-foot Local and Private Road Setback. Exceptions, listed below, shall be set back 20 feet:

- |                                      |                   |                       |
|--------------------------------------|-------------------|-----------------------|
| • Silver Lake north residential area | • Fairway Drive   | • Plainview Drive     |
| • Argonne Drive                      | • Hillsdale Drive | • Rainbow Drive       |
| • Barrington Drive                   | • Noah Road       | • South Rainbow Drive |
| • Edgewater Drive                    | • Noah Court      | • Revere Drive        |
|                                      | • Parkview Drive  | • Ridgmont Lane       |



# Article 13.

## **General Commercial District (C)**

### SECTION 13.01

#### **Intent**

The General Commercial District is to provide opportunities that are compatible and consistent with the existing a preferred rural character of the Township. The District provides for retail, service, and office establishments that serve the day-to-day needs of Township residents and their visitors, for low-impact commercial uses in close proximity to residential uses, for mixed-use development that maximized benefits to the community, and for limited and appropriately-scaled destination commercial uses that are consistent with the goals and objectives of the Master Plan.



SECTION 13.02

## Site Development Standards

The following minimum and maximum standards shall apply to all uses and structures in the District unless specifically noted.

<b>Minimum Lot Area</b>	Two (2) acres One (1) acre with either off-site sewer or septic
<b>Minimum Lot Width</b>	200 feet
<b>Front yard Setback</b>	Footnote 1, 2, 3
<b>Side Yard Setback</b>	50 feet, or 30 feet when adjacent to property zoned C or PI
<b>Rear Yard Setback</b>	50 feet, or 30 feet when adjacent to property zoned C or PI
<b>Waterbody Setback</b>	50 feet or as described in Section 16.34 Waterbody Setbacks, whichever is less. The waterbody setback shall never be less than 35 feet.
<b>Wetland Setback</b>	Ten (10) feet
<b>Building-to-Building</b>	20 feet
<b>Maximum Height</b>	30 feet
<b>Maximum Lot Coverage</b>	40 percent for buildings. 80 percent for all impervious surfaces.
<b>Permitted Projections</b>	Section 16.35 Permitted Projections

Applicable provisions of Article 18 Off-Street Parking and Loading; Article 19 Signs; Article 20 Landscaping and Screening; Article 21 Lighting; Article 22 Access Controls; Article 23 Environmental Standards; Article 24 Nonconforming Uses; and other provisions of this Ordinance as may be applicable.

SECTION 13.03

## Principal Permitted Uses

The following are principal permitted uses in the District:

- Retail businesses that supply commodities on the premises within a completely enclosed building, such as food, drugs, alcohol, furniture, clothing, dry goods, books, flowers, jewelry, or hardware
- Personal service establishment that performs services on site within a completely enclosed building
- Professional office that performs services on site within a completely enclosed building
- Upper-level residential
- Biofuel production, small
- Farm equipment sales and service
- Roadside stand
- Winery
- Landscape nursery and greenhouse, including sales of plant materials and supplies
- Veterinary clinic
- Driving range
- Indoor recreation, such as indoor theaters, bowling alleys, skating rinks, shooting ranges
- Outdoor athletic facility or similar recreation facility of an open-space and low-intensity nature
- Watercraft sales, repair, or storage
- Food cart
- Sit-down restaurant or other establishment that serves food or drink for on-site consumption
- Health, fitness, or rehabilitation center
- Medical office
- Government office
- Library
- Polling place
- Public administration building or assembly hall
- Day care center
- Funeral home
- MET tower
- Motel or hotel
- Private club or meeting hall



SECTION 13.04

## Accessory Permitted Uses

- Entrepreneurial kitchen
- Accessory uses customarily incidental and subordinate to the permitted principal use
- Signs
- Solar energy systems
- WECS, micro or small
- Wireless communication facility, minor colocation

SECTION 13.05

## Special Land Uses

The following special land uses are permitted by special approval in the District:

- Biofuel production, large
- Car wash
- Commercial kennel
- Motor vehicle service station or maintenance and repair
- Open air sales
- Sales of new industrial and construction equipment or the service and repair of such items
- Self-storage facility
- Adult entertainment
- Commercial watercraft access ramp
- Marina or yacht club
- Banquet hall
- Bar or club
- Carry-out, drive-through, take-out, pick-up, or other form of restaurant or other food service establishment that serves food or drink for off-site consumption
- Microbrewery or distillery
- Outdoor dining area
- Assisted living facility
- Junkyard
- Recycling collection or transfer station
- Wireless communication facility, new station
- Wireless communication facility, major colocation
- Motor vehicle sales

SECTION 13.06

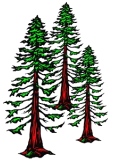
## Accessory Special Land Uses

- Reserved.

SECTION 13.07

## Footnotes

- 1) 50-foot Road Setback: The required front yard setback is 50 feet for any yard abutting the following gravel (exceptions noted) roads, measured from the right-of-way or access easement:
  - Bell Road
  - Brand Road
  - Colby Road
  - Donner Road
  - Fleming Road
  - Huron River Drive (gravel portions only)
  - Island Lake Road (gravel portions only)
  - Lima Center Road
  - Madden Road
  - McGregor Road (paved road)
  - McKinley Road
  - Quigley Road
  - Riker Road
  - Stinchfield Woods Road
  - Toma Road
  - Waterloo Road
  - Wylie Road
- 2) 80-foot Road Setback: The required front yard setback is 80 feet for any yard abutting the following paved roads, measured from the right-of-way or access easement:
  - Dexter-Pinckney Road
  - Dexter-Townhall Road
  - North Territorial Road
  - Hankerd Road
  - Huron River Drive (paved portions only)
  - Island Lake Road (paved portions only)
  - Stofer Road
- 3) 25-foot Local and Private Road Setback. Exceptions, listed below, shall be set back 20 feet:



- Silver Lake north residential area
- Argonne Drive
- Barrington Drive
- Edgewater Drive
- Fairway Drive
- Hillsdale Drive
- Noah Road
- Noah Court
- Parkview Drive
- Plainview Drive
- Rainbow Drive
- South Rainbow Drive
- Revere Drive
- Ridgemont Lane



# Article 14.

# Planned Unit Development (PUD)

## SECTION 14.01

### Intent and Purpose

The intent and purpose of this Article is to:

- (A) Encourage innovative land use and design of sites and structures;
- (B) Encourage greater economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities;
- (C) Encourage better housing, employment, and commercial opportunities that are appropriately suited to the needs of Township residents;
- (D) Provide flexibility from the standards of this Ordinance in order to encourage higher-quality design that provides a greater benefit to the users and the community;
- (E) Preserve the Township's rural character and protect visual corridors along public streets;
- (F) Allow for planned unit developments of a primarily commercial nature, as provided in MCL 125.3503 (Public Act 110 of 2006); and
- (G) Establish the standards and the review process for planned unit developments in order to ensure due process and equal treatment.

## SECTION 14.02

### Authority

- (A) **Planned Unit Development (PUD):** Authority to approve, approve with conditions, or deny a planned unit development shall be with the Planning Commission.
- (B) **Development Agreement:** Authority to approve, approve with conditions, or deny a development agreement, as outlined in Section 31.06 Development Agreement, shall be with the Township Board.
- (C) **Amendments:** Authority to approve, approve with conditions, or deny an amendment of an approved PUD shall be with the Planning Commission.
- (D) **Modifications:** Authority to approve, approve with conditions, or deny a modification of an approved PUD shall be with the Planning Commission unless otherwise specified herein.



- (E) **Appeal of Decision:** The Zoning Board of Appeals shall not have authority to hear an appeal of a PUD decision made by the Planning Commission or Township Board, as outlined in Section 28.06.

SECTION 14.03

## Qualifying Conditions

Property may be developed as a PUD if all of the conditions below are met:

- (A) **Zoning District:** A PUD may be considered as an overlay in the C General Commercial District.
- (B) **Unified Control:** The applicant shall have ownership and/or control of all of the area for the proposed PUD;
- (C) **Contiguous:** All land included in a PUD shall be contiguous; and
- (D) **Benefits:** The PUD shall provide at least two (2) of the recognizable and substantial benefits below that would not be possible using the standards of the underlying zoning district or this Ordinance.
- 1) **Feature Preservation:** Preservation of significant natural or historic features;
  - 2) **Mixed Use:** Providing a complementary mix of uses;
  - 3) **Mitigation:** Providing additional mitigation that minimizes negative impacts of the development; and
  - 4) **Redevelopment:** Redevelopment of a legally nonconforming lot or site where creative design addresses unique site limitations.

SECTION 14.04

## Permitted Uses

PUDs may have the uses listed below.

- (A) **Permitted Uses:** All of the permitted uses in the underlying zoning district, and associated accessory uses, may be permitted.
- (B) **Special Land Uses:** All of the special land uses in the underlying zoning district, and associated accessory uses, may be permitted. Any special land uses to be a part of the PUD must be listed on the site plan.
- (C) **Residential Uses:** Residential uses shall be permitted in a PUD.

SECTION 14.05

## Design Standards

PUDs shall meet the design standards outlined below.

- (A) **Cohesive Design:** The PUD shall be designed as a cohesive whole.
- (B) **Utilities:** All utilities within a PUD shall be installed underground unless it is not feasible to do so.
- (C) **Access:** All lots, uses, and buildings within a PUD shall have access from an internal circulation system and shall not have individual driveways from public streets.
- (D) **Circulation:** PUDs shall provide internal circulation for vehicular and nonmotorized movement, as outlined



below.

- 1) **Internal Access:** The vehicular and nonmotorized circulation system shall provide access to all lots, uses, and buildings within a PUD without having to exit the PUD.
  - 2) **Connections:** The vehicular and nonmotorized circulation system shall connect with existing adjacent developments and nonmotorized systems and shall be designed to provide connections to future adjacent developments and planned street and nonmotorized improvements.
  - 3) **Shared Access:** Shared access of the circulation system for all lots or units of a PUD and for existing and future adjacent developments shall be provided in a document to be approved by the Township and recorded with the Register of Deeds, with a copy provided to the Township.
- (E) **Parking Lot:** Both site design and landscaping shall be used to minimize the prominence of off-street parking from public streets.

#### SECTION 14.06

### Phasing

PUDs may be developed in multiple phases, as outlined below.

- (A) **Function:** Phasing shall be designed to allow each phase to stand alone and function on its own, without requiring improvements from future phases, including, but not limited to, services, utilities, and circulation, in order to be a coherent development.
- (B) **Protection:** Phasing shall ensure protection of natural resources and the health, safety, and welfare of users of the PUD, surrounding properties and residents, and the Township.
- (C) **Mix of Uses:** For PUDs that include a mixture of uses, each phase shall include an appropriate mixture of the proposed uses to ensure the intent and purpose of the PUD is upheld. Construction of commercial elements shall commence at the same time or before construction of noncommercial elements.
- (D) **Phase Delineation:** The PUD plan and/or preliminary site plan shall clearly show the boundaries of the phases.
- (E) **Final Site Plans:** Each phase of a multiple phase PUD shall have its own final site plan.
- (F) **Diligently Pursued:** Construction on all phases shall commence within two (2) years of the PUD approval. Any phase on which construction has not begun shall be considered expired.

#### SECTION 14.07

### Modification of Standards

The Planning Commission may modify specific standards of this Ordinance, excluding those outlined in this Article, as part of PUD approval, as outlined below.

- (A) **Conflict:** If another section of this Ordinance provides a process for modification or administrative adjustment of standards of this Ordinance, that section shall be controlling.
- (B) **General Decision Criteria:** The standards of this Ordinance, including, but not limited to, setbacks, height, building coverage, impervious coverage, lot area, or lot width, may be modified if the Planning Commission makes a written finding that all of the following are true:



- 1) **Recognizable and Substantial Benefit:** The PUD shall result in recognizable and substantial benefit to the ultimate users of the PUD and the Township;
  - 2) **Higher-Quality Development:** The PUD shall result in a higher-quality development than that permitted by the underlying zoning district or other standards of this Ordinance;
  - 3) **Modification Necessary:** The recognizable and substantial benefit and higher-quality development could not be achieved without the modification; and
  - 4) **Mitigation:** The design of the PUD shall ensure that the intent of the standards that are being amended is still being observed.
- (C) **Specific Decision Criteria:** In order to grant a modification of the following standards, the Planning Commission shall make a written finding that the specific applicable criteria below are true, in addition to the general decision criteria above.
- 1) **Height:** The height standards may be modified if all the following are true:
    - a) *Bulk: Measures, including, but not limited to, location, architectural design, and landscaping, are incorporated that will reduce the impact of the additional height; and*
    - b) *Fire Safety: The additional height will not affect the ability of the Fire Department to suppress a fire or evacuate occupants.*
  - 2) **Parking:** The parking and standards may be modified beyond what is allowed in Article 18 Parking and Loading if the unique character of the PUD, based on industry-accepted standards, is likely to require less off-street parking.
- (D) **Documentation:** The PUD application shall list all requested modifications to the standards of this Ordinance, and the approved plan shall list all of the modifications that were approved by the Planning Commission.
- (E) **Effect:** Specific standards of this Ordinance that have been modified for a PUD shall have the same force and effect as though the modified standards were a part of this Ordinance. They shall become the standards for the PUD and shall only be amended or revoked as outlined in this Article.

#### SECTION 14.08

## Review Process

PUDs shall be reviewed as described below.

- (A) **Application:** The applicant shall submit a complete and accurate PUD application form. Submission of an application constitutes a representation that all the information is complete and accurate. An application for a PUD shall include all of the following relevant materials:
- 1) **Application Form:** A signed and completed application form;
  - 2) **Fee:** A PUD application fee, as outlined in the adopted Fee Schedule;
  - 3) **Site Plans:** The applicant shall submit at least one (1) hard copy and a digital copy of the associated site plan, in a format acceptable to the Township, with the application, and shall submit at least fifteen (15) additional hard copies following the review of completeness. If the application is being reviewed at the same time as a site plan, additional copies are not needed for the PUD application;
  - 4) **Modifications:** A table outlining the standards of this Ordinance for which modifications are being requested; and
  - 5) **Additional Materials:** Any additional information determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws.



- (B) **Preapplication Meeting:** The applicant shall meet with Township Officials, other agencies, and other interested parties before submission of PUD application, as outlined in Section 31.04 Preapplication Meetings.
- (C) **Review of Completeness:** An application for a PUD shall be reviewed by the Director of Planning and Zoning for completeness, as outlined in Section 31.02(C) Review Applications.
- (D) **Scheduling:** Upon declaration of an administratively complete PUD application, the application shall be placed on the next available agenda for the Planning Commission. The applicant may request it be placed on a later meeting agenda or may request a special meeting, with payment of an additional special meeting fee.
- (E) **Right to Enter Property:** Submission of a PUD application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.
- (F) **Applicant's Responsibilities:** The applicant shall post a public notice sign or signs on the site, clearly visible from each adjacent street and mark the property, at least fifteen (15) days before the public hearing. The public notice sign(s) and marking shall be maintained in good condition until a decision is made.
- (G) **Contact with Planning Commissioners (Ex-Parte Contact):** Direct communication with members of the Planning Commission before a hearing with the intent to influence the member's action or decision shall be prohibited. Written comments may be submitted to the Director of Planning and Zoning for distribution to the Planning Commission. This shall not prohibit the Director of Planning and Zoning from promulgating staff reports and other related materials to the Planning Commission.
- (H) **Public Hearings:** PUDs shall be reviewed by the Planning Commission at a public hearing, as outlined in Section 31.08 Public Hearings.
- (I) **Planning Commission Review:** The Planning Commission, following a public hearing, shall approve, approve with conditions, deny, or postpone a PUD using the standards in this Article.
- 1) **Approval:** If the PUD is approved, the Planning Commission shall cite its reasons for approval and any conditions necessary for approval and a site plan may be approved. The concurring vote of at least four (4) members of the Planning Commission is necessary to approve a PUD.
  - 2) **Denial:** If the PUD is denied, the Planning Commission shall cite its reasons for denial.
  - 3) **Postpone:** If the Planning Commission determines that the PUD application does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall state the reasons for postponement.
- (J) **Decision Criteria:** The Planning Commission shall approve or approve with conditions a PUD upon finding that all of the following are true:
- 1) **Qualifying Conditions:** The PUD shall meet all of the qualifying conditions;
  - 2) **Master Plan:** The PUD shall be compatible with the Master Plan;
  - 3) **PUD Intent:** The PUD shall be consistent with the intent and purpose of PUDs;
  - 4) **Recognizable and Substantial Benefit:** The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and the community that would otherwise be unfeasible or unlikely using conventional development;
  - 5) **Public Service Capacity:** The PUD shall not place an unreasonable burden on the provision of public services, including, but not limited to, fire protection, police protection, schools, streets, and utilities; and
  - 6) **Economic Impact:** The PUD shall not impede the continued use or development of surrounding properties for uses permitted on those properties.
- (K) **Timely Decisions:** The Planning Commission shall render its decision within sixty (60) days of the date the



application is administratively complete unless a delay is agreed to by the applicant and the Planning Commission. The decision shall become final upon adoption of meeting minutes or signing of a resolution by the Township, whichever occurs first.

- (L) **Conditions of Approval:** The Planning Commission may impose reasonable conditions in granting an approval, as outlined in Section 31.09 Conditions of Approval.
- (M) **Acceptance of Conditions:** PUD approval shall only be effective upon acceptance of the approval and any conditions of the approval by the applicant.
- (N) **Copies of PUD Plan:** The applicant shall submit four (4) hard copies and a digital copy, in a format acceptable to the Township, of the approved PUD plan. Two hard (2) copies shall be returned to the applicant after they have been stamped and signed. These copies of the PUD plan shall not be necessary if the PUD receives approval at the same time as it receives a site plan approval.
  - 1) **Modifications and Conditions:** The plan shall include any modifications and conditions required for approval.
  - 2) **Signatures:** The plan shall be stamped and signed by the Planning Commission Chair or Acting Chair and the Director of Planning and Zoning and signed by the applicant.
  - 3) **Record:** The plan shall become a part of the record.
- (O) **Recording:** The applicant shall record a description of the project with the Register of Deeds, with a copy provided to the Township.
  - 1) **Township Approval:** The document shall be reviewed and approved by the Township before recording.
  - 2) **Information:** The document shall include at least the following information:
  - 3) **Legal Description:** A full legal description for the property;
  - 4) **Approval Date:** The date of the Township's approval;
  - 5) **Conditions:** Conditions of approval;
  - 6) **Development Standards:** A list of the specific developmental standards for the planned unit development;
  - 7) **Modification of Standards:** A list of modifications of standards; and
  - 8) **Declaration:** A declaration that all of the improvements shall be installed as approved.
  - 9) **Permits:** The Township shall not issue any permits for the project and work shall not commence until the Township receives a copy of the recorded document.
  - 10) **Development Agreement:** The document may be incorporated as part of the development agreement.
- (P) **Expiration:** PUD approval shall be valid for a period of two (2) years from the date of approval.
  - 1) **Site Plan:** An administratively complete application for a site plan review shall be submitted within two (2) years from the date that the PUD was approved or the PUD shall be expired. The PUD approval shall remain valid while the site plan application is being processed.
  - 2) **Effect:** PUD approvals that have expired shall be resubmitted for review as a new application.
  - 3) **Extension Request:** If an administratively complete application for an extension has been submitted before the expiration date, the PUD shall remain valid until the Planning Commission makes a decision.
  - 4) **Reversion:** If a PUD expires, the Township may initiate the process to remove the overlay district from the Official Zoning Map. The property shall revert to the underlying zoning district regulations.
- (Q) **Extension:** The Planning Commission, upon written request by the applicant, may grant two (2) extensions of an approved PUD for a period of up to one (1) year each, upon finding that all of the following are true:



- 1) **Application Date:** An administratively complete application for an extension was submitted before the expiration date;
  - 2) **Applicant Effort:** The applicant has made a good-faith effort to complete the development and the delay was not the result of actions or inaction of the applicant;
  - 3) **Substantial Changes:** There have been no substantial changes on abutting properties or the area since the original approval that would raise concern of the impact of the approved PUD on those properties or the site; and
  - 4) **Current Standards:** The approved PUD shall be in compliance with this Ordinance at the time of extension.
- (R) Modifications and Amendments:** An approved PUD may be modified or amended, as outlined below.
- 1) **Modifications:** Modifications shall be limited to the following:
  - 2) **Administrative Site Plan:** Changes that are allowed as part of an administrative site plan;
  - 3) **Residential Floor Area:** A change in the residential floor area of 20 percent or less if the number of dwelling units and number of required off-street parking spaces does not increase; and
  - 4) **Nonresidential Floor Area:** A change in the nonresidential floor area of five (5) percent or less as long the number of required off-street parking spaces does not increase.
  - 5) **Amendments:** Amendments of an approved PUD shall be processed as a new application.
  - 6) **Site Plan Amendment:** A preliminary site plan for a PUD may be amended as part of final site plan approval if the PUD continues to meet all of the standards of this Ordinance and the amendment does not require any additional modifications of the standards of this Ordinance.
- (S) Rehearing:** A request for a rehearing shall be processed as outlined in Section 31.11 Rehearing.
- (T) Reapplication:** A PUD application that has been denied shall not be resubmitted, except as permitted in Section 31.12 Reapplication.
- (U) Suspension:** An approved PUD may be suspended temporarily and immediately by the Planning Commission, as outlined in Section 31.13 Suspension.
- (V) Revocation:** An approved PUD may be revoked by the Planning Commission, as outlined in Section 31.14 Revocation.

End of Article





# Article 15.

# Open Space Community Overlay District (OSC)

## SECTION 15.01

### Purpose

The intent and purpose of this Article is to:

- (A) Encourage the preservation of the Township's open spaces, scenic vistas, agricultural operations, rural character, natural resources, woodlands, wetlands, natural drainage systems, natural topography, environmentally sensitive areas, and other natural features;
- (B) Encourage flexible, innovative, context-sensitive, and higher-quality design of residential developments;
- (C) Encourage the use of land in accordance with its character and adaptability;
- (D) Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- (E) Encourage compatibility of design and use between neighboring properties;
- (F) Reduce soil erosion by limiting the amount of clearing and grading necessary for development;
- (G) Provide an alternate development option for open space preservation that complies with MCL 125.3506 (Public Act 110 of 2006, as amended);
- (H) Allow for residential planned unit developments, as provided in MCL 125.3503 (Public Act 110 of 2006, as amended); and
- (I) Establish the standards and the review process for open space communities.



SECTION 15.02

## Authority

- (A) **Open Space Community:** Authority to approve, approve with conditions, deny, or amend an open space community shall be with the Planning Commission.
- (B) **Development Agreement:** Authority to approve, approve with conditions, or deny a development agreement, as outlined in Section 31.06 Development Agreement, shall be with the Township Board.
- (C) **Appeal of Decision:** The Zoning Board of Appeals shall not have authority to hear an appeal of an open space community decision made by the Planning Commission or Township Board, as outlined in Section 29.07 Appeal of Decision.
- (D) **Conservation Guarantee:** Authority to approve, approve with conditions, or deny an open space community conservation guarantee shall be with the Township Board.
- (E) **Variances:** The Zoning Board of Appeals shall have authority to grant variances from the developmental standards of an approved open space community and this Ordinance for individual dwelling units within an open space community, as outlined in Article 29 Zoning Board of Appeals.

SECTION 15.03

## Qualifying Conditions

Property may be developed as an OSC Overlay if all of the conditions below are met.

- (A) **Zoning District:** The property shall be located within the Agricultural (AG), Rural Residential (RR), or Recreational Conservation (RC) zoning district;
- (B) **Unified Control:** The applicant shall have ownership and/or control of all of the area for the proposed open space community;
- (C) **Contiguous:** All land included in an open space community shall be contiguous; and
- (D) **No Previous Open Space:** The open space community or open space preservation option has not been previously used for any of the property to be developed as part of the open space community.

SECTION 15.04

## General Provisions

- (A) **Approval of Lots:** The creation of lots as part of an open space community shall be through one (1) of the following options:
  - 1) **Subdivision Plat:** A platted subdivision; or
  - 2) **Site Condominium:** A site condominium, as outlined in this Ordinance.
- (B) **Open Space Area:** All land within an open space community that is not devoted to a residential dwelling unit, street, vehicle parking, utility, building, or storm sewer shall be common area for recreation, conservation, agriculture, or preservation in an undeveloped state.



## SECTION 15.05

## Permitted Uses

Open space area and individual lots within an open space community shall be used as outlined below.

(A) **Lots:** Use of individual lots shall be limited to the following uses:

- 1) **Single-family Dwellings:** Detached, single-family dwellings and associated accessory uses;
- 2) **Two-family Dwellings:** Two-family dwellings, up to 20 percent of the total dwelling units, rounded down, and associated accessory uses;
- 3) **Multiple-unit Dwellings:** Multiple-unit dwellings with a maximum of four (4) dwelling units per building, up to 20 percent of the total dwelling units in the open space community, rounded down, and associated accessory uses;
- 4) **Other Residential Uses:** Other residential uses allowed in the underlying zoning district;
- 5) **Community Amenities:** Amenities for residents of the open space community, including, but not limited to, club house, pool, tennis courts, bus stop; and
- 6) **Utilities:** Lots for utility systems supporting the open space community, such as a community well or community septic system.

(B) **Open Space Areas:** Use of open space area shall be limited to the following uses:

- 1) **Agriculture:** Raising of crops for commercial agriculture, community farming, or individual farming in a manner consistent with the Right to Farm Act and Generally Accepted Agricultural and Management Practices;
- 2) **Passive Recreation:** Recreational trails, preserved natural areas, parks, wildlife preserves;
- 3) **Active Recreation:** Playgrounds, hunting preserves, golf courses, or common use access lots; and
- 4) **Other Uses:** Other permitted uses allowed within the underlying zoning district that are accessory to the open space community.

## SECTION 15.06

## Design Standards

Open space communities shall meet the design standards outlined below.

(A) **Cohesive Neighborhood:** Open space communities shall be designed to create a cohesive residential neighborhood through common open space areas for passive and active recreation areas that are easily accessible to all residents.

(B) **Location of Dwelling Units:** Residential dwelling units shall be located and organized, to the greatest extent possible, as follows:

- 1) **Alterations:** In areas that require minimum alteration of the natural environment;
- 2) **Soils:** On the soils best suited for septic systems, for open space communities with on-site septic systems;
- 3) **Views:** In areas least likely to block or interrupt scenic vistas, as seen from public streets;
- 4) **Agriculture:** Upwind or adequately screened from agricultural areas that are subject to land management practices that may cause dust, odor, or similar nuisances; and
- 5) **Adjacent Residential Lots:** At least 50 feet from developed, residential lots.



- (C) **Utilities:** All utilities within open space communities shall be installed as outlined in Section 16.08 Essential Services.
- (D) **Fire Protection:** Fire protection measures, such as fire hydrants or other on-site water supply, shall be provided if any of the following are true:
- 1) **Lot Size:** Any residential lots have a lot area of one half (1/2) acres or less;
  - 2) **Water System:** A municipal or community water system is present that has adequate capacity; or
  - 3) **Number of Units:** There are 50 or more dwelling units.
- (E) **Lot Access:** Lots within an open space community shall have access from either an internal private street or a shared driveway. Lots shall not have individual driveways from public streets unless streets internal to the development are accepted by and dedicated to the Washtenaw County Road Commission.
- (F) **Circulation:** Open space communities shall provide internal circulation for vehicular and nonmotorized movement.
- 1) **Vehicular Circulation:** In addition to the standards in the Road Ordinance, streets shall be constructed as outlined below.
    - a) *Connections: The vehicular circulation system shall be designed to provide connections to future adjacent developments and planned street improvements.*
    - b) *Materials: Streets shall be paved.*
  - 2) **Nonmotorized Circulation:** A nonmotorized circulation system may be provided throughout the open space community.
    - a) *Access: The nonmotorized circulation system shall provide access to non-agricultural open space areas, common access lots, and any bus stops.*
    - b) *Connections: The nonmotorized circulation system shall be designed to connect with future adjacent developments and to accommodate and connect with existing and planned nonmotorized improvements.*
    - c) *Materials: The nonmotorized circulation system may be concrete, asphalt, gravel, wood chips, grass, or similar materials, according to the anticipated usage and character of the use and the area of the nonmotorized circulation system.*
- (G) **Bus Stop:** For open space communities with an anticipated school-age population of ten (10) or more students, a bus stop or stops shall be provided at a location approved by the school district. The bus stop shall be designed to allow for installation of a bus shelter. The bus stop may be removed if the Director of Planning and Zoning, in consultation with the school district, determines the bus stop is no longer necessary.
- (H) **Natural Features:** Open space communities shall be designed to promote the preservation of natural features, such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and protected plant and animal habitats.
- (I) **Waterbody and Wetland Buffer:** All waterbodies and wetlands shall have a 50 foot wide natural buffer. Pesticides shall not be used in this buffer unless deemed necessary to address a public health emergency. Paths may be installed within this area, and a small maintained area, including, but not limited to a park or beach, may be installed along the waterbody.
- (J) **Stormwater Management System:** Stormwater management systems shall use natural systems to the greatest extent possible and shall preserve the quality and integrity of the natural system. Stormwater management systems that require unnecessary topographic alterations, erosion, heightened impurities directed to surface and ground water systems and similar negative impacts shall only be available if the Planning Commission determines that the use or creation of natural systems is not feasible.



## SECTION 15.07

## Open Space Area Standards

Open space area used to calculate the required open space area and additional dwelling units shall meet the standards outlined below.

- (A) **Minimum Open Space:** The open space area shall be at least 20 percent of the lot area of the project site before development.
- (B) **Not Open Space:** The following shall not be considered open space area for purposes of calculating the minimum open space area and additional lots:
- 1) **Lots:** Any individual lot that will be used for a dwelling, club house, utilities, or other similar structure or use;
  - 2) **Rights-of-way:** The area within all public and private street rights-of-way and access easements;
  - 3) **Parking:** Off-street parking areas;
  - 4) **Golf Course:** 50 percent of the area of golf courses, driving ranges, or putting greens;
  - 5) **Utility Easements:** 50 percent of easements for overhead high-voltage utility lines or below-ground utilities;
  - 6) **Septic System:** Community sewage system drain fields, treatment ponds, or other treatment facilities;
  - 7) **Waterbodies:** The area of existing creeks, rivers, and lakes;
  - 8) **Wetlands and Waterbody Limitations:** Existing wetlands and waterbodies shall contribute no more than 50 percent of the required open space area or the area used to calculate additional lots; and
  - 9) **Floodplains:** 50 percent of the area within a floodplain.
- (C) **Structures:** Structures within the open space area shall be limited to a cumulative maximum building coverage of one (1) percent of the open space area.
- (D) **Ownership and Control:** The open space area shall be owned and controlled by a homeowners' association or nonprofit land or nature trust or conservancy.
- (E) **Design and Location:** Open space area shall be designed and located as outlined below.
- 1) **Exterior Roads:** Open space areas shall be located along all exterior public streets and shall have a depth of at least 100 feet.
  - 2) **Adjacent Open Space Areas:** If an open space community is adjacent to an established open space community, open space preservation development, or other recreation area with a contiguous open space area, it shall include some open space area adjacent to that open space area.
  - 3) **Open Space Area Between Clusters:** Open space areas between residential lots shall have a width of at least 100 feet.
  - 4) **Accessibility:** Open space areas shall be available and accessible to all residents of the development. Safe and convenient nonmotorized access points shall be provided.
  - 5) **Waterbody:** If the project parcel contains a waterbody or is adjacent to a waterbody, the Planning Commission may require that all or a portion of the waterbody be abutted by open space area.
  - 6) **Preservation:** Open space areas shall be located to preserve significant natural resources, scenic vistas, steep slopes, and special plant and animal habitats.
- (F) **Conservation Guarantee:** The open space area shall remain in that state in perpetuity, subject to uses approved by the Township or in the approved plan. A conservation guarantee or easement shall ensure that the dedicated open space area will be protected from all forms of development.



- 1) **Allowable Uses:** The conservation guarantee shall list the proposed allowable uses for the open space area.
- 2) **Restrictions:** The conservation guarantee shall prohibit the following activities within the open space area:
  - a) *Dumping: Dumping or storage of hazardous material or refuse;*
  - b) *Soil Erosion: Activities that may cause soil erosion;*
  - c) *Off-road Vehicles: Use of off-road vehicles, except for agricultural and maintenance vehicles and golf carts for golf courses;*
  - d) *Vegetation Removal: Cutting or removal of vegetation, except for dying or diseased vegetation, invasive or pest species, seasonal pruning, necessary maintenance, and agricultural operations;*
  - e) *Wetland: Cutting, filling, or removal of vegetation from wetland areas, except for invasive species; and*
  - f) *Chemical Use: Use of pesticides, herbicides, or fertilizers within 50 feet of surface waterbodies and wetlands, except those deemed necessary to address a public health emergency.*
- 3) **Recording:** The conservation guarantee, following approval by the Township, shall be recorded with the Register of Deeds at the developer's expense, with a copy provided to the Township. The conservation guarantee may be included as part of a master deed if the Township has the authority to review and approve changes to the master deed.

SECTION 15.08

## Additional Lots

In reviewing an open space community, the Planning Commission may allow additional dwelling units beyond those allowed in a conventional plan, as outlined below.

- (A) **Conventional Plan:** A feasible conventional plan shall serve as the basis for granting any additional dwelling units.
- (B) **Additional Open Space Area:** The Planning Commission shall grant an increase in the number of residential dwelling units from the number of dwelling units in the conventional plan for each one (1) percent increase in the open space area beyond the minimum required, as outlined in the table below. These additional residential dwelling units shall be in addition to any additional residential dwelling units granted for superior design.

**Table 15.1: Open Space Dwelling Unit Increase**

INCREASE IN OPEN SPACE ABOVE MINIMUM	INCREASE IN NUMBER OF DWELLING UNITS BEYOND CONVENTIONAL PLAN	
	AG AND RC DISTRICTS	RR DISTRICT
1.0%	4.5%	2.5%
2.0%	9.0%	5.0%
3.0%	13.5%	7.5%
4.0%	18.0%	10.0%
5.0%	22.5%	12.5%
6.0%	27.0%	15.0%
7.0%	31.5%	17.5%
8.0%	36.0%	20.0%



INCREASE IN OPEN SPACE ABOVE MINIMUM	INCREASE IN NUMBER OF DWELLING UNITS BEYOND CONVENTIONAL PLAN	
	AG AND RC DISTRICTS	RR DISTRICT
9.0%	40.5%	22.5%
10.0%	45.0%	25.0%
11.0%	49.5%	27.5%
12.0%	54.0%	30.0%
13.0%	58.5%	32.5%
14.0%	63.0%	35.0%
15.0%	67.5%	37.5%
16.0%	72.0%	40.0%
17.0%	76.5%	
18.0%	81.0%	
19.0%	85.5%	
20.0%	90.0%	
21.0%	94.5%	
22.0%	99.0%	
23.0%	103.5%	
24.0%	108.0%	
25.0%	112.5%	
26.0%	117.0%	
27.0%	120.0%	

(C) **Superior Design:** The Planning Commission may grant an increase in the number of residential dwelling units from the number of dwelling units in the conventional plan for each superior design element below that is determined to be true, as outlined in the table below. These additional residential dwelling units shall be in addition to any additional residential lots granted for additional open space area.

**Table 15.2: Superior Design Lot Increase**

SUPERIOR DESIGN ELEMENTS, AS RECOGNIZED BY TOWNSHIP	INCREASE IN NUMBER OF DWELLING UNITS BEYOND CONVENTIONAL PLAN	
	AG AND RC DISTRICTS	RR DISTRICT
One (1)	15.0%	12.5%
Two (2)	30.0%	25.0%
Three (3)	45.0%	37.5%
Four (4)	60.0%	50.0%
Five (5)	75.0%	60.0%

- 1) **Open Space Area:** Providing at least 60 percent of the lot area of the project site as permanent open space area;





- 2) **Buffer:** Providing additional buffer depth along exterior streets or adjacent properties in a manner that reduces the impact of the open space community on the surrounding area by enhancing the preservation of rural character along the street;
  - 3) **Landscaping:** Providing additional landscaping that uses native species in a manner that reduces the visual impact of the open space community on the surrounding area or improves the environment;
  - 4) **Agricultural Operation:** Allowing agricultural operations within the open space area;
  - 5) **Dwellings:** Including two- family or multiple-unit dwellings, within an Open Space Community, as long as they are connected to municipal water and sewer, or community water and municipal sewer; or a combination of municipal and community services.
  - 6) **Architectural Design:** Constructing buildings with all of the following architectural design details:
    - a) *Predominant Materials: The predominant exterior materials shall be brick, architectural steel, wood lap, cementitious wood lap, stucco, stone, cultured stone, or glass;*
    - b) *Accent Materials: Other materials, including, but not limited to, vinyl siding, aluminum siding, and colored, split-face concrete masonry units shall only be used for architectural accents;*
    - c) *Variation: Variations of exterior design, material, pattern, or color; and*
    - d) *Visual Interest: Architectural details that create visual interest, including, but not limited to, columns, pilasters, friezes, awnings, dynamic roofline, extended overhangs, belt course, and quoining.*
- (D) **Nonresidential Lots:** The Planning Commission may grant additional nonresidential lots beyond the number of dwelling units allowed in the conventional plan for shared common elements of the development, including a club house, a community well system, or a community septic system.

SECTION 15.09

## Modification of Standards

The Planning Commission may modify specific standards of this Ordinance and other Township Ordinances as part of open space community review, as outlined below.

- (A) **Conflict:** If another section of this Ordinance provides a process for modification or administrative adjustment of standards of this Ordinance, that section shall be controlling.
- (B) **District Developmental Standards:** The standards of the underlying zoning district, including, but not limited to, setbacks, building coverage, impervious coverage, lot area, or lot width, may be modified, as outlined below.
  - 1) **Decision Criteria:** In order to grant a modification of district developmental standards, the Planning Commission shall make a written finding that all of the following are true:
    - a) *Recognizable and Substantial Benefit: The open space community shall result in recognizable and substantial benefit to the ultimate users of the open space community and the Township;*
    - b) *Higher-Quality Development: The open space community shall result in a higher-quality development than that permitted by the underlying zoning district; and*
    - c) *Modification Necessary: The recognizable and substantial benefit and higher-quality development could not be achieved without the modification.*
  - 2) **Limitations:** All residential lot widths shall be at least 60 feet, and all residential lot areas shall be adequate to fit any necessary on-site water and septic systems.
- (C) **Design Standards:** The design standards of this Article, Section 15.06 Design Standards, may be modified, as outlined below.





- 1) **Decision Criteria:** In order to grant a modification of open space community design standards, the Planning Commission shall make a written finding that all of the following are true:
  - a) *Intent and Purpose: The modification shall be consistent with the intent and purpose of open space communities;*
  - b) *Public Purpose: Strict adherence to the standard will not serve a valid public purpose;*
  - c) *Higher-Quality: The modification shall be necessary to achieve a higher-quality development than would be possible with conventional development; and*
  - d) *Nuisance and Safety: The modification shall not create a nuisance or safety hazard.*
- 2) **Limitations:** Modifications shall not be made to utilities, fire protection, or lot access standards.

**(D) Open Space Area Standards:** The open space area standards of this Article, Section 15.07 Open Space Area Standards, may be modified, as outlined below.

- 1) **Decision Criteria:** In order to grant a modification of an open space area standard, the Planning Commission shall make a written finding that all of the following are true:
  - a) *Intent and Purpose: The modification shall be consistent with the intent and purpose of open space communities;*
  - b) *Public Purpose: Strict adherence to the standard will not serve a valid public purpose;*
  - c) *Higher-Quality: The modification shall be necessary to achieve a higher-quality development than would be possible with conventional development; and*
  - d) *Nuisance and Safety: The modification shall not create a nuisance or safety hazard.*
- 2) **Limitations:** Modifications to open space area standards shall be limited to the design and location of open space area, Section 15.07(E) Design and Location.

**(E) Street Standards:** The standards for private streets in the Street Ordinance may be modified, as outlined below.

- 1) **Decision Criteria:** In order to grant a modification of a street standard, the Planning Commission shall make a written finding that all of the following are true:
  - a) *Intent and Purpose: The modification shall be consistent with the intent and purpose of the Street Ordinance and open space communities;*
  - b) *Public Safety and Access: The modification shall still allow for unobstructed, safe, and continuous access to all lots and common areas for everyday use, maintenance, and emergency responders;*
  - c) *Other Improvements: The modification shall still allow adequate room for the street, utilities, and drainage;*
  - d) *Parking: There shall be adequate space for parking within the open space community that does not create a negative impact on the safe flow of traffic;*
  - e) *Pedestrian Circulation: The modification shall not have a negative impact on non- motorized circulation;*
  - f) *Higher-Quality: The modification shall be necessary to achieve a higher-quality development than would be possible with conventional development; and*
  - g) *Nuisance and Safety: The modification shall not create a nuisance or safety hazard.*
- 2) **Limitations:** Modifications of street standards shall be limited to the following:
  - a) *Private Streets: Streets that will not be dedicated to the Road Commission;*
  - b) *Right-of-way: Right-of-way width shall be at least 50 feet;*
  - c) *Cul-de-sac: Cul-de-sac configuration shall allow for fire apparatus access;*
  - d) *Horizontal Curve Radii: The horizontal curve radii of streets shall allow for fire apparatus access; and*
  - e) *Street Width: Two-way streets shall have a travelled width of at least 20 feet, and one-way streets and*



*boulevards shall have a width of at least 16 feet.*

- (F) **Documentation:** The open space community application shall list all of the requested modified standards, and the approved plan shall list all of the modified standards that were approved by the Planning Commission.
- (G) **Effect:** Specific standards of this Ordinance that have been modified for an open space community shall have the same force and effect as though the modified standards were a part of this Ordinance. They shall become the standards for the open space community and shall only be amended or revoked as outlined in this Article.

#### SECTION 15.10

## Review Process

Open space communities shall be reviewed as described below.

- (A) **Application:** The applicant shall submit a complete and accurate open space community application form. Submission of an application constitutes a representation that all the information is complete and accurate. An application for an open space community shall include all of the following relevant materials:
  - 1) **Application Form:** A signed and completed application form;
  - 2) **Fee:** An open space community application fee, as outlined in the adopted fee schedule;
  - 3) **Site Plans:** The applicant shall submit at least one (1) hard copy and a digital copy of the associated site plan, in a format acceptable to the Township, with the application, and shall submit at least fifteen (15) additional hard copies following the review of completeness. If the application is being reviewed at the same time as a site plan, additional copies are not needed for the open space community application;
  - 4) **Conventional Plan:** A conventional plan showing how the site could be developed using conventional zoning standards;
  - 5) **Master Deed:** A draft master deed for the development;
  - 6) **Conservation Guarantee:** A draft of the documents guaranteeing the conservation of the open space area; and
  - 7) **Additional Materials:** Any additional information determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws.
- (B) **Preapplication Meeting:** The applicant shall meet with Township Officials, other agencies, and other interested parties before submission of an open space community application, as outlined in Section 31.04 Preapplication Meetings.
- (C) **Review of Completeness:** An application for an open space community shall be reviewed by the Director of Planning and Zoning for completeness, as outlined in Section 31.02(C) Review of Applications.
- (D) **Review of Conventional Plan:** The conventional plan shall be reviewed as outlined below.
  - 1) **Approving Authority:** The Director of Planning and Zoning, in consultation with other Township and agency officials, shall determine if the conventional plan is feasible. Upon written request of the applicant or the Director of Planning and Zoning, the Planning Commission shall be the approving authority.
  - 2) **Feasibility:** If the approving authority determines that a conventional plan could not feasibly be developed, it shall provide a list of areas requiring attention.
- (E) **Scheduling:** Upon declaration of an administratively complete open space community application and, if the Director of Planning and Zoning is the approving authority, a feasible conventional plan the application shall be placed on the next available agenda for the Planning Commission. The applicant may request it be placed on a



later meeting agenda or may request a special meeting, with payment of an additional special meeting fee.

- (F) **Right to Enter Property:** Submission of an open space community application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.
- (G) **Applicant's Responsibilities:** The applicant shall post a public notice sign or signs on the site, clearly visible from each adjacent street and mark the property, at least fifteen (15) days before the public hearing. The public notice sign(s) and marking shall be maintained in good condition until a decision is made.
- (H) **Contact with Planning Commissioners (Ex-Parte Contact):** Direct communication with members of the Planning Commission before a hearing with the intent to influence the member's action or decision shall be prohibited. Written comments may be submitted to the Director of Planning and Zoning for distribution to the Planning Commission. This shall not prohibit the Director of Planning and Zoning from promulgating staff reports and other related materials to the Planning Commission.
- (I) **Public Hearings:** Open space communities shall be reviewed by the Planning Commission at a public hearing, as outlined in Section 31.08 Public Hearings.
- (J) **Planning Commission Review:** The Planning Commission, following a public hearing, shall approve, approve with conditions, deny, or postpone an open space community using the standards in this Article.
- 1) **Approval:** If an open space community is approved, the Planning Commission shall cite its reasons for approval and any conditions necessary for approval, and a site plan or land division may be applied for. The concurring vote of at least four (4) members of the Planning Commission is necessary to approve an open space community.
  - 2) **Denial:** If an open space community is denied, the Planning Commission shall cite its reasons for denial.
  - 3) **Postpone:** If the Planning Commission determines that the open space community application does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall cite the reasons for postponement.
- (K) **Decision Criteria:** The Planning Commission shall approve or approve with conditions an open space community upon finding that all of the following are true:
- 1) **Recognizable and Substantial Benefit:** The open space community shall result in a recognizable and substantial benefit to the ultimate users of the project and the community that would otherwise be unfeasible or unlikely using conventional development;
  - 2) **Public Service Capacity:** The open space community shall not place an unreasonable burden on the provision of public services, including, but not limited to, fire protection, police protection, schools, streets, and utilities;
  - 3) **Landscaping:** The landscape shall be preserved in its natural state to a greater extent possible than using conventional development;
  - 4) **Open Space Area Design:** The open space area has been located and designed to protect natural features and preserve important natural areas and views to a greater extent possible than using conventional development; and
  - 5) **Economic Impact:** The open space community shall not impede the continued use or development of surrounding properties for uses permitted on those properties.
- (L) **Timely Decisions:** The Planning Commission shall render its decision within 60 days of the date the application is administratively complete. If the Director of Planning and Zoning is the approving authority, the conventional plan is approved unless a delay is agreed to by the applicant and the Planning Commission. The decision shall become final upon adoption of meeting minutes or signing of a resolution by the Township, whichever occurs



first.

- (M) **Conditions of Approval:** The Planning Commission may impose reasonable conditions in granting an approval, as outlined in Section 31.09 Conditions of Approval.
- (N) **Acceptance of Conditions:** Open space community approval shall only be effective upon acceptance of the approval and any conditions of the approval by the applicant.
- (O) **Copies of Open Space Community Plan:** The applicant shall submit four (4) hard copies and a digital copy, in a format acceptable to the Township, of the approved open space community plan. Two hard (2) copies shall be returned to the applicant after they have been stamped and signed. These copies of the approved open space community plan shall not be necessary if the open space community receives approval at the same time as it receives a site plan approval.
  - 1) **Modifications and Conditions:** The plan shall include any modifications and conditions required for approval.
  - 2) **Signatures:** The plan shall be stamped and signed by the Planning Commission Chair or Acting Chair and the Director of Planning and Zoning and signed by the applicant.
  - 3) **Record:** The plan shall become a part of the record.
- (P) **Recording:** The applicant shall record a description of the project with the Register of Deeds, with a copy provided to the Township.
  - 1) **Township Approval:** The document shall be reviewed and approved by the Township before recording.
  - 2) **Information:** The document shall include at least the following information:
    - a) *Legal Description: A full legal description for the property;*
    - b) *Approval Date: The date of the Township's approval;*
    - c) *Conditions: Conditions of approval;*
    - d) *Development Standards: A list of the specific developmental standards for the open space community;*
    - e) *Modification of Standards: A list of modifications of standards; and*
    - f) *Declaration: A declaration that all of the improvements shall be installed as approved.*
  - 3) **Permits:** The Township shall not issue any permits for the project and work shall not commence until the Township receives a copy of the recorded document.
  - 4) **Development Agreement:** The document may be incorporated as part of the development agreement.
- (Q) **Expiration:** Open space community approval shall be valid for a period from the date of approval, as outlined below.
  - 1) **Site Plan:** An administratively complete application for a site plan review shall be submitted within eighteen (18) months from the date that the open space community was approved or the open space community shall be expired. The open space community approval shall remain valid while the site plan application is being processed.
  - 2) **Effect:** Approved open space communities that have expired shall be resubmitted for review as a new application.
  - 3) **Extension Request:** If an administratively complete application for an extension has been submitted before the expiration date, the open space community shall remain valid until the Planning Commission makes a decision.
- (R) **Extension:** The Planning Commission may grant one (1) extension of an approved open space community for a period of up to one (1) year, upon finding that all of the following are true:
  - 1) **Application Date:** The application for an extension was submitted before the expiration date;



- 2) **Applicant Effort:** The applicant has made a good-faith effort to submit a site plan application in a timely manner and the delay was not the result of actions or inaction of the applicant;
  - 3) **Substantial Changes:** There have been no substantial changes on abutting properties or the area since the original approval that would raise concern of the impact of the approved open space community on those properties or the site; and
  - 4) **Current Standards:** The approved open space community shall be in compliance with this Ordinance at the time of extension.
- (S) **Amendments:** A site plan for an open space community may be amended as part of site plan review if all of the following criteria are met:
- 1) **Open Space Area:** The amendments do not reduce the quantity or quality of the open space area from what was originally approved;
  - 2) **Number of dwelling units:** The amendments do not increase the quantity of individual residential dwelling units; and
  - 3) **Original Approval:** The amendments are consistent with the intent and conditions of the original open space community approval.
- (T) **Rehearing:** A request for a rehearing shall be processed as outlined in Section 31.11 Rehearing.
- (U) **Reapplication:** An open space community application that has been denied shall not be resubmitted, except as permitted in Section 31.12 Reapplication.
- (V) **Suspension:** An approved open space community may be suspended temporarily and immediately by the Planning Commission, as outlined in Section 31.13 Suspension.
- (W) **Revocation:** An approved open space community may be revoked by the Planning Commission, as outlined in Section 31.14 Revocation.



# Article 16.

## General Provisions

### SECTION 16.01

#### Purpose and Intent

The intent and purpose of this Article is to:

- (A) Establish supplemental standards that apply to all uses, properties, structures, and zoning districts;
- (B) Prevent overcrowding of land and ensure adequate space for permitted uses;
- (C) Ensure structures and properties are safe; and
- (D) Preserve and promote the public health, safety, and welfare.

### SECTION 16.02

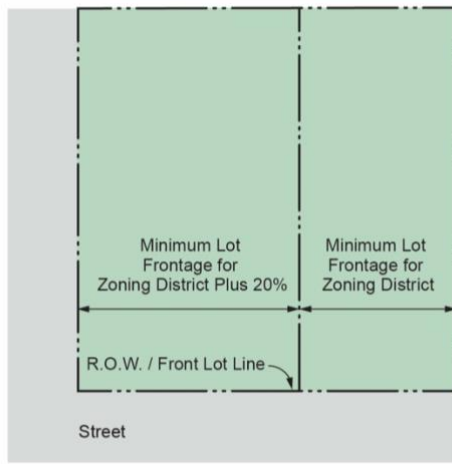
#### Lot Configuration

All lots shall be created or altered as outlined below, unless otherwise permitted in this Ordinance.

- (A) **Calculations:** Areas shall only be used once for the calculation of lot area, frontage, setbacks, and other standards of this Ordinance.
- (B) **Standards Maintained:** Lots shall only be created or altered in a manner that is consistent with the lot area, frontage, setbacks, coverages, and other standards of this Ordinance.
- (C) **Narrow Lots (including Flag Lots):** All lots created after the effective date of this ordinance shall have at least 30 feet of frontage on a public right-of-way or recorded access easement in addition to achieving the minimum lot width standards for that zoning district.
- (D) **Corner Lot Frontage:** Corner lots shall have a lot frontage along each street that is at least 20 percent greater than the required frontage for that zoning district.
- (E) **Depth-to-Width Ratio:** All lots with a lot area of five (5) acres or less shall have a lot depth less than or equal to four (4) times the lot width.

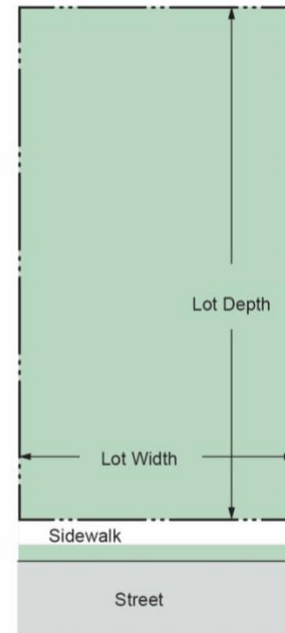


**Figure 16.2: Corner Lot Frontage**



*Figure not to scale.*

**Figure 16.2: Depth-to-Width Ratio**



*Figure not to scale.*

SECTION 16.03

## Uses per Lot

Lots shall be used as outlined below, unless otherwise permitted in this Ordinance.

- (A) **One Use:** Lots shall have a maximum one (1) principal building, structure, or use, unless otherwise permitted in this Ordinance. This shall not apply to agricultural uses.
- (B) **Groups:** Groups of buildings or similar uses within a single, integrated lot or site that share common features and elements shall be considered a single principal use for this Section.
- (C) **Dwellings:** There shall be a maximum of one (1) dwelling unit per lot, except for two-family dwellings, multiple-unit dwellings, farm labor housing, or accessory dwellings that are consistent with the standards of this Ordinance. Single-family dwellings shall not be located on the same lot as any other principal building, structure, or use, unless otherwise permitted in this Ordinance.
- (D) **Illegal Dwellings:** The use of any portion of a garage, accessory building, tent, recreational vehicle, or a partially completed building for dwelling or sleeping purposes shall be prohibited, unless otherwise permitted in this Ordinance.





## SECTION 16.04

## Structures

All structures shall meet the following standards, in addition to other applicable standards of this Ordinance.

- (A) **Moved Structures:** A zoning permit shall be required for the moving of buildings and structures, except for temporary agricultural accessory buildings, as outlined below.
- 1) **Foundation:** The moved building shall be attached to a permanent foundation.
- (B) **Earth-Sheltered Buildings:** Earth-sheltered buildings shall meet the additional standards outlined below.
- 1) **Structural Integrity:** The structural design of the building, with respect to the wall and roof loads, shall be certified by a licensed architect or professional engineer.
  - 2) **Guard Rails:** Guard rails shall be provided on or near the edge of any accessible roof or similar surface with a grade change of 30 inches or more.
  - 3) **Setbacks:** Setbacks for earth-sheltered buildings shall be measured as outlined below.
    - a) *Created Slope:* The setback shall be measured from the bottom edge of the berm for created or man-made berms or slopes.
    - b) *Natural Slope:* The setback shall be measured from the edge of the structure for natural berms or slopes.
  - 4) **Height:** Height for earth-sheltered buildings shall be measured as outlined below.
    - a) *Created Slope:* The height shall be measured from the bottom edge of the berm for created or man-made berms or slopes.
    - b) *Natural Slope:* The height shall be measured from the lowest floor for natural berms or slopes.
  - 5) **Building Coverage:** Building coverage for earth-sheltered buildings shall be computed using the outside walls of the building.
  - 6) **Impervious Coverage:** The area of an earth-sheltered building covered with 18 inches or more of soil shall not count towards impervious coverage.
- (C) **Razed Buildings:** Demolition of buildings shall meet the standards outlined below.
- 1) **Utilities:** Shutoff notices from all of the affected utilities shall be provided before a permit may be issued.
  - 2) **Disposal:** All of the demolition materials shall be disposed of in a solid waste facility approved by the State of Michigan or an appropriate recycling facility.
  - 3) **Restoration:** The lot shall be fully restored, with grading and seeding within 30 days of demolition being completed. Seeding may be delayed until the next planting season.
  - 4) **Safety:** The area shall be appropriately secured during the demolition process.
  - 5) **Performance Guarantee:** A performance guarantee may be required to ensure the demolition and restoration work is completed, as outlined in Section 31.05 Performance Guarantee.



SECTION 16.05

## Architectural Design Standards

In order to provide a quality, built environment that enhances the character of the Township, nonresidential and multiple-unit dwellings shall meet the design standards outlined below.

- (A) **Applicability:** The architectural design standards outlined in this Section shall apply to specific buildings and building additions in all zoning districts that are visible from a street or public waterbody, as outlined below.
- 1) **Applicability:** The architectural design standards in this Section shall apply to the following nonresidential and multiple-unit dwellings:
    - a) *New Buildings: All new buildings; and*
    - b) *Significant Additions: Additions to existing buildings with a cost that is greater than or equal to the assessed value of the existing building.*
  - 2) **Not Applicable:** The architectural design standards in this Section shall not apply to agricultural buildings or self-storage facilities.
- (B) **Façade Design:** All façades visible from streets and off-street parking shall be designed to enhance the appearance of the building and the surrounding area, as outlined below.
- 1) **Façade Direction:** A prominent façade shall face each public street and off-street parking.
  - 2) **Building Line Variation:** Façades longer than 40 feet in length that face public streets and off-street parking shall have at least one (1) offset, recess, or projection, for every 40 feet of façade length, or fraction thereof, with a depth of at least three (3) feet deep and a width of at least ten (10) feet.

Figure 16.3: Building Line Variation

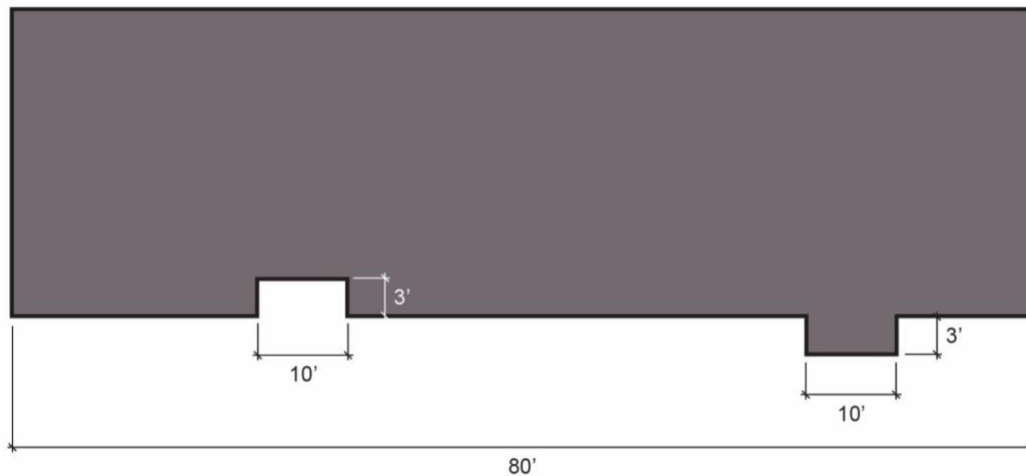


Figure not to scale.

- 3) **Architectural Detailing:** Façades facing public streets and off-street parking that are longer than 50 feet shall have at least three (3) of the following architectural details:
  - a) *Variation: Variations of material, pattern, and/or color;*
  - b) *Ornamentation: A system of integrated architectural ornamentation, including, but not limited to columns, pilasters, friezes, etcetera;*



- c) *Shadow Lines: Details that create shadow lines, including, but not limited to, reveals with a depth and width of at least one (1) inch, lintels with a depth of at least two (2) inches, overhangs with a depth of at least 18 inches, canopies or awnings with a depth of at least two (2) feet, or a cornice that extends at least one (1) foot from the façade;*
  - d) *Visual Interest: Details that create visual interest, including, but not limited to, display windows, arcades, awnings, overhangs, belt course, and quoining; or*
  - e) *Roofline: An asymmetric or dynamic roofline.*
- 4) **Windows:** At least 30 percent of the first floor façade area of nonresidential buildings facing streets and off-street parking shall be transparent glass. The area of parapet walls shall not be used to calculate the façade area for the minimum window area.
  - 5) **Overhead Doors:** Overhead doors shall not face streets or residential districts unless there is no other functional alternative and the visual impact will be moderated through the use of building materials, architectural features, or landscaping.
- (C) Entrances:** All public entrances shall provide appropriate weather protection and shall include at least two (2) of the following elements:
- 1) **Overhead Projections:** A roof, overhang, canopy, awning, portico, archway, or similar that is at least four (4) feet deep;
  - 2) **Offset:** A recess or projection of at least three (3) feet from the adjacent façade;
  - 3) **Roof Feature:** A raised, corniced parapet or gable; or
  - 4) **Ground Features:** Integral planters, seating walls, or wing walls that project from the facade.
- (D) Materials:** Durable materials that provide an attractive, quality appearance shall be used, as outlined below.
- 1) **Predominant Materials:** The predominant exterior materials shall be brick, architectural steel, wood lap, cementitious wood lap, stucco, stone, cultured stone, or glass.
  - 2) **Accent Materials:** Other materials, including, but not limited to, vinyl siding, aluminum siding, and colored, split-face concrete masonry units shall only be used for architectural accents.
  - 3) **Prohibited Materials:** Exterior insulation finishing system, uncolored concrete masonry units, and other materials not listed above shall not be used.
  - 4) **Durable:** All exterior materials shall be durable, weather-resistant, and rustproof and shall be maintained in a good condition.
  - 5) **Alternate Materials:** The approving authority may approve alternate materials if all of the following conditions are true:
    - a) *Intent and Purpose: The alternate materials remain consistent with the intent and purpose of this Section;*
    - b) *Existing Materials: The alternate materials are consistent with materials already used for expansions of an existing building;*
    - c) *Prohibited Materials: The alternate materials shall not be any of the prohibited materials, unless the area will be hidden from adjacent streets, off-street parking, and adjacent lots or is consistent with existing materials above.*
- (E) Roof:** Roofs shall be designed to reduce the apparent mass of the building, add visual interest, and complement the architectural style of the building, as outlined below.
- 1) **Mechanical Equipment:** All roof-based mechanical equipment, including, but not limited to, HVAC, vents, pipes, antenna, satellite dishes, and other roof penetrations, shall be located on the rear elevation or shall be screened by a parapet wall from streets, off-street parking, residential districts, and waterbodies.



- 2) **Building Mass:** Roofs shall be designed to reduce the apparent mass of the building and roof through use of materials, geometry, and architectural details.
- 3) **Flat Roofs:** Flat roofs shall have a parapet wall that extends at least four (4) feet above the roof.
- 4) **Sloped Roofs:** The average slope shall be at least four to twelve (4:12), and there shall be an overhang at least one (1) foot deep.

SECTION 16.06

## Streets and Addresses

Streets and street addresses shall meet the standards outlined below.

(A) **Street Names:** Street names shall meet the standards outlined below.

- 1) **Unique Name:** Street names shall not duplicate the name of an existing street within Dexter Township or the Fire Department's coverage area. It is preferred that street names not duplicate the name of an existing street within Washtenaw County.
- 2) **Name Change:** Street names shall only be changed with the approval of Dexter Township, the Road Commission, the Fire Department, and Washtenaw County Central Dispatch.
- 3) **Street Signs:** Streets names shall be displayed at all intersections, with placement and signs consistent with the Michigan Manual on Uniform Traffic Control Devices.

(B) **Addresses:** Street address shall be displayed as outlined below.

- 1) **New and Altered Buildings:** All newly constructed buildings and buildings that are expanded shall display their street address in a manner clearly visible from the adjacent street.
- 2) **Buildings Open to the Public:** All buildings that are or are intended to be occupied by the public shall display their street address in a manner clearly visible from the adjacent street.
- 3) **Multiple Units:** Lots, sites, and buildings with multiple units shall have the building number, address, or unit number clearly visible on each building and/or each unit entrance.

SECTION 16.07

## Property Maintenance

Property shall be maintained in an appropriate manner, as outlined below.

(A) **Maintenance of Junk:** Possession or maintenance of junk shall be prohibited, except for approved junkyards. All land-use activities shall comply with the Anti-Blight Ordinance.

(B) **Damaged and Unsafe Structures:** Any building or structure with structural damage caused by fire, wind, or other cause or which has become dangerous, unsafe, or uninhabitable shall be repaired or completely removed within six (6) months of the damage.

- 1) **Restoration:** Restoration shall include removal of all debris, filling all excavations to ground level, and seeding of the soil.
- 2) **Barriers:** Temporary barriers, fencing, or other secure barrier shall be erected immediately following damage or identification of the dangerous or unsafe condition and shall remain in place until the conditions are remedied or the site is otherwise made safe.



- 3) **Reuse:** The foundation may remain in place, without being filled, for up to twelve (12) months if the foundation has been certified as structurally sound by a professional engineer for reuse and the area has been secured by barriers.
  - 4) **Extensions:** A single, six (6) month extension may be granted if the property owner has been diligently pursuing remediation of the conditions and the delay is necessary due to government action related to permit issuance or insurance processing.
- (C) **Grass and Weeds:** Grass and weeds shall be maintained at a height of eight (8) inches or less, as outlined below.
- 1) **Applicability:** This Section shall apply to the following:
    - a) *Subdivisions: Lots in platted subdivisions or site condominiums with a structure and vacant lots in platted subdivisions or site condominiums in which buildings have been occupied on 60 percent of more of the lots; and*
    - b) *Residential Lots: A depth extending 150 feet from a street right of way for properties within a residential district that have a dwelling unit.*
  - 2) **Exemptions:** This Section shall not apply to the following:
    - a) *Agriculture: Areas used for gardening or commercial agriculture;*
    - b) *Decorative Plants: Decorative grasses, natural prairie grasses, flowers, or native pollinators;*
    - c) *Woods and Wetlands: Natural wooded areas, wetlands, or meadows; and*
    - d) *Open Space: Areas designated as open space.*
- (D) **Dangerous Trees:** Trees that threaten to damage structures on adjacent properties or fall onto streets shall be removed or trimmed to remove the hazard.

#### SECTION 16.08

### Essential Services

Essential services shall meet the standards outlined below.

- (A) **Permitted:** Essential services shall be permitted in any zoning district as authorized under any franchise granted by the Township, subject to applicable statutes, ordinances, rules, and agreements. This shall not apply to buildings, depot yards, substations, or gate valve stations.
- (B) **New Development:** Utilities installed for new developments shall be installed underground, unless it is not feasible to do so.
- (C) **Conduit:** New developments shall install fiber optic cable or shall install conduits for future installation of fiber optic cable.

#### SECTION 16.09

### Alteration of Shorelines

Alteration of the shoreline or bed of a public lake, river, or other surface waterbody shall only be made with the appropriate written approval of the Department of Environment, Great Lakes, and Energy and/or Water Resources Commissioner.



SECTION 16.10

## Minor Accessory Structures

Minor accessory structures, including, but not limited to, arbors, trellises, bird baths and houses, dog houses, lamp posts, mail boxes, sidewalks, and utility installations for local service, shall be permitted in any yard in all zoning districts.

SECTION 16.11

## Accessory Buildings

Accessory buildings shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Building-to-Building Setback:** Accessory buildings shall be at least ten (10) feet from any other building or structure.
- (B) **Residential Accessory Buildings:** Residential accessory buildings shall meet the standards outlined below.
  - 1) **Relation to Principal Building:** Residential accessory buildings shall only be constructed and maintained on lots with or near a principal dwelling unit, as outlined below.
    - a) *Same Lot:* Residential accessory building shall only be permitted on a lot on which a principal dwelling unit exists or is under construction
    - b) *Adjacent:* Residential accessory buildings shall only be permitted on a lot contiguous or adjacent, and under the same ownership and control on which a principal dwelling unit exists or is under construction.
      - i) *Separability:* The lot with the principal building and the lot with the accessory building shall remain under single ownership and control.
      - ii) *Recording:* A declaration that the lots shall remain under single ownership and control, following approval by the Township, shall be recorded with the Register of Deeds at the property owner's expense, with a copy provided to the Township before a zoning permit shall be issued for the accessory building.
      - iii) *Transfer:* The lot with the accessory building may be transferred to another lot that meets the standards of this Section if that transfer does not create a nonconformity for the developmental standards of this Ordinance.
  - 2) **Location:** Residential accessory buildings shall only be located as outlined in the table below:

**Table 16.1: Residential Accessory Building Location and Minimum Setbacks**

YARD	ZONING DISTRICT	ALLOWED	MINIMUM SETBACKS
Front Yard	Lake Residential	Yes (*)	20 feet from front lot line for waterfront lots <sup>(*)</sup> Same as the front yard setback for non-waterfront lots
	All other Zoning Districts	Yes	Same as the front yard setback
Side Yard	Lake Residential	Yes	Five (5) feet from side lot lines
	All other Zoning Districts	Yes	Ten (10) feet from side lot lines
Rear Yard	Lake Residential	Yes	Ten (10) feet from rear lot lines
	All other Zoning Districts	Yes	Ten (10) feet from rear lot lines

\* Residential accessory buildings located within the front yard shall be designed and constructed to complement the design of the principal building.



- 3) **Width:** The maximum façade width for accessory buildings in the front yard of waterfront lots with a lot width of 60 feet or less shall be 24 feet.
- 4) **Height:** The maximum height for residential accessory buildings shall be as outlined below.
  - a) *Smaller Lots: For lots with a lot area of less than one (1) acre, the maximum height for residential accessory buildings shall be 20 feet.*
  - b) *Larger Lots: For lots with a lot area of one (1) acre or more, the maximum height for residential accessory buildings shall be 25 feet.*
- 5) **Building Coverage:** Residential accessory buildings shall be included in the overall building coverage calculation for a lot, except in LR Lake Residential as follows:

**Table 16.2: Residential Accessory Building Coverage in LR**

LOT AREA	BUILDING COVERAGE
Less than one (1) acre	1,250 square feet
One (1) to less than two (2) acres	2,750 square feet
Two (2) to less than four (4) acres	3,500 square feet
More than four (4) acres	Three (3) percent of lot area

- 6) **Use:** Residential accessory building use shall be incidental and subordinate to the principal use of the property.
- (C) Agricultural Accessory Buildings:** Accessory buildings used exclusively for commercial agriculture, including silos, shall meet the following standards.
- 1) **Location:** Agricultural accessory buildings may be located in any yard.
  - 2) **Setbacks:** The minimum setbacks for agricultural accessory buildings shall be the setbacks for the principal building or equal to the building height, whichever is greater. Agricultural accessory buildings housing animals shall be at least 50 feet from all lot lines.
  - 3) **Height:** There shall be no height limit for agricultural accessory buildings. Agricultural accessory buildings that are taller than 30 feet shall have minimum setbacks equal to the height.
  - 4) **Building Coverage:** Agricultural accessory buildings shall be included in the overall building coverage calculation for a lot.
- (D) Commercial or Institutional Accessory Buildings:** Accessory buildings for commercial or institutional uses shall meet the developmental and use standards for the principal building for the zoning district in which they are located.
- (E) Temporary Accessory Buildings:** Temporary accessory buildings shall require a permit and meet the following standards.
- 1) **Location:** Temporary accessory buildings shall be located within a side or rear yard. Temporary accessory buildings used exclusively for commercial agriculture may be located in any yard.
  - 2) **Setbacks:** Temporary accessory buildings shall be at least ten (10) feet from every lot line.
  - 3) **Height:** Temporary accessory buildings shall have a maximum height of 18 feet.
  - 4) **Duration:** Temporary accessory buildings shall be erected a maximum of six (6) months in any calendar year. This shall not apply to temporary accessory buildings used exclusively for commercial agriculture.
  - 5) **Condition:** Temporary accessory buildings shall be maintained in a good and safe condition at all times.





- 6) **Performance Guarantee:** A performance guarantee may be required, as outlined in Section 31.05 Performance Guarantee.
- (F) **Accessory Buildings 200 square feet or less on lots of one (1) acre or more:** On lots that are one (1) acre or greater, accessory buildings 200 square feet or less are subject to the following and any other applicable provisions of the ordinance:
- 1) **Location:** Buildings meeting the provisions of this section may be located in any yard.
  - 2) **Setbacks:** Setbacks for a building meeting the provisions of this section shall be set back a minimum of five (5) feet from the side and rear lot lines and a minimum of ten (10) feet from other residential structures.
  - 3) **Height:** Buildings meeting the provisions of this section shall have a maximum height of 8.5 feet.





## SECTION 16.12

## Building Coverage in RR and RC Districts and for Residential uses in the AG District

Total maximum building coverage in the RR and RC Districts and for Residential uses in the AG District shall be in accordance with the table below. Building coverage shall include all primary and accessory buildings for the purposes of this calculation.

**Table 16.3: Building Size**

TOTAL LOT AREA		MAX LOT COVERAGE FOR BUILDINGS		TOTAL LOT AREA		MAX LOT COVERAGE FOR BUILDINGS	
ACREAGE	SQ. FT.	%	SQ. FT.	ACREAGE	SQ. FT.	%	SQ. FT.
Less than 0.3 acres		–	1,300	2.7	117,612	7.6%	8,939
0.3	13,068	10.0%	1,307	2.8	121,968	7.5%	9,148
0.4	17,424	9.9%	1,725	2.9	126,324	7.4%	9,348
0.5	21,780	9.8%	2,134	3.0	130,680	7.3%	9,540
0.6	26,136	9.7%	2,535	3.1	135,036	7.2%	9,723
0.7	30,492	9.6%	2,927	3.2	139,392	7.1%	9,897
0.8	34,848	9.5%	3,311	3.3	143,748	7.0%	10,062
0.9	39,204	9.4%	3,685	3.4	148,104	6.9%	10,219
1.0	43,560	9.3%	4,051	3.5	152,460	6.8%	10,367
1.1	47,916	9.2%	4,408	3.6	156,816	6.7%	10,507
1.2	52,272	9.1%	4,757	3.7	161,172	6.6%	10,637
1.3	56,628	9.0%	5,097	3.8	165,528	6.5%	10,759
1.4	60,984	8.9%	5,428	3.9	169,884	6.4%	10,873
1.5	65,340	8.8%	5,750	4.0	174,240	6.3%	10,977
1.6	69,696	8.7%	6,064	4.1	178,596	6.2%	11,073
1.7	74,052	8.6%	6,368	4.2	182,952	6.1%	11,160
1.8	78,408	8.5%	6,665	4.3	187,308	6.0%	11,238
1.9	82,764	8.4%	6,952	4.4	191,664	5.9%	11,308
2.0	87,120	8.3%	7,231	4.5	196,020	5.8%	11,369
2.1	91,476	8.2%	7,501	4.6	200,376	5.7%	11,421
2.2	95,832	8.1%	7,762	4.7	204,732	5.6%	11,465
2.3	100,188	8.0%	8,015	4.8	209,088	5.5%	11,500
2.4	104,544	7.9%	8,259	4.9	213,444	5.4%	11,526
2.5	108,900	7.8%	8,494	5.0	217,800	5.3%	11,543
2.6	113,256	7.7%	8,721	Greater than five (5) acres		-	11,543*

\* Planning Commission may permit up to 20,000 square feet total lot coverage on lots greater than five (5) acres for an indoor riding arena with full site plan.

## SECTION 16.13

## Gazebos

Gazebos with a building coverage of 100 square feet or less shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance. Gazebos with a building coverage of more than 100 square feet shall be considered accessory buildings and shall meet the standards for accessory buildings.



- (A) **Location:** Gazebos may be located in any yard.
- (B) **Setbacks:** Gazebos shall meet the yard setbacks for an accessory building for the district in which they are located and shall be at least 35 feet from waterbodies.
- (C) **Height:** Gazebos shall have a maximum height of ten (10) feet.
- (D) **Enclosure:** Gazebos shall have open walls or only be enclosed by screening.

SECTION 16.14

## Porches, Decks, Patios, and Steps

Porches, decks, patios, and steps shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Detached:** Porches, decks, patios, and steps that are not attached to a building shall meet the setbacks for the principal building for the district in which it is located and shall not have any enclosed walls.
- (B) **Attached:** Porches, decks, patios, and steps that are attached to a building or function as if they were attached, even if there is no physical connection, shall be considered a part of that building and shall meet the developmental standards for that building, unless otherwise permitted in this Ordinance.
- (C) **Screening:** Privacy fencing or screening may be attached to a deck or porch in a rear or side yard with a maximum height of six (6) feet, measured from the finished floor of the deck or porch.

SECTION 16.15

## Residential Barrier Free Ramps

An unroofed barrier free ramp for residential use may encroach into a required front, rear, or side-yard setback if all of the following are true:

- (A) **No Alternatives:** There shall be no other reasonable alternatives for the location of such a ramp on the property;
- (B) **Smallest Necessary:** The ramp shall be the smallest size necessary; and
- (C) **Removal:** The ramp shall be removed when it is no longer necessary for barrier free access. This removal shall be outlined in a document approved by the Township and recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.



## SECTION 16.16

## Fences, Walls, and Gated Entrances

Fences, walls, and gated entrances shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Fences and Walls:** Fences and walls shall meet the standards outlined below, unless otherwise permitted in this Ordinance.
- 1) **General Provisions:** The standards outlined below shall apply to all fences and walls.
    - a) *Finished Side:* The finished side shall face adjacent properties. All exposed fence posts shall be located towards the property that is being fenced.
    - b) *Setbacks:* Fences shall be located completely within the property being fenced.
    - c) *Clear-vision Zone:* Fences and walls located within a clear-vision zone shall have a maximum height of three (3) feet.
    - d) *Height:* Fences and walls located within a front yard shall have a maximum height of four (4) feet. Fences and walls located within a side or rear yard shall have a maximum height of six (6) feet, unless otherwise stated in this Ordinance.
    - e) *Maintenance:* Fences and walls shall be kept and maintained in good, plumb upright condition.
    - f) *Gates:* Gates shall be installed so that they do not extend over or into a right-of-way, public space, or adjacent property when opened.
  - 2) **Waterbody Yards:** Fences and walls in waterbody yards shall meet the standards outlined below.
    - a) *Commercial, Recreation Conservation, and Public Districts:* The maximum height for fences or walls in the waterfront yard of Commercial (C), Recreation Conservation (RC), and Public Districts shall be four (4) feet, and the fence or wall shall have a maximum opacity of 50 percent.
    - b) *All Other Districts:* Fences and walls shall not be permitted in the waterfront yard in any other zoning district.
  - 3) **Recreational Facility Fences:** Fences surrounding a recreational facility field or court shall have a maximum height of twelve (12) feet and shall be set back from all lot lines a distance at least equal to the fence height.
  - 4) **Agricultural Fences:** Agricultural fences may be taller than outlined in this Section if the fence is the minimum height necessary for the agricultural use and the fence will not cause negative impacts to adjacent properties or traffic. Agricultural fences that are taller than otherwise allowed shall have a maximum opacity of 50 percent.
  - 5) **Temporary Fences:** Temporary fences shall be maintained in good condition and shall be installed a maximum of five (5) months in a calendar year.
  - 6) **Razor Wire:** Razor wire shall only be used with the approving authority's approval for utility substations and gate valve stations.
  - 7) **Barbed Wire and Electrical Fences:** Barbed wire and electrical fences shall only be allowed in Agricultural (AG) and Rural Residential (RR) Districts. All barbed wire or electrical fences within 50 feet of a lot line or in an area accessed by the public shall have clearly visible warning signs.
- (B) **Gated Entrances:** Gated entrances shall meet the standards outlined below.
- 1) **Approvals:** Gated entrances shall require review and approval by emergency responders, including, but not limited to, the Fire Inspector, police, and emergency medical services.



- 2) **First Responder Access:** Gated entrances shall be equipped with a sound-activated entry system that will automatically open the gate upon detecting an emergency siren for two point five (2.5) to four point five (4.5) seconds or sooner.
- 3) **Law Enforcement Access:** Gated entrances shall be equipped with a silent, secondary access system that allows for quiet entrance by law enforcement personnel.
- 4) **Back-up Power:** Gated entrances shall be equipped with a back-up power supply capable of operating the gate for at least 24 hours in the case of power failure.
- 5) **Manual Control:** Gated entrances shall be equipped with a fail-safe mode that allows for manual operation of the gate.

SECTION 16.17

## Pools and Hot Tubs

Pools and hot tubs shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Location:** Swimming pools shall be located in a side or rear yard. Hot tubs shall be located in a side, rear, or waterfront yard.
- (B) **Setbacks:** Swimming pools shall be at least ten (10) feet from side and rear lot lines. Hot tubs shall be at least ten (10) feet from side and rear lot lines and at least 35 feet from waterbodies.
- (C) **Access:** Swimming pools and hot tubs shall have restricted access by at least one (1) of the methods below:
  - 1) **Fencing:** Swimming pools and hot tubs shall be surrounded by fencing at least four (4) feet high. The fence shall not be climbable. All gates shall be self-closing and self-latching;
  - 2) **Elevated Pools:** Elevated swimming pools and hot tubs that are at least four (4) feet above ground shall have restricted access by steps that are removed and secured when not in use or a self-closing, self-latching gate that is at least four (4) feet high;
  - 3) **Building Wall:** When a building wall is used as a barrier, all doors along that wall shall be equipped with alarms and the swimming pool shall have an automatic cover; and/or
  - 4) **Hot Tub Cover:** Hot tubs with a cover that complies with the American Society for Testing and Materials (ASTM) F1346 shall not be required to have additional access restrictions. This cover shall be in place when the hot tub is not in use.
- (D) **Filling:** Swimming pools and hot tubs shall not be filled until the applicable access restrictions have been satisfactorily installed.

SECTION 16.18

## Retaining Walls

Retaining walls shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance. The standards of this Section shall not apply to seawalls.

- (A) **Setbacks:** Retaining walls shall be at least three (3) feet from all lot lines. For retaining walls that are taller than three (3) feet the minimum setback shall be equal to the wall height. This setback may be reduced if a letter of non-objection is obtained from the affected adjacent property owner. This letter shall be in a form approved by the Township and shall be recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.



- (B) **Waterbody and Wetland Setback:** Retaining walls shall be at least ten (10) feet from any waterbody or wetland.
- (C) **Height:** Retaining walls shall have a maximum height of four (4) feet. Taller retaining walls shall be tiered with a distance between the walls equal to the height of the upper retaining wall. The maximum height may be increased by up to three (3) feet if: the retaining wall is made of poured concrete, and a fall-prevention railing is installed.
- (D) **Grade:** Grades along property lines shall not be changed unless a letter of non-objection is obtained from the affected adjacent property owner. This letter shall be in a form approved by the Township and shall be recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.
- (E) **Drainage:** Any change in grade shall not have a negative impact on the natural drainage patterns.

## SECTION 16.19

## Sidewalks, Paths, and Steps

Sidewalks, paths, and steps shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Location:** Sidewalks, paths, and steps that are at-grade or even with slopes shall be permitted in every yard.
- (B) **Setback:** Sidewalks, paths, and steps shall be at least five (5) feet from side lot lines, except as listed below.
  - 1) **Shared Use:** When a sidewalk, path, or steps will be shared by multiple properties, it may be located along the shared lot line. A maintenance agreement and access easement shall be provided. This maintenance agreement and access easement shall be in a form approved by the Township and shall be recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.
  - 2) **Non-objection:** The side yard setback may be reduced if the adjacent property owner submits a letter of nonobjection. This letter of nonobjection shall be in a form approved by the Township, and shall be recorded with the Register of Deeds, with a copy of the recorded agreement being supplied to the Township.
  - 3) **Connection:** When a sidewalk, path, or steps will connect adjacent properties, the side or rear- yard setback shall not apply.
  - 4) **Lake Residential Districts:** The side-yard setback may be reduced by up to two (2) feet for properties in all Lake Residential Districts that have a lot width of less than 50 feet.

## SECTION 16.20

## Propane Tanks

Propane tanks used to supply a building or use shall meet the standards outlined below, in addition to the other applicable standards of this Ordinance.

- (A) **Small Propane Tanks:** Propane tanks with a capacity of more than 100 gallons and 500 gallons or less shall be at least ten (10) feet from any lot line and any external source of ignition, including, but not limited to, open flames, window air conditioners, or compressors, and any intake for direct vent gas appliances or mechanical ventilation system.
- (B) **Large Propane Tanks:** Propane tanks with a capacity of more than 500 gallons shall be at least 25 feet from any lot line and any external source of ignition, including, but not limited to, open flames, window air conditioners, compressors, and any intake for direct vent gas appliances or mechanical ventilation system.



- (C) **Screening:** Any propane tank located in a front yard with a capacity of more than 100 gallons shall be screened from public view.

SECTION 16.21

## Flagpoles

Flagpoles shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Setbacks:** Flagpoles shall be set back from all property lines by at least the height of the pole.
- (B) **Height:** Flagpoles shall have a maximum height of 50 feet.

SECTION 16.22

## TV Antennas, Satellite Dishes, and Amateur Radio Service Station Antenna Structures

Television antennas and satellite dishes with a height or width of more than three (3) feet and all amateur radio service station antenna structures shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Intent and Purpose:** The intent and purpose of this Section is to provide reasonable standards for reception antenna to achieve the following:
- 1) **Safety:** Promote safety and prevent hazards to people and property from accidents involving antennas and satellite dishes;
  - 2) **Use:** Promote the reasonable use of antennas and satellite dishes where feasible;
  - 3) **Aesthetics and Property Values:** Develop standards that minimize the aesthetic impact on surrounding properties and preserve property values;
  - 4) **Balance:** Balance standards for antennas and satellite dishes to provide for these intents and purposes; and
  - 5) **Health, Safety, and Welfare:** Promote and protect the health, safety, and welfare in relation to individual property rights without unreasonable restriction.
- (B) **Location:** Antennas and satellite dishes shall not be located in any easement. Ground-mounted antennas shall be in the rear yard. Structure-mounted antennas and satellite dishes shall be located on a rear-yard facing façade or roof. If it is not possible to get reception in a rear yard, the antenna or satellite dish may be located within or facing a side yard. Antennas and satellite dishes shall be located in or facing the side or front yards of properties adjacent to waterbodies.
- (C) **Setbacks:** Antennas and satellite dishes shall meet the setbacks for an accessory building for the zoning district in which it is located.
- (D) **Height:** The maximum free-standing antenna height shall be the maximum height for the principal building for the zoning district in which the antenna is located. Structure-mounted antennas may extend up to 20 feet above the rooftop.
- (E) **Width:** The maximum width shall be ten (10) feet.
- (F) **Color:** Antennas and satellite dishes shall not be bright or pastel colors, unless required by the Federal Aviation



Administration.

- (G) **Wind:** Antennas and satellite dishes shall be designed and installed to withstand a wind load of 100 miles per hour.
- (H) **Amateur Radio Service Station Antenna Structures Height and Diameter:** Amateur radio service station antenna structures may exceed the height and diameter standards above if all the following conditions are met:
- 1) **Minimum Necessary:** The antenna height or diameter is the minimum necessary to receive and transmit signals adequately;
  - 2) **Fall Zone:** The antenna fall zone is located entirely within the subject property; and
  - 3) **Removal:** The antenna shall be removed when the amateur radio service station radio use has been discontinued for a period of 180 days, and this provision shall be outlined in a document approved by the Township and recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.

#### SECTION 16.23

## Waste Receptacles and Enclosures

Waste receptacles including trash, grease, recyclables, and compactors shall meet the standards below and other applicable standards of this Ordinance. This section shall not apply to curbside pick-up or recycling facilities.

- (A) **Enclosures:** An enclosure shall be provided on all sides of waste receptacles.
- 1) **Materials:** The enclosure walls shall be constructed of brick, decorative masonry, or concrete. The exterior of the enclosure walls may be faced in a different material that complements the principal building. The enclosure gate shall be constructed of metal or similar high-quality, durable materials.
  - 2) **Height:** The enclosure shall be six (6) feet high or one (1) foot taller than the waste receptacle, whichever is taller.
  - 3) **Separation Distance:** The enclosure walls shall be designed to provide a distance of at least three (3) feet between the waste receptacle and the enclosure wall.
- (B) **Location:** Waste receptacle enclosures shall only be located within rear or side yards.
- 1) **Setbacks:** Waste receptacle enclosures shall be set back a minimum distance from lot lines, as outlined below.
  - 2) **All Lot Lines:** Waste receptacle enclosures shall be at least ten (10) feet from all lot lines.
  - 3) **Residential Districts:** Waste receptacle enclosures shall be at least 20 feet from all property lines shared with a residential district.
  - 4) **Waterbodies:** Waste receptacle enclosures shall be at least 50 feet from all waterbodies.
  - 5) **Greater Distance:** A greater distance may be required if the waste receptacle is likely to emit odors.
  - 6) **Shared Waste Receptacles:** This distance may be reduced from a common lot line if an enclosure provides service to adjacent lots and the property owners have signed an agreement, in a form approved by the Township and recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.
- (C) **Screening:** Waste receptacle enclosures shall be screened from adjacent properties and public view, to the greatest extent practicable, using evergreen vegetation.
- (D) **Lid or Cover:** Waste receptacles shall have a lid or cover that shall be kept covered except when accessing the





waste receptacle.

- (E) **Concrete Base:** Waste receptacle enclosures shall have a reinforced, concrete base that extends out far enough to provide a base for the front axle of the refuse vehicle.
- (F) **Accessibility:** Waste receptacles shall be accessible to refuse vehicles in a manner that does not conflict with designated parking, loading, queuing spaces, or maneuvering lanes.
- (G) **Bollards:** Bollards, posts, or bumpers shall be provided to protect the enclosure from damage.
- (H) **Shared Waste Receptacles:** Waste receptacles may be shared by several adjacent properties or users.

SECTION 16.24

## Bus Stop Shelters

Bus stop shelters shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Setbacks:** Bus stop shelters may be located within the required front-yard setback and shall meet the side and rear-yard setbacks for accessory buildings.
- (B) **Obstruction:** Bus stop shelters shall be located outside of clear-vision zones and shall not obstruct the view of motorists.
- (C) **Area:** Private bus stop shelters shall have a maximum building coverage of 32 square feet. All other bus stop shelters shall have a maximum building coverage of 100 square feet.
- (D) **Height:** Private bus stop shelters shall have a maximum height of eight (8) feet. All other bus stop shelters shall have a maximum height of ten (10) feet.
- (E) **Use:** Bus stop shelters shall only be used for providing shelter from the elements for bus users. Private bus stop shelters shall be removed when there is no longer a child living on the property that uses a school bus; this shall not be intended to require the removal of private bus stop shelters during school breaks.

SECTION 16.25

## Portajohns

Portajohns shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Special Events and Construction:** Portajohns shall be allowed accessory to a special event or related to construction and shall be removed within 48 hours after the special event has finished or construction has been completed.
- (B) **Seasonal Recreational Use:** Portajohns shall be allowed accessory to an approved recreational use on a seasonal basis.
- (C) **Agricultural Use:** Portajohns shall be allowed accessory to permitted agricultural uses.

SECTION 16.26

## Play Equipment





Outdoor play equipment that requires a permanent location on or attachment to the ground shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Small Residential:** Play equipment for single-family and two-family dwellings shall be at least ten (10) feet from all side and rear lot lines and shall meet the front-yard and waterbody setbacks for the principal building.
- (B) **Multiple-Unit Residential and Nonresidential:** Play equipment for multiple-unit and nonresidential use shall be at least 25 feet from all side and rear lot lines and shall meet the front-yard and waterbody setbacks for the principal building.

#### SECTION 16.27

## Outdoor Furnaces

Outdoor furnaces shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Location:** Outdoor furnaces shall be located in the side or rear yard on the same lot as the building it is providing heat to.
- (B) **Setbacks:** Outdoor furnaces shall be at least 40 feet from all buildings and lot lines, and at least 200 feet from dwellings on adjacent properties.
- (C) **Clear Zone:** An area at least 30 feet around the outdoor furnace shall be kept free of ignitable materials or debris, other than fuel for the outdoor furnace.
- (D) **Chimney Height:** The chimney shall extend at least fifteen (15) feet above the ground. If there are any dwelling units within 500 feet, the chimney shall extend at least 20 feet above the ground. The Director of Planning and Zoning may approve or require a greater or lesser height if necessary to comply with manufacturer specifications, to obtain an adequate height to effectively disperse smoke, or if the smoke from a lower chimney does not create a nuisance for neighboring properties.
- (E) **Fuel:** Outdoor furnaces shall only burn materials manufactured or intended for use in the outdoor furnace.
- (F) **Smoke:** The outdoor furnace shall not create a smoke nuisance to neighboring properties.



SECTION 16.28

## Garage Sales

Garage sales, yard sales, rummage sales, moving sales, and similar sales shall meet following standards:

- (A) **Number:** Each property shall have a maximum of five (5) sales per year.
- (B) **Duration:** Each sale shall have a maximum duration of four (4) days.
- (C) **Goods:** Items offered for sale may include items from multiple individuals but shall not include goods purchased for the intent of resale at a sale.
- (D) **Hours:** Sales shall be limited to the hours between 8:00 am and 6:00 pm.

SECTION 16.29

## Sales of Vehicles, Watercraft, and Trailers

Sales of motor vehicles, recreational vehicles, watercraft, and trailers shall meet the following standards. This Section shall not apply to approved and licensed, commercial sales operations.

- (A) **Owner or Occupant:** The sale of motor vehicles, recreational vehicles, watercraft, and trailers containing more than one vehicle or watercraft shall be limited to the property owner or a resident.
- (B) **Number:** One (1) motor vehicle, recreational vehicle, watercraft, or trailer containing more than one vehicle or watercraft may be offered for sale on a property at a time.
- (C) **Duration:** Motor vehicles, recreational vehicles, watercraft, or trailers containing more than one vehicle or watercraft may be offered for sale for a maximum of 30 calendar days.
- (D) **Resale:** Motor vehicles, recreational vehicles, watercraft, and trailers offered for sale shall not include those purchased only for the intent of resale.
- (E) **Nonresidential:** The parking or storage of motor vehicles, recreational vehicles, water craft, or trailers in any nonresidential parking lot for the purpose of selling for a continuous period of more than 24 hours shall be prohibited.

SECTION 16.30

## Parking, Repair, and Storage of Vehicles

**Motor vehicles, recreational vehicles, watercraft, and trailers** shall be parked, stored, and repaired as outlined in this Section, unless otherwise noted in this Ordinance. This Section shall not apply to approved commercial repair facilities.

- (A) **Owner or Occupant:** Storage of a recreational vehicle, watercraft, or trailer outside of an enclosed structure in residential zoning districts shall be limited to those owned by the property owner or a resident.
- (B) **Storage of Watercraft and Trailers:** Watercraft and trailers shall be parked or stored in a rear or side yard, unless otherwise permitted in this Ordinance, except as otherwise permitted below:
  - 1) **Front Yard Storage in Lakes Residential:** Watercraft or trailers may be parked or stored in a front yard in the Lakes Residential District if all of the following conditions are true:



- a) **Location:** *The watercraft or trailer shall be parked or stored on a driveway;*
  - b) **Setbacks:** *The watercraft or trailer shall be at least five (5) feet from all lot lines.*
- 2) **Front Yard Storage in All Other Zoning Districts:** *Watercraft or trailers may be stored outside in a front yard if all of the following conditions are true:*
- a) **Location:** *The watercraft or trailer shall be parked or stored on a driveway; and*
  - b) **Setbacks:** *The watercraft or trailer shall be at least five (5) feet from side and rear lot lines and shall meet the front yard setback for the principal building.*

**(C) Storage of Recreational Vehicles**

- 1) **Lake Residential District:**
  - a) **Waterfront Lot**
    - i) *Duration: May 1 through September 30;*
    - ii) *Setback: Five (5) feet from all lot lines except that the vehicle may be stored no closer to the water than the waterfront side of the principal structure;*
    - iii) *Shall be stored on a driveway.*
  - b) **Non-waterfront Lot**
    - i) *Duration: May 1 through September 30 uncovered; October 1 through April 30 completely under a roof that is attached to the principal structure or accessory structure that meets all setback and lot coverage requirements of this ordinance;*
    - ii) *Setback: Five (5) feet from all lot lines.*
- 2) **All Other Districts:**
  - a) **Side and Rear Setback:** *Five (5) feet;*
  - b) **Front Setback:** *Same as required or actual for principal structure, whichever is greater.*

**(D) Waterbody and Wetland Setbacks:** Motor vehicles, recreational vehicles, and trailers shall be parked and stored at least 25 feet from waterbodies and wetlands.

**(E) Inoperable:** Inoperable motor vehicles, recreational vehicles, watercraft, and trailers shall be stored in a completely enclosed building.

**(F) Repairs:** Repairs of motor vehicles, recreational vehicles, watercraft, and trailers that take longer than four (4) days shall be conducted within an enclosed building or within a yard enclosed by a six (6) foot tall privacy fence.

**(G) Commercial Vehicles:** The parking or storage of vehicles with a gross vehicle weight of more than 10,000 pounds outside of an enclosed structure on property outside of commercial zoning districts or sites used for commercial uses shall be prohibited except for those being used for commercial agriculture or development of the property on which they are parked.

SECTION 16.31

## Storage of Materials

The storage of materials shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

**(A) Location:** Abandoned, discarded, unused, unusable, or inoperable motor vehicles, recreational vehicles, watercraft, trailers, appliances, furniture, equipment, and materials shall be stored within an enclosed building.

**(B) Construction Materials:** Construction materials shall be stored within an enclosed building, except as outlined



below.

- 1) **Valid Permit:** Construction materials necessary for the construction or alteration of a structure may be stored outside of an enclosed building on the lot the structure is being constructed on if a valid zoning permit or building permit has been issued for the structure.
  - 2) **Multiple-Lot Developments:** In developments with multiple lots, construction materials for use within the development may be stored outside of an enclosed structure on other building lots.
- (C) **Vehicles and Temporary Structures:** Abandoned, discarded, unused, or inoperable motor vehicles, appliances, furniture, equipment, and materials shall not be stored in a motor vehicle, recreational vehicle, trailer, watercraft, or temporary structure.

#### SECTION 16.32

### Storage of Construction Equipment

Storage of construction equipment shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Storage:** Shipping containers, semi-trailers, and other storage units shall only be located on property when there is active construction on the property or the occupant is in the process of moving.
- (B) **Construction Equipment:** The outdoor storage or parking of construction equipment, including, but not limited to, bulldozers, earth carriers, cranes, or backhoes, shall be prohibited in agricultural and residential zoning districts except for equipment used for commercial agricultural operations or for the construction or repair of a structure on or development of the property for which a valid zoning permit or building permit has been issued.

#### SECTION 16.33

### Temporary Structures and Uses

Temporary structures and uses shall meet the following standards, in addition to other applicable standards of this Ordinance.

- (A) **Performance Guarantee:** A performance guarantee, consistent with Section 31.05 Performance Guarantee, may be required before issuance of a zoning permit for a temporary structure or use.
- (B) **Utilities:** Temporary structures shall receive all the necessary permits, approvals, and inspections from the Building Official.
- (C) **Off-street Parking and Traffic:** Temporary structures and uses shall provide adequate off-street parking and shall not create a significant negative impact on the natural flow of traffic.
- (D) **Location and Duration:** Temporary structures and uses shall meet locations and durations in the table below, unless otherwise noted in this Ordinance.

**Table 16.4: Temporary Structures and Uses**

USE	ZONING DISTRICT	LOCATION	DURATION
Construction and Repairs	All	Principal building setbacks	6 months for repair, 12 months for construction
Schools and Religious Institutions	All	Principal building setbacks	6 months
Special Events	All	n/a	7 days
Real estate sales office	All	Principal building setbacks	12 months
Plant Sales	C, AG, RC	Principal building setbacks	6 months
Christmas Tree Sales	C, AG, RC	Principal building setbacks	3 months
Carnivals	C, PL, PR	Principal building setbacks and at least 200 feet from dwelling units	May 1 through September 30
Film Production	All	n/a	3 months
Cell on Wheels	C, PI, PL	n/a	30 days
Motor Home Parking	LR	n/a	30 days
Roadside Stand	C, AG, RR	35 feet from front lot lines and 20 feet from side lot lines	9 months per calendar year

- 1) **Construction and Repairs:** Temporary buildings and structures shall be permitted incidental to the repair of an existing structure that has been damaged by fire, natural disaster, vandalism, or similar or incidental to the construction of a new non-residential structure.
- 2) **Schools and Religious Institutions:** Temporary buildings and structures shall be permitted incidental to schools and religious institutions.
- 3) **Real Estate Sales Offices Location:** Temporary real estate sales offices shall be located within the development for which property is being sold.
- 4) **Real Estate Sales Offices Duration:** Temporary real estate sales offices shall be removed within fifteen (15) days after the final lot or unit in the development has been sold, even if the temporary zoning permit has not yet expired.
- 5) **Plant and Christmas Tree Sales:** This applies to plant and Christmas tree sales that are not a part of a roadside stand, commercial agricultural operation, or nursery.
- 6) **Motor Home Parking:** Motor homes may be parked temporarily beyond the 30 calendar days allowed in (D) Duration in Lake Residential Districts in all Lake Residential Districts if all of the following conditions are true:
  - a) *Medically Necessary:* The motor home shall be medically necessary for the transportation of a resident of the lot with a note provided by a doctor;
  - b) *Location:* The motor home shall be parked on a driveway and shall be at least five (5) feet from side lot lines;
  - c) *Type and Size:* The motor home shall be a Class B or C motor home with a maximum length of 25 feet;
  - d) *Utilities:* The motor home shall not be connected to utilities, except for occasional charging of batteries or filling of the water tanks;
  - e) *Slideouts:* Any slideouts shall remain in a retracted position except for occasional cleaning;
  - f) *No Living:* The motor home shall not be used for a dwelling quarter; and
  - g) *Removal:* The motor home shall be removed when it is no longer necessary to transport a resident of



the lot

- 7) **Roadside Stands:** Roadside stands shall also meet the standards outlined in Section 17.03(D) Roadside Stands.
- 8) **Accessory Buildings:** For temporary accessory buildings, see Section 16.11(E) Temporary accessory buildings.

SECTION 16.34

## Waterbody Setbacks

Structures shall not be permitted within the required waterbody setback. This shall not apply to certain minor accessory structures, including, but not limited to, docks, seawalls, retaining walls, sidewalks, and low decks and patios. The minimum waterbody setback from the ordinary high-water mark shall be the distance defined for the waterbody setback in the underlying district, except as follows:

- (A) **Adjacent Buildings:** When there are principal buildings on both adjacent lots, the waterbody setback shall be a straight line drawn between the adjacent principal buildings.

**Figure 16.4: Waterbody Setback – Adjacent Buildings**

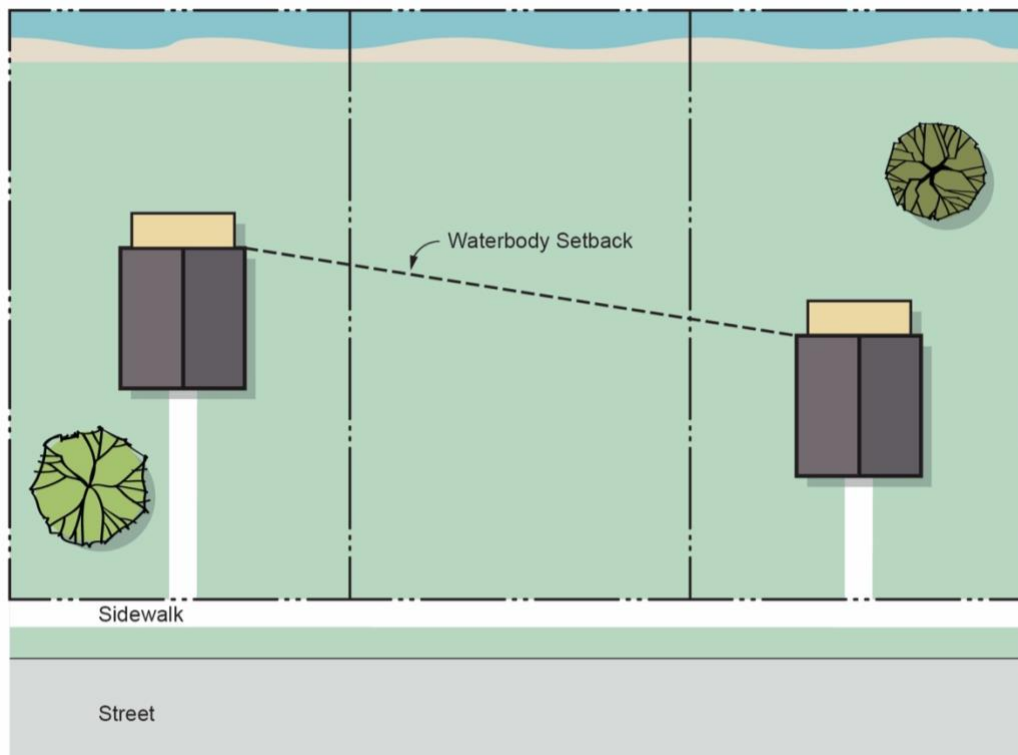


Figure not to scale.



- (B) **Point or Peninsula:** For lots at the end of a point or peninsula or adjacent to parkland or a nonresidential parcel, the minimum waterbody setback shall be the distance equal to the average waterbody setback of the two (2) closest lots.

**Figure 16.5: Waterbody Setback – Point or Peninsula**

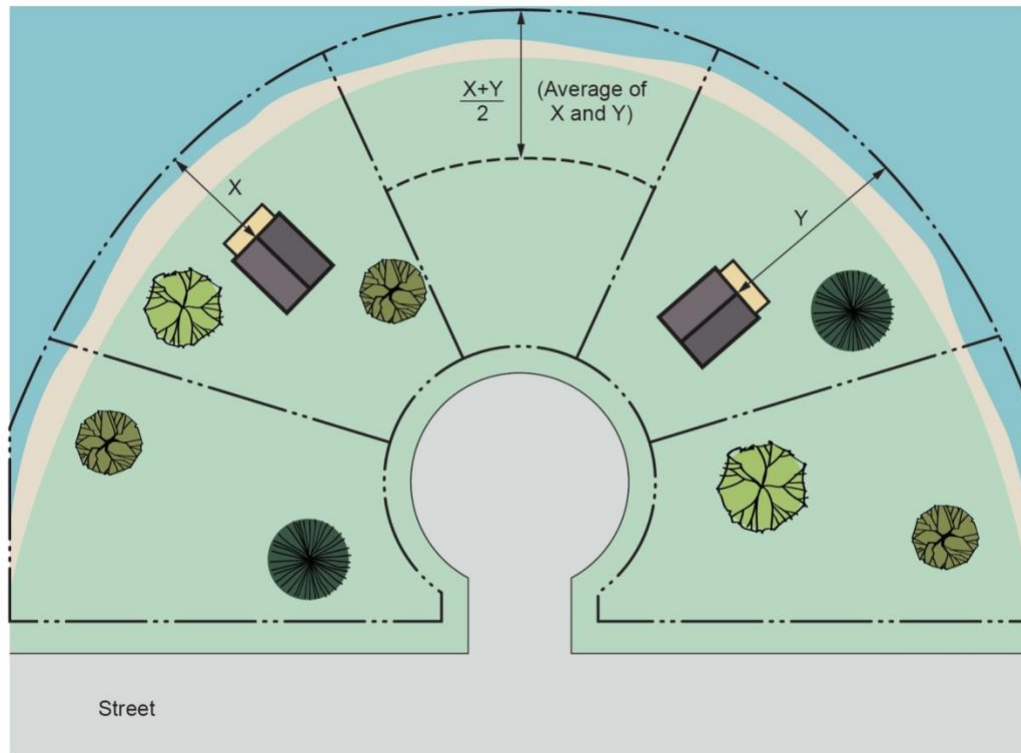
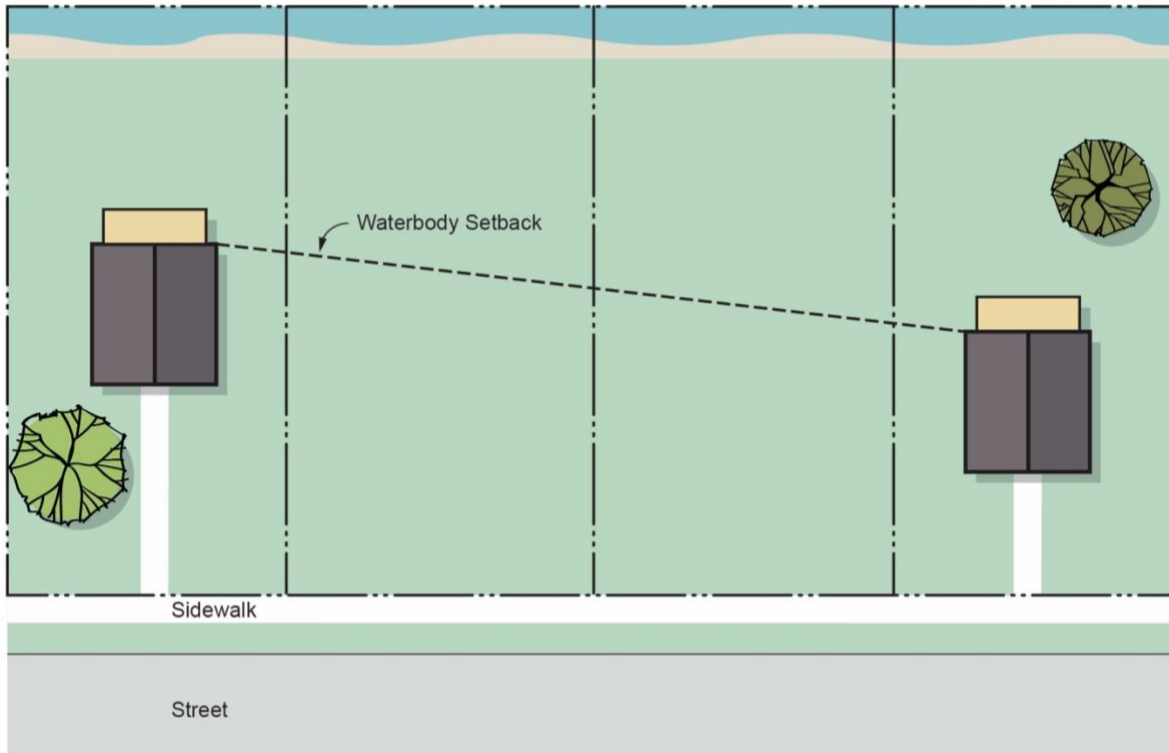


Figure not to scale.



- (C) **Vacant Lots:** When one (1) or both of the adjacent lots are vacant, the next adjacent lots shall be used. When two (2) lots in both directions are vacant, the waterbody setback in the underlying zoning district shall be used.

**Figure 16.6: Waterbody Setback – Vacant Lots**



*Figure not to scale.*

- (D) **Show Buildings:** Site plans, plot plans, and surveys shall show the location of adjacent buildings.





## SECTION 16.35

## Permitted Projections

(A) **Horizontal Projections:** Certain architectural features may project into the required front yard, side yard, rear yard, waterbody, wetland, and building-to-building setbacks as outlined in the table below.

**Table 16.5: Permitted Projections**

PROJECTION TYPE	PERMITTED PROJECTION (IN FEET)					
	FRONT YARD	SIDE YARD	REAR YARD	WATERFRONT YARD	WETLAND	BUILDING TO BUILDING
Awnings or canopies	3'	3'	5'	-	3'	1'
Bay or garden windows	3'	2'	3'	2'	3'	-
Roof overhangs	3'	3'	3'	3'	3'	1'
Low, unroofed porches, decks, patios, and steps <sup>(1)</sup>	5'	5'	10'	-	-	2'
Ground-level, unroofed porches, decks, patios, and steps <sup>(2)</sup>	5'	5'	10'	10'	-	10'
Window air conditioning units	2'	2'	2'	2'	2'	2'
Window wells	4'	4'	4'	4'	-	-

- 1) **Low porch, deck, patio, or steps:** This shall apply to unroofed porches, decks, patios, and steps with a finished floor that is within six (6) feet of the natural adjacent grade. The railing shall have a maximum height of three (3) feet from the finished floor and have a maximum opacity of 50 percent.
- 2) **Ground-level porch, deck, patio, or steps:** This shall apply to unroofed porches, decks, patios, and steps with a finished floor that is within 18 inches of the natural adjacent grade. The railing shall have a maximum height of three (3) feet from the finished floor and have a maximum opacity of 50 percent.

(B) **Height Projections:** Specific structures and structural elements may exceed the maximum height standards for the zoning district in which they are located, as outlined in the table below.

- 1) **Safety and Use:** In order to qualify for the additional height allowed in Table 3.6 Height Projections, there shall be adequate evidence that the adjacent uses and structures shall not be threatened or harmed by the additional height and that the additional height shall not significantly increase the threat of fire.



**Table 16.6: Height Projections**

STRUCTURE, STRUCTURAL ELEMENT, OR APPURTENANCE	HEIGHT ALLOWED <sup>(1)</sup>
Decorative spire <sup>(2)</sup>	60 feet from average grade
Cupola <sup>(3)</sup>	Three (3) feet above the roof line
Parapet wall <sup>(4)</sup>	Three (3) feet above the cupola
Mechanical equipment	42 inches feet above the maximum building height
Lightning rod	As determined by registered professional engineer
Weather vane	Three (3) feet above the roof line or an additional three (3) feet above the cupola
Chimney	60 feet or ten (10) feet above the roof line, whichever is less
Public monument	40 feet
Silo or other agricultural structure	See Section 16.11(C)

- 2) **Spires:** There shall be no habitable space within the spire in order to qualify for the additional height allowed in Table 3.5 Height Projections.
- 3) **Cupolas:** The maximum roof area of the cupola shall be limited to twelve (12) square feet, and there shall be a maximum of three (3) cupolas per building. A weather vane may extend an additional three (3) feet above the cupola.
- 4) **Parapet Walls:** This additional height shall be limited to nonresidential and mixed-use buildings.

SECTION 16.36

## Uses Not Specifically Listed

- (A) **Use Interpretation:** For specific uses that are not listed, the Director of Planning and Zoning shall determine if that use is similar in character and impact to any of the uses listed in this Article, considering the following:
- 1) **Parking:** Parking requirements shall not be greater than the similar use permitted by the ordinance;
  - 2) **Traffic impact:** Traffic volumes, patterns, and peak hours shall not be greater than the similar use permitted by the ordinance;
  - 3) **Water, sewer, and utility impact:** Utility systems shall not be impacted in a manner greater than the similar use permitted by the ordinance;
  - 4) **Stormwater, drainage, and impervious surfaces:** The impact to stormwater volumes, patterns, and flows shall not be greater than the similar use permitted by the ordinance;
  - 5) **Noise, odor, and glare:** The impacts of noise, odor, glare, or other use-related effects shall not be greater than the similar use permitted by the ordinance.

If a use is not listed but is determined to be similar, the use shall be subject to the development standards of the similar use. If a use is not listed and is determined to not be similar, it shall not be permitted. A determination by the Director of Planning and Zoning can be appealed to the Zoning Board of Appeals.

End of Article

# Article 17.

## Specific Use Standards

### SECTION 17.01

#### Intent and Purpose

It is the intent and purpose of this Article to:

- (A) Establish supplementary standards for specific uses that may have an impact on adjacent properties, the neighborhood, or the community in general because of characteristics of their use;
- (B) Provide additional location, development, and operation standards to mitigate the impacts of these specific uses;
- (C) Ensure these specific uses will be compatible with surrounding uses;
- (D) Promote orderly development of the Township; and
- (E) Ensure consistency with the Master Plan.

### SECTION 17.02

#### Residential Use Standards

- (A) **Single-family Dwellings:** Single-family dwelling shall meet the additional standards outlined below.
  - 1) **Floor Area:** The minimum gross floor area shall be 1,000 square feet and an additional 100 square feet for each bedroom. This gross floor area shall exclude basement and garage areas.
  - 2) **Building Width:** The minimum front, side, and rear building façade width shall be 20 feet at ground level.
  - 3) **Foundation:** The building shall be firmly attached or anchored to a permanent foundation.
  - 4) **Water:** All dwellings shall be connected to a water supply approved by the Environmental Health Department.
  - 5) **Sewer or Septic:** All dwellings shall be connected to a septic system approved by the Environmental Health Department or a sewer system approved by the operating authority.
- (B) **Two-family Dwellings:** Two-family dwellings shall meet the additional standards outlined below, in order to recognize and protect the primarily single-family nature of the Township, while providing opportunities for additional housing options within the Township.
  - 1) **Floor Area:** The minimum gross floor area for each dwelling unit shall be 1,000 square feet and an additional 100 square feet for each bedroom. This gross floor area shall exclude basement and garage areas.
  - 2) **Building Width:** The front, side, and rear building façade width shall be at least 20 feet at ground level.



- 3) **Foundation:** The building shall be firmly attached or anchored to a permanent foundation.
- 4) **Water:** All dwelling units shall be connected to a water supply approved by the Environmental Health Department.
- 5) **Sewer or Septic:** All dwellings shall be connected to a septic system approved by the Environmental Health Department or a sewer system approved by the operating authority
- 6) **Entryways:** Each dwelling unit shall have its own entrance from the outside.
- 7) **Driveways:** All two-family dwellings with access from a public street shall have a shared driveway where it accesses the street, unless topography, site lines, or other conditions make a shared driveway impractical.

**(C) Multiple-unit Dwellings:** Multiple-unit dwellings shall meet the additional standards below, in order to recognize and protect the primarily single-family nature of the Township, while providing opportunities for additional housing options within the Township.

- 1) **Floor Area:** The minimum gross floor area for each dwelling unit shall be 1,000 square feet and an additional 100 square feet for each bedroom. This gross floor area shall exclude basement and garage areas.
- 2) **Building Width:** The front, side, and rear building façade width shall be at least 20 feet at ground level.
- 3) **Architectural Design:** Multiple-unit dwellings shall meet the architectural design standards of Section 16.05 Architectural Design Standards.
- 4) **Foundation:** The building shall be firmly attached or anchored to a permanent foundation.
- 5) **Water:** All dwelling units shall be connected to a water supply approved by the Environmental Health Department.
- 6) **Sewer or Septic:** All dwellings shall be connected to a septic system approved by the Environmental Health Department or a sewer system approved by the operating authority
- 7) **Driveways:** All multiple-unit dwellings shall have a shared driveway where it connects with the street, unless topography, site lines, or other conditions make a shared driveway impractical. Driveways shall be setback at least ten (10) feet from side lot lines.
- 8) **Pedestrian Access:** Concrete sidewalks, paved pathways, or similar shall be provided between building entrances and off-street parking. Pedestrian access shall be designed to be barrier free.
- 9) **Recreation Areas:** Passive or active recreation areas, including, but not limited to, seating areas, playgrounds, swimming pools, or walking paths, shall not be located in any required yard.

**(D) Accessory Dwellings:** Accessory dwelling units shall meet the additional standards outlined below.

- 1) **Floor Area:** The maximum gross floor area for accessory dwelling units shall be 33 percent of the gross floor area of the primary dwelling or 600 square feet, whichever is greater. In no case shall the gross floor area of the accessory dwelling unit be larger than the gross floor area for the primary dwelling.
- 2) **Foundation:** The building shall be firmly attached or anchored to a permanent foundation.
- 3) **Appearance:** Accessory dwelling units shall complement the exterior of the existing primary dwelling.
- 4) **Water:** All accessory dwelling units shall be connected to a water supply approved by the Environmental Health Department.
- 5) **Sewer or Septic:** All dwelling units shall be connected to a septic system approved by the Environmental Health Department or a sewer system approved by the operating authority
- 6) **Types:** Accessory dwelling units may be created by converting existing living area, attic, basement, or garage, adding floor area to the existing dwelling, constructing a detached accessory dwelling unit, or adding floor area to an existing detached accessory building.



- 7) **Owner Occupied:** Either the principal or accessory dwelling unit shall be occupied by the owner of the lot, unless otherwise permitted in this Ordinance.
  - 8) **Number:** There shall be a maximum of one (1) accessory dwelling unit on any lot.
- (E) Temporary Dwellings:** Temporary dwelling units shall meet the additional standards outlined below.
- 1) **Temporary Housing:** Use of a temporary dwelling unit shall be limited to the time when the principal dwelling is being remodeled, repaired, or a new principal dwelling is being erected.
  - 2) **Building Standards:** Wiring, plumbing, fire protection, and exits for a temporary dwelling unit shall be approved by the Fire Inspector, Building Official, and relevant county and state agencies.
  - 3) **Water:** All temporary dwelling units shall be supplied with a water supply approved by the Environmental Health Department.
  - 4) **Sewer or Septic:** All temporary dwelling units shall be connected to a septic system approved by the Environmental Health Department or a sewer system approved by the operating authority.
  - 5) **Period:** Temporary dwelling units shall be occupied for maximum period of 12 months. Up to two (2) additional six (6) month extensions may be granted if the permanent dwelling is under construction with an anticipated completion date before the expiration of the extension period.
  - 6) **Removal:** Temporary dwelling units shall be removed from the lot within fifteen days (15) days of the issuance of the certificate of zoning compliance of the permanent dwelling or the expiration of the time period outlined above, whichever comes first.
  - 7) **Mobile Home:** Temporary dwellings may be a mobile home.
  - 8) **Performance Guarantee:** A performance guarantee may be required for removal as a condition of approval for a temporary dwelling, as outlined in Section 31.05 Performance Guarantee.
- (F) Home Occupations:** Home occupations shall meet the additional standards outlined below, in order to allow flexibility for the use of residential property by residents while protecting the essential residential character of residential districts and uses, in terms of use and appearance.
- 1) **Floor Area:** Home occupations shall be accessory and incidental to the primary residential use and shall not occupy more than 25 percent of the gross floor area of the dwelling unit.
  - 2) **Location:** The majority of home occupation activities shall take place indoors. No visible outdoor activity, storage, or display shall be permitted. Home occupations may be located within the primary dwelling or in an accessory structure.
  - 3) **Employees:** Home occupations shall only consist of employees residing on the premises.
  - 4) **Exterior Appearance:** The exterior appearance of structures and the lot shall show no visible evidence of the home occupation other than a permitted sign, as outlined in Article 19 Signs. One (1) vehicle displaying the home occupation's advertising may be parked in the front yard.
  - 5) **Traffic:** Traffic shall not be generated by a home occupation in greater volumes than would normally be expected for a residential use.
  - 6) **Off-street Parking:** Off-street parking to serve a home occupation shall be located on the lot and shall be limited to a maximum of four (4) spaces.
  - 7) **Commercial Vehicles:** No more than one (1) commercial vehicle used for the home occupation may be parked in the front yard. Additional commercial vehicles used for the home occupation may be parked in the rear or side yards but shall be screened from adjacent lots. See also Section 16.30 Commercial Vehicles.
  - 8) **Equipment and Processes:** Equipment or processes that create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot shall not be used in a home occupation.



Equipment or processes that create visual or audible interference in any radio or television receivers off the lot or causes fluctuations in line voltage off the lot shall not be used in a home occupation.

- 9) **Retail Sales:** Limited on-site retail sales may be permitted, as an incidental rather than the principal part of a home occupation.
- 10) **Visit Hours:** Visits by customers shall be limited to the hours between 8:00 am and 8:00 pm but may be limited further by the Director of Planning and Zoning after a determination that the above hours of operation do not adequately protect the character of the neighborhood or the use and enjoyment of adjacent properties.
- 11) **Hazardous Materials:** Home occupations shall not entail the use of explosive, flammable, toxic, or otherwise hazardous materials beyond common household materials.

**(G) Foster Care Facilities:** Foster care facilities, including group foster care and adult foster care, shall meet the additional standards outlined below.

- 1) **Location:** Foster care facilities shall be located at least 1,500 feet from another similar, state-licensed facility. The Planning Commission may approve a reduced separation distance upon making a written finding that such reduction will not result in an excessive concentration of foster care facilities in a single neighborhood or the Township in general.
- 2) **Appearance:** Foster care facilities, including landscape and structural elements, shall be maintained in a manner consistent with the residential character of the neighborhood.
- 3) **Off-street Parking:** The driveway may be used for off-street parking as long as the required off-street parking spaces are still accessible through the driveway.
- 4) **Off-street Loading Space:** Foster care facilities serving twelve (12) or more individuals shall provide an off-street loading space of adequate dimensions near a barrier-free entrance to the facility and provide an off-street loading space of adequate dimensions for delivery vehicles.
- 5) **Licensing:** Foster care facilities shall be licensed by the State of Michigan and comply with applicable state standards.

**(H) Group Day Care Homes:** Group day care homes shall meet the additional standards outlined below. These standards shall not apply to group home day cares that were licensed or registered and operating before March 30, 1989.

- 1) **Location:** A group home day care shall be located at least 1,500 feet from any of the facilities listed below, as measured along a street, street, or other public thoroughfare, excluding an alley. The Planning Commission may approve a reduced separation distance upon making a written finding that such reduction will not result in an excessive concentration of group day home day cares in a single neighborhood or the Township in general.
  - a) *Group Day Care Home: Another licensed group day care home.*
  - b) *Foster Care Group Home: An adult foster care large group home licensed by the State of Michigan.*
  - c) *Treatment Center: A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people that is licensed by the State of Michigan.*
  - d) *Correctional Facility: A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.*
- 2) **Appearance:** Group home day cares, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood.
- 3) **Outdoor Play Areas:** Outdoor play areas shall be enclosed by a fence at least four (4) feet high and shall not be located in a front yard.



- 4) **Hours of Operation:** The hours of operation shall not exceed 16 hours in a 24 hour period.
  - 5) **Licensing:** Group home day cares shall be licensed by the State of Michigan and comply with applicable state standards.
- (I) **Assisted-living Facilities:** Nursing homes, skilled nursing facilities, hospice, and other assisted- living facilities shall meet the additional standards outlined below.
- 1) **Setbacks:** Buildings shall be at least 50 feet from residential districts.
  - 2) **Off-street Parking:** Off-street parking areas shall be at least 50 feet from residential districts.
  - 3) **Additional Services:** Nursing homes may include on-site services, such as cafes, entertainment, laundry, salon/barber shop, but those services shall be available only to current and former residents, current and former visitors and current staff.

## SECTION 17.03

## Agricultural, Fishing, Hunting, and Recreational Use Standards

- (A) **Commercial Farm Operations:** Commercial farm operations shall meet the additional standards outlined below.
- 1) **New and Expanding:** New and expanding farm operations shall comply with Generally Accepted Agricultural and Management practices adopted by the Department of Agriculture and Rural Development and the Right to Farm Act.
  - 2) **Erosion, Weeds, and Shrubs:** Any land kept as idle cropland or non-cropland areas shall be treated or maintained to prevent soil erosion by wind or water and excessive growth of noxious weeds and shrubs.
  - 3) **Sod:** Any land kept for the growing, stripping, and removal of sod shall be reseeded after stripping by fall of the year in which it was stripped to prevent soil erosion by water or wind.
  - 4) **Preemption:** Standards of this Section that conflict with, duplicate, or contravene the Right to Farm Act and Generally Accepted Agricultural and Management Practices adopted by the Department of Agriculture shall be pre-empted to the extent mandated by the Right to Farm Act and Generally Accepted Agricultural and Management Practices adopted by the Department of Agriculture and Rural Development.
- (B) **Commercial Stables:** Commercial stables shall meet the additional standards outlined below.
- 1) **Location:** Stables shall not be located in platted subdivisions or site condominiums except where such subdivisions or condominiums are specifically designed to incorporate the keeping of horses.
  - 2) **Lot Area:** The minimum lot area shall be five (5) acres for the first horse, and an additional  $\frac{3}{4}$ -acre per additional horse.
  - 3) **Outdoor Areas:** Animals in outdoor areas shall be at least 50 feet from any dwelling on adjacent lots.
  - 4) **Setbacks:** Stables and storage of piles of manure or feed shall be at least 100 feet from any lot line.
  - 5) **Vegetative Strip:** A vegetative strip at least 50 feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any waterbody or well head. In areas with slopes of over five (5) percent, the Planning Commission may increase the setback to minimize runoff, prevent erosion, and promote quick nutrient absorption.
  - 6) **Dust and Drainage:** The facility shall be constructed and maintained so that dust and drainage from the stable or yards will not create a nuisance or hazard to adjoining property or uses.
  - 7) **Living Quarters:** A single dwelling unit may be located on the lot for the owner or caretaker.





- 8) **Special Events:** Special events, such as shows, exhibitions, and contests shall require a temporary zoning permit; see Section 16.33 Temporary Structures and Uses.

**(C) Farm Labor Housing:** Seasonal farm labor housing shall meet the additional standards outlined below.

- 1) **Setbacks:** Farm labor housing shall be at least 75 feet from all lot lines and 150 feet from dwellings on adjacent properties.
- 2) **Location:** The farm labor housing shall be located on a commercial farm in an Agricultural (AG) District.
- 3) **Occupancy:** The occupants shall be employed for farm labor by the farm on which the farm labor housing is located for at least 50 percent of the days they occupy the housing.

**(D) Roadside Stands:** Roadside stands shall meet the additional standards outlined below.

- 1) **Location:** Roadside stands shall be located in a Commercial District or on a lot controlled or owned by the operator of the roadside stand in zoning districts where commercial agriculture is a permitted use.
- 2) **Setbacks:** All roadside stands located outside of a Commercial District shall be at least 100 feet from dwellings on adjacent lots.
- 3) **Number:** There shall be a maximum one (1) roadside stand per lot.
- 4) **Driveway:** Only one (1) driveway may be established. The driveway shall be at least 24 feet wide. The driveway shall be configured to allow vehicles to turn around before re- entering the street.
- 5) **Off-street Parking:** Off-street parking may be located within the required front yard but shall not be located within the street right-of-way and shall be at least 25 feet from adjacent properties in residential districts.
- 6) **Structures:** Temporary structures used for roadside stands shall have a total maximum building coverage of 500 square feet and maximum height of ten (10) feet. Temporary structures shall be removed within fifteen (15) days of the end of use or at the termination of the permitted period of use, whichever comes first.
- 7) **Products Available:** Roadside stands shall be limited to the sale of farm produce, specialty crops such as tree fruits, nuts, berries, or similar, or foodstuff made from such produce. Products grown or produced on the lot or property owned or controlled by the operator shall account for at least half of the gross revenue of the products sold at roadside stands not located in commercial districts.
- 8) **Hours of Operation:** The hours of operation for roadside stands not located in commercial districts shall be limited to the hours between 7:00 am and 8:00 pm.
- 9) **Signs:** Signs shall only be displayed two (2) weeks before opening through the end of the seasonal occupancy of the roadside stand.

**(E) Keeping of Animals:** The keeping of animals, other than domesticated pets and commercial agriculture, shall meet the additional standards outlined below.

- 1) **Lot Area:** The raising and keeping of animals, other than domesticated pets, is only permitted as outlined in the following table. Lot area used for allocation of one animal may not be reused for another animal.

**Table 17.1: Keeping of Animals**

ANIMAL	MINIMUM LOT AREA FOR FIRST ANIMAL	MAXIMUM DENSITY PER ANIMAL	MAXIMUM NUMBER OF ANIMALS <sup>(a)</sup>	PERMITTED ZONING DISTRICT
Chickens, turkey, rabbit, or other fowl <sup>(b)</sup>	1 acre	0.25 acres	10	AG, RR, LR, RC, PL, PI
Pygmy or Nigerian goats	2 acres	1 acre	6	AG, RR, LR, RC, PL, PI
Sheep, goats, alpacas, llamas, or Vietnamese potbelly pics	2 acres	0.5 acres	6	AG, RR, RC, PL, PI





Horses, ponies, mules, burros, ostriches, or reindeer	2.5 acres	1 acre	4	AG, RR, RC, PL, PI
Cattle, bison, swine, or elk	10 acres	1.25 acres <sup>(c)</sup>	-	AG, RR, RC, PL, PI

- a) *Not applicable: The maximum number of animals does not apply to lots greater than ten (10) acres in Agricultural (AG) and Rural Residential (RR) Districts.*
  - b) *Roosters and Peacocks: Roosters and peacocks shall only be permitted in Agricultural (AG) Districts on lots with a lot area of five (5) acres or more.*
  - c) *By way of example, a 10-acre parcel in RR would be permitted a maximum of 8 cattle.*
- 2) **Manure Piles:** Manure piles shall be stored, removed, and/or applied to the soil in accordance with the Generally Accepted Agricultural and Management Practices adopted by the Department of Agriculture.
  - 3) **Setbacks:** The following shall be at least 50 feet from all lot lines unless otherwise specified:
    - a) *Buildings: Buildings housing animals;*
    - b) *Manure, Odor, and Dust: Storage of manure or other odor or dust-producing materials or use; and*
    - c) *Bare Ground: Soil areas unable to support or hold a vegetative cover due to an outdoor animal confinement area.*
    - d) *For parcels in the Lakes Residential district, the setback for items b) and c) above shall be 100 feet.*
  - 4) **Chicken Coops:** Chicken coops shall be at least fifteen (15) feet from lot lines and at least 25 feet from dwellings on adjacent lots. This may not be adjusted through administrative adjustment.
  - 5) **Fencing:** Grazing areas shall be adequately fenced or secured to keep animals from leaving the area.
  - 6) **Sanitary Conditions:** Pens and shelters shall be maintained in a sanitary condition.
  - 7) **Household Pets:** The keeping of household pets, including dogs, cats, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any district, provided such activities do not constitute a commercial kennel.
  - 8) **Wild Animals:** Wild animals shall not be kept permanently or temporarily in any district within the Township.
  - 9) **In Subdivisions:** Keeping of animals shall be prohibited in platted subdivisions or site condominium developments except where the bylaws or master deed specifically permit the keeping of animals as described in this ordinance.

**(F) Firewood Sales:** Firewood sales shall be limited to firewood harvested from that lot. This shall not apply to firewood sold in a General Commercial (C) District as part of a commercial business operation.

**(G) Outdoor Shooting Ranges:** All organized indoor and outdoor shooting ranges must meet published standards and guidelines of the National Rifle Association (NRA).

- 1) **Lot Area:** The lot area shall be at least 20 acres. Additional acreage may be required where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant, in order to minimize the potential danger from a projectile leaving the lot.
- 2) **Setbacks:** Outdoor shooting ranges shall be at least 250 feet from all lot lines and 400 feet from dwellings on adjacent lots.
- 3) **Fencing and Warning Signs:** A fence at least four (4) feet tall shall enclose the area devoted to or used for the outdoor shooting to ensure that individuals will not unknowingly enter the area. Clearly visible signs shall be posted and maintained along or on the fence warning of the potential danger from projectiles.



- 4) **Activities and Storage:** All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most-recently published standards and guidelines of the National Rifle Association.
- 5) **Hours of Operation:** Outdoor shooting range use shall be limited to the hours between 10:00 am and sunset.
- 6) **Additional Application Materials:** The site plan, whether an indoor or outdoor range, shall clearly indicate all safety provisions to assure that any projectile fired within the confines of the shooting range shall not carry into or over an adjacent district, area, lot, or public space.

**(H) Campgrounds:** Campgrounds shall meet the additional standards outlined below.

- 1) **Access:** Primary access shall be from a minor or major thoroughfare.
- 2) **Lot Area:** The lot area shall be at least ten (10) acres.
- 3) **Setbacks:** Each campsite shall be at least 100 feet from any lot line.
- 4) **Storage:** There shall be no permanent storage of tents, campers, travel trailers, or mobile home units in the campground unless specifically approved to do so by the Planning Commission during site plan review. If permitted, outdoor storage shall be at least 100 feet from residential districts and off-site dwellings and shall be fully screened
- 5) **Public Phone:** There shall be at least one (1) telephone available for public use.
- 6) **Fire Pits:** All fires shall be limited to designated fire pits, in locations approved by the Fire Inspector.
- 7) **Cabins:** Rental cabins may be in a campground. A maximum of 25 percent of the campsites may be rental cabins.
- 8) **Storm Shelter:** Campgrounds shall provide an adequate storm shelter.
- 9) **Floodway:** Permanent structures and campsites shall be located outside of floodways.
- 10) **Living Quarters:** A single, permanent dwelling may be in the campground for use by the owner or caretaker.
- 11) **Accessory Uses:** Limited retail services, such as a general store, cafeteria, or laundry, may be provided in a campground, provided the services are available only to campground uses, staff, and camper visitors. Such retail services shall only be accessible from within the campground.

**(I) Golf Courses and Country Clubs:** Golf courses and country clubs shall meet the additional standards outlined below.

- 1) **Access:** Primary access shall be from a paved minor or major thoroughfare.
- 2) **Setbacks:** Principal and accessory buildings shall be at least 100 feet from any lot line.
- 3) **Buffer:** A buffer zone at least 50 feet wide shall be maintained between turf areas and natural waterbodies, watercourses, and wetlands. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall consist of natural vegetation and shall not be chemically treated.
- 4) **Safety:** All golf balls shall be contained within the property. If the golf course is developed with residential lots, golf balls may enter those adjacent lots.
- 5) **Accessory Uses:** Accessory uses may include standard restaurant and drinking establishments, clubhouses, pro shops, managerial facilities, maintenance facilities, toilets, lockers, tennis, racket sports courts, swimming facilities, practice putting greens, and a driving range.
- 6) **Driving Range:** Additional acreage for a driving range associated with a golf course/country club is not required beyond what is necessary for the golf course/country club.



- (J) **Driving Ranges:** Driving ranges shall meet the additional standards outlined below.
- 1) **Access:** Primary access shall be from a paved minor or major thoroughfare.
  - 2) **Lot Area:** The lot area shall be at least ten (10) acres.
  - 3) **Lot Width:** The lot width and frontage shall be at least 330 feet.
  - 4) **Setbacks:** The driving range shall be at least 75 feet from front lot lines and at least 100 feet from side and rear lot lines.
  - 5) **Buffering:** The driving range shall be buffered by fencing and vegetation to reduce the impacts on adjacent properties.
  - 6) **Safety:** All golf balls shall be contained within the lot.
  - 7) **Hours of Operation:** The hours of operation shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining properties. The maximum range of hours shall be limited to 7:00 am to 10:00 pm.
- (K) **Marinas:** Marinas shall meet the additional standards outlined below.
- 1) **State Marina Permit:** Marinas shall have marina permit from the State of Michigan.
  - 2) **Setbacks:** Buildings used for fiberglass repair and engine maintenance shall be at least 40 feet from all lot lines.
  - 3) **Drydock Screening:** Areas used for the outdoor storage of boats shall be screened from adjacent residential districts, streets, and waterbodies.
- (L) **Common Use Access Lots:** The intent of common use access lots is to provide for the shared use of private riparian or littoral lots by residents of a development, to discourage the funneling of lake or river access for multiple lots or residences through narrow access points, establish a balanced and orderly relationship between development and the amount of shoreline available for use by residents, and to assure responsible access for lakefront and riverfront developments. Common use access lots shall meet the additional standards outlined below.
- 1) **Application:** This Section shall apply to common areas created as part of a residential subdivision or site condominium, multiple-family dwelling, retirement community, mobile home park, mixed-use development with a residential component, or neighborhood association.
  - 2) **Location:** Common use access lots shall be contiguous with and abut the development being served. An easement between the access lot and the development shall not meet this standard.
  - 3) **Lot Depth:** Common use access lots shall have a depth of at least 100 feet.
  - 4) **Number of Dwelling Units:** The maximum number of dwelling units that may use a common use access lot shall not exceed one (1) unit for the first 100 feet of shoreline, plus an additional one (1) dwelling unit per additional 30 feet of shoreline. Shoreline length shall not include any artificially created shoreline, such as harbors, boat wells, or canals.
  - 5) **Watercraft Mooring:** The maximum number of watercraft moorings for the common use access lot, including, but not limited to, motorboats, sailboats, or jet skis, shall be approved by the Planning Commission in consideration of the characteristics of the common use access lot and the potential negative impacts on the surrounding area. There shall be no more than one (1) watercraft mooring per dwelling unit.
  - 6) **State Marina Permit:** Common use access lots that provide watercraft mooring or installation of a dock shall have a state marina permit.
  - 7) **Dedication:** The common use access lot shall be dedicated for the use of owners and occupants of the development. Deed restrictions must specify the lots/dwelling units that may use the common use access lot and moor, store, or launch boats.



SECTION 17.04

## Commercial Use Standards

- (A) **Shopping Centers:** Shopping centers shall meet the additional standards outlined below.
- 1) **Center Layout:** The center shall be designed to ensure that circulation patterns will minimize conflicts between vehicular and non-motorized circulation systems.
  - 2) **Outlot Access:** All outlots shall have access, circulation, and parking designed to complement the entire site.
- (B) **Veterinary Clinics:** Veterinary clinics shall meet the additional standards outlined below.
- 1) **Setbacks:** Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall be at least one hundred (100') feet from any adjacent residential district and any building used by the general public.
  - 2) **Boarding Location:** Keeping or boarding of animals shall be inside a fully enclosed building.
  - 3) **Waste Disposal:** An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.
  - 4) **Hours of Operation:** Animals shall not be permitted in open run areas between the hours of 10:00 pm and 7:00 am.
- (C) **Open-air Businesses:** Open-air business and portions of business that are considered open-air shall meet the additional standards outlined below.
- 1) **Access:** Primary access shall be from a paved minor or major thoroughfare.
  - 2) **Setbacks:** All buildings and areas used for loading and unloading shall be screened or shall be at least fifty (50') feet from all lot lines.
  - 3) **Storage Yard Screening:** Storage yards associated with home and garden centers, lumber yards, and nurseries shall be completely screened from view from streets, residential districts, and waterbodies.
  - 4) **Storage Location:** Goods and materials shall not be stored or displayed within the required setbacks.
  - 5) **Storage Containment:** The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands, and drainage ways.
  - 6) **Sound:** There shall be no sound or noise amplification audible off the lot between the hours of 10:00 pm and 8:00 am.
  - 7) **Hours of Operation:** The hours of operation may be limited when the use is located near a residential district.
- (D) **Adult-related Businesses:** Adult-related business shall meet the additional standards outlined below in order to mitigate objectionable impacts of these uses when concentrated in a location and cause deleterious effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult-related businesses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas. Adult-regulated businesses shall meet the additional standards outlined below.
- 1) **Location:** The lot shall be at least 1,000 feet from any existing adult-related business and at least 500 feet from a residential zoning district, religious institution, or school.
  - 2) **Activity Screening:** All activities shall be located completely within a building and shall not be visible from the outside.
- (E) **Service Stations:** Service stations shall meet the additional standards outlined below.



- 1) **Access:** Access shall only be from a paved major or minor thoroughfare.
- 2) **Pump Location:** All gasoline pumps shall be located at least 20 feet from any commercial district lot line and 40 feet from any other lot lines, at least 30 feet from the street right-of-way, and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way. This may not be reduced through administrative adjustment.
- 3) **Vehicle Area:** The entire area used for vehicles shall be paved and adequately drained. All stormwater shall be treated to remove any contamination before leaving the site or entering the ground.

**(F) Motor Vehicle Repair and Maintenance:** Motor vehicle repair and maintenance shall meet the additional standards outlined below.

- 1) **Access:** Primary access shall be from a paved major or minor thoroughfare.
- 2) **Vehicle Area:** The entire area used for vehicles shall be paved and adequately drained.
- 3) **Stormwater:** All stormwater shall be treated to remove any contamination before leaving the site or entering the ground.
- 4) **Equipment Location:** Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
- 5) **Repair Work:** All repair work shall be conducted inside a building.
- 6) **Storage of Vehicles:** Storage of wrecked, partially dismantled, or derelict vehicles is prohibited. Vehicles awaiting repair shall not be stored outdoors for more than seven (7) days and shall be completely screened with a solid fence at least six (6) feet high.

**(G) Car Washes:** Car washes shall meet the additional standards outlined below.

- 1) **Access:** Access shall only be from a paved major or minor thoroughfare.
- 2) **Washing Facilities:** All washing facilities shall be inside a building. Hand-drying may take place outdoors.
- 3) **Fencing:** Car washes sharing a common side or rear lot line with residential districts shall have and maintain a solid, six (6) foot-high fence or evergreen screening along the shared lot line to conceal and minimize the impact of activities from residential properties.
- 4) **Vacuuming and Drying:** Vacuuming and drying may be located outside the building but shall not be in the required front yard and shall be at least 50 feet from any residential district.
- 5) **Vehicle Area:** The entire area used for vehicles shall be paved and adequately drained.
- 6) **Stormwater:** All stormwater shall be treated to remove any contamination before leaving the site or entering the ground.

**(H) Storage of Disabled Vehicles:** Commercial storage of disabled vehicles shall meet the additional standards outlined below.

- 1) **Location:** The lot shall be at least 200 feet from any place of public assembly, including any hospital, sanitarium, school, religious institution, or other institution.
- 2) **Storage Location:** Vehicles rendered inoperative for any reason and vehicles without current license plates and registration shall not be maintained on the property for more than 30 days. Such vehicles shall not be parked or stored in a front or side yard or required yard.
- 3) **Screening:** Outdoor storage areas shall be completely screened with a solid fence at least six (6) feet high and evergreen screening.

**(I) Motor Vehicle Sales or Rental:** Commercial motor vehicle sales or rental shall meet the additional standards outlined below.



- 1) **Vehicle Area:** The entire area used for vehicles shall be paved and adequately drained. All stormwater shall be treated to remove any contamination before leaving the site or entering the ground.
- 2) **Repair Work:** All repair, assembly, disassembly, or maintenance of vehicles shall occur within a closed building except minor maintenance, limited to checking and adding fluids, checking and filling tires, and replacing wipers.
- 3) **Parking and Display Areas:** Areas used for the parking or storage of vehicles shall be at least 50 feet from all lot lines.

**(J) Wineries:** Wineries may include a retail component, standard restaurant, and/or bed and breakfast.

**(K) Bed and Breakfasts:** Bed and breakfasts shall meet the additional standards outlined below.

- 1) **Parking:** Parking shall be arranged so as not to pose negative impacts on adjacent properties.
- 2) **Appearance:** The exterior appearance of the structure and lot shall not be altered from its single-family character, except for a permitted sign, as outlined in Article 19 Signs.
- 3) **Owner-Occupied:** The bed and breakfast facility shall be a single-family dwelling which is operated and occupied by the owner of the dwelling.
- 4) **Meals:** Meals may be served to overnight guests only. Meals shall not be served to the public at large.
- 5) **Retail:** Retail sales are not permitted beyond those activities serving overnight patrons.
- 6) **Events:** Receptions, private parties, or events shall be limited to guests of the bed and breakfast. The number of events may be limited based on the size of the lot and the potential impact on the adjacent properties.
- 7) **Trash Facilities:** Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling, such as dumpsters, shall be prohibited.
- 8) **Guest Rooms:** Sleeping rooms for all bed and breakfast facilities shall be a part of the principal residential structure.
- 9) **Occupancy:** A guest shall not stay at a Bed and Breakfast for more than 30 days in a calendar year.
- 10) **Kitchen Facilities:** Separate or additional kitchen facilities shall not be provided for guests.

**(L) Special Event Facilities:** Special event facilities shall meet the additional standards outlined below.

- 1) **Access:** Access shall only be from a paved major or paved minor thoroughfare.
- 2) **Lot Area:** The lot area shall be at least 20 acres.
- 3) **Frontage:** The frontage shall be at least 600 feet.
- 4) **Farm Operation:** The special event facility shall include a commercial farm operation.
- 5) **Outdoor Dining and Entertainment:** Outdoor dining and entertainment areas shall be at least one hundred (100) feet from any lot line.
- 6) **Temporary Zoning Permit:** A temporary zoning permit, as outlined in Section 16.33 Temporary Structures and Uses shall be required for each special event requiring a temporary structure or where the expected number of guests exceeds the maximum number of guests described on an approved site plan.
- 7) **Accessory Uses:** Accessory uses to the special event facility may include managerial facilities, maintenance facilities, educational facilities, a standard restaurant that may serve alcohol, and lodging of guests that are using the facility.
- 8) **Living Quarters:** A single, permanent dwelling may be located at the special event facility for use by the owner or caretaker.





- 9) **Appearance:** The design of structures shall be of an agricultural or residential character complementary to the historic rural character of the surrounding district.
  - 10) **Hours of Operation:** The hours of operation for outdoor events shall be subject to Planning Commission approval with consideration of the impact on the safety, health, and welfare of surrounding properties and the area.
- (M) Drive-through Establishments:** Drive-through establishments, including restaurants, shall meet the additional standards outlined below.
- 1) **Window Location:** The drive in/through window shall be located on the side or rear façade of the building and shall be at least 75 feet from adjacent residential districts.
  - 2) **Screening:** Drive-through windows shall be screened from adjacent residential zoning districts. Screening shall also be provided to prevent headlights from shining onto adjacent properties.
  - 3) **Escape Lane:** There shall be an escape lane to allow other vehicles to pass those waiting to be served.
  - 4) **Access:** Access shall only be from a paved major or minor thoroughfare.
  - 5) **Speaker Box Standards:** Speaker boxes or other communication device shall be directed away from residential property boundaries and shall not produce sound that is audible at the property line.
- (N) Taverns and Bars:** All music, entertainment, and dancing shall be located within a building.
- (O) Outdoor Cafes and Dining Areas:** Outdoor cafes and dining areas shall meet the additional standards outlined below.
- 1) **Accessory Uses:** Outdoor cafes and dining areas shall be accessory and incidental to a principal restaurant or similar food or beverage use.
  - 2) **Hours of Operation:** The hours of operation for outdoor seating areas may be limited by the Planning Commission based on the potential negative impacts on the use and enjoyment of adjacent properties.
- (P) Food Carts:** Food carts shall meet the additional standards outlined below.
- 1) **Location:** Food carts shall not be located within required side or rear yards or within clear vision zones. Food carts and support furniture may be in parking areas, provided the location does not interfere with pedestrian or vehicular access or conflict with the parking spaces.
  - 2) **Trash Receptacles:** Trash receptacles shall be available to patrons and located within fifteen (15) feet of the food cart.
  - 3) **State License:** Food carts shall have and maintain a valid license from the State of Michigan.
- (Q) Entrepreneurial Kitchens:** Entrepreneurial kitchens, for operating a food-related business in a certified commercial kitchen of an existing business or religious institution, shall meet the additional standards outlined below.
- 1) **Certification:** The kitchen shall be certified by the State of Michigan and shall maintain that certification.
  - 2) **Number of Employees:** Businesses using a kitchen located outside of a commercial zoning district shall be limited to three (3) on-site employees.
  - 3) **Number of Businesses:** The number of businesses using a kitchen may be limited by the approving authority, based on the size of the kitchen, parking availability, impact on the neighboring properties, and other factors.
  - 4) **Visits:** Products shall not be available for pick-up from kitchens located outside of a commercial zoning district.
  - 5) **Hours of Operation:** Hours of operation may be limited for kitchens located outside of a commercial district.



- 6) **Additional Application Materials:** An application for an entrepreneurial kitchen shall include the following, additional information:
  - a) *Kitchen Inspections:* Copy of kitchen inspections for at least the previous two (2) years;
  - b) *Permission:* Confirmation from the kitchen's owner granting permission for the proposed use; and
  - c) *Other Information:* Other information necessary to determine compliance with standards of this Ordinance.

**(R) Kennels:** Commercial kennels shall meet the additional standards outlined below.

- 1) **Lot Area:** The lot area shall be at least five (5) acres.
- 2) **Location:** Commercial kennels shall not be in a platted subdivision or site condominium.
- 3) **Setbacks:** Buildings where animals are kept, runs, and exercise areas shall be at least 100 feet from any residential, conservation, or public district lot line. Runs and/or exercise areas and accessory buildings where the animals are kept shall only be in the rear yard.
- 4) **Lot Maintenance:** The lot shall be kept in a clean and sanitary condition to prevent the accumulation of flies, the spread of disease, offensive odor, dust, and off-site drainage.
- 5) **License and Care:** All animals must be licensed and maintained in a healthful and careful manner.
- 6) **Noise:** The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized. More than the occasional barking or unusual noise from the kennel that results in a nuisance to neighboring property owners or residents shall be prohibited.
- 7) **Exercise Yard Use:** Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training. Animals shall not be permitted in open run areas between the hours of 10:00 pm and 7:00 am.
- 8) **Exercise Yard Fencing:** The outside perimeter of the run and/or exercise area shall be enclosed by sturdy fencing at least six (6) feet high. Gates shall be self-latching.

**(S) Day Care Centers:** Day care centers shall meet the additional standards outlined below.

- 1) **Play Areas:** Outdoor play areas shall be enclosed by a fence at least four (4) feet high and shall not be in a front yard.
- 2) **Licensing:** Day care centers shall be licensed by the State of Michigan and comply with applicable state standards.

## SECTION 17.05

# Institutional and Public Facility Use Standards

**(A) Religious Institutions:** Religious institutions shall meet the additional standards outlined below.

- 1) **Access:** Primary access shall be from a major or minor thoroughfare.
- 2) **Setbacks:** Building and parking areas shall be at least 50 feet from any lot line.
- 3) **Height:** The maximum building height shall be what is permitted in the district in which the building is located. However, the building height may be increased beyond that if the building is setback an additional one (1) foot for each one (1) foot, or fraction thereof, of height above the district standard. The highest point of the roof shall be no more than 45 feet high.
- 4) **Accessory Uses:** Day care centers, schools, or other uses requiring special approval may be operated as part of a religious institution but shall require a separate approval for each use.





- (B) **Cemeteries:** Cemeteries shall meet the additional standards outlined below.
- 1) **Location:** The location shall not disrupt the convenient provision of utilities to adjacent properties nor disrupt the continuity of the public street system.
  - 2) **Lot Area:** The lot area shall be at least ten (10) acres.
  - 3) **Setbacks:** All crypts, mausoleums, or other similar structures shall be at least 100 feet from all lot lines.
- (C) **Public Facilities:** Public facilities shall meet the additional standards outlined below.
- 1) **Setbacks:** Buildings and outdoor storage areas shall be at least 50 feet from properties in residential districts.
- (D) **Schools:** Schools shall meet the additional standards outlined below.
- 1) **Access:** Access shall only be from a paved major or minor thoroughfare.
  - 2) **Setbacks:** The principal building shall be at least 75 feet from any lot line.
  - 3) **Service Areas:** Service areas and facilities shall be at least 100 feet from a residential district.
  - 4) **Parking Areas:** Parking areas shall be at least 50 feet from the front lot line properties in residential districts.
- (E) **Recreational Facilities:** Outdoor sports fields and athletic facilities shall be at least 100 feet from residential districts and 200 feet from existing dwellings. This shall not apply to private, residential recreational facilities.

## SECTION 17.06

## Utility, Service, Construction, and Industrial Use Standards

- (A) **Wireless Communication Facilities:** Wireless communication facilities shall meet the additional standards outlined below.
- 1) **Intent and Purpose:** The intent of this Section is to establish standards for the siting of wireless communication facilities and colocation of wireless communication facilities. The intent and purpose of these standards is to:
    - a) *Reduce Impacts: Locate wireless communication towers in areas where adverse impacts on the community are minimized;*
    - b) *Joint Use: Encourage the joint use of new and existing wireless communication facilities;*
    - c) *Reduce Number of Towers: Minimize the overall number of newly-established towers within the community necessary to provide appropriate wireless services within the Township;*
    - d) *Visual Impacts: Encourage the design, construction, and placement of wireless communication towers to minimize adverse visual impacts;*
    - e) *Communication Services: Enhance the ability of the providers of wireless communication services to deliver such services effectively and efficiently;*
    - f) *Blight and Safety: Ensure that unused facilities are removed and do not become a blight or safety hazard; and*
    - g) *State and Federal Regulations: Harmonize with regulations promulgated by the state and federal governments.*
  - 2) **Standards for All Facilities:** All wireless communication facilities shall meet the standards outlined below.



- a) *Setbacks: All structures, excluding fencing, shall be at least 200 feet from any dwelling. Towers and equipment buildings shall be at least 50 feet from all lot lines or meet the district setbacks, whichever is greater.*
  - b) *Fall Zone: The tower fall zone shall be located entirely within the lot.*
  - c) *Equipment Compound: The tower and associated equipment shall be located within a fenced equipment compound.*
  - d) *Fencing: Facilities may have barbwire-topped fencing.*
- 3) **Equipment Buildings:** The related, unmanned equipment buildings shall have a maximum gross floor area of 360 square feet per user and a maximum height of twelve (12) feet. These structures shall be located within 50 feet of the associated tower. Multiple users are strongly encouraged to share an equipment building with a common wall.
- a) *Compound Layout: Towers and other structures shall be located so there is room for maintenance and emergency vehicles to maneuver. Towers and compound yards shall be designed and constructed to allow for colocation.*
  - b) *Anti-Climb: Towers shall be equipped with an anti-climb device or be of an anti-climb design.*
  - c) *Lighting: Towers shall not be artificially lighted, unless required by the Federal Aviation Administration. If lighting is required, it shall be the minimum lighting necessary to satisfy Federal Aviation Administration standards.*
  - d) *FAA and FCC: Wireless communication facilities shall meet the standards of the Federal Aviation Administration and the Federal Communication Commission.*
  - e) *Tower Spacing: Minimum spacing between tower locations shall be one (1) mile. The Planning Commission may reduce this spacing standard if the proposed location of the tower will serve to cluster two or more towers in close proximity to one another and, thereby, minimize the visual impacts upon panoramic views in the Township or if an existing structure shall serve as a tower.*
  - f) *Advertising: There shall be no advertising or identification of other kind visible from the ground or other structures.*
  - g) *Cable Bridge: Horizontal cable bridges and signal conductors between a tower and an equipment structure or other towers shall be at least fifteen (15) feet above the ground, unless it is buried underground or within the fenced equipment compound.*
- 4) **Standards for New Wireless Communication Facilities:** In addition to the general standards outlined above, all new wireless communication facilities shall meet the standards outlined below.
- a) *Lot Area: The lot area shall be at least one (1) acre, regardless of the minimum lot area for the zoning district.*
  - b) *Tower Height: Towers shall be less than 200 feet high. Height shall be measured from the base of the tower to the highest point of the tower or attachments.*
  - c) *Tower Type: Towers shall be of monopole construction.*
  - d) *Tower Appearance: Towers shall be designed and treated to minimize their visual appearance to the greatest extent feasible.*
  - e) *Colocation: The tower and facilities shall be designed to allow for colocation, and the applicant shall acknowledge that colocation will be permitted in the future.*
  - f) *No Colocation Available: Feasible colocation is not available on existing or approved structures that would provide appropriate wireless service.*
- 5) **Standards for Minor Colocation:** In addition to the general standards outlined above, all minor colocations shall meet the standards outlined below.
- a) *Feasibility of Minor Colocation: Minor colocation shall be considered feasible for the purpose of this*



*Ordinance where all the following conditions are met:*

- b) *Compensation: The provider considering minor colocation will pay market rent or other market compensation for colocation.*
  - c) *Structural Support: The structure on which the minor colocation is being considered, taking into consideration reasonable modification, can provide structural support.*
  - d) *Technically Feasible: The minor colocation being considered is technologically reasonable, for example, the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.*
  - e) *Height: The height of the structure to be used for colocation shall not be increased by more than 20 feet or ten (10) percent from the original structure height.*
  - f) *Tower Height: The tower or structure height shall not increase by more than 20 feet or ten (10) percent from the original tower height.*
  - g) *Previous Conditions: The minor colocation shall comply with the terms and conditions of any previously approved site plan.*
  - h) *Additional Structures: Construction of related, unmanned equipment structures and a cable bridge is allowed, provided there are no changes to the grade.*
  - i) *Lighting: Colocation shall not require additional lighting on the tower or structure.*
  - j) *Guy Wires: Additional guy wires shall not be added.*
  - k) *Fencing: If there is no existing fencing around the equipment compound, fencing shall be added which meets the standards of this Section.*
- 6) **Standards for Major Colocation:** In addition to the general standards outlined above, all major colocations shall meet the standards outlined below.
- a) *Feasibility of Colocation: Major colocation shall be considered feasible for the purpose of this Ordinance where all the following conditions are met:*
    - i) *Market Rate: The provider considering colocation will pay market rent or other market compensation for colocation.*
    - ii) *Structural Support: The structure on which the major colocation is being considered, taking into consideration reasonable modification, can provide structural support.*
    - iii) *Feasible Use: The major colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.*
  - b) *Tower Height: The tower or structure height may be increased by more than 20 feet or ten (10) percent from the original tower height.*
  - c) *Previous Conditions: The terms and conditions of previously approved site plans may be amended.*
  - d) *Additional Structures: Construction of related, unmanned equipment structures and a cable bridge is allowed, provided there are no changes to the grade.*
  - e) *Lighting: Major colocation shall not require additional lighting on the tower or structure.*
  - f) *Tower Changes: All changes to the tower shall be consistent with these standards; no guy wires may be added.*
  - g) *Fencing: If there is no existing fencing around the equipment compound, fencing shall be added which meets the standards of this Section.*
- 7) **Removal of Wireless Communication Facilities:** Wireless communication facilities shall be removed as outlined below.
- a) *Removal Condition: A condition of approval for every wireless communication facility shall be adequate provision for removal of all or a portion of the facility when one or more of the following occurs:*





- f) *Acknowledgement: A signed acknowledgement and acceptance of all the applicable standards of this Section and any conditions of approval.*
- 10) **Reception Interference:** Towers shall be located so that they do not interfere with reception in nearby residential areas.
- 11) **Grounding:** Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- 12) **Electromagnetic Radiation:** Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform or the permit will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

**(B) Wind Energy Conversion Systems (WECS)**

- 1) **Setbacks:** WECS and MET Towers shall meet the setback standards outlined below.
- a) *How Measured: Setbacks shall be measured horizontally from the center of the base of the tower for tower-mounted WECS and MET Towers and from the edge of the swept area for building-mounted Micro WECS.*
- b) *Setbacks: Tower-mounted Micro WECS shall meet the setback for an accessory building in the zoning district in which it is located. Small WECS shall meet the setback for a principal building for the zoning district in which it is located. Setback shall be measured from non- participating lot lines.*
- c) *Additional Setbacks: Tower-mounted Micro and Small WECS shall be at least one point one (1.1) times the total height from any buildings, parking areas, or commonly used outdoor areas on non-participating properties, rights-of-way, overhead utilities, waterbodies, and wetlands.*
- d) *MET Towers: MET Towers shall be at least one point one (1.1) times the total height from habitable structures, non-participating properties, and rights-of-way.*
- e) *Fall Zone: The fall zone and swept area shall be located entirely within participating lots.*
- f) *Experimental WECS: Experimental WECS shall have a setback twice the distance required for non-experimental WECS.*
- g) *Guy Wires: Guy wires shall meet the minimum setback for an accessory building in the zoning district in which it is located or ten (10) feet, whichever is less.*
- 2) **Height:** WECS and MET Towers shall meet the height standards outlined below.
- a) *Building-mounted Micro WECS: Building-mounted Micro WECS shall not extend more than fifteen (15) feet above the roof peak of the building to which it is attached.*
- b) *Tower-mounted Micro WECS: Tower-mounted Micro WECS shall have a total height not taller than the tallest permitted principal building height for the zoning district in which it is located.*
- c) *Small Lots: Small WECS and MET Towers on lots less than two (2) acres in size shall have a total height of less than 100 feet or 40 feet above any tree lines within a distance of two (2) times the total height, whichever is greater, not to exceed 200 feet.*
- d) *Large Lots: Small WECS and MET Towers on lots two (2) acres and larger shall have a total height of less than 200 feet.*
- e) *FAA: Small WECS and MET Towers shall comply with all applicable Federal Aviation Administration rules and regulations.*
- 3) **Standards:** WECS and MET Towers shall meet the general standards outlined below.
- a) *Towers: Tower-mounted WECS and MET Towers shall use the towers outlined below.*





- i) *Types: A tower mounted Micro WECS, Small WECS, or MET Tower shall be mounted on a guyed, lattice, or monopole tower.*
- ii) *Lake Residential District: A tower-mounted Micro WECS or Small WECS in the Lake Residential District shall only be mounted on a monopole tower.*
- b) *Appearance: WECS and MET Towers shall meet the appearance standards outlined below.*
  - i) *Colors: WECS and MET Towers shall be a non-obtrusive, non-reflective color.*
  - ii) *Alternative Colors: Alternative color schemes may be approved without requiring a variance, if all of the following conditions are met:*
    - iii) *The proposed color scheme is consistent with Federal Aviation Administration guidelines;*
    - iv) *Darker colored blades may be allowed to reduce icing concerns; and*
    - v) *The proposed color scheme will better serve the intent and purpose of this Section and Ordinance.*
  - vi) *Condition: The system shall always be maintained in good condition and appearance, consistent with industry standards.*
  - vii) *Advertising: WECS and MET Towers shall not display any commercial advertising, except for a reasonable display of the owner, operator, or manufacturer.*
- c) *Wiring: All exterior wiring connections to the WECS and MET Towers shall be installed underground at a depth to prevent any damage from freezing or frost and to prevent interference with drain tiles. Wiring may be above ground if all of the following conditions are met: the above-ground installation will not create an undue safety hazard; burying of wires will cause an excessive hardship; and above ground wiring will better serve the intent of this Ordinance.*
- d) *Lighting: WECS and MET Towers shall meet the lighting standards outlined below.*
  - i) *Intensity: Tower lighting shall be the lowest intensity allowable by the Federal Aviation Administration.*
  - ii) *Strobe or Pulse: Tower lighting shall not be strobe or pulsating unless required by the Federal Aviation Administration. Strobe lighting shall be preferred to pulsating lighting.*
  - iii) *Glare: Tower lighting shall be shielded to the maximum extent possible to reduce glare and visibility from the ground.*
- e) *Number: The maximum number of WECS and MET Towers per lot shall be as listed in the table below. Area used towards one type of system shall not be double-counted for another type of system.*

**Table 17.2: Number of WECS and MET Towers**

TYPE OF SYSTEM	DENSITY	MAXIMUM PER LOT
Micro WECS	2 per acre	5 total
Small WECS	1 per acre	3 total
MET Tower	1 per acre	3 total

- 4) **Safety:** WECS and MET Towers shall meet the safety standards outlined below.
  - a) *Access: WECS and MET Towers shall meet the access standards outlined below.*
  - b) *Climbable: The tower shall not be climbable for a height of eight (8') feet above the ground for Micro WECS or a height of ten (10) feet for Small WECS and MET Towers above the ground, unless the applicant proves it would not be a public hazard.*
  - c) *Access Doors: All access doors to the tower and exterior electrical equipment shall be locked when not attended.*



- d) **Operation:** WECS and MET Towers shall meet the operation standards outlined below:
- i) **Maintenance Record:** The operator shall keep a maintenance record documenting compliance with the maintenance plan, which shall be produced in a timely manner upon request for inspection by the Township. Such request may be made up to one (1) time per year.
  - ii) **Overspeed Controls:** All WECS shall be equipped with both automatic and manual overspeed controls.
- e) **Clearance:** WECS shall meet the clearance standards outlined below.
- i) **Horizontal-axis:** Horizontal-axis WECS shall have a ground clearance of at least twelve (12) feet.
  - ii) **Vertical-axis:** Vertical-axis WECS shall have a ground clearance necessary to not be a hazard.
  - iii) **Building-mounted:** Building-mounted Micro WECS shall have a building clearance from the swept area at least equal to the blade length.
- f) **Warnings and Information:** All WECS and MET Towers shall display appropriate warning signs, such as electrical warnings and emergency contact information.
- g) **Guy Wire Clearance:** All guy wires shall be clearly visible to a height of at least six (6) feet above ground level.
- 5) **Sound:** WECS shall meet the sound standards outlined below.
- a) **Where Measured:** Sound shall be measured at non-participating lot lines and road rights-of-way.
  - b) **Sound Level:** All WECS shall comply with the sound standards, as defined in Section 23.02(A) Sound, except for during short-term events, such as severe wind storms and utility outages.
  - c) **Background Sound:** If the ambient sound level exceeds the above standards, the maximum sound level shall be ambient sound level + 5 dB.
- 6) **Interference:** The applicant, owner, or operator shall eliminate or mitigate any interference with electromagnetic communication signals, such as radio, television, microwave, or wireless internet signals
- 7) **Additional Application Materials:** An application shall include the following additional materials:
- a) **Application:** A WECS zoning permit application;
  - b) **Plot or Site Plan:** A plot or site plan with the following additional information:
    - i) **Location of the WECS or MET Tower;**
    - ii) **Structures within a distance of two (2) times the total height;**
    - iii) **All overhead utilities within a distance of two (2) times the total structure height; and**
    - iv) **Location of exterior wiring associated with the WECS or MET Tower.**
  - c) **Interconnection Agreement:** A copy of the interconnection agreement for grid-connected systems;
  - d) **Federal Aviation Administration Letter:** Letter of non-objection or similar from the Federal Aviation Administration, if applicable;
  - e) **Waiver:** Copy of recorded affidavit of permission granting a waiver of sound standards, if applicable;
  - f) **Maintenance Plan:** A maintenance plan for the WECS;
  - g) **Sound Analysis:** A sound-level analysis for Small WECS;
  - h) **System Specifications:**
    - i) **Make and Model:** Manufacturer and model;
    - ii) **System Information:** Total system height, rotor size, ground or building clearance;
    - iii) **Tower Information:** Tower and tower foundation blueprints or drawings for tower-mounted systems; and
    - iv) **Electrical Diagram:** One or three-line electrical diagram.
  - i) **Additional Materials:** Other materials determined necessary by the Director of Planning and Zoning to



*ensure compliance with this Ordinance and other applicable laws.*

- j) *Performance Guarantee: The approving authority may require a performance guarantee to ensure proper maintenance and removal, as outlined in Section 31.05 Performance Guarantee.*
- k) *Expiration: The zoning permit shall expire if:*
  - i) *Installation: The WECS or MET Tower is not installed within one (1) year;*
  - ii) *Abandoned: The WECS or MET Tower is declared abandoned; or*
  - iii) *Unsafe: The WECS or MET Tower is declared unsafe.*
- l) *Decommissioning and Removal: WECS and MET Towers shall be decommissioned and removed as outlined below.*
  - i) *Abandonment: Any WECS that has not produced electricity for a period of twelve (12) months shall be considered abandoned.*
  - ii) *Owner Responsibilities: Abandoned WECS and MET Towers shall be removed or reconditioned at the property owner's expense within three (3) months' notice to take action.*
  - iii) *Unsafe: Unsafe WECS and MET Towers shall be removed or made safe within a reasonable time as determined by the Director of Planning and Zoning.*
  - iv) *Removal: The Township may remove any abandoned or unsafe WECS and MET Towers not removed or reconditioned by the owner within the allowed time at the owner's expense.*

**(C) Solar Energy Systems:** Solar energy systems shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- 1) **Location:** Solar energy systems shall not be located within or above any required front or waterfront yard.
- 2) **Setbacks:** Free-standing systems shall meet the setbacks for accessory buildings.
- 3) **Building Coverage:** The area covered by the solar panels of free-standing systems shall count towards the building coverage. The approving authority may grant an administrative adjustment for an increased building coverage if the increased building coverage will not create a nuisance to adjacent properties, streets, or public spaces or increase stormwater runoff and the building coverage will not be increased by more than ten (10) percent higher than the allowed building coverage.
- 4) **Height:** Building or roof-mounted systems shall meet the height standards for the building to which it is attached. Free-standing systems shall meet the height standards for accessory buildings.
- 5) **Wiring or Piping:** Wiring or piping for free-standing systems shall be buried and placed inside a conduit. Wiring may be above ground if all of following conditions are satisfied: the above-ground installation will not create an undue safety hazard; burying of the wires will cause an excessive hardship; and above-ground wiring will better serve the intent of this Ordinance.
- 6) **Orientation:** Solar energy systems shall be designed and located to minimize reflective glare toward any inhabited structure on adjacent properties, street rights-of-way, or public places.
- 7) **Additional Application Materials:** An application shall contain the following additional materials:
  - a) *Specifications: Manufacturer specifications for the proposed solar energy system; and*
  - b) *Interconnection: A copy of the interconnection agreement for grid-connected systems.*

**(D) Electrical or Gas Substations or Gate Valve Station:** Electrical and gas substations shall meet the additional standards outlined below.

- 1) **Storage:** Storage of materials, equipment, vehicles, or supplies shall be prohibited at the substation, except as required during periods of maintenance and servicing.
- 2) **Living Quarters:** There shall be no living quarters in the substation.





- 3) **Appearance:** Structures or buildings visible from adjacent properties or public streets shall be located, designed, constructed, and landscaped in a manner consistent with the surrounding area.
- 4) **Fencing:** Substations may have barbwire-topped fencing.

**(E) Biofuel Production Facilities, Small:** Small biofuel production facilities shall meet the additional standards outlined below.

- 1) **Location:** The facility shall be located on a commercial farm or in an industrial district.
- 2) **Setbacks:** The facility shall be at least 100 feet from all lot lines and shall meet all other district setbacks.
- 3) **Feedstock:** At least 75 percent of the feedstock for facilities located on a farm, on an annual basis, shall be produced on the farm where the facility is located or from other farms owned or controlled by the operator.
- 4) **Use:** At least 75 percent of the biofuel, other products, or byproducts produced by facilities located on a farm, on an annual basis, shall be used on the farm where the facility is located or on other farms owned or controlled by the operator.

**(F) Biofuel Production Facilities, Large:** Large biofuel production facilities shall meet the additional standards outlined below.

- 1) **Location:** The facility shall be located on a commercial farm or in an industrial district.
- 2) **Setbacks:** The facility shall be at least 100 feet from all lot lines and shall meet all other district setbacks.
- 3) **Other Standards:** Buildings, facilities, and equipment used in the production or storage of biofuel shall comply with local, state, and federal laws.
- 4) **Additional Application Materials:** The application for a large biofuel facility shall contain the following additional materials:
  - a) *Process:* A description of the process to be used to produce biofuel;
  - b) *Output:* The number of gallons of biofuel anticipated to be produced annually;
  - c) *Emergency Plan:* An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments;
  - d) *Federal Approvals:* For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 22 USC 1341(a)) required to implement regulations under the National Environmental Policy Act of 1969, 42 USC 4321 to 4347, and the Federal Water Pollution Control Act, 33, USC 1251 to 1387;
  - e) *EGLE Approvals:* Proof that the owner or operator of the facility has received all necessary approvals from the Department of Environment, Great Lakes, and Energy and other state and federal agencies involved in permitting any of the following aspects of biofuel production:
    - i) *Emissions:* Air Pollution emissions;
    - ii) *Transportation:* Transportation of biofuel or additional products resulting from biofuel production;
    - iii) *Product Use:* Use or reuse of additional products resulting from biofuel production; and
    - iv) *Storage:* Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
  - f) *Storage:* The facility shall include sufficient storage for raw materials, fuel, and additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use; and
  - g) *Additional Information:* Additional information necessary to determine consistency with local, state, and federal standards.



- (G) **Sewage Treatment:** Sewage treatment equipment, such as lagoons, aeration pools, ponds, and infiltration beds shall be set back at least 300 feet from all lot lines.
- (H) **Composting Center:** Commercial composting or the conversion of sewage or sludge into useable or saleable products shall meet the additional standards outlined below. This shall not apply to composting of common household materials generated by residential or agricultural uses.
- 1) **Setbacks:** The area used for composting shall be at least 300 feet from residential districts and adjacent, existing residential uses.
  - 2) **Screening:** The area used for composting shall be screened from lots in residential districts, existing residential uses, and street rights-of-way with a landscaped berm, evergreens, a solid fence, or similar screening.
  - 3) **Location:** The site shall be designed to prevent composting materials from running off the site.
- (I) **Temporary Concrete or Asphalt Batch Plants:** Temporary concrete or asphalt batch plants shall meet the additional standards outlined below.
- 1) **Temporary Use:** Plants are considered temporary uses and shall operate for a maximum of one (1) year. A single extension of up to one (1) year may be granted if the related project continues to progress as approved and work will conclude by the end of the extension.
  - 2) **Setbacks:** Plants shall be at least 100 feet from all exterior lot lines and at least 300 feet from occupied dwellings.
  - 3) **Use:** Plants shall only supply concrete and/or asphalt to the specific development or construction project to which the plant is a temporary, accessory use.
  - 4) **Dust, Noise, and Odor:** The plant, all trucks, and related equipment shall be maintained and operated in a manner that minimizes dust, noise, and odor.
  - 5) **Removal:** Plants shall be removed from the lot within 30 days of project completion. All public improvements damaged during operation of the plant shall be repaired or replaced within 30 days of project completion.
  - 6) **Performance Guarantee:** A performance guarantee may be required by the plant owner or operator sufficient to ensure restoration of the lot and repair or replacement of damaged public improvements, as outlined in Section 31.05 Performance Guarantee.
- (J) **Private Landing Strip:** Private landing strips shall meet the additional standards outlined below.
- 1) **Lot Area:** The lot area shall be at least 20 acres.
  - 2) **Setbacks:** All runways and hangars shall be at least 100 feet from dwellings on adjacent properties.
  - 3) **Use:** Landing strips shall be for the primary use of the owner of the lot for the operation and maintenance of personal aircraft. No economic gain shall result from the operation of a private landing strip.
  - 4) **FAA Approval:** Approval of landing strips shall not be made before the Federal Aviation Authority's review and approval, if applicable.
- (K) **Private Heliport:** Private heliports shall meet the additional standards outlined below.
- 1) **Setbacks:** Landing areas shall be at least two hundred 200 feet from all lot lines.
  - 2) **Screening:** Landing areas shall be screened or located to prevent dust and other debris leaving the property due to typical flight activities.
  - 3) **Use:** Heliports shall be for the primary use of the owner of the lot for the operation and maintenance of personal aircraft. No economic gain shall result from the operation of a private heliport.



- 4) **FAA Approval:** Approval of heliports shall not be made before the Federal Aviation Authority's review and approval, if applicable.

**(L) Self-Storage:** Self-storage facilities shall meet the addition standards outlined below.

- 1) **Lot Area:** The lot area shall be at least five (5) acres.
- 2) **Access:** Access shall only be from a paved minor or major thoroughfare.
- 3) **Off-street Parking and Storage Surface:** The area used for off-street parking and access shall be paved. This standard shall not apply to outdoor storage areas.
- 4) **Uses:** The self-storage facility shall only be used for storage. Retail, wholesale, fabrication, manufacturing, service, or residential activities shall not be conducted.
- 5) **Outdoor Storage:** Outdoor storage shall be limited to motor vehicles, recreational vehicles, and utility trailers.
- 6) **Location:** All outdoor storage areas shall be within a rear yard and shall meet the setbacks for principal buildings.
- 7) **Screening:** All outdoor storage areas shall be screened from public streets and adjacent lots with a solid wall at least six (6') feet high or evergreens planted in a manner to fully screen the storage areas or a similar, all-season natural screening.
- 8) **Building Appearance:** The exterior of mini/self-storage buildings shall be of finished quality and maintained in good condition.
- 9) **Security:** The self-storage facility shall have perimeter fencing and lighting.
- 10) **Dangerous Materials:** Storage of hazardous, toxic, or explosive materials shall not be permitted at the facility. Signs shall be posted at the facility describing such limitations.
- 11) **Dwelling Unit:** A dwelling unit may be located on the lot for the use by the owner or caretaker of the self-storage facility.

**(M) Commercial Grain Elevator:** Commercial grain elevators shall meet the additional standards below.

- 1) **Lot Area:** The lot area shall be at least three (3) acres.
- 2) **Setbacks:** Elevator structures shall be at least 200 feet from all lot lines.
- 3) **Dust, Noise, and Odor:** The plant, all trucks, and related equipment shall be maintained and operated in a manner that minimizes dust, noise, and odor.

**(N) Mining/Mineral Extraction Operation:** The following standards shall apply to all extraction activities. While this Ordinance recognizes significant preemption by the State in setting standards for mining, the nature of some of the Township's relatively dense residential areas, limited transportation system, and significant water resources results in many locations where such operations are likely to result in very serious consequences. The following standards are intended to allow for mining while preventing very serious consequences.

- 1) **Lot Area:** The lot area shall be at least 40 acres.
- 2) **Lot Width and Frontage:** The lot width and frontage shall be at least 660 feet.
- 3) **Setbacks:** Extraction activities shall be at least 100 feet from all lot lines, waterbodies, and wetlands. Buildings, structures, and stationary equipment associated with extraction activities shall be located at least 300 feet from all lot lines, in order to prevent dust and noise from impacting adjacent properties.
- 4) **Landscaping Buffer:** A perimeter landscape buffer zone, which may consist of naturally occurring vegetation, shall be provided and shall have a minimum width of 50 feet to prevent dust and noise from negatively impacting adjacent properties.
- 5) **Streets:** Public streets within 1,500 feet, as measured along the street, of the extraction activity access point(s) shall be kept clear of mud, dirt, and debris from vehicles associated with the extraction activities.



- 6) **Water Table:** Extraction activities shall be conducted in a manner that does not raise or lower the water table on surrounding properties, except as authorized by a Department of Natural Resources permit.
- 7) **Safety Fencing:** The area of extraction activities shall be enclosed by a chain link or similar fence at least eight (8) feet high if the Planning Commission determines the extractive activities might present a dangerous condition if left unprotected.
- 8) **Erosion and Dust:** Topsoil stockpiles shall be seeded or covered to prevent wind and water erosion and dust.
- 9) **Erosion and Sedimentation:** All extraction activities shall use measures to substantially reduce the potential for erosion and limit the amount of sediment reaching surface waters.
- 10) **Grading:** Disturbed areas shall be graded in a fashion that will not cause water to accumulate in stagnant pools.
- 11) **Vegetation Removal:** Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, onto public or private streets, or to create a nuisance.
- 12) **Pollution, Noise, and Vibration:** Air pollution, noise, and vibrations shall be minimized from any effect upon adjacent properties by adequately soundproofed equipment and buildings and by the proper use of berms, walls, and natural planting screens.
- 13) **Hours of Operation:** The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the traffic patterns on public haul routes in the area. The maximum range of hours shall be Monday through Friday from 7:00 am to 6:00 pm, and from 7:00 am to 12:00 noon on Saturday, and shall be prohibited on legal holidays and Sundays. The Director of Planning and Zoning may provide temporary exemptions from hours of operation for a public emergency or for an operator who must repair equipment that does not require the operation of a motor for such repairs.
- 14) **Haul Routes:** Incoming and outgoing truck or heavy vehicle traffic related to extraction operations shall be limited to those thoroughfares designated as haul routes in the approved site plan.
- 15) **Equipment and Machinery:** Equipment or machinery for the operations shall not be permitted unless specifically applied for in the application and covered by the zoning permit issued.
- 16) **Restoration:** All restoration activities shall begin at the earliest possible date. Restoration of the lot concurrent with extraction activities shall be undertaken to the extent that the restoration activities will not interfere with the excavating activity or if the excavating activity will not damage the reclaimed areas. However, no extraction work can extend more than ten (10) acres until restoration of all previously excavated areas is satisfactorily completed or underway. Excavated areas shall be reclaimed pursuant to a phasing plan approved by the Planning Commission and shall comply with the standards outlined below.
  - a) *Vegetation: Vegetation shall be restored by the appropriate application of topsoil and seeding of grasses and/or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion.*
  - b) *Slope: When extraction activities are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of four to one (4:1 horizontal-vertical).*
  - c) *Waterbodies: Extraction which has created or extended lakes, ponds, or other waterbodies shall meet standards and specifications, particularly with respect to underwater slopes and drop-offs, promulgated by the US Department of Agriculture, Natural Resource Conservation Service, and shall be approved by that agency.*
  - d) *Dangerous Waterbody: Where extraction operations result in a waterbody, the owner or operator shall place appropriate "Keep Out-Danger" signs around the lot no more than 150 feet apart.*



- e) *Fill Materials Type: Backfill and grading materials shall not be noxious, flammable or toxic, and subject to review and approval.*
  - f) *Fill Materials Compaction: Fill and soils shall not be overly compacted and be of enough quality to be well-drained and non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.*
  - g) *Temporary Structures: All temporary structures shall be removed from the lot upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.*
  - h) *Recreational or Wildlife Facility: If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Department of Natural Resources.*
- 17) **Performance Guarantee:** The excavator shall be required to post a performance bond, as outlined in Section 31.05 Performance Guarantee, in an amount of up to 100 percent of the estimated reclamation costs for each ten (10) acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond has been posted for that area of the site.
- 18) **Additional Application Materials:** In addition to the data requirements of Section 27.09 Site Plan Information, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:
- a) *Owners: Name and address of surface owner and/or mineral rights owner of land from which extraction activities will take place;*
  - b) *Operator: Name, address, and telephone number of operator (person, firm or corporation who will be conducting the actual extraction activities);*
  - c) *Excavation Area: Location, size, and legal description of the total site area to be excavated;*
  - d) *Insurance: Proof of liability insurance from the operator;*
  - e) *Topography: Existing and proposed topography at two-foot contour intervals. Such topography shall extend a minimum of 150 feet beyond the top of the bank of extraction;*
  - f) *Hydrogeological Report: A hydrogeological report of the proposed extraction site. Such a report shall, at a minimum, provide:*
    - i) *Subsurface Conditions: A detailed description of subsurface conditions;*
    - ii) *Water Table: Depth of water table throughout the planned extraction area;*
    - iii) *Material Depth: A map depicting the thickness and depths of material to be excavated;*
    - iv) *Environmental Impacts: A discussion of the environmental impacts of the proposed extraction, including, but not limited to the impact of the proposed extraction upon existing area wells; and*
    - v) *Monitoring Wells: A recommendation of the necessity to install monitoring wells.*
  - g) *Extraction Methods: A discussion of the proposed method of extraction, including:*
    - i) *Excavation: The area and amount of material to be excavated in cubic yards;*
    - ii) *Slopes and Depths: Proposed side slopes and depths for all portions of the excavated area;*
    - iii) *Drainage: Proposed drainage system, settling ponds, and retention ponds, as appropriate;*
    - iv) *Schedule: The time, duration, phasing, and proposed work schedule of the total project;*
    - v) *Layout: The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.*
    - vi) *Extraction Areas: Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.*
  - h) *Access Points and Haul Routes: The proposed location of access points to the site and proposed haul*





- routes for disposal of excavated material.*
- i) *Haul Route Approval: Letter of approval from the Road Commission for the haul routes;*
  - j) *Reclamation Plan: A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the reclamation plan shall include:*
    - i) *Phasing: Physical descriptions of the location of each phase of the extraction activities, the number of acres included in each phase, and the estimated length of time to complete each phase. No phase shall be more than 20 acres.*
    - ii) *Stabilization: Depiction of finished, stabilized, side slopes, including proposed methods and plant materials.*
    - iii) *Landscape Plan: Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.*
    - iv) *Materials: The materials to be used for backfilling and grading; and*
    - v) *Reuse Plan: A reuse plan for the site once extraction is complete.*
  - k) *Performance Standard Compliance: Site plan and associated background reports shall document the proposed method(s) of compliance with the performance standards of this Section.*
- 19) **Other Conditions:** The conditions of any zoning permit issued under this Section shall apply to the owner and to the operator, who is either an owner or lessee of mineral rights, or any other person engaged in or preparing to engage in extraction.
- a) *Transfer: When an operator disposes of his interest in extraction area by sale, lease, assignment, termination of lease, or otherwise before final reclamation, the Director of Planning and Zoning may release the operator from the duties and obligations imposed upon him by this Ordinance 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 zoning permit may be transferred.*
  - b) *Inspection: Extraction activities authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued.*
  - c) *Cessation: When extraction activities on or use of the area subject to extraction activities, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned, and a new zoning permit shall be necessary before additional extraction activities can occur. Cessation shall be determined by any of the following events:*
    - i) *Completion: The completion of the extraction activity according to the approved site plan;*
    - ii) *Notification: The Township has received notification from the owner or operator that extraction activities are complete; or*
    - iii) *Expiration: A zoning permit for the extraction activity has expired.*
- 20) **Existing Extraction Areas:** All commercial extraction activities existing on the effective date of this Ordinance shall be subject to the above standards regarding future operations. For the purposes of this Section, future operations shall be interpreted to mean any extraction activities which are not permitted according to the originally-issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance.
- 21) **Two Year Review Required:** Upon receipt of a zoning permit for extraction activities, the applicant shall submit to the Planning Commission, at intervals of two (2) years or less, plans and/or other materials documenting that the applicant has been in full compliance with the provisions and standards of this Ordinance and the zoning permit issued. Failure to submit such evidence, in the discretion of the Planning Commission, shall be grounds for the voiding of the extraction zoning permit.

End of Article.

# Article 18.

## Parking and Loading

### SECTION 18.01

#### Intent and Purpose

It is the intent and purpose of this Article to:

- (A) Ensure that adequate off-street parking spaces are provided on properties throughout the Township for off-street storage of motor vehicles for use of occupants, employees, patrons, and visitors;
- (B) Ensure that adequate off-street loading spaces are provided for properties throughout the Township for off-street parking of motor vehicles during loading and unloading;
- (C) Prevent parking and loading from interfering with the regular use of streets;
- (D) Reduce or prevent traffic congestion and shortage of parking facilities;
- (E) Ensure that off-street parking and loading facilities are designed, located, and maintained in a manner to promote public safety, improve aesthetics, and protect surrounding uses and properties from undesirable impacts;
- (F) Allow flexibility to reduce the impact of off-street parking and loading spaces; and
- (G) Establish standards for off-street parking and loading.

### SECTION 18.02

#### Off-Street Parking General Provisions

All off-street parking shall meet the standards outlined below.

- (A) **On-site Parking:** All required off-street parking shall be located on the site that uses the parking, unless otherwise permitted in this Ordinance.
- (B) **Parking Necessary:** The off-street parking standards of this Article shall be met in all districts whenever any use is established or changed to another use or whenever any building or structure is erected, enlarged, or increased in capacity.
- (C) **Decrease in Parking:** The number of off-street parking spaces shall not be reduced in a manner that results in not meeting the standards of this Article.
- (D) **Storage Prohibited:** The storage of merchandise, trash, or other materials in any parking lot shall be prohibited.
- (E) **Approval:** Off-street parking for any commercial or institutional use or multiple-family dwellings, excluding roadside stands and commercial agriculture, shall be approved as part of a site plan.



SECTION 18.03

## Schedule of Required Parking Spaces

The minimum number of off-street parking spaces shall be determined as outlined below.

- (A) **Units of Measure:** For the purposes of determining the minimum number of off-street parking spaces, the following shall apply:
- 1) **Dwelling Units:** Each separate dwelling unit shall be used;
  - 2) **Bedrooms:** Each room that could be used as a bedroom, whether or not it is currently being used as a bedroom, shall be used;
  - 3) **Floor Area:** The useable floor area shall be used;
  - 4) **Seating:** Each seat that is available shall be used. For places of assembly that use benches, pews, or similar seating, each 24 inches of seating shall be counted as a single seat;
  - 5) **Capacity:** The capacity determined by the Building Official or the Fire Inspector shall be used;
  - 6) **Employees:** The number of employees during the largest shift shall be used; and
  - 7) **Fractional Spaces:** When the number of required off-street parking spaces is a fraction, the number shall be rounded up to the next whole number.
- (B) **Multiple Uses:** When two (2) or more uses use the same off-street parking, the minimum number of off-street parking spaces shall be the total of the minimum number of off-street parking spaces for each use, unless shared or deferred parking has been approved.
- (C) **Reduced Parking:** The approving authority may reduce the number of required off-street parking spaces by up to ten (10%) percent upon making a written finding that there will be a lower demand for parking due to one (1) or more of the following:
- 1) **Walk-in Traffic:** A high volume of walk-in traffic is anticipated due to sidewalk connections to adjacent residential neighborhoods or commercial centers, and the site has been designed to incorporate pedestrian connections and circulation for the walk-in traffic;
  - 2) **Other Forms of Transit:** Other forms of transit are available that provide access, and the site has been designed to provide pedestrian connections and circulation for those transit users; or
  - 3) **On-street Parking:** On-street parking is available to serve the use.
- (D) **Deferred Parking:** Installation of some of the required off-street parking spaces may be deferred to a later date as outlined below.
- 1) **Criteria:** In order to grant deferred parking, the authorizing authority shall make a written finding that there are unique characteristics of the proposed use or site that make it likely that there will be a lesser demand for off-street parking.
  - 2) **Required Parking:** The site shall be designed, and the site plan shall show, that all the required off-street parking could be installed at a future date.
  - 3) **Agreement:** The property owner shall sign and record an agreement stating that the deferred off-street parking will be installed at a future date upon written request to do so. The agreement shall be approved by the Township and recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.
  - 4) **Stormwater Capacity:** The site shall be designed, and the stormwater system shall be installed so that it can accommodate the deferred off-street parking in the future.
- (E) **Shared Parking:** Off-street parking serving two (2) or more uses or lots may be shared, as outlined below.





- 1) **Calculations:** The total number of required off-street parking spaces for the shared parking may be reduced from what would be required for each of the uses individually, as outlined below.
  - a) *Industry Standard:* In requesting a reduced number of off-street parking spaces, the applicant shall rely upon a recognized industry standard, such as the Urban Land Institute Shared Parking Report, to determine the peak usage at different periods of the day.
  - b) *Underlying Standard:* The underlying standard outlined in this Article shall be used to calculate the number of required parking spaces.
  - c) *Peak Demand:* If off-street parking serves two (2) or more uses where the operating hours or peak demand of the uses do not overlap, the total number of required spaces may be less than the sum of the required spaces for each use. At least 50 percent of the spaces are provided for each use at all times.
- 2) **Setback Waiver:** The approving authority may approve reduced side and rear-yard setbacks for shared parking from the shared lot lines after making a written finding that both of the following are true:
  - a) *Characteristics:* Characteristics of the site or vicinity would make the required setbacks unnecessary; and
  - b) *Intent:* The reduced setbacks are more consistent with the intent of shared parking.
- 3) **Agreement:** Shared parking shall require an agreement between the affected property owners outlining mutual access to and the maintenance of the shared parking. The agreement shall be approved by the Township and shall be recorded with the County Register of Deeds with a copy of the recorded agreement being supplied to the Township.

**(F) Uses Not Listed:** For uses not listed below, the minimum number of off-street parking spaces and queuing spaces shall be for the use that the approving authority determines to be the most similar, based on documentation. If there are no similar uses, this Ordinance shall be amended to include that use.

**(G) Schedule of Off-street Parking and Queuing Spaces:** The following table outlines the minimum number of off-street parking spaces and queuing spaces per use.

**Table 18.1: Schedule of Off-Street Parking and Queuing Spaces**

USE	MINIMUM NUMBER OF SPACES
<b>Residential</b>	
Single-family dwelling not in a Lake Residential District	2 spaces per dwelling unit
Single-family dwelling in a Lake Residential District	1 space per bedroom, with a minimum of 2 spaces per dwelling unit
Two-family dwelling	2 spaces per dwelling unit
Multiple-unit dwelling	2.5 spaces per dwelling unit
Mobile home park	2 spaces per dwelling unit; plus 1 space per employee
Accessory dwelling	1 space per bedroom
Foster care facility or group home	1 space per room or per 3 beds, whichever is greater
Group day care home	1 space per 4 children; plus 1 space per nonresident employee
Home occupation	1 space per nonresident employee
<b>AGRICULTURE, FISHING AND HUNTING</b>	
Commercial Stables	1 space per 4 stalls; plus 1 space per employee
Farm labor seasonal housing	1 space per 4 residents



USE	MINIMUM NUMBER OF SPACES
Roadside stand	1 space per 250 square feet of retail space, with a minimum of 3 spaces; plus 1 space per employee
Shooting Range	1 space per station; plus 1 space per employee
Winery	1 space per 250 square feet of retail space; plus 1 space per employee
<b>BUSINESS COMMERCIAL, AND RETAIL</b>	
Barber shop or beauty salon	2 spaces per chair/station; plus 1 space per employee
Bed and breakfast	1 space per guest room; plus 1 space per non-resident employee
Car wash, self-service	3 queuing spaces per bay; plus 1 space per vacuum station; plus 1 space
Car wash, automatic	queuing spaces; plus 1 space per vacuum station; plus 1 space per employee
Convenience store	1 space per 250 square feet of retail space; plus 1 space per employee
Funeral Home	1 space per 50 square feet of parlor; plus 1 space per hearse; plus 1 space per employee
General Retail	1 space per 200 square feet of retail area; plus 1 space per employee
Kennel	1 space per 10 kennels; plus 1 space per employee
Laundromat	1 space per 3 washing or drying machines; plus 1 space per employee
Motel	1 space per guest room; plus 1 space per employee
Motor Vehicle Sales	1 space per 400 square feet of interior retail space; plus 1 space per employee
Motor Vehicle Service Center	2 spaces per bay; plus 1 space per tow truck; plus 1 space per employee
Recreational Vehicle Sales	1 space per 500 square feet of interior retail space; plus 1 space per employee
Self-storage	1 space per 20 units, with a minimum of 3 spaces; plus 1 space per employee
Service station	1 space per pump; plus 1 queuing space per pump; plus 1 space per employee
Shopping Center	1 space per 300 square feet
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
Bowling alley	4 spaces per lane; plus 1 space per employee
Driving range	1 space per tee; plus 1 space per employee
Golf course	4 spaces per hole; plus 1 space per employee
Marina	1 space per 3 boat slips; plus 1 space per employee
Special event facility	1 space for every 2 seats of capacity; plus 1 space per employee
<b>OFFICES</b>	
Banks	1 space per 300 square feet; plus 3.5 queuing spaces per drive-through window or atm; plus 1 space per employee
General	1 space per 300 square feet
Medical	2 spaces per patient room or 1 space per 300 square feet, whichever is greater; plus 1 space per employee
Real estate	1 space per 250 square feet; plus 1 space per employee
Veterinarian	2 spaces per room or veterinarian, whichever is greater; plus 1 space per employee
<b>FOOD SERVICES</b>	
Banquet center	1 space per 3 seats; plus 1 space per employee



USE	MINIMUM NUMBER OF SPACES
Restaurant, carry-out	5 spaces per station; plus 1 space per employee
Restaurant, drive-through	8 queuing spaces per service window; plus 1 space per employee
Restaurant, sit-down	1 space per 2 seats; plus 1 space per employee
<b>HEALTHCARE / MEDICAL</b>	
Assisted Living Facility	1 space per 4 beds; plus 1 space per employee
Health or fitness center	1 space per 300 square feet; plus 1 space per employee
<b>INSTITUTIONAL</b>	
Auditorium	1 space per 3 seats; plus 1 space per employee
Campground	1.5 spaces per campsite or cabin; plus 1 space per employee
Day care center	1 space per 6 children or adult requiring care; plus 1 space per employee
Elementary or middle school	2 spaces per classroom; plus 1 bus queuing space per 40 students; plus 1 queuing space per 10 students; plus 1 space per employee
High school	1 space per 2.5 students; plus 1 bus queuing space per 45 students; plus 1 queuing space per 20 students; plus 1 space per employee
Library or museum	1 space per 400 square feet; plus 1 space per employee
Public utility	1 space per employee
Religious institution	1 space per 3 seats; plus 1 space per employee
<b>OTHER</b>	
Extraction operation	1 space per employee

## SECTION 18.04

## Off-Street Parking Location and Design

Off-street parking shall be designed and constructed as outlined below.

**(A) General Design:** All off-street parking shall meet the standards outlined below.

- 1) **Location:** Off-street parking shall be located either on the lot, on adjacent property under same ownership and control as the lot, or as part of a shared parking lot. Off-street parking shall not require crossing a major or minor thoroughfare to access the use or lot served by the parking.
- 2) **Access:** Off-street parking shall have adequate ingress and egress by means of a clearly limited and defined driveway. Backing directly onto a street shall not be allowed, except for off-street parking for single-family, two-family, and accessory dwellings.
- 3) **Drainage:** Off-street parking shall be graded and drained to direct stormwater runoff flow away from adjacent properties and buildings.

**(B) Single-Family and Two-Family Dwellings:** Off-street parking for single and two-family dwellings shall be designed and constructed as outlined below.

- 1) **Setbacks:** Parking spaces shall be at least five (5) feet from side lot lines.



- 2) **Surfaces:** Parking spaces shall be constructed of a hard, durable surface suitable for residential driving and parking, such as asphalt, concrete, gravel, or pavers.
- 3) **Types:** Off-street parking for single-family or two-family dwellings on individual lots may include a parking strip, driveway, garage, or combination of those.
- 4) **Parking Space Configuration:** Off-street parking for single-family and two-family dwellings shall be at least nine (9) feet wide and eighteen (18) feet deep.

**(C) Non-residential Uses and Multiple-unit Dwellings:** Off-street parking for non-residential uses and multiple-unit dwellings, excluding agricultural uses, shall be designed and constructed as outlined below.

- 1) **Setbacks:** Parking spaces, queuing spaces, and maneuvering lanes shall meet the yard setbacks for the district in which it is located.
- 2) **Surface:** Off-street parking spaces, queuing spaces, maneuvering lanes, and driveways shall be constructed of a hard, durable surface of asphalt or concrete. The approving authority may approve alternative surfaces, as outlined below.
  - a) *Overflow Parking: The off-street parking will be used a maximum of six (6) times per year;*
  - b) *Health: The proposed surface and location of the off-street parking shall prevent the release of hazardous materials from motor vehicles;*
  - c) *Intent: The proposed surface will be more consistent with the intent of this Ordinance;*
  - d) *Agreement: There shall be an agreement for alternative surfaces, signed by the applicant and owners, approved by the Township Attorney, and recorded with the Register of Deeds, with a copy provided to the Township. The maintenance agreement shall include at least the following information:*
    - i) *Maintenance: A reasonable method of initiating maintenance and improvements necessary to keep the alternative parking surface in a good, safe condition;*
    - ii) *Dust Control: What method of dust control will be used; and*
    - iii) *Limitations: Any limitations on the use of the alternative surface for parking.*
- 3) **Dust:** All surfaces shall be kept free of dust.
- 4) **Landscaping:** Landscaping for off-street parking shall meet the landscaping standards of Article 20 Landscaping.
- 5) **Illumination:** Lighting for off-street parking shall be designed and installed to be shielded within and directed onto the parking area only and shall meet the lighting standards of Article 21 Lighting.
- 6) **Marking:** Off-street parking that provides more than four (4) parking spaces or any queuing spaces shall be marked to provide for orderly and safe movement and parking of motor vehicles. The marking shall be maintained in good condition.
- 7) **Parking Space and Maneuvering Lane Configuration:** Off-street parking spaces and maneuvering lanes shall meet the standards outlined in the table below.

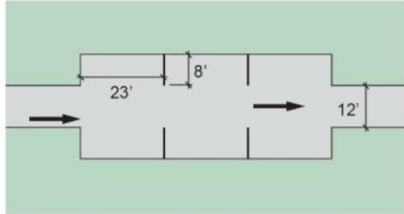
**Table 18.2: Parking Space and Maneuvering Lane Configuration**

PARKING PATTERN	PARKING SPACE DIMENSIONS		MANEUVERING LANE WIDTH	
	WIDTH	LENGTH	ONE-WAY	TWO-WAY
Parallel	8 feet	23 feet	12 feet <sup>(a)</sup>	24 feet
30° - 75°	10 feet	21 feet <sup>(b)</sup>	12 feet <sup>(a)</sup>	24 feet
76° - 90°	10 feet	20 feet <sup>(b,c)</sup>	20 feet	24 feet

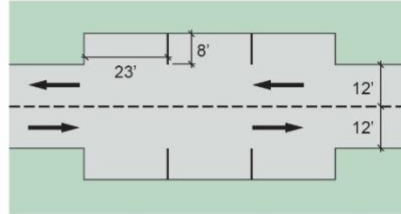


**Figure 18.1: Parking Space and Maneuvering Land Configuration**

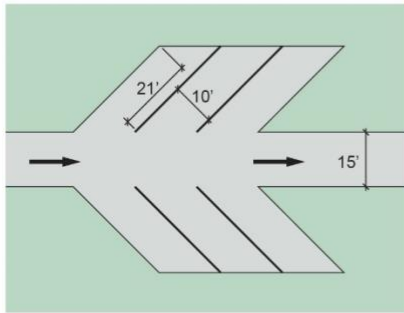
**Parallel Parking, One-Way**



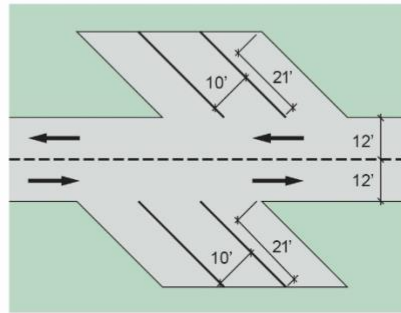
**Parallel Parking, Two-Way**



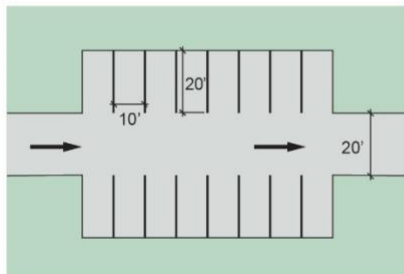
**30°–75°, One-Way**



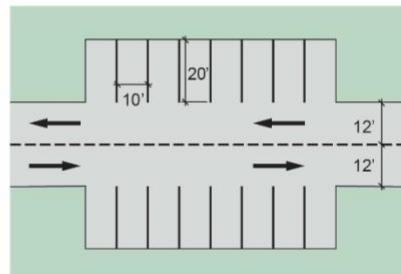
**30°–75°, Two-Way**



**76°–90°, One-Way**



**76°–90°, Two-Way**



## Parking Space and Maneuvering Lane Configuration

*Figures not to scale.*

- a) *Maneuvering Lane Width for Fire Access: The approving authority may require a greater maneuvering lane width if the maneuvering lane is necessary for fire access and a greater width is necessary for fire apparatus access.*
- b) *Overhang: Curbed parking spaces that overhang adjacent landscaping with a curb or a sidewalk at least seven (7) feet wide may have their length reduced by up to two (2) feet.*



- 8) **Queuing Space Configuration:** Queuing spaces shall meet the standards outlined below.
  - a) *Size:* Queuing spaces shall be at least nine (9) feet wide by 22 feet long.
  - b) *Location:* Queuing spaces shall be located so that they do not block access to any driveways or parking spaces or reduce the width of maneuvering lanes.
- 9) **Endcaps:** The sides of parking spaces shall be separated from driveways, maneuvering lanes, and the front end of adjacent parking spaces by a landscaped island at least eight (8) feet wide.
- 10) **Continuous Row:** A maximum row of twelve (12) contiguous off-street parking spaces shall be allowed. Once there are more than twelve (12) parking spaces, the spaces shall be broken up by a landscaped island at least six (6) feet wide.
- 11) **Barrier Free Parking:** Off-street parking for commercial and institutional uses shall provide handicapped-accessible parking spaces.
- 12) **Curbing:** Curbing or bumper blocks shall be provided where off-street parking spaces are adjacent to landscaping, property lines, sidewalks, or required setbacks. This shall not apply to handicapped ramps or raised sidewalks that are at least seven (7) feet wide.

SECTION 18.05

## Off-Street Loading Space

Every structure or use that is established, changed, or expanded that customarily receives or distributes goods or materials by motor vehicle shall provide an off-street loading space.

- (A) **Additional Space Required:** Required off-street loading spaces shall not count towards the required off-street parking spaces.
- (B) **Configuration:** Each off-street loading space shall be of a sufficient size to accommodate the type of motor vehicles that commonly serve the structure or use. The minimum size shall be as follows:
  - 1) **Noncommercial Uses:** Off-street loading spaces for noncommercial uses shall be at least ten (10) feet wide and 25 feet long;
  - 2) **Commercial Uses:** Off-street loading spaces for commercial uses shall be at least ten (10) feet wide and 55 feet long.
- (C) **Location:** Off-street loading spaces shall not be in a front yard and shall meet the required setbacks for the zoning district in which it is located.
- (D) **Screening:** Off-street loading spaces shall be screened from residential properties and streets with at least a six (6) foot tall fence, wall, or evergreen trees or shrubs.
- (E) **Illumination:** Lighting for off-street loading spaces shall meet the standards in Article 21.
- (F) **Access:** All maneuvering necessary to access an off-street loading space shall take place on the site. It shall not be necessary or possible to back directly onto a street from an off-street loading space.

End of Article.

# Article 19.

## Signs

### SECTION 19.01

#### Intent and Purpose

The intent and purpose of this Article is to:

- (A) Ensure that signs are located, designed, constructed, installed, and maintained in a manner that protects life, health, property, and the public welfare;
- (B) Reduce visual distractions and obstructions to motorists travelling along, entering, or leaving streets, thereby maintaining or improving public safety;
- (C) Preserve the existing and desired residential and rural character of the Township, as identified in the Township's Master Plan;
- (D) Prevent visual blight and protect the desired aesthetic qualities of the Township by preventing visual clutter, protecting views, and preventing intrusion of commercial messages into non-commercial areas;
- (E) Limit the amount of light emitted by signs to protect the Township's natural, existing, and desired dark skies; and
- (F) Keep signs within a reasonable scale with respect to the buildings they identify.

### SECTION 19.02

#### Scope of Article

A sign, as defined by this Ordinance, shall not be installed, constructed, reconstructed, altered, or maintained without receiving a sign permit, except as outlined in this Article. Sign definitions are found in Section 2.02(S)13).

### SECTION 19.03

#### Prohibited Signs

The following signs and sign illumination shall be prohibited in all zoning districts:

- (A) **Confusing Signs:** Signs that have the appearance of official signs or uses text similar to those used on official signs that may confuse motorists;
- (B) **Flashing Signs:** Signs that contain flashing, blinking, or strobe lights or a sign that has the appearance of lighting associated with emergency vehicle lighting, traffic signals, or other official warning signs;
- (C) **Moving Signs:** Signs that move, contains moving parts, or simulates movement, including, but not limited to, spinners, streamers, banners, balloons, scrolling text, and spotlights, but excluding official signs;





- (D) **Off-site Commercial Message Signs:** Signs containing a commercial message that are not provided at the location where the sign is located;
- (E) **Roof Signs:** Signs mounted on the roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch;
- (F) **Signs that Obstruct Safe Vision:** Signs that obstructs or interferes with an official sign, signal, or devise, or obstructs or interferes with a driver's view of approaching, merging, or intersecting traffic, even when consistent with setback or other location standards;
- (G) **Signs in Rights-of-Way:** Signs, other than an official sign, located in, encroaching on, or overhanging a street right-of-way;
- (H) **Snipe Signs:** Signs attached to utility poles, light poles, or trees within the right-of-way or other public space;
- (I) **Unsafe Signs:** Signs that are structurally unsafe or constructed in violation of the Building Code;
- (J) **Vehicle Signs:** Signs attached to or painted on a motor vehicle, recreational vehicle, trailer, or watercraft, whether motorized or not, that is placed, parked, or maintained at a particular location or driven for the purpose and intent of advertising;
- (K) **Illumination:** Signs with the following types of illumination:
  - 1) **Temporary Signs:** Any temporary sign;
  - 2) **Traffic Hazards:** Illumination that could distract motorists or otherwise create a traffic hazard;
  - 3) **Glare and Non-Shielded Illumination:** Use of glaring, undiffused luminaires and visible bare bulbs; and
  - 4) **Waterbody Signs:** Signs with illumination intended to be viewed from a waterbody.
- (L) **Clear-Vision Zone:** Signs within a clear-vision zone, unless otherwise permitted in this Ordinance; and
- (M) **Other Signs:** Any other sign not expressly allowed in this Ordinance.

SECTION 19.04

## General Sign Provisions

- (A) **Determination of Sign Area:** Signs shall not exceed the maximum sign area allowed for that type of sign and/or zoning district. The sign area shall be computed as outlined below.
  - 1) **Single-Faced Signs:** Sign area for single-faced signs shall be the square footage of the sign face as measured by enclosing the most protruding points or edges of the sign face within a parallelogram, rectangle, circle, or triangle, excluding any frame.
  - 2) **Double-Faced Signs:** Sign area for signs with multiple faces shall be the area of the largest of the sign faces, as described above, if all the faces are part of the same structure and are no more than eighteen (18") inches apart; otherwise, the sign area shall be the sum of all the areas of all the faces.
- (B) **Sign Maintenance:** Signs, including frames and supports, shall be well maintained and plumb- upright.
- (C) **Location:** Signs shall only be placed as outlined below:
  - 1) **Freestanding Signs:** Freestanding signs shall be placed in a front or waterbody yard and shall not be located within any clear-vision zone, unless otherwise permitted in this Ordinance.
  - 2) **Freestanding Sign Orientation:** Freestanding signs located in front yards are encouraged to be placed perpendicular to the front lot line.





- 3) **Wall-Mounted Signs:** Wall-mounted signs shall be facing a front or waterbody yard or shall be facing an on-site or shared parking lot serving the site.
- 4) **Window Signs:** Window signs shall be located on the interior of the window.
- 5) **Awning Signs:** Awning signs shall be located on an awning attached to a building façade that faces a front or waterbody yard or an onsite or shared parking lot serving the site.
- 6) **Canopy Signs:** Canopy signs shall be facing a front or waterbody yard or an onsite or shared parking lot serving the site.

(D) **Window Sign Area:** Window signs shall have a maximum sign area of 25 percent of the glass area of that façade.

(E) **Substitution:** Any commercial message sign may also be used for a non-commercial message.

SECTION 19.05

## Temporary Signs

(A) **Temporary Signs:** Temporary signs shall meet the standards outlined in the table below.

ZONING DISTRICT	NUMBER OF TEMPORARY SIGNS <sup>(1)</sup>	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	MINIMUM SIGN SETBACK
AG, RC, PI, PR	1 sign on each frontage	10 square feet <sup>(2)</sup>	6 feet <sup>(3)</sup>	Side-yard: 5 feet
RR, LR <sup>(4)</sup> , CU, MHR	1 sign on each frontage	6 square feet <sup>(2)</sup>	5 feet <sup>(3)</sup>	Side-yard: 5 feet
C	1 sign on each frontage, plus 1 additional sign per unit, maximum of 4 signs	16 square feet	8 feet	Side-yard: 15 feet Waterbody-yard: 20 feet

- 1) **Number of Signs:** Additional temporary signs, beyond the number allowed in the table above, shall be allowed as follows:
  - a) *One (1) additional temporary sign shall be allowed when the lot or a unit on the lot are offered for sale or lease.*
  - b) *Any number of additional temporary signs shall be allowed per lot for the period six (6) weeks before an election through three (3) days following an election. These additional signs shall have a maximum total sign area of 32 square feet.*
  - c) *One (1) additional temporary sign shall be allowed when a commercial service is being provided to the lot for a period one (1) week before and one (1) week following the conclusion of the commercial service.*
- 2) **Sign Area in Waterbody Yards:** Temporary signs located in a waterbody yard in any non-commercial zoning district shall have a maximum sign area of four (4) square feet.
- 3) **Sign Height in Waterbody Yards:** Temporary signs located in a waterbody yard in any non-commercial zoning district shall have a maximum sign height of four (4) feet.
- 4) **Lake Residential:** This shall apply to all Lake Residential Districts.

(B) **Sign Locations:** Temporary signs shall be located outside of the maintained portion of the right-of-way.



- (C) **Duration:** Temporary signs shall be displayed for a maximum of 45 days. This shall not apply to an additional temporary sign allowed when a lot or unit on the lot are offered for sale or lease.

SECTION 19.06

## Permanent Signs

- (A) **Freestanding Signs:** Permanent freestanding signs shall only be allowed accessory to a permitted or special land use and shall meet the standards outlined below.

**Table 19.1: Permanent Freestanding Sign Standards**

ZONING DISTRICT	NUMBER OF PERMANENT SIGNS (1)	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	MINIMUM SIGN SETBACK	LIGHTING
AG, PL, PR	1 on each frontage	30 square feet <sup>(3)</sup>	6 feet	Front-yard: front lot line or 20 feet from the edge of the travelled road, whichever is greater	Yes <sup>(2)</sup>
RR, LR, CU, MHR		16 square feet <sup>(3)</sup>	6 feet	Side-yard: 20 feet	
C, RC		32 square feet <sup>(5)</sup>	8 feet <sup>(5)</sup>	Side-yard: 20 feet Waterbody-yard: 20 feet	

- 1) **Framing Height:** Framing or decorative elements may extend 18 inches above the maximum sign height.
- 2) **Lighting:** Illuminated shall meet the standards of this Article and Article 21 Lighting.
- 3) **Sign Area for Special Land Uses:** Signs for special land uses in residential and agricultural districts that are located on lots with at least 300 feet of frontage shall have a maximum sign area of 24 square feet.
- 4) **Signs in Waterbody Yards:** Permanent signs in waterbody yards are only allowed in Commercial (C) and Recreation Conservation (RC) Districts. Permanent signs located in a waterbody yard shall have a maximum sign area of 16 square feet.
- 5) **Additional Sign Height:** If year-round decorative landscaping is installed and maintained to screen the base of the sign from view from the frontage in Commercial, Recreation Conservation, and Public Districts, the sign height may be increased equal to the height of the landscaping up to a maximum sign height of twelve (12) feet.
- 6) **Multiple-Dwelling Developments:** Residential developments with more than ten (10) lots shall have a maximum sign area of 30 square feet and may have one (1) sign at each entrance. Signs may be located within an island at the entrance but shall not be located within other clear- vision zones.
- 7) **Business Center Sign:** A sign located at a business center shall have an additional four (4) square feet of sign area for each unit, up to a maximum sign area of 44 square feet, and an additional sign height of one (1) foot for each unit, with a maximum sign height increase of two (2) feet.
- 8) **Additional Signs Near Entrances:** One (1) or more additional non-commercial sign per driveway may be approved during site plan review for commercial, institutional, or public uses if the approving authority finds all the criteria below are true. These additional signs shall have a maximum sign area of three (3) square feet.
  - a) *Directing Traffic:* The additional sign or signs shall be necessary to safely direct traffic;
  - b) *Visibility:* The additional sign or signs may be located within a clear-vision zone but shall not block any views of drivers; and



c) *Minimum Necessary:* The additional sign or signs shall be the minimum number and have the minimum sign area and sign height necessary to safely direct traffic.

9) **Ground Clearance:** Signs shall be designed so as not to create a hazard to pedestrians or cyclists.

(B) **Structure-Mounted Signs:** Permanent wall, perpendicular, awning, and canopy signs shall only be allowed accessory to a permitted or special land use as outlined below:

**Table 19.2: Permanent structure-mounted Sign Standards**

ZONING DISTRICT	NUMBER OF PERMANENT SIGNS (1)	MAXIMUM SIGN AREA(1)	LIGHTING
AG	1 on each frontage	8 square feet	No
PI, PR		12 square feet	Yes <sup>(2)</sup>
RR, LR, CU, MH		6 square feet	
C, RC	1 on each frontage plus 1 per unit <sup>(3)</sup>	12 square feet or 10 percent of the façade area, whichever is greater	

1) **Sign Area:** This area excludes window signs.

2) **Lighting:** Illuminated signs shall meet the standards of this Article and Article 21 Lighting.

3) **Number:** One (1) additional canopy sign shall be allowed along each frontage. This additional sign shall have a maximum sign area of four (4) square feet.

4) **Depth:** Wall signs shall not extend more than one (1') foot from the structure façade. Awning signs shall not extend more than one-half (0.5) inch from the awning surface. Canopy signs shall not extend more than six (6) inches from the canopy façade.

5) **Ground Clearance:** Awning and canopy signs shall have a ground clearance of at least eight (8) feet. Perpendicular signs shall have enough ground clearance to not create a hazard to pedestrians, cyclists, or motorists.

(C) **Sign Materials:** Permanent signs shall be designed to be complementary with the character of the principal building and the landscaping to promote an overall unified and consistent aesthetic effect.

(D) **Sign Construction Standards:** The following standards shall apply to all permanent signs.

1) **Fastenings:** All signs shall be erected in such a manner and with such materials to remain safe and secure during the period of use, and all bolts, cables, and other metallic parts of signs shall be kept free from corrosion.

2) **Sign Safety:** All signs and support structures shall have a clearance of at least eight (8) feet from any electrical transmission lines. All signs shall comply with the minimum wind pressure and other standards of the Building Code.

(E) **Illumination:** Signs shall only be illuminated using approved electrical devices directed solely at the sign or internal to it, according to the following standards:

1) **Timer Controls:** Illuminated signs shall be equipped with a functional timer control. Signs shall only be illuminated from 6:00 am or one half (1/2) hour before the beginning of the use of the site for the day, whichever is earlier, through 10:00 pm or one half (1/2) hour after the use of the site ends for the day, whichever is later.

2) **Non-glare, Shielded Lighting:** Lights shall be steady, stationary, and shaded and/or shielded downward with light directed away from adjacent properties and streets.



- 3) **Backlighting:** Signs with internal illumination shall have the lettering and graphics in a lighter color than the background to the maximum extent practical.
  - 4) **Wiring:** Electrical service to illuminated signs not attached to a building shall be located underground.
- (F) **Electronic Message Signs:** Electronic message signs shall meet the following additional standards:
- 1) **Message Changes:** Messages or images shall be static. There shall be no movement or simulated movement. Messages or images shall be displayed for at least one (1) hour.
  - 2) **Light Intensity:** Electronic message signs shall not display light of such intensity as to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. Maximum luminance shall not exceed three-tenths (0.3) foot-candles above ambient light levels at a distance, measured perpendicularly from the sign face, based on the size of the electronic message sign area as outlined in the table below. Maximum luminance shall not exceed one-tenths (0.1) foot-candles above ambient light levels at adjacent lot lines of residentially zoned or residentially used lots.

**Table 19.3: Lighting Intensity of Electronic Message Signs**

SIGN AREA	DISTANCE MEASUREMENT IS TAKEN
10 square feet	32 feet
15 square feet	39 feet
20 square feet	45 feet
25 square feet	50 feet
30 square feet	50 feet

SECTION 19.07

## Legally Nonconforming Signs

The continued use of legally nonconforming signs shall be permitted, as outlined below. Such signs shall not be enlarged, expanded, or extended, with the intent that legally nonconforming signs shall eventually be eliminated or replaced upon their natural deterioration or destruction. The continuance of legally nonconforming signs shall be subject to the standards below.

- (A) **Structural Changes:** The faces, supports, or other parts of legally nonconforming signs shall not be structurally changed or enlarged unless the resulting changed, altered, substituted, or enlarged sign conforms to the standards of this Ordinance.
- (B) **Destruction:** Legally nonconforming signs that have been destroyed or damaged by more than 50 percent of the replacement cost shall not be reconstructed except in conformity with the standards of this Ordinance.
- (C) **Site Plan:** On any site on which a site plan is approved, all legal nonconforming signs shall be brought into compliance with the standards of this Ordinance.



## SECTION 19.08

## Signs Not Requiring a Sign Permit

- (A) **Signs Not Requiring a Sign Permit:** The following signs shall not require a sign permit:
- 1) Murals not containing a commercial message;
  - 2) Window signs; and
  - 3) Temporary signs.
- (B) **Maintenance:** Maintenance of existing signs, including replacement of sign faces and regular maintenance, but excluding enlargement or relocation of the sign, shall not require a sign permit.
- (C) **Standards Still Apply:** The standards of this Ordinance shall still apply to signs not requiring a sign permit.

## SECTION 19.09

## Sign Permit Process

Sign permits are required for all new permanent signs and modifications of existing permanent signs, excluding changes to the sign face. Signs may also require a building permit from the Building Official.

- (A) **Application:** Sign permit applications shall be reviewed and approved by the Director of Planning and Zoning.
- 1) **Sign Permit Application:** The application shall include a completed Sign Permit application signed by the applicant and the property owner, if different.
  - 2) **Site or Plot Plan:** The application shall include a site plan or plot plan showing the location of the proposed sign, including setbacks.
  - 3) **Sign Details:** The application shall include sign details, including, but not limited to height, dimensions, sign area, and illumination information.
  - 4) **Other Information:** The application shall include any other information necessary to determine compliance with this Ordinance.
- (B) **Inspection:** Signs shall be inspected by the Director of Planning and Zoning, as outlined below.
- 1) **New Signs:** An inspection shall be conducted in a timely manner before and following installation of all new signs requiring a sign permit.
  - 2) **Existing Signs:** Signs requiring a sign permit may be inspected periodically to ensure continued compliance with this Ordinance.
- (C) **Amendment:** Sign permit applications may be amended before installation of the sign. Amendments shall be reviewed and approved by the Director of Planning and Zoning.
- (D) **Revocation:** A sign permit may be revoked if the sign is installed in a manner inconsistent with the approval and shall be revoked if the sign is installed in a manner inconsistent with this Ordinance.
- (E) **Expiration:** A sign permit shall expire if the sign has not received a certificate of zoning compliance within 180 days of the approval date. A single, 30-day extension shall be granted upon request of the applicant with a demonstration that the sign will be installed during the extension period.



SECTION 19.10

## Removal of Signs

- (A) **Permanent and Temporary Signs:** Permanent and temporary signs erected or maintained in violation of this Ordinance shall be removed.
- 1) **Notice:** The Director of Planning and Zoning shall order the removal by delivery of a written notice to the property owner. The notice shall order removal of the sign or outline what action would bring the sign into compliance with this Ordinance and shall outline a reasonable length of time, at least fourteen (14) days, for removal or compliance.
  - 2) **Removal:** Upon failure to remove the sign or bring the sign into compliance, the Township may remove the sign immediately and without further notice, at its discretion. Any cost incurred for removal may be assessed to the property owner.
- (B) **Dangerous Signs:** Signs that pose an immediate threat to safety shall be removed immediately.
- 1) **Notice:** The Director of Planning and Zoning shall order the removal by delivery of a written notice to the property owner, except as outlined in this Section. The notice shall order removal of the sign or outline what action would bring the sign into compliance with this Ordinance and shall outline a reasonable length of time for removal or compliance.
  - 2) **Removal:** Upon failure to remove the sign or bring the sign into compliance, the Township may remove the sign immediately and without further notice, at its discretion. Any cost incurred for removal may be assessed to the property owner.
  - 3) **Emergency Removal:** The Township may remove a sign that poses an immediate threat to safety without delivery of a written notice to the property owner if the Director of Planning and Zoning certifies the nature of the immediate threat and that a delay resulting from noticing the property owner is likely to cause harm to individuals or property. Any cost incurred for removal may be assessed to the property owner.
- (C) **Signs in Right-of-Way:** Signs erected within a right-of-way in violation of this Ordinance may be removed by the Township without notice. Any cost incurred for removal may be assessed to the sign owner.

SECTION 19.11

## Violation

The installation, construction, reconstruction, alteration, or maintenance of a sign requiring a sign permit without approval of a sign permit or the installation, construction, reconstruction, alteration, or maintenance of a sign in any manner inconsistent with this Ordinance is a violation of this Ordinance.

- (A) **Party to Violation:** Any person, agent, or property owner who causes a sign to be in violation of this Ordinance shall be a party to the violation.
- (B) **Separate Violation:** Each sign in violation of this Ordinance shall be considered a separate violation. Each day a sign is in violation of this Ordinance shall be considered a separate violation.
- (C) **Nuisance Per Se:** Any sign installed, constructed, reconstructed, altered, or maintained in violation of this Ordinance shall be a nuisance per se, as outlined in Section 31.10 Violations, Fines, and Penalties.
- (D) **Municipal Civil Infraction:** Violation of the provisions of this Article shall be a municipal civil infraction.

# Article 20.

# Landscaping

## SECTION 20.01

### Intent and Purpose

It is the intent and purpose of this Article to:

- (A) Protect, preserve, and enhance the visual appearance, character, and value of properties and the Township;
- (B) Encourage compatibility between incompatible uses and districts by screening or filtering views and sounds;
- (C) Improve the local environment by moderating harsh or unpleasant sounds, reducing air pollutants, moderating winds and effects of microclimates, controlling soil erosion and depletion, and promoting storm water infiltration;
- (D) Improve the appearance and functionality of off-street parking and loading, other vehicular use areas, and areas abutting public rights-of-way;
- (E) Preserve and enhance existing environmental systems, natural features, and wildlife habitat; and
- (F) Establish minimum standards for design, installation, and maintenance of landscaping, screening, and buffering.

## SECTION 20.02

### Design Standards

Landscaping shall meet the standards outlined below.

- (A) **Live Materials:** All areas of a site or use requiring a site plan that are not covered by a structure or planting beds shall be stabilized by grass or other ground covers. Areas between sidewalks and streets, islands in parking lots, boulevard medians, and similar areas shall be landscaped. Mulch or stone cover shall be limited to a maximum of 70 percent of the landscaped area.
- (B) **Disturbed Area:** At least one (1) deciduous shade tree or coniferous tree shall be planted for every 10,000 square feet, or fraction thereof, of disturbed area of site plans.
- (C) **Minimum Landscaping:** In addition to any landscaping required for screening, buffering, parking and loading, at least ten (10) percent of the lot area for site plans shall be landscaped with grasses, other live ground covers, planting beds, and trees or a combination of those.
- (D) **Utilities:** All new landscaping shall be coordinated with existing and planned overhead and buried utilities in order to avoid interference with plant growth or damage or interruption of any utility service.
  - 1) **Underground Utilities:** Landscaping shall be placed so that it will not interfere with underground utilities.





- 2) **Electrical Distribution Lines:** Landscaping for sites requiring a site plan shall be placed to maintain a distance of at least ten (10') feet when mature from electrical distribution lines and other overhead utilities.
  - 3) **Electrical Transmission Lines:** Landscaping for sites requiring a site plan shall be placed to maintain a distance of at least 75 feet when mature from 120 kilovolt electrical transmission lines and a distance of at least 150 feet when mature from 345 kilovolt electrical transmission lines. This distance shall be measured horizontally from the center of the tower.
- (E) **Agricultural Fields:** All new landscaping installed in the vicinity of commercial agricultural fields shall be placed in a manner to not interfere with the commercial agricultural operation. Trees shall be set back so that their canopy and critical root zone will not extend into the agricultural field, unless the affected property owner grants written and notarized permission for the trees to be planted closer, with a copy provided to the Township.
- (F) **Berms:** Berms used for buffering or screening for sites or uses requiring a site plan shall meet the standards below.
- 1) **Slope:** The maximum slope shall be one (1) vertical foot per three (3) horizontal feet.
  - 2) **Height:** The maximum height shall be four (4) feet.
  - 3) **Top:** The top shall be flat, at least two (2) feet wide, and extend the length of the berm, minus the slope at the ends of the berm.
  - 4) **Planting:** Berms shall be landscaped to prevent erosion.
  - 5) **Fences:** Fences shall not be placed on top of berms located in front yards. The height of fences on berms shall be measured from the base of the berm.
- (G) **Walls and Fences:** Walls or fences used to provide screening or buffering for sites requiring a site plan shall meet the standards below.
- 1) **Location:** Walls or fences shall meet the location standards outlined in Section 16.16 Fences, Walls, and Gated Entrances.
  - 2) **Height:** Walls or fences shall meet the height standards outlined in Section 16.16 Fences, Walls, and Gated Entrances. The approving authority may allow for a taller wall or fence if the additional height: a) is necessary to provide adequate screening and b) would not create a negative impact on the surrounding properties.
  - 3) **Materials:** Walls or fences shall be constructed in a sound manner assuring long-term structural integrity and visual character.
  - 4) **Maintenance:** Walls or fences shall be maintained in a good, upright and plumb condition.
  - 5) **Landscaping:** The approving authority may require vegetative landscaping between the wall or fence and the lot lines to reduce the impact of walls or fences.





## SECTION 20.03

## Screening and Buffering

The screening and buffering shall be provided, as outlined below, in addition to other applicable landscaping.

- (A) **Non-residential:** Non-residential and non-agricultural uses shall provide buffering along streets and along all side and rear lot lines adjacent to residential zoning districts.
- 1) **Front-yard Buffer:** The front-yard buffer shall be located along the front-lot line and shall meet the standards outlined below.
    - a) *Nature of Buffer:* The front-yard buffer shall be landscaped with grass, ground cover, trees, shrubs, and other natural landscape material. Decorative fences, sidewalks, and access driveways may be located within the buffer area.
    - b) *Trees:* One (1) tree shall be planted for every 30 linear feet of frontage or fraction thereof.
  - 2) **Side and Rear-yard Buffer:** The side and rear-yard buffer shall be located along the side and rear lot lines and shall meet the following standards.
    - a) *Nature of Buffer:* The side and rear-yard buffer may consist of a solid wall, berms, living materials, or a combination of those. When living materials are used, they should meet the required standards for height and opacity within three (3) years of planting.
    - b) *Opacity:* The side and rear-yard buffer shall be at least 75 percent opaque by observation of any two (2) square yard area. The opacity shall be maintained throughout the year. If plantings do not provide the necessary opacity within three (3) years, a solid wall or additional plantings shall be installed.
    - c) *Height:* The side and rear-yard buffer shall be at least five (5) feet high. If plantings do not provide the necessary height within three (3) years, a solid wall shall be installed.
    - d) *Solid Wall:* The approving authority may require a solid wall if it determines there is a need to provide a greater noise or dust barrier or to screen more-intense development not adequately screened as outlined above.
- (B) **Multiple-unit Residential:** Multiple-unit residential uses shall provide buffering along streets and along all side and rear lot lines.
- 1) **Front-yard Buffer:** The front-yard buffer shall be located along the front-lot line and shall meet the standards outlined below.
    - a) *Nature of Buffer:* The front-yard buffer shall be landscaped with grass, ground cover, trees, shrubs, and other natural landscape material. Decorative fences, sidewalks, and access driveways may be located within the buffer area.
    - b) *Trees:* One (1) tree shall be planted for every 40 linear feet of frontage or fraction thereof.
  - 2) **Side and Rear-yard Buffer:** The side and rear-yard buffer shall be located along the side and rear lot lines and shall meet the following standards.
    - a) *Nature of Buffer:* The side and rear-yard buffer may consist of a solid wall, berms, living materials, or a combination of those. When living materials are used, they should meet the required standards for height and opacity within three (3) years of planting.
    - b) *Opacity:* The side and rear-yard buffer shall be at least 50 percent opaque by observation of any two (2) square yard area. The opacity shall be maintained throughout the year. If plantings do not provide the necessary opacity within three (3) years, a solid wall or additional plantings shall be installed.



- c) *Height: The side and rear-yard buffer shall be at least five (5) feet high. If plantings do not provide the necessary height within three (3) years, a solid wall shall be installed.*
- d) *Solid Wall: The approving authority may require a solid wall if it determines there is a need to provide a greater noise or dust barrier or to screen more-intense development not adequately screened as outlined above.*

**(C) Site Condominiums and Subdivisions:** Site condominiums and subdivisions shall provide buffering along boundaries of the development and within the development.

- 1) **Front-yard Buffer:** When a site condominium or subdivision abuts or contains an existing or proposed major or minor thoroughfare, a buffer shall be installed to screen the view of the development from the street. The intent is to soften the impact of the site condominium or subdivision rather than to completely obscure it.
  - a) *Nature of Buffer: The buffer shall be landscaped with grass, ground cover, trees, shrubs, and other natural landscape material. Fences and signs may be placed within the buffer.*
  - b) *Depth: The buffer shall be at least 50 feet deep.*
  - c) *Plantings: One (1) tree shall be planted for every 30 linear feet of frontage or fraction thereof.*
  - d) *Lots: Individual lots shall not be located within the required buffer.*
  - e) *Administrative Adjustment: The approving authority may approve different standards for the buffer, if the alternate buffer preserves important, existing views and continues to screen the view of the development.*
- 2) **Side and Rear-yard Buffer:** All other exterior boundaries of site condominiums and subdivisions shall provide a buffer, unless the adjacent property already provides a similar buffer.
  - a) *Nature of Buffer: The buffer may consist of berms, living materials, or a combination of those. When living materials are used, they should meet the required standards for height and opacity within three (3) years of planting.*
  - b) *Width: The side and rear-yard buffer shall be at least fifteen (15) feet wide.*
  - c) *Opacity: The buffer shall be at least 75 percent opaque by observation of any two (2) square yard area. The opacity shall be maintained throughout the year. If plantings do not provide the necessary opacity within three (3) years, a solid wall shall be installed.*
  - d) *Height: The side and rear-yard buffer shall be at least five (5) feet high. If plantings do not provide the necessary height within three (3) years, additional plantings shall be installed.*
  - e) *Lots: Individual lots shall not be located within the required buffer.*
  - f) *Administrative Adjustment: The approving authority may approve different standards for the buffer, if the alternate buffer provides better screening, is adjacent to an undeveloped area, or is adjacent to a similar land use.*
- 3) **Interior Streets:** Deciduous shade trees shall be planted along the interior streets.
  - a) *Number: There shall be one (1) street tree for every 40 linear feet of frontage or fraction thereof. Every lot shall have at least one (1) street tree.*
  - b) *Spacing: The street trees shall be uniformly placed, to the greatest extent practicable.*
  - c) *Location: The street trees shall be located within the right-of-way. The approving authority may approve a location outside the right-of-way, within individual lots or common area, if the alternate location is necessary to avoid conflicts with utilities or preserve clear vision for motorists, pedestrians, or cyclists.*
  - d) *Maintenance: The developer shall be responsible for maintaining the street trees until acceptance by the homeowners' association. The street trees shall be maintained by the homeowners' association following acceptance. The approving authority may approve alternate maintenance plans if the alternate plan will provide better maintenance of the street trees.*



## SECTION 20.04

## Parking and Loading

Parking and loading for non-residential and non-agricultural uses shall provide the landscaping outlined below, in addition to other applicable landscaping standards.

- (A) **Street Screening:** Screening shall be provided to block headlights of motor vehicles in the off-street parking or loading spaces or maneuvering lanes from projecting off the site or onto a street. This shall not require screening for driveways.
- (B) **Landscaping:** Parking lots that provide more than four (4) off-street parking spaces shall provide additional landscaping along the perimeter and/or within the parking lot.
  - 1) **Number of Trees:** There shall be at least one (1) tree for every eight (8) parking spaces or fraction thereof.
  - 2) **Location of Plantings:** All shrubs and trees shall be at least three (3) feet from the edge of the parking lot, driveway, or curb.
  - 3) **Clear Vision:** All plantings within the parking lot shall not obstruct vision at a height between three (3) feet and eight (8) feet above the parking lot surface. This shall not include tree trunks that do not significantly obscure views.

## SECTION 20.05

## Detention and Retention Ponds

Detention and retention ponds shall meet the standards outlined below, in addition to other applicable landscaping standards.

- (A) **Integration:** Stormwater management systems, including bioswales, rain gardens, and detention and retention ponds, shall be integrated with the site landscaping.
- (B) **Slope:** Side slopes of detention and retention ponds shall not exceed one (1) vertical foot for every three (3) horizontal feet.
- (C) **Planting:** One (1) tree shall be planted around the detention or retention pond for every 50 linear feet along the pond's bank or fraction thereof. Any plantings in or around a detention or retention pond shall be adapted to the soil and water conditions.

## SECTION 20.06

## Planting Materials

Planting materials required for sites requiring site plans shall meet the standards outlined below.

- (A) **Selection:** All plant materials shall be hardy to Dexter Township, shall be free of disease, insects, and damage and shall conform to the American Standard for Nursery Stock. Materials native to the Dexter Township area shall be preferred.
- (B) **Minimum Size:** Trees installed to meet the standards of this Article shall meet the sizes outlined below.
  - 1) **Deciduous Shade Trees:** Deciduous shade trees shall have a caliper of at least two (2) inches.



- 2) **Deciduous Ornamental Trees:** Deciduous ornamental trees shall have a caliper of at least one point five (1.5) inches.
  - 3) **Evergreen Trees:** Evergreen trees shall be at least six (6) feet high.
- (C) **Variety:** When more than three (3) trees are required to meet the standards of this Article, multiple species shall be planted in order to reduce tree loss due to species-specific disease, as outlined in the table below. Any single species shall constitute a maximum of 33 percent of the overall trees to be planted.

**Table 20.1: Tree Variety**

NUMBER OF REQUIRED TREES	MINIMUM NUMBER OF TREE SPECIES	MINIMUM NUMBER OF TREES PER SPECIES
3 to 19	2	1
20 to 49	3	4
50 to 89	4	10
More than 89	5	15

- (D) **Prohibited Species:** The tree species in the table below shall not count towards the minimum planting requirements. However, the approving authority may allow planting prohibited species in specific circumstances if the tree will not have a negative impact on the site, adjacent properties, or public safety and there is a plan to adequately address any disease or health concerns of the tree species.

**Table 20.2: Prohibited Species**

COMMON NAME	SCIENTIFIC NAME
Ash	Fraxinus
Box Elder	Acer Negundo
Ginkgo ( <i>female only</i> )	Ginkgo Biloba
Honey Locust	Gleditsia Triacanthos
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robina Species
Willows	Salix Species
Siberian Elm	Ulmus Pumila
Slippery Elm/Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifolia
Callery Pear	Pyrus calleryana



(E) **Preservation:** In situations where quality, healthy trees exist on a site before development, the approving authority may grant credit towards the required trees to be planted.

- 1) **Location:** The existing trees shall be in the area that the required trees would be located.
- 2) **Credit:** Credit shall be given for preserving the following trees at the following ratios. Credit shall not be given for prohibited species trees or unhealthy trees.

**Table 20.3: Preservation Credit**

TREE TYPE	DIAMETER AT BREAST HEIGHT	CREDIT
Evergreen Trees	8 inches to 12 inches	2 trees
	12 inches to 16 inches	3 trees
	17 inches to 20 inches	4 trees
Deciduous Shade Trees	Over 20 inches	5 trees
	3 inches to 8 inches	2 trees
	8 inches to 12 inches	3 trees
Ornamental Trees	12 inches to 20 inches	4 trees
	Over 20 inches	5 trees
	Over 2 inches	1 tree

- 3) **Protection:** Existing trees to be preserved for credit must be labeled as “To Be Preserved” on the landscaping plan. Protective fencing shall be placed around the critical root zone, and vehicles, construction equipment, and materials shall not be parked or stored within the critical root zone of trees to be preserved during construction. Devices and wires shall not be attached to any tree to be preserved. The grade shall not be changed within the critical root zone.
- 4) **Damage or Removal:** If an existing tree to be preserved for credit is damaged, destroyed, or negatively impacted during construction or dies within three (3) years of completion of the project, the tree shall be replaced with trees of the same species with a combined diameter at breast height equal to or greater than that of the damaged or removed tree.

(F) **Replacement:** When healthy, quality trees that are not on the prohibited species list are to be removed as part of a development, additional trees shall be planted to replace those removed trees. These replacement trees shall not be counted towards other landscaping requirements.

- 1) **Location:** Replacement trees may be located anywhere on the site where trees may be planted.
- 2) **Replacement Ratio:** Removed trees shall be replaced with the following ratio:
  - a) *Evergreen Trees: Evergreen trees with a height of at least (8) feet and a diameter at breast height of at least eight (8) inches shall be replaced with a combined caliper equal to or greater than that of the tree removed.*
  - b) *Deciduous Shade Trees: Deciduous shade trees with a diameter at breast height of at least twelve (12) inches shall be replaced with a combined caliper equal to or greater than that of the tree removed.*



SECTION 20.07

## **Installation, Maintenance, and Completion**

Landscaping shall be installed, maintained, and completed as outlined below.

- (A) **Completion:** All landscaping required by this Ordinance shall be installed before issuance of a certificate of zoning compliance, as outlined in Section 25.07 Certificate of Zoning Compliance Process.
- (B) **Condition:** All landscaping required by this Ordinance shall be maintained in a reasonably healthy condition. Unhealthy and dead material shall be removed and replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.
- (C) **Bracing:** Any bracing shall be removed within one (1) year of planting. This period may be extended by periods of up to one (1) year if the Director of Planning and Zoning determines the extension is necessary for the healthy growth of the plant.
- (D) **Topsoil Storage:** Topsoil removed during construction that remains onsite shall be stockpiled in an appropriate manner to prevent sedimentation.
- (E) **Inspections:** A performance guarantee shall be provided by the developer or property owner for the Township to conduct annual inspections for the landscaping for at least three (3) years following the issuance of the certificate of zoning compliance or the turnover to a homeowners' association. The performance guarantee shall be provided before the certificate of zoning compliance is issued or the development is turned over to the homeowners' association.

SECTION 20.08

## **Administrative Adjustment**

The approving authority may grant an administrative adjustment from provisions of this Article if at least one (1) of the criteria below is true:

- (A) **Natural Screening:** Existing vegetation provides adequate screening and buffering for the site;
- (B) **Topography:** The site or surrounding area has steep topography that would make the required landscaping ineffective;
- (C) **Wetlands:** The presence of wetlands on the site would prevent the installation of required landscaping or result in the destruction or alteration of wetlands;
- (D) **Stormwater Management:** Alternate landscaping provides enhanced stormwater management and still provides adequate screening of the site;
- (E) **Building Heights:** The height of the buildings does not require landscaping to provide adequate screening due to topography or other natural features;
- (F) **Existing Structures:** There are existing structures to remain that would prohibit the installation of required landscaping;
- (G) **Significant Views:** The required landscaping would result in the destruction or significant degradation of significant views and other methods have been proposed that would adequately screen the site;
- (H) **Traffic:** The required landscaping would negatively impact traffic sight distances and operation; or
- (I) **Utilities:** The presence of utility easements and utility-related planting limitations prohibit required plantings and other methods have been proposed that would adequately screen the site.



## SECTION 20.09

## Landscaping Plan

A separate landscaping plan, prepared and stamped by a landscape architect licensed by the State of Michigan, shall be submitted as part of a site plan, demonstrating that all of the applicable standards of this Article are satisfied. The landscaping plan shall be easily legible in the format submitted. If the landscaping plan requires more than one (1) sheet, match lines and a composite sheet of the overall site shall also be provided. Landscaping plans shall be at a scale acceptable to the Township and shall include at least the following information:

- (A) **Calculations:** Calculations used to determine the necessary plantings;
- (B) **Planting List:** The location, quantity, size, spacing, root type, mature canopy extent, and descriptions, including common and scientific names, for each proposed plant type;
- (C) **Preservation:** The location, size, and conditions, including common and scientific names, for existing trees and plant materials to be preserved and the proposed methods of protecting the plant material to remain during construction, including the type and location;
- (D) **Removal:** The location, size, and conditions, including common and scientific names, for deciduous trees with a diameter of eight (8) or more inches or coniferous trees with a height of eight (8) or more feet to be removed;
- (E) **Grass:** Identification of grass and other ground cover plantings and the method of planting;
- (F) **Planting and Staking:** Planting and staking details, in either text or drawing, ensuring proper installation and establishment of proposed plant materials;
- (G) **Site Conditions:** Significant construction details used to resolve site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns;
- (H) **Topography:** Existing and proposed topography on the site and within 150 feet of the site at intervals of two (2) feet or less;
- (I) **Disturbed Area:** The extent and square footage of the disturbed area;
- (J) **Berms and Walls:** Typical cross sections and elevations of berms, including slope and plantings, tree wells, and walls or fences, including footings;
- (K) **Water Features:** Location and details of waterbodies;
- (L) **Irrigation Plan:** Irrigation method for watering and drainage of landscape areas; and
- (M) **Maintenance:** A landscaping maintenance program, which, at a minimum, includes a statement that all diseased, damaged, or dead plant materials shall be replaced in accordance with the standards of this Article and the approved final site plan.

End of Article





# Article 21.

# Lighting

## SECTION 21.01

### Intent and Purpose

The intent and purpose of this Article is to:

- (A) Prevent the glare and reflection of lighting in a manner that creates a nuisance or safety hazard to motor vehicle operators, pedestrians, and neighboring properties and uses;
- (B) Promote dark skies, consistent with the Township's rural character, by limiting intrusive artificial light that degrades the quality of the nighttime visual environment;
- (C) Reduce atmospheric light pollution, light trespass, and off-site impacts of lighting;
- (D) Recognize the need for buildings and sites to provide lighting for safety and security; and
- (E) Provide minimum standards for the placement, orientation, and fixture details for lighting.

## SECTION 21.02

### Prohibited Lighting

The following lighting shall be prohibited in all zoning districts, unless otherwise permitted in this Article:

- (A) **Search Lights:** Search lights used for entertainment or advertisement;
- (B) **Lasers:** The use of lasers and similar high intensity lighting;
- (C) **Flashing:** Flashing, strobing, moving, or intermittent lighting, except those required by the Federal Aviation Administration; and
- (D) **Non-shielded Bulbs:** Non-shielded, non-parabolic-type bulbs, except for neon luminous tube lighting and light emitting diodes used for electronic message signs.

## SECTION 21.03

### Exemptions

The standards of this Article shall not apply to the following lighting:

- (A) **Interior Lighting:** Lighting within a building that is not visible or does not create glare outside of the building;



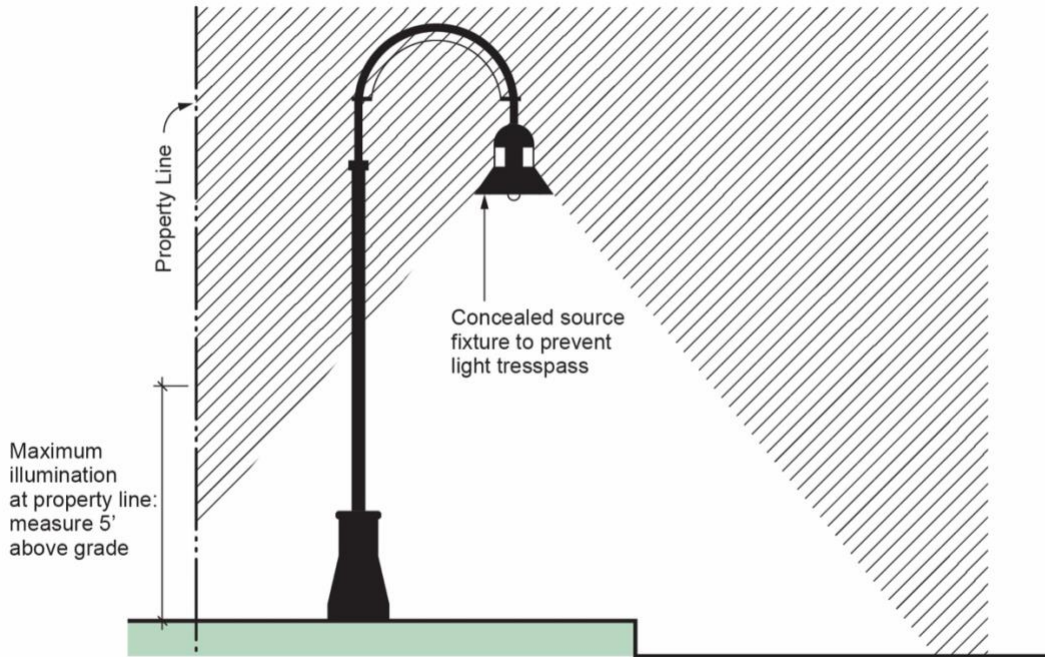
- (B) **Residential Lighting:** Fixtures for single-family houses, accessory dwellings, and duplexes that do not produce glare and have a maximum illumination level of 1,600 lumens;
- (C) **Landscaping:** Decorative landscape lighting for lawns, gardens, or docks that is within five (5) feet of the ground and has a maximum illumination level of 150 lumens per fixture;
- (D) **Holiday Decorations:** Seasonal lighting associated with holidays including, but not limited to, Christmas, Hanukkah, Halloween, or New Years, with individual lamps that have a maximum illumination level of 150 lumens;
- (E) **Traffic Control:** Lighting consistent with the Manual on Uniform Traffic Control Devices used for traffic control;
- (F) **Construction or Emergency:** Temporary lighting for construction or emergencies that is discontinued immediately upon completion of the construction or abatement of the emergency;
- (G) **Carnival:** Lighting associated with a carnival or festival that does not produce glare and has a maximum illumination level of one (1) foot candle at any lot line or public street;
- (H) **Television or Movie:** Lighting for television news and lighting for television or movie production that has a valid temporary zoning permit; and
- (I) **Street Lighting:** Lighting installed and maintained by the Road Commission, and Utility Companies, that is designed and maintained to direct light onto a private or public street.

SECTION 21.04

## General Lighting Standards

All lighting shall meet the standards outlined below, unless otherwise permitted in this Article.

- (A) **Hazard and Nuisance:** All lighting shall be aimed, located, designed, fitted, and maintained to not create a hazard to drivers and pedestrians or a nuisance to a neighboring use or property.
- (B) **Lighting Level:** The maximum lighting level along lot lines shall be as outlined below.
  - 1) **Residential:** The maximum light level projected onto a residentially zoned or used property shall be one-tenth (0.1) foot-candles.
  - 2) **Non-residential:** The maximum light level projected onto any other property shall not exceed
  - 3) One-half (0.5) foot-candle.
  - 4) **Measurement Location:** This shall be measured at ground level along the lot lines. When the property is adjacent to a street, the measurement shall be made along the edge of the travelled street instead of along the front lot line.
- (C) **Direction:** Outdoor lighting shall be directed away from adjoining lots, rights-of-way, and waterbodies as much as possible.
- (D) **Cut-off Angle:** Light fixtures shall be a full cutoff fixture, with a 100 percent cut-off angle above the horizontal plane. The light source and diffuser shall be located above the horizontal plane of the bottom of the fixture and shall not be visible from off site.

**Figure 21.1: Cut-off Angle***Figure not to scale.*

- (E) **Shielding:** Vegetative screens shall not serve as the primary means for controlling glare or lighting levels. Control shall be achieved primarily using full cutoff luminaires, shields and baffles, appropriate mounting height, wattage, direction, and placement.
- (F) **Duration:** Outdoor lighting, except for residential and agricultural uses, shall be turned off or reduced in intensity between the hours of 11:00 pm and 6:00 am. The duration of full intensity may be extended, if the approving authority makes a written finding that any one (1) of the following are true:
- 1) **Hours of Operation:** The duration shall be extended to 30 minutes after the use of the site concludes and shall begin 30 minutes before the use of the site begins;
  - 2) **Motion Detector:** The light fixtures are activated by motion detectors beyond the hours of operation; or
  - 3) **Security and Safety:** The duration shall be extended if the approving authority makes a written finding that the extended hours are necessary for the security and safety of the site or vicinity.
- (G) **Wiring:** Electrical service for outdoor lighting that is not attached to a building shall be located underground.
- (H) **Color:** Light sources shall have a color temperature between 2,700 Kelvin and 4,100 Kelvin. This shall not apply to neon luminous tubes, architectural accent lighting, and light emitting diodes used for electronic message signs.



SECTION 21.05

## Freestanding Lighting

Freestanding lighting shall meet the standards outlined below, in addition to other applicable standards.

- (A) **Light Intensity:** The maximum light intensity at ground level below the light fixture shall be (10) foot-candles.
- (B) **Height:** The maximum fixture height shall be 20 feet. This height shall be measured from the ground adjacent to the light pole. If a light pole is placed on a berm, the height shall be measured from the base of the berm.
- (C) **Location:** Freestanding pole lighting located near parking lots, driveways, or streets or within a landscaped island shall be at least three (3) feet from the edge of the curb or pavement and shall not interfere with traffic flow or use of parking spaces.
- (D) **Concrete Base:** Freestanding pole lighting located within parking areas shall be mounted on a concrete base at least 30 inches high.
- (E) **Bollard Height:** Bollard lighting shall have a maximum height of three (3) feet.
- (F) **Outdoor Protection Lighting:** Outdoor protection lighting shall meet the following additional standards:
  - 1) **Location:** Outdoor protection lighting shall not be placed in a waterfront yard.
  - 2) **Light Intensity:** Outdoor protection lighting may be brighter along lot lines if a letter of non-objection is obtained from the affected property owner. This letter shall be in a form approved by the Township and shall be recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.
  - 3) **Height:** Outdoor protection lighting may be higher than the maximum height for freestanding lighting if it is mounted on an existing electrical distribution line pole.

SECTION 21.06

## Building and Structure Lighting

Building and structure-mounted lighting shall meet the standards outlined below, in addition to other applicable standards.

- (A) **Light Intensity:** The maximum light intensity at ground level below the light fixture shall be (10) foot-candles. The light intensity on any vertical surface shall not exceed five (5) foot-candles.
- (B) **Height:** The maximum fixture height shall be 20 feet or the height of the building, whichever is less.
- (C) **Awning Lighting:** Awnings shall be opaque and not allow any lighting to cause the exterior surface of the awning to glow, and fixtures shall be located with their bottom surface, including diffuser, flush with or above the bottom of the awning.
- (D) **Canopy Fixtures:** Fixtures located within a canopy shall have their bottom surface, including diffuser, flush with or above the bottom of the canopy surface.
- (E) **Architectural Accent Lighting:** Architectural accent lighting shall have a maximum illumination level of 300 lumens per fixture or lamp and shall be directed entirely onto the structure.
- (F) **Wall Materials:** When a fixture is mounted within four (4) feet of a wall, the wall material shall be of a dark color and/or nonreflective material.



## SECTION 21.07

## Flagpole Lighting

Lighting for flagpoles shall meet the standards outlined below, in addition to other applicable standards.

- (A) **Permitted Flags:** Flagpole lighting after 11:00 pm shall only be for the United States Flag.
- (B) **Lighting Power:** The fixture shall have maximum output of 4,500 lumens per flag pole.
- (C) **Details:** The fixture shall have the smallest beam spread to illuminate the flag and shall be fully shielded to direct light away from streets and adjacent properties.

## SECTION 21.08

## Street Lighting

Street lighting shall meet the standards outlined below, in addition to other applicable standards, unless otherwise permitted in this Article.

- (A) **General:** Street lighting shall meet the other standards of this Article, except as noted in this Section.
  - 1) **Lighting Level:** Street lighting may exceed the lighting level along lot lines.
- (B) **Public Street:** Street lights within or along a public street right-of-way shall meet the additional standards outlined below.
  - 1) **Road Commission Approval:** The light fixture and location shall be approved by the Road Commission.
  - 2) **Height:** The height may be increased if it allows for attaching to an existing utility pole or is necessary for public safety, as determined by the Road Commission.
- (C) **Private Street:** Street lights within or along private street rights-of-way shall meet the additional standards outlined below.
  - 1) **Location:** Street lights shall be located within the right-of-way. The approving authority may approve a location outside of the right-of-way, within individual lots or common area, if the alternate location is necessary to avoid conflicts with utilities or preserve clear vision for motorists, pedestrians, or cyclists.
  - 2) **Maintenance:** The developer shall be responsible for maintaining the streetlights until acceptance by the homeowners' association. The streetlights shall be maintained by the homeowners' association following acceptance. The approving authority may approve an alternate maintenance plan if the alternate plan would provide equal or better maintenance of the streetlights.

## SECTION 21.09

## Replacement

Nonconforming lighting shall be replaced as outlined below.

- (A) **New Use, Additions, or Alterations:** Whenever a new use is established or a change is made that requires site plan approval by the Planning Commission, all lighting on the site shall be brought into compliance with this Article before the new use may commence. The Planning Commission may grant an administrative adjustment from upgrading all of the lighting if one of the following is true:



- 1) **Minor Improvements:** The amount and scale of improvements to the site are of an extremely limited nature; or
  - 2) **Nature of Lighting:** The nonconforming lighting is of a specific nature that its continued use does not cause negative impacts on surrounding properties, public spaces, or the site.
- (B) **Resumption of Use:** If the use of a site with legally nonconforming lighting is abandoned for a period of six (6) or more months, whether or not there is an intent to reestablish the use, all lighting shall be brought into compliance with this Article before the use is reestablished.
- (C) **New Fixtures:** Fixtures that are outside of the color temperature range shall be replaced when new lighting fixtures are added to a site.
- (D) **Outdoor Protection Lighting:** Whenever an outdoor protection lighting fixture is replaced, it shall be replaced with a fixture that meets the standards of this Article.

SECTION 21.10

## Lighting Plan

A separate lighting plan shall be submitted as part of a site plan demonstrating that all the applicable standards of this Article are met. A lighting plan may be required as part of a plot plan if the Director of Planning and Zoning determines a lighting plan is necessary to determine compliance with this Article. A lighting plan shall include at least the following information:

- (A) **Fixture Location:** The location of all free-standing and building-mounted lighting on the site or plot plan and building elevations;
- (B) **Photometric Plan:** A photometric plan showing horizontal light intensity in foot-candles, point-by-point connected by contour lines, on the site or plot plan within the site and extending ten (10) feet off the site and showing the light intensity along the lot lines at ground level along lot lines and the street edge;
- (C) **Fixture Specifications:** Specifications and details for the fixtures, including manufacturer specification and data sheets, the fixture type, method of shielding, type of lens, lumen rating, color temperature, lamp type, and timer controls;
- (D) **Certification:** Certification from a professional engineer, lighting technician, or similarly qualified individual that the lighting will meet the standards of this Article and certification that it meets the standards following installation; and
- (E) **Other Information:** Other information necessary to determine compliance with this Article.

End of Article

# Article 22.

## Access

### SECTION 22.01

#### Intent and Purpose

The intent and purpose of this Article is to:

- (A) Facilitate public safety along streets and efficient movement of traffic and vehicular access;
- (B) Minimize congestion and disruptive and potentially dangerous traffic conflicts;
- (C) Ensure unobstructed, safe, and continuous access to properties during emergencies;
- (D) Protect the substantial public investment in public streets;
- (E) Provide reasonable access to all properties within the Township; and
- (F) Establish minimum standards for access.

### SECTION 22.02

#### Applicability

The provisions of this Article apply to all properties within the Township's zoning jurisdiction. When there is a conflict between this Article and Road Commission standards, the stricter standard shall apply.

### SECTION 22.03

#### Access for Lots

All lots created or modified after the effective date of this Ordinance shall have access to a street, as outlined below.

- (A) **Streets:** Lots may have direct access to an adjacent public or private street.
- (B) **Access Easement:** Lots may have access to a public or private street through an access easement, as outlined in this Article.
- (C) **Shared Driveway:** Lots may have access to a public street or private street through a shared driveway, with an access easement, as outlined in this Article.
- (D) **Legally Non-conforming Lots:** Lots that do not have access to a street, as outlined above, may continue to exist. However, access, as outlined above, shall be established before issuance of a zoning permit or expansion of an existing use on the lot.

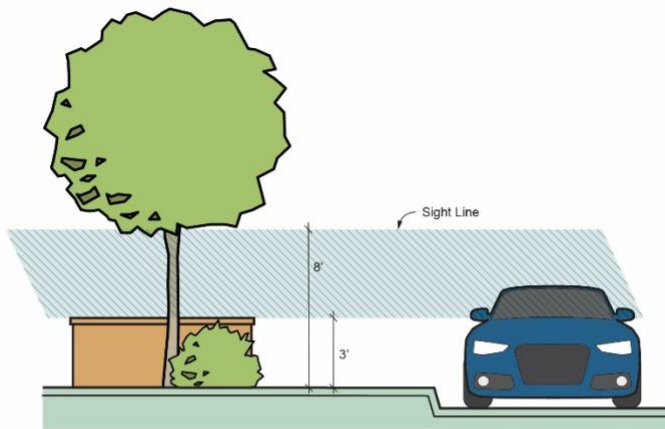


SECTION 22.04

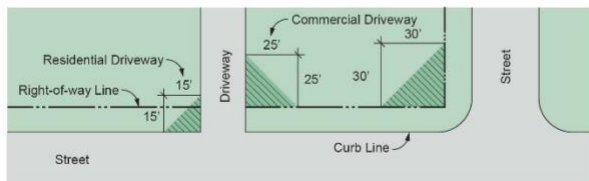
## Clear Vision Zones

Fences, walls, berms, structures, and vegetation shall not obstruct vision at driveway intersections and street intersections. Clear vision shall always be maintained between three (3) feet to eight (8) feet above the grade of the travelled surfaces. Tree trunks may be located within this area if it does not obstruct vision, but foliage shall not be located within this area.

Figure 22.1: Clear Vision Zones



### Clear Vision Area



### Clear Vision Area

Figures not to scale.

- (A) **Residential Driveways:** The clear-vision zone for residential driveways shall be an area measured fifteen (15) feet from the intersection of the driveway along the edge of the travelled road, including acceleration and deceleration lanes, and fifteen (15) feet along the driveway from edge of the travelled road, including acceleration and deceleration lanes.
- (B) **Commercial Driveways:** The clear-vision zone for commercial driveways shall be an area measured 25 feet from the intersection of the driveway along the right-of-way and 25 feet along the driveway from the right-of-way.
- (C) **Streets:** The clear vision zone for streets shall be an area measured 30 feet from the intersection along the rights-of-way for both streets.
- (D) **Administrative Adjustment:** The approving authority may grant an administrative adjustment reducing the size





of a clear vision zone if both the following are true:

- 1) **Property Characteristics:** There is some specific condition with the property that makes strict compliance with these standards impractical; and
- 2) **Line-of-Site:** The reduction will not have a negative impact on the line-of-site for users of the affected driveway or the street.

## SECTION 22.05

## General Driveway Standards

All driveways shall meet the standards outlined below.

- (A) **Free Movement:** Driveways locations shall minimize interference with free movement of traffic.
- (B) **Sight Distance:** Driveways shall provide adequate site distance, as determined by the Road Commission and the standards of Section 22.04.
- (C) **Culverts:** Culverts, when installed or required, shall be installed in-line with and on the same grade as existing ditches.
- (D) **Drainage:** Driveways shall not discharge runoff onto adjacent properties or streets, accelerate erosion, or create ponding that is hazardous to motor vehicle operation, pedestrians, or properties.
- (E) **Adopted Plans:** Driveways shall conform with road improvement and corridor plans that have been adopted by the Planning Commission or Township Board.
- (F) **Number of Lots:** Driveways shall only serve a single lot unless a shared driveway has been approved.
- (G) **Clearance:** Driveways with a length of 300 feet or more shall have an unobstructed height of fourteen (14) feet above the driveway surface and shall have an unobstructed width of twelve (12) feet.
- (H) **Turnaround:** Driveways with a length of 300 feet or more shall have an emergency vehicle turnaround that meets the standards of all applicable public safety agencies.

## SECTION 22.06

## Residential Driveways

Residential driveways shall meet the standards outlined below, in addition to other applicable standards.

- (A) **Width:** Residential driveways shall be at least ten (10) feet wide.
- (B) **Slope:** Residential driveways shall have a maximum slope of 5.5 degrees within the road right-of-way.
- (C) **Geometry:** Residential driveways shall intersect with streets at an 85 to 90 degree angle.
- (D) **Location:** Residential driveways shall be at least 50 feet from the nearest right-of-way of an intersecting street. For lots with a frontage or lot width of 50 feet or less, residential driveways shall be at least 20 feet from the nearest right-of-way of an intersecting street.
- (E) **Setback:** Residential driveways shall be at least five (5) feet from side and rear lot lines. This shall not apply to the common lot line for shared driveways.
- (F) **Surface:** Residential driveways shall have a compacted gravel, paver, or paved surface.



SECTION 22.07

## Commercial Driveways

Commercial driveways shall meet the standards outlined below, in addition to other applicable standards.

- (A) **Width:** Commercial driveways shall meet the width standards outlined below.
- 1) **One-way Access:** Commercial driveways with one-way access shall have a width between twelve (12) feet and 18 feet. For the purposes of driveway width, each side of a boulevard entrance shall be considered as one-way access.
  - 2) **Two-way Access:** Commercial driveways with two-way access shall have a width of between 24 feet and 36 feet.
  - 3) **Administrative Adjustment:** The approving authority may grant an administrative adjustment for commercial driveway width as part of site plan review as outlined below:
    - a) *Wider Width: The approving authority may allow or require a wider width if the extra width is deemed necessary for the safe movement of vehicles due to the anticipated traffic volume or turning radius of vehicles using the site or driveway.*
    - b) *Narrower Width: The approving authority may allow a narrower driveway by up to two (2) feet for two-way driveways if the narrower width will not impede the safe movement of vehicles due to the anticipated traffic volume or turning radius of vehicles using the site or driveway.*
- (B) **Slope:** Commercial driveways shall have a maximum slope of 4.8 degrees.
- (C) **Geometry:** Commercial driveways shall intersect with streets at a 90 degree angle.
- (D) **Location:** Commercial driveways shall meet the Road Commission's standards for distance from intersecting streets and other commercial driveways.
- (E) **Setback:** Commercial driveways shall be at least 30 feet from side and rear lot lines. This shall not apply to the common lot line for shared driveways.
- (F) **Surface:** All commercial driveways that intersect with paved streets shall be paved a distance of at least 50 feet from the street. Commercial driveways that serve paved parking areas shall be paved for their entire length, unless otherwise permitted in this Ordinance.
- (G) **Egress Lanes:** The approving authority may require two (2) egress lanes for high-volume uses.
- (H) **Offset Spacing:** Commercial driveways shall be aligned with intersections and driveways across the street or shall be offset at least 250 feet, as measured horizontally from driveway and/or street centerline to centerline.
- (I) **Boulevard Entrance:** Boulevard entrances shall be fully curbed, and the island shall have an area of at least 200 square feet.



## SECTION 22.08

## Shared Driveways

Shared driveways shall meet the standards and be reviewed as outlined below, in addition to other applicable standards.

- (A) **Authority:** Shared driveways shall be reviewed and approved by the Director of Planning and Zoning in consultation with the Township Attorney and Township Engineer.
- (B) **Design Standards:** Shared driveways shall meet the standards outlined below.
- 1) **Width:** Shared residential driveways shall be at least twelve (12) feet wide. Shared commercial driveways shall be at least 22 feet wide.
  - 2) **Passing Flares:** Shared residential driveways shall have passing flares at least every 300 feet, with a flare width of at least 18 feet and a length of at least 60 feet.
  - 3) **Length:** Shared driveways shall have a maximum length of 1,000 feet.
  - 4) **Turn Around:** Shared driveways with a length of 300 feet or more shall have an emergency vehicle turnaround that meets the standards of Township public safety officials.
  - 5) **Addresses:** All addresses served by a shared driveway shall be posted at its intersection with the street, and the individual addresses shall be posted at each location where the private driveway splits from the shared driveway.
  - 6) **Lots Served:** Shared driveways may serve up to four (4) lots.
  - 7) **Easement Width:** The easement shall be at least 66 feet wide. The width may be reduced to 50 feet by the approving authority if it is adequately demonstrated that the reduced width provides adequate space for the driveway, drainage, and utilities.
- (C) **Maintenance Agreement:** Shared driveways shall have a maintenance agreement, signed by the applicant and owner(s), approved by the Township Attorney, and recorded with the Register of Deeds, with a copy provided to the Township. The maintenance agreement shall include at least the following information:
- 1) **Maintenance:** A reasonable method of initiating maintenance and improvements necessary in order to keep the driveway in good, useable condition;
  - 2) **Financing:** A reasonable method for financing and apportioning the costs of the maintenance and improvements of the shared driveway; and
  - 3) **Future Lots:** A statement describing how the elements covered under the maintenance agreement shall be allocated if additional or fewer lots use the shared driveway for access.
- (D) **Easement Agreement:** Shared driveways shall have an easement agreement, signed by the applicant and owner(s), approved by the Township Attorney, and recorded with the Register of Deeds, with a copy provided to the Township. The easement agreement shall include at least the following information:
- 1) **Public Access:** Easements to the public for purposes of emergency and other public vehicles for necessary public services;
  - 2) **Access:** A statement that the owners and users shall refrain from prohibiting, restricting, limiting, or interfering with normal ingress, egress, public utilities, and use by any of the other owners. Normal use shall include use by family, guests, invitees, vendors, tradesmen, delivery services, emergency vehicles, and others bound to or returning from any of the properties using the shared driveway; and
  - 3) **Legal Description:** A legal description and survey of the access easement and a legal description of the properties with access to the shared driveway.



**(E) Review Process:** Shared driveways shall be reviewed as outlined below.

- 1) **Application:** The applicant shall submit a complete and accurate application. Submission of an application constitutes a representation that all the information is complete and accurate. An application for a shared driveway shall include the following:
  - a) *Application Form:* A signed and completed application form;
  - b) *Fee:* An application fee, as outlined in the adopted fee schedule;
  - c) *Site or Plot Plan:* A plot plan or site plan drawn to a scale of at least one (1) inch to 40 feet, showing the location of the access easement and the driveway;
  - d) *Cross Section:* A cross section of the shared driveway;
  - e) *Road Commission Permit:* A permit from the Road Commission for the shared driveway, if the shared driveway intersects a public street;
  - f) *Maintenance Agreement:* An agreement outlining the maintenance of the shared driveway;
  - g) *Easement Agreement:* An agreement outlining the access easement; and
  - h) *Additional Materials:* Additional materials determined necessary by the Director of Planning and Zoning, Township Attorney, or Township Engineer, including, but not limited to, existing topography, proposed grade, and soil conditions, in order to determine compliance with this Ordinance and other applicable laws.
- 2) **Right to Enter Property:** Submission of a shared driveway application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.
- 3) **Review of Completeness:** A shared driveway application shall be reviewed by the Director of Planning and Zoning for completeness, as outlined in Section 31.02(C) Review Applications.
- 4) **Timely Decisions:** The Director of Planning and Zoning shall render a decision within 45 days of the date the application is administratively complete, unless a delay is agreed to by the applicant and the Director of Planning and Zoning. The decision shall be final upon issuance of a letter outlining the decision by the Director of Planning and Zoning.
- 5) **Conditions:** Conditions may be placed on approval of an access easement, as outlined in Section 31.09 Conditions of Approval.
- 6) **Acceptance of Conditions:** The approval of a shared driveway shall only be effective upon acceptance of the approval and any conditions of the approval by the applicant.
- 7) **Expiration:** Shared driveway approval shall be valid for a period of twelve (12) months.



## SECTION 22.09

## Access Easements

A lot used for agricultural use or a single-family dwelling may be accessed by an exclusive permanent access easement, as outlined below, in addition to other applicable standards.

- (A) **Authority:** Access easements shall be reviewed and approved by the Director of Planning and Zoning in consultation with the Township Attorney and Township Engineer.
- (B) **Design Standards:** Access easements shall meet the design standards outlined below.
- 1) **Easement Width:** The access easement shall have a width of at least 66 feet. The width may be reduced to 40 feet by the approving authority if it is adequately demonstrated that the reduced width provides adequate space for the driveway, drainage, and utilities.
  - 2) **Turnaround:** Driveways in access easements with a length of 300 feet or more shall include an area dedicated to emergency vehicle turnaround that meets the standards of the Township's public safety agencies.
- (C) **Easement Agreement:** Access easements shall have an easement agreement, signed by the applicant and owner(s), approved by the Township Attorney, and recorded with the Register of Deeds, with a copy provided to the Township. The easement agreement shall include at least the following information:
- 1) **Public Access:** Easements to the public for purposes of emergency and other public vehicles for necessary public services;
  - 2) **Access:** A statement that the owners and uses shall refrain from prohibiting, restricting, limiting, or interfering with normal ingress, egress, public utilities, and use by any of the other owners. Normal use shall include use by family, guests, invitees, vendors, tradesmen, delivery services, emergency vehicles, and others bound to or returning from any of the properties using the access easement; and
  - 3) **Legal Description:** A legal description and survey of the access easement and a legal description of the properties that benefit from and are burdened by the easement (dominant and servient properties).
- (D) **Process:** Access easements shall be reviewed as outlined below.
- 1) **Application:** The applicant shall submit a complete and accurate application. Submission of an application constitutes a representation that all the information is complete and accurate. An application for an access easement shall include all the following:
    - a) *Application Form: A signed and completed application form;*
    - b) *Fee: An application fee, as outlined in the adopted fee schedule;*
    - c) *Site or Plot Plan: A plot plan or site plan drawn to a scale of at least one (1") inch to 40 feet showing the location of the access easement and the driveway;*
    - d) *Road Commission Permit: A permit from the Road Commission for the driveway, if the driveway intersects a public street;*
    - e) *Easement Agreement: An agreement outlining the access easement; and*
    - f) *Additional Materials: Additional materials determined necessary by the Director of Planning and Zoning, Township Attorney, or Township Engineer, including, but not limited to, existing topography, proposed grade, and soil conditions, in order to determine compliance with this Ordinance and other applicable laws.*
  - 2) **Right to Enter Property:** Submission of an access easement application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.



- 3) **Review of Completeness:** An access easement application shall be reviewed by the Director of Planning and Zoning for completeness, as outlined in Section 31.02(C) Review Applications.
- 4) **Timely Decisions:** The Director of Planning and Zoning shall render a decision within 45 days of the date the application is administratively complete, unless a delay is agreed to by the applicant and the Director of Planning and Zoning. The decision shall be final upon issuance of a letter outlining the decision by the Director of Planning and Zoning.
- 5) **Conditions of Approval:** Conditions may be placed on approval of an access easement, as outlined in Section 31.09 Conditions of Approval.
- 6) **Acceptance of Conditions:** The approval of an access easement shall only be effective upon acceptance of the approval and any conditions of the approval by the applicant.
- 7) **Expiration:** Access easement approval shall be valid for a period of twelve (12) months.

End of Article.

# Article 23.

# Environmental

## SECTION 23.01

### Intent and Purpose

The intent and purpose of this Article is to:

- (A) Preserve the short-term and long-term environmental health, safety, and quality within the Township;
- (B) Protect the Township's natural resources and sensitive ecosystems;
- (C) Minimize potential negative impacts on the use, enjoyment, and value of adjacent properties, the surrounding area, or the Township in general;
- (D) Protect the integrity and quality of the Township's land, water, and air; and
- (E) Ensure adequate drainage that does not negatively impact adjacent properties or waterbodies.

## SECTION 23.02

### Performance Standards

All uses and structures shall be used and occupied in a manner to prevent any dangerous, injurious, noxious, or otherwise objectionable element or condition and shall meet the performance standards outlined below.

- (A) **Sound:** Activities shall not create measurable sound levels that exceed the maximum sound level or are unreasonably loud or unreasonably interfere with the peace and enjoyment of others, as outlined below.
  - 1) **Measurement Method:** The measuring equipment and methods shall conform to the latest American National Standards Institute specifications. The A-weighted filter shall be used when making measurements.
  - 2) **Measurement Location:** Measurements shall be made at lot lines, rights-of-way, and the ordinary high-water mark.
  - 3) **Maximum Sound Levels:** Sound levels shall not exceed the limits set forth in the table below, unless otherwise permitted in this Section.

**Table 23.1: Maximum Sound Levels**

TIME	SOUND LEVEL
7:00 am to 7:00 pm	65 dB(A)
7:00 pm to 10:00 pm	60 dB(A)
10:00 pm to 7:00 am	55 dB(A)





- 4) **Background Sound:** When the background sound level exceeds the maximum sound level, the maximum sound level may exceed the above standards but shall not exceed the background sound level by more than 5 dB(A).
  - 5) **Intermittent or Other Unreasonable Sounds:** Intermittent sounds or sounds characterized by a pure tone shall be prohibited when found to unreasonably interfere with the peace and comfort of others, even if the sound does not exceed the maximum sound level. The following shall be considered when determining if an intermittent or pure tone sound is excessive:
    - a) *Sleeping Facilities: The proximity of the sound to sleeping quarters;*
    - b) *Nature of Sound: The nature of the activity from which the sound is generated and the area where the sound is received;*
    - c) *Time: The time when the sound occurs; and*
    - d) *Duration: The duration of the sound.*
  - 6) **Exemptions:** The maximum sound levels shall not apply to the following activities when they occur in a legally accepted manner:
    - a) *Construction: Construction activity between the hours of 7:00 am and 8:00 pm, unless greater hours are authorized in a Township-approved development agreement;*
    - b) *Emergency Work: The performance of emergency work, including, but not limited to, snow and tree removal or securing or protecting a structure;*
    - c) *Emergency Generators: The maintenance or during manufacturer-recommended exercising between the hours of 8:00 am and 8:00 pm or the use of emergency generators during a power outage ;*
    - d) *Farm Operations: Commercial farm operations that comply with Generally Accepted Agricultural and Management Practices;*
    - e) *Fireworks: A fireworks show that has been approved by the Township;*
    - f) *Human Voice: The unamplified human voice;*
    - g) *Lawn Care and Maintenance: Lawn care and yard maintenance, including, but not limited to mowing, weed whipping, and tree removal, between the hours of 8:00 am and 9:00 pm.*
    - h) *Public Work: Public works maintenance, repair, or improvement projects conducted by or on behalf of a public agency;*
    - i) *Shooting Ranges: Established, private shooting ranges between the hours of 10:00 am and dusk; and*
    - j) *Warning Devices: Warning devices necessary for public safety, including, but not limited to, police, fire, and ambulance sirens and storm and civil warning devices;*
- (B) **Vibrations:** Vibrations that can be detected without the aid of instruments on adjacent lots or rights- of-way shall be prohibited.
- (C) **Smoke:** The discharge of smoke from any source in a manner that causes injury, detriment, or nuisance to the public or in a manner that causes injury or damage to property shall be prohibited, in conformance with the Township's adopted Burn Ordinance.
- (D) **Odor:** The release of any odor of such an intensity and character that it is detrimental to the health and welfare of the public or that it interferes with the reasonable comfort of the public shall be prohibited. This shall not apply to commercial agriculture operations that comply with the applicable Generally Accepted Agricultural and Management Practices.
- (E) **Gases:** The release of any gas that is injurious, destructive, or harmful to people or property or explosive shall be prohibited.
- (F) **Radiation:** Activities shall not emit dangerous radioactivity at any time.





- (G) **Electrical Disturbances:** Activities shall not emit unreasonable electrical disturbances at any time.
- (H) **Glare and Heat:** Activities shall not create glare or heat that is visible or can be felt from any adjacent property or any right-of-way.
- (I) **Fire and Safety:** Any activity that involves the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by safety devices that are normally used in the handling of the material. The flammable or explosive material shall be kept from adjacent activities, lot lines, and public spaces a distance that is compatible with the potential danger.
- (J) **Hazardous Substances:** The storage, handling, or use of non-household hazardous materials shall meet state and federal requirements for storage, spill prevention, record keeping, emergency response, transportation, and disposal.

## SECTION 23.03

## Potable Water

Any building, structure, area, or use constructed, altered, or maintained for human occupancy, use, or assembly shall be provided with adequate facilities for potable water provided by an individual well, community well, or municipal water system.

- (A) **Individual Wells:** Individual wells for potable, private water supply shall be reviewed and approved by the Environmental Health Department for compliance with applicable laws and regulations.
- (B) **Community Wells:** Community wells for potable water supply shall be reviewed and approved by the Environmental Health Department for compliance with applicable laws and regulations.
  - 1) **Ownership:** Community wells shall be owned by a municipal water system or a limited liability entity controlled by the homeowners' association or the owner of all properties using the well following completion of construction.
  - 2) **Operation:** Community wells shall be maintained and operated by a licensed operator.
  - 3) **Maintenance Agreement:** Approval of a community well shall require a maintenance agreement in a form approved by the Township and recorded with the Register of Deeds, with a copy provided to the Township.
    - a) *System Details: The maintenance agreement shall outline details for the operation, maintenance, monitoring, and replacement of the community well.*
    - b) *Approval: The maintenance agreement shall be approved by the Township Board.*
    - c) *Expenses: The maintenance agreement shall outline the financial responsibilities for the operation, maintenance, and replacement of the community well and for any damages or losses resulting from a system failure.*
    - d) *Maintenance Fund: A maintenance fund shall be created to pay for the anticipated operation, maintenance, and replacement costs of the community well.*
    - e) *Notice: The maintenance agreement shall be disclosed as part of all Seller's Disclosure Statements relative to the affected properties.*
    - f) *Amendment: The maintenance agreement shall only be amended with the Township's approval.*
  - 4) **Special Assessment District:** A special assessment district shall be created before issuance of a zoning permit in order to allow the Township to collect money for the operation, maintenance, or replacement of the community well if the responsible entity fails to do so.



SECTION 23.04

## Sewage

Any building, structure, area, or use constructed, altered, or maintained for human occupancy, use, or assembly shall be provided with safe and sanitary collection, treatment, and disposal of human excreta together with all liquid and solid wastes that could hazard the public health or create objectionable nuisance conditions by an individual septic system, community sewage system, or municipal sewer system.

- (A) **Individual Septic Systems:** Individual, private sanitary sewage disposal systems, and septic systems shall be reviewed and approved by the Environmental Health Department for compliance with applicable laws and regulations.
- (B) **Community Sewage Systems:** Community sewage systems shall be only in areas where individual septic systems are not possible due to soil characteristics and shall be reviewed and approved by the Environmental Health Department for compliance with applicable laws and regulations.
- 1) **Setbacks:** All above-ground components of a community sewage system, except for control boxes, shall be at least 300 feet from nonparticipating lot lines, dwelling units, and street rights-of-way.
  - 2) **Screening:** All above ground treatment components of a community sewage system, except for control boxes and power supply boxes, shall be secured by fencing and screened by landscaping.
  - 3) **Ownership:** Community sewage systems shall be owned by a municipal sewage system or a limited liability entity controlled by the homeowners' association or the owner of all properties being served by the system following completion of construction.
  - 4) **Operation:** Community sewage systems shall be maintained and operated by a licensed operator.
  - 5) **Maintenance Agreement:** Approval of a community sewage system shall require a maintenance agreement in a form approved by the Township and recorded with the Register of Deeds, with a copy provided to the Township.
    - a) *System Details: The maintenance agreement shall outline details for the operation, maintenance, monitoring, and replacement of the community sewage system.*
    - b) *Approval: The maintenance agreement shall be approved by the Township Board.*
    - c) *Expenses: The maintenance agreement shall outline the financial responsibilities for the operation, maintenance, and replacement of the community sewage system and for any damages or losses resulting from a system failure.*
    - d) *Maintenance Fund: A maintenance fund shall be created to pay for the anticipated operation, maintenance, and replacement costs of the community sewage system.*
    - e) *Notice: The maintenance agreement shall be disclosed as part of all Seller's Disclosure Statements relative to the affected properties.*
    - f) *Amendment: The maintenance agreement shall only be amended with the Township's approval.*
- (C) **Special Assessment District:** A special assessment district shall be created before issuance of a zoning permit in order to allow the Township to collect money for operation, maintenance, or replacement of the sewage system if the responsible entity fails to do so.



## SECTION 23.05

## Grading and Clearing

Grading and clearing shall meet the following standards in order to protect soil resources, adjacent properties, streets, and waterbodies and to provide for adequate drainage of surface water.

- (A) **Flow Restrictions:** All structures shall be constructed at an elevation that provides for the final grade adjacent to the structure to slope away from the structure, draining stormwater away to a natural or established drainage course in a manner that avoids increased flow onto adjacent properties or streets, the erosion or filling of a ditch, the blockage of a public watercourse, or the creation of standing water over any sewage drainage field.
- (B) **Construction Drainage:** Adjacent properties shall not be burdened with additional drainage from a property on which construction is taking place.
- (C) **Yard Slopes:** All required yards shall be maintained at a slope to cause the flow of surface water to existing drainage systems without causing any ponding or flooding upon adjacent lands resulting from any change in elevation. This shall not prevent the grading of a yard into landscaped depressions or terraced areas where adequate and safe means for the disposal of surface waters are installed and maintained.
- (D) **Elevation Changes:** Yards shall be graded to meet the existing grades along lot lines and allow surface water drainage without encroachment onto adjacent properties, except for runoff that follows existing drainage patterns. The grade along lot lines may be adjusted with the written, notarized consent of all affected property owners, with a copy provided to the Township.
- (E) **Clearing of a Site:** Stripping and removal of topsoil from a site shall be prohibited before the completion of all necessary mitigation measures to prevent erosion and sedimentation.
- (F) **Performance Guarantee:** The Township may require a developer, contractor, or property owner to deposit a performance guarantee to cover the anticipated cost of final grading, as outlined in Section 31.05 Performance Guarantee.
- (G) **Certificate of Zoning Compliance:** The final grading shall be completed before issuance of a certificate of zoning compliance, as outlined in Section 25.07 Certificate of Zoning Compliance Process.

## SECTION 23.06

## Wetlands

The following are intended to protect wetlands and ensure they continue to benefit Township residents and the environment.

- (A) **Identification:**
  - 1) The wetland map for Washtenaw County, as prepared by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) or its successor using information from the National Wetland Inventory, land cover, and soils shall be used as a guideline for wetland identification.
  - 2) Wetland inventory maps are off-site generated and only tell that wetlands may be on the property. They are NOT intended to define specific wetland locations or wetland boundaries for Regulatory purposes
- (B) **Delineation:** If there is disagreement over the extent of wetlands, an applicant may submit a wetland delineation prepared by professional engineer, land surveyor, or landscape architect licensed in Michigan. The delineation shall be at the applicant's expense.



- (C) **Setbacks:** All buildings shall be at least ten (10) feet from wetlands in all districts. Driveways and boardwalks may be located closer if a wetland permit has been issued by the EGLE or its successor

SECTION 23.07

## Soil Erosion and Sedimentation Control

The following soil erosion and sedimentation control standards shall be met, in addition to other standards enforced by the Soil Erosion Control Officer, in order to protect property, streets, waterbodies, and wetlands.

- (A) **Off-site Sedimentation:** All development and earth changes shall be conducted in a manner to prevent erosion and the discharge of sedimentation from the site.
- (B) **Disturbed Area Duration:** All development and earth changes shall be designed, constructed, and completed so that the exposed area of any disturbed land is limited to the shortest possible period.
- (C) **Waterbodies and Wetlands:** Appropriate measures shall be taken to prevent erosion and sedimentation into waterbodies and wetlands.
- (D) **Soil Erosion and Sedimentation Control Standards:** All development and earth changes shall comply with the soil erosion and sedimentation control standards enforced by the Soil Erosion Control Officer.

SECTION 23.08

## Water Quality and Quantity

The following standards are intended to protect existing waterbodies and wetlands from negative impacts of polluted or excessive stormwater.

- (A) **Existing Features:** Existing waterbodies shall be protected from damaging modifications and adverse changes in stormwater runoff quality associated with development or improvements.
- (B) **Special Significance:** Waterbodies and wetlands of special significance, including, but not limited to, forested wetlands, fens, wetlands associated with watercourses, and watercourses with intact native plant ecosystems shall be protected from development and the effects of development.
- (C) **Stormwater:** Stormwater discharge into existing waterbodies and wetlands shall not modify the existing water levels or flow rate.
- (D) **Direct Discharge:** Direct discharge of untreated stormwater into a waterbody or wetland shall be prohibited. Stormwater may only be discharged into a waterbody or wetland if it has been designed for that and will be pretreated by a sedimentation trap, sump, or basin to remove sediments and other pollutants. The sediment trap shall be constructed and stabilized before additional site grading may take place. Stormwater collected by residential gutters may discharge up to three (3) feet into a required yard setback, not including the waterbody setback.
- (E) **Construction:** Stormwater treatment facilities shall be installed as soon as possible during construction.
- (F) **Impacts:** Any proposed impacts to waterbodies or wetlands shall be permitted by and adhere to applicable regulations of the Department of Environment, Great Lakes, and Energy or Water Resources Commissioner.



## SECTION 23.09

## Stormwater Management

The following standards apply whenever there is an increase in impervious coverage on a property in order to protect the quality of waterbodies and wetlands and the general environment in the Township.

- (A) **General Provisions:** All properties shall comply with the following standards for stormwater.
- 1) **Pretreatment:** Stormwater shall not be discharged directly into a waterbody or wetland without some form of pretreatment to remove sediments and other pollutants, as outlined in Section 23.08(D) Direct Discharge.
  - 2) **On-site Detention:** All sites shall retain stormwater onsite or shall detain it to allow discharge without a negative impact on adjacent properties, streets, waterbodies, or wetlands.
  - 3) **Natural Drainage Patterns:** Alterations to natural drainage patterns shall not increase runoff, create flooding, or contribute water pollution to adjacent or downstream lands.
  - 4) **Adverse Impacts:** Stormwater shall be managed in a manner to prevent flood hazards and water pollution related to runoff, soil erosion, and channel erosion.
  - 5) **Level of Service:** Land shall not be altered in a manner that will reduce the level of service currently being provided by an existing storm water system or the natural drainage patterns.
  - 6) **Increased Volume:** Any increase volume of runoff shall not create adverse impacts to adjacent properties, streets, waterbodies, or wetlands.
  - 7) **Swales:** Stormwater shall be conveyed through swales and vegetated buffer strips, to the greatest extent practicable, in order to decrease velocity, allow for natural infiltration, encourage passive storage, allow suspended sediment particles to settle, and to remove pollutants.
- (B) **Plot Plans:** In addition to the general provisions outlined in Section 27.04 General Site Plan Provisions, the following standards shall apply to all plot plans that have an impervious coverage of 20 percent or more, unless they are part of an overall site plan with an overall stormwater management system, and when impervious surfaces are added within 35 feet of a waterbody.
- 1) **Stormwater Management Plan:** A stormwater management plan shall be submitted. The submission of an application constitutes a representation that all the information is complete and accurate. An application shall include the following relevant materials:
    - a) *Application Form: A signed and completed application form;*
    - b) *Fee or Deposit: An application fee and/or deposit, as outlined in the adopted Fee Schedule;*
    - c) *Calculations: Calculations showing the current and proposed impervious coverage, calculations for the volume of stormwater created during a one (1) inch rain event, and calculations for the stormwater storage volume calculations;*
    - d) *Plan: A plan showing the flow of water on the site and the location of gutters, downspouts, swales, pipes, cleanouts, and water storage areas;*
    - e) *Maintenance Plan: A plan describing the maintenance of the stormwater system; and*
    - f) *Additional Materials: Any additional information determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws.*
  - 2) **Capacity:** Stormwater systems shall be designed, installed, and maintained to capture and treat stormwater runoff, as outlined below.
    - a) *New Impervious Surfaces: Stormwater systems shall be designed to capture and treat at least the first one (1) inch of stormwater runoff from all new impervious surfaces.*
    - b) *Substantial Improvements: When substantial improvements are being made, stormwater systems shall*



*be designed to capture and treat at least the first one (1) inch of stormwater from all existing and new impervious surfaces.*

c) *Unusual Site Characteristics: A greater volume may be required if the proposed land use, slope, or underlying soil types are expected to increase the runoff discharge from the site.*

- 3) **Performance Guarantee:** Before review of a stormwater management plan, the Township may require submission of a performance guarantee, as outlined in Section 31.05 Performance Guarantee.
- 4) **Review:** The stormwater management plan shall be reviewed and approved by the Director of Planning and Zoning and the Township Engineer.
- 5) **Zoning Permit:** The stormwater management plan shall be approved before issuance of any zoning permit.
- 6) **Construction and Inspection:** All required stormwater management systems shall be constructed and installed consistent with the approved plans. It shall be the applicant's responsibility to contact the Township to arrange for inspections.
- 7) **Maintenance:** All required stormwater management systems shall be properly maintained to ensure they function as designed.
- 8) **Certificate of Zoning Compliance:** The stormwater management system shall be inspected and approved by the Township Engineer before a certificate of zoning compliance may be issued, as outlined in Section 25.07 Certificate of Zoning Compliance Process.

(C) **Site Plans:** In addition to the general provisions outlined in Section 27.04 General Site Plan Provisions, all site plans shall meet or exceed the Water Resources Commissioner's Rules and Guidelines.

#### SECTION 23.10

## Hazardous Materials and Fuel Storage

The storage, handling, or use of hazardous materials and fuel storage, excluding those for typical household use, shall meet the following standards.

- (A) **Above-Ground Storage Tanks:** Above-ground storage tanks shall meet the standards outlined below.
  - 1) **Capacity:** The maximum capacity shall be 300 gallons.
  - 2) **Location:** Above-ground storage tanks shall be at least 75 feet from any lot line or occupied building.
  - 3) **Mounting:** Above-ground storage tanks shall be mounted on a solid concrete slab.
  - 4) **Containment:** An impervious surface large enough to contain any liquids and prevent it from contaminating groundwater shall be provided.
- (B) **Underground Storage Tanks:** Underground storage tanks shall meet the minimum separation distances to wells that are outlined in the Department of Environment, Great Lakes, and Energy Remediation Division Underground Storage Tank Regulations and shall be enclosed by an impervious envelope adequate to prevent liquid from the tank from contaminating groundwater.
- (C) **Secondary Containment:** Uses that use, store, or handle a hazardous material shall provide secondary containment facilities and documentation of compliance with applicable state and federal regulations.
- (D) **Pollution Incident Prevention Plan:** Uses that use, store, or handle a hazardous material shall provide a pollution incident prevention plan, with the following information:
  - 1) **Discharge:** A description of any discharge of any type of liquid into any surface water body or groundwater;



- 2) **Storage:** A description of storage of any hazardous materials, including its common name, name of chemical components, safety data sheet (SDS), location, maximum quantity expected on- site, type of storage containers or base material, and anticipated procedures for use and handling;
- 3) **Disposal:** A description of the transportation, on-site treatment, storage, or disposal of hazardous waste generated in quantities of at least 250 gallons or 2,200 pounds per month;
- 4) **Secondary Containment:** A description of any secondary containment measures, including design, construction materials and specifications, volume, and security measures;
- 5) **Contacts:** The name and contact information of the individual responsible for materials that will be available 24 hours a day and updated in a timely manner; and
- 6) **Other Information:** Other information determined necessary by the Director of Planning and Zoning to ensure the hazardous materials will not pose a negative impact on the health, safety, or welfare of residents and the environment.

End of Article





# Article 24.

# Nonconforming Lots, Uses, Structures, and Sites

## SECTION 24.01

### Intent and Purpose

The intent and purpose of this Article is to:

- (A) Allow for the continuation of lots, uses, structures, and sites that were lawful and existing on the effective date of this Ordinance or an amendment to this Ordinance that are no longer permitted;
- (B) Ensure that this Ordinance complies with MCL 125.3208;
- (C) Limit the expansion of nonconforming uses;
- (D) Ensure that any expansion of a legally nonconforming structure does not have a significant negative impact on the health, safety, or welfare of surrounding properties or the community;
- (E) Provide for the maintenance of structures used for legally nonconforming uses and for legally nonconforming structures in a manner that does not increase the nonconformity;
- (F) Encourage repair, maintenance, and improvement of legally nonconforming structures in a manner that maintains and improves the neighborhood without creating a negative impact on health, safety, or welfare of surrounding properties or the community;
- (G) Encourage gradual replacement of nonconformities with conformities;
- (H) Encourage a gradual upgrade of improvements associated with site plans; and
- (I) Establish standards for the continuation of legally nonconforming lots, uses, structures, and sites.



SECTION 24.02

## General Provisions

- (A) **Illegal:** Nonconforming lots, uses, structures, or sites existing on the effective date of this Ordinance or an amendment to this Ordinance that were established without a valid permit or approval or that cannot be proven to have existed on the effective date of this Ordinance or an amendment to this Ordinance shall be declared illegal nonconforming lots, structures, uses, or sites and shall not be entitled to the status and rights provided to legally-established nonconforming lots, uses, structures, and sites.
- (B) **Burden:** It shall be the burden of the applicant or property owner to establish that a nonconforming lot, use, structure, or site was legal or existed before the effective date of this Ordinance or an amendment to this Ordinance, if there is any question as to whether or not the lot, use, structure, or site is legally nonconforming.
- (C) **General Provisions:** A change in ownership may include a trust and this will not combine existing legally nonconforming lots of record.
- (D) **Tenancy and Ownership:** An existing legally nonconforming lot, use, structure, or site may have a change of tenancy or ownership without affecting the status of the legal nonconformity. A change in ownership may include a trust and this will not combine existing legally nonconforming lots of record.

SECTION 24.03

## Legally Nonconforming Lots

Previously lawful lots of record that could no longer be created under this Ordinance or an amendment to this Ordinance may continue, subject to the standards outlined below.

- (A) **Use:** Legally nonconforming lots may be used for a permitted or special land use for the zoning district in which it is located, even if the lot area, lot width, and frontage standards are not met.
- (B) **Contiguous:** Two (2) or more lots of record on the effective date of this Ordinance or an amendment to this Ordinance with continuous frontage or separated by a distance not greater than the width of a street right-of-way that are under single ownership or control shall be considered a single lot for the purposes of this Ordinance if any individual lot or lots do not meet the standards of this Ordinance, including, but not limited to, lot area, lot width, frontage, setbacks, and coverages.
  - 1) **Division:** A lot described above shall not be divided, sold, or modified in a manner that increases any nonconformity, except as allowed in this Section.
  - 2) **Permits:** If a lot described above is divided, sold, or modified in a manner that increases any nonconformity, the Township shall not issue any permits for the affected properties.
  - 3) **Not Applicable:** This Section shall not apply to a lot of record that was created before the effective date of this Ordinance if any of the following conditions are true:
    - a) *Lot Area: The individual lots shall meet the minimum lot area for the zoning district in which it is located or have a lot area of at least one (1) acre, whichever is less; and*
    - b) *Frontage or Access: The individual lots shall meet the minimum frontage for the zoning district in which it is located or have a frontage of at least 66 feet on a public or private street, whichever is less, or shall have an approved access easement or shared driveway; and*
    - c) *Lot Width: The individual lots shall have a lot width at least equal to the minimum lot width for the zoning district in which it is located for at least 60 percent of the lot's depth; or*
    - d) *Transfer: An individual lot or portion of a lot is sold or transferred to another adjacent nonconforming lot and the transfer does not create any nonconformities for setbacks or building or impervious coverages; or*



e) *Existing Dwellings:* The individual lots have existing, separate single or two-family dwelling units.

(C) **Boundary Line Adjustment:** A legally nonconforming lot may be made more nonconforming, without a variance, through a boundary line adjustment, as outlined below.

- 1) **Receiving Lot:** The receiving lot shall be nonconforming or shall have a nonconforming structure and the boundary line adjustment shall eliminate or reduce the nonconformity.
- 2) **Purposes:** The boundary line adjustment shall be necessary to achieve at least one (1) of the following goals:
  - a) *Lot Area:* To increase the lot area of the smaller lot;
  - b) *Setbacks:* To adjust property lines in a manner that reduces a nonconforming setback; or
  - c) *Building Coverage:* To increase lot area in a manner that reduces a nonconforming building coverage of the lot with the higher building coverage.
- 3) **Limitations:** The boundary line adjustment shall have the following limitations:
  - a) *Lot Area:* The lot area of the giving lot shall not be reduced by more than ten (10%) percent;
  - b) *Lot Width:* The lot width of the giving lot shall be at least 75 percent of the minimum width following the boundary line adjustment for a lot in the zoning district in which it is located; and
  - c) *Building Coverage:* The building coverage of the giving lot shall continue to meet the standards of the zoning district in which it is located.

#### SECTION 24.04

## Legally Nonconforming Uses

Previously lawful uses that are no longer allowed under this Ordinance or an amendment to this Ordinance may continue and may be altered, subject to the standards outlined below.

- (A) **Expansion:** A legally nonconforming use shall not be enlarged, expanded, or extended, in whole or in part, to occupy a greater area than was occupied by that use on the effective date of this Ordinance or an amendment to this Ordinance, except as allowed below.
- 1) **Residential:** Legally nonconforming single-family and two-family residential uses and the structures those uses occupy may be enlarged, expanded, or extended, in whole or in part, to occupy a greater area than was occupied by that use on the effective date of this Ordinance or an amendment to this Ordinance.
  - 2) **Structure:** A legally nonconforming use may be expanded throughout a structure. The structure shall not be expanded beyond the building envelope that existed on the effective date of this Ordinance or an amendment to this Ordinance.
- (B) **Relocation:** A legally nonconforming use shall not be relocated or moved, in whole or in part, to any portion of the area not occupied by that use on the effective date of this Ordinance or amendment to this Ordinance, except as allowed below.
- 1) **Residential Uses:** Legally nonconforming single-family and two-family residential uses and the structures those uses occupy may be relocated or moved, in whole or in part, to an area not occupied by that use on the effective date of this Ordinance or an amendment to this Ordinance.
  - 2) **Structure:** The relocation of a legally nonconforming use within an existing structure shall not be considered a relocation of the legally nonconforming use.
- (C) **Replacement:** A legally nonconforming use of land may be changed to or replaced with a permitted use for the zoning district in which it is located.



- (D) **Repairs and Maintenance:** Structures used for a legally nonconforming use may be repaired and maintained.
- (E) **Removal and reestablished:** Destruction or removal of a structure housing a legal nonconforming use of a structure may be reestablished within two (2) years of the date the structure's destruction or removal.
- (F) **Substitution:** A legally nonconforming use may be replaced with or changed to another nonconforming use, as outlined below.
- 1) **Decision Criteria:** A legally nonconforming use may be replaced with or changed to another nonconforming use if all the following are determined to be true by the Planning Commission:
    - a) *Use and Enjoyment:* The new use would have an equal or lesser impact on the use and enjoyment of the surrounding properties and community;
    - b) *Health, Safety, and Welfare:* The new use would have an equal or lesser impact on public health, safety, and welfare; and
    - c) *Appropriate:* The new use would be more appropriate for the lot and surrounding area; and
    - d) *Structure Expansion:* Any structure used for a legally nonconforming use shall not be enlarged or expanded.
  - 2) **Conditions:** Conditions may be placed on the replacement or substitution of a legally nonconforming use that are necessary to secure public health, safety, and welfare and to mitigate the impacts of the use, as outlined below and in Section 31.09 Conditions of Approval.
    - a) *Screening and Landscaping:* Screening and landscaping shall be provided in a manner that meets the current standards of this Ordinance.
    - b) *Impacts:* Negative impacts to the surrounding area, including, but not limited to, lighting, sound, visual impacts, vibrations, odors, drainage, hours of operation, and traffic shall be minimized.
  - 3) The substituted use must be permitted elsewhere in the Township
  - 4) The Planning Commission is the decision-making body after a public hearing.
  - 5) **Reversion:** If a legally nonconforming use is replaced or substituted with a less-intensive use, a use that is more intensive than the new legally nonconforming use shall not be reestablished.
- (G) **Cessation or Abandonment:** A legally nonconforming use that ceases for any reason for a period of one hundred eighty (180) days, unless otherwise noted below, whether or not there is an intent to reestablish the use, shall not be reestablished.
- 1) **Seasonal Uses:** Legally nonconforming seasonal uses shall be considered ceased or abandoned if the use is discontinued for a period of 365 days, whether or not there is an intent to reestablish the use.
  - 2) **Uses in a Structure:** Legally nonconforming uses in a structure shall be considered ceased or abandoned if the use is discontinued for a period of 365 days, whether or not there is an intent to reestablish the use.
  - 3) **Residential Uses:** Legally nonconforming single-family and two-family uses shall be considered ceased or abandoned if the use is discontinued for a period of two (2) years, whether or not there is an intent to reestablish the use.
- (H) **Reversion:** If a legal nonconforming use is eliminated, ceases to exist, or is replaced with a permitted or special land use for the zoning district in which it is located, the legally nonconforming use shall terminate and shall not be resumed. All subsequent use shall be consistent with the standards of this Ordinance for the zoning district in which the land is located.



## SECTION 24.05

## Legally Nonconforming Structures

Structures that exist and are lawful on the effective date of this Ordinance or an amendment to this Ordinance may continue and may be altered, even though they do not conform with the dimensional or other standards of this Ordinance, subject to the standards outlined below.

- (A) **Replacement:** A legally nonconforming structure that has been destroyed, damaged, or removed by any means, may be reconstructed, repaired, renovated, replaced, or altered, as outlined below.
- 1) **Period:** Such reconstruction, repair, renovation, replacement, or alteration shall commence within eighteen (18) months of the date the structure was destroyed, damaged, or removed. This period may be extended by up to six (6) months by the Director of Planning and Zoning if the applicant has made a good-faith effort to commence construction in a timely manner and the delay was not the result of actions or inaction of the applicant.
  - 2) **Limits:** The reconstruction, repair, renovation, replacement, or alteration shall be within the building envelope of the structure as it existed before being destroyed, damaged, or removed, except as outlined below.
    - a) *Current Standards:* A legally nonconforming structure may be expanded or added to if the expansion or addition meets the current standards of this Ordinance.
    - b) *Energy Standards:* A legally nonconforming building may be expanded vertically by up to 18 inches from the existing building envelope if the expansion is necessary to meet the energy standards of the Building Code. This shall apply even if the additional height results in an increase of the required side-yard setback.
- (B) **Modification or Alteration:** Legally nonconforming structures may be modified or altered in a manner that eliminates, removes, or lessens any or all the nonconforming characteristics. The nonconforming characteristics shall not be reestablished or increased.
- (C) **Expansion:** A legally nonconforming structure may be expanded if the expansion will meet the required setbacks and other developmental standards of this Ordinance at the time of expansion. Additional height above a nonconforming portion of the structure shall not be permitted.
- (D) **Relocation:** A legally nonconforming structure that is moved or relocated any distance for any reason or reconstructed outside of the footprint of the structure as it existed before reconstruction shall conform with the standards of the zoning district in which it is located.
- (E) **Repairs and Maintenance:** Legally nonconforming structures may be repaired and maintained.
- (F) **Unsafe:** If a legally nonconforming structure or portion of a legally nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs or maintenance and is declared to be unsafe or unlawful because of its physical condition by the Building Official or other duly-authorized official, it shall not be restored, repaired, or rebuilt except in full compliance with this Ordinance.



SECTION 24.06

## Legally Nonconforming Sites

Legally nonconforming sites may be improved and modified without coming into full compliance with all the applicable standards of this Ordinance, as outlined below.

- (A) **Proportional:** Site improvements of the overall site shall be proportional to the scale and construction cost of the improvements or expansion.
- (B) **Safety:** Site improvements shall address safety-related issues of the site.
- (C) **Landscaping:** Landscaping shall be improved as outlined in Section 20.02 Design Standards.
- (D) **Lighting:** Lighting shall be improved as outlined in Section 21.09 Replacement.
- (E) **Noncompliance:** Site improvements shall reduce the amount of noncompliance.
- (F) **Driveways:** Driveways that do not comply with the access standards of this Ordinance shall be eliminated or improved to meet the access standards of this Ordinance to the greatest extent possible.

SECTION 24.07

## Right-Of-Way Expansions

When a legally nonconforming front-yard setback has been created as the result of a street right-of-way expansion or dedication, the existing front-yard setback shall be the minimum front-yard setback if all the following conditions are met:

- (A) **Met Previously:** The structure met the required front-yard setback before the expansion of the street right-of-way. This shall not apply to structures that received a variance for a reduced front-yard setback;
- (B) **No Reduction:** The expansion of the structure, vertically or horizontally, shall not reduce the depth of the front-yard setback;
- (C) **Other Standards:** The expansion of the structure meets the other developmental standards of this Ordinance; and
- (D) **Not Removed:** The structure that established the front-yard setback has not and will not be destroyed or removed for any reason.

SECTION 24.08

## Completion

Any structure which has received a valid approval before the effective date of this Ordinance or an amendment to this Ordinance shall be considered as existing and lawful. The design or use of such structure shall not need to be modified to comply with this Ordinance or an amendment to this Ordinance.

End of Article

# Article 25.

## Permits and Approvals

### SECTION 25.01

#### Intent and Purpose

The intent and purpose of this Article is to:

- (A) Establish the process for the issuance of zoning permits and certificates of zoning compliance;
- (B) Provide a consistent and uniform method of review for permits and certificates of zoning compliance; and
- (C) Ensure full compliance with the standards and provisions of this Ordinance, other Township ordinances, and county, state, and federal laws.

### SECTION 25.02

#### Authority

Authority to review and approve permits and certificates of zoning compliance shall be as outlined below.

- (A) **Zoning Permits and Certificates of Zoning Compliance:** Authority to approve, approve with conditions, or deny zoning permits and associated plot plans and certificates of zoning compliance shall be with the Director of Planning and Zoning, as outlined in Section 31.02 Administration and Enforcement.
- (B) **Appeal:** Authority to hear an appeal of decision of a zoning permit or certificate of zoning compliance shall be with the Zoning Board of Appeals, as outlined in Article 29 Zoning Board of Appeals.



SECTION 25.03

# Permits Required

Permits are required for various structures, uses, and activities, as outlined in the table below.

**Table 25.1: Permits and Approvals**

STRUCTURE, USE, OR ACTIVITY <sup>(A)</sup>	PERMIT REQUIRED
Building, accessory- such as sheds, garages, pole barns, or gazebos	Zoning permit Required
Building, addition	Zoning permit Required
Building, new	Zoning permit Required
Building, temporary	Zoning permit Required
Commercial use, new	Zoning permit Required
Bus stop shelter	Zoning permit Required
Deck, porch, patio	Zoning permit Required
Driveway or sidewalk, impervious	Zoning permit Required
Fence or retaining wall	Zoning permit Required
Driveway or sidewalk, pervious	No permit <sup>(B,C)</sup>
Fence, agricultural	No permit <sup>(B,C)</sup>
Flagpole, 27 feet high or less	No permit <sup>(B,C)</sup>
Group day care home or group foster care home	Zoning permit Required
Flagpole, more than 27 feet high	Zoning permit Required
Generator or heat pump	Zoning permit Required
Home occupation	Zoning permit Required
Hunting blind	No permit <sup>(B,C)</sup>
Outdoor furnace	Zoning permit Required
Propane tank- more than 100-gallon capacity	Zoning permit Required
Play equipment, single-family or two-family	No permit <sup>(B,C)</sup>
Play equipment, multiple-unit or other	Zoning permit Required
Pool or hot tub	Zoning permit Required
Remodel, exterior- no increase to the building coverage, such as reroofing, siding, windows, and doors	Zoning permit Required
Remodel, interior- structural changes but no increase of building coverage	Zoning permit Required
Remodel, mechanical improvements, such as electrical, plumbing, furnace	No permit <sup>(B,C)</sup>
Roadside stand	Zoning permit Required
Satellite dish, antenna, ham radio	No permit <sup>(B,C)</sup>
Sign, permanent	Zoning permit Required
Sign, temporary	No permit <sup>(B,C)</sup>
Special event	Zoning permit Required
Temporary use	Zoning permit Required





- (A) **Interpretation:** If a specific structure, use, or activity that is not listed in Table 25.1 Permits and Approvals is proposed, the Director of Planning and Zoning shall determine if that structure, use, or activity is substantially similar in character and impact to any of the listed structures, uses, or activities listed in Table 25.1 Permits and Approvals, and it shall then be subject to the same permit and plan standards as that similar listed structure, use, or activity.
- (B) **Additional Permits Required:** Additional permits may be required from different entities, including, but not limited to, building permits, well permits, septic permits, sewer approval, and natural river permits, as outlined in Section 25.05 Additional Approvals.
- (C) **Standards Still Apply:** Even though a zoning permit may not be required, the structure, use, or activity shall still comply with all the applicable standards and provisions of this Ordinance.

## SECTION 25.04

## General Provisions

The following general provisions shall apply to all permits and approvals.

- (A) **Zoning Permit Required:** Excavation shall not be initiated, structures shall not be erected, altered, or moved, and commercial uses shall not be established or changed unless a zoning permit has been issued. Issuance of a zoning permit signifies that the proposed structure or use complies with all provisions of this Ordinance.
- (B) **Building Permit Required:** Excavation shall not be initiated, and structures shall not be erected, altered, or moved unless a building permit when required by Building Code is issued by the Building Official.
- (C) **Conditions:** Conditions and safeguards may be placed on zoning permit and certificate of zoning compliance approvals, as outlined in Section 31.09 Conditions of Approval.
- (D) **Performance Guarantee:** A performance guarantee may be required as a condition of approval, as outlined in Section 31.05 Performance Guarantee.
- (E) **Certificate of Zoning Compliance:** Structures shall not be occupied or used without receiving a certificate of zoning compliance. Uses requiring a permit or certificate of zoning compliance shall not start or continue without receiving a certificate of zoning compliance, unless otherwise noted in Section 25.07 Certificate of Zoning Compliance Process.
- (F) **Certificate of Occupancy:** Structures requiring a certificate of occupancy from the Building Official shall not be occupied or used without receiving a certificate of occupancy. The issuance of a certificate of occupancy shall not be valid unless or until a certificate of zoning compliance, when required, has been issued and shall not be construed as waiving any provision of this Ordinance.
- (G) **Applicant Responsibilities:** The applicant shall be responsible for the following:
- 1) **Accuracy:** Ensuring the application and associated supporting materials are complete and accurate;
  - 2) **Marking:** Marking the location of proposed structures and lot lines, as requested by the Director of Planning and Zoning.
  - 3) **Display Permit:** Displaying the approved permit in a manner that is clearly visible from the street right-of-way until a certificate of zoning compliance has been issued; and
  - 4) **Inspections:** Contacting the Township for all necessary inspections.
- (H) **Right to Enter Property:** Submission of a permit application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Ordinance.



SECTION 25.05

## Additional Approvals

Additional approvals from other bodies, agencies, and entities shall be required for issuance of zoning permits or use of structures, as outlined below.

- (A) **Street Access:** Access to a street shall be required before issuance of a zoning permit.
- 1) **Public Street:** For lots that are to have access from a public street, a driveway permit from the Road Commission shall be required, when a new driveway is being installed or the use of an existing driveway is being intensified.
  - 2) **Shared Driveway:** For lots that have access through a shared driveway, a shared driveway approval from the Township and a copy of the recorded access easement and maintenance agreement shall be required.
  - 3) **Access Easement:** For lots that have access through an access easement, an access easement approval from the Township and a copy of the recorded access easement shall be required.
- (B) **Wastewater Permit:** When a wastewater system is required by law or proposed by the applicant, that approval shall be required before issuance of a zoning permit.
- 1) **Septic System:** When a public, private, or shared septic system is required or proposed, a report or permit from the Environmental Health Department certifying approval shall be required.
  - 2) **Wastewater System:** When a connection with a municipal wastewater system is required or proposed, approval from the wastewater system administrator shall be required.
- (C) **Water Supply Approval:** When a potable water supply is required by law or proposed by an applicant, that approval shall be required before issuance of a zoning permit.
- 1) **Water System:** When a public, private, or shared water supply system is required or proposed, either a report from the Environmental Health Department certifying approval of a water supply system or a written notice of acceptance or hook-up fee receipt from the water supply administrator shall be required.
  - 2) **Private Well:** When a private well is required or proposed, an approval from the Environmental Health Department shall be required.
- (D) **Environmental Health Approval:** For new buildings or building additions or for remodeling projects that increase the demand on an on-site septic system, such as additional bedrooms or increased building capacity, an approval from the Environmental Health Department for an Addition/Change of Use Review shall be required.
- (E) **Sewer Approval:** For construction of any new structure or for remodeling projects that increase the demand on a sewer system, such as additional bedrooms or increased building capacity, within a sewer district or a community sewer system, an approval from the sewer district or community sewer system operator shall be required.
- (F) **Natural River Permit:** For projects located within the natural river zone, clearing and excavation shall not be initiated, and structures shall not be erected, altered, or moved unless a Natural River Program Zoning Permit is issued by the Department of Natural Resources.
- (G) **Special Land Use:** Uses or improvements or structures for uses that are classified as a special land use shall receive the special land use approval before a zoning permit may be issued.
- (H) **Site Plan:** Uses or improvements or structures for uses that require site plan approval shall receive that approval before a zoning permit may be issued.
- (I) **Administrative Adjustment:** Improvements or structures that are requesting an administrative adjustment shall receive that approval before a zoning permit may be issued.



- (J) **Variance:** Improvements or structures that require a variance shall receive that approval before a zoning permit may be issued.
- (K) **Building Permit:** A building permit from the Building Official shall be required, as outlined in the Building Code. A building permit shall not be issued until a zoning permit has been issued for those projects requiring a zoning permit.

## SECTION 25.06

## Permit Process

Zoning permits shall be reviewed as described below and in this Article.

- (A) **Application:** A permit application shall include the following:
- 1) **Application Form:** A signed and completed application form.
  - 2) **Application Fee:** An application fee, as outlined in the adopted Fee Schedule. No application fee shall be required if the Township is the applicant.
  - 3) **Plot Plans:** At least three (3) copies of plot plans or site plans.
  - 4) **Stormwater Management Plan:** A stormwater management plan, when required by Section 23.09 Stormwater Management.
  - 5) **Building or Structure Plans:** At least three (3) copies of building plans or structure plans.
  - 6) **Additional Approvals:** All applicable additional approvals outlined in Section 27.09(E) Other Items.
  - 7) **Additional Materials:** Any additional information determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws.
- (B) **Complete and Accurate:** Submission of an application constitutes a representation that all of the information is complete and accurate.
- (C) **Issuance:** Zoning permits shall be issued after adequate review whenever the structure and use are consistent with the provisions of this Ordinance. The Director of Planning and Zoning shall not refuse to grant any permit or certificate of zoning compliance that complies with this Ordinance and any conditions of approvals.
- (D) **Withholding Permit:** Issuance of any permit may be withheld pending verification that an applicant has received the necessary county, state, and federal permits or to confirm that any conditions of approval placed by the Township Board, Planning Commission, or Zoning Board of Appeals have been satisfied.
- (E) **Expiration:** Any permit granted under this Ordinance shall be valid for one (1) year, unless otherwise stated in this Ordinance.
- 1) **Null and Void:** If a certificate of zoning compliance has not been issued within this period, the permit shall be null and void.
  - 2) **Extensions:** Two (2) extensions of up to six (6) months each may be granted if the applicant demonstrates a good-faith effort to complete the permit and it is likely that the permit will be completed or a certificate of zoning compliance will be issued within the extension period.
- (F) **Revocation:** The Director of Planning and Zoning shall have the authority to revoke or cancel any permit, as outlined in Section 31.14 Revocation. A stop work order or cease and desist order may be issued pending a decision on revocation, as outlined in Section 31.10 Violations, Fines, and Penalties.



SECTION 25.07

## Certificate of Zoning Compliance Process

Zoning permits and certificates of zoning compliance shall be reviewed as described below and in this Article.

- (A) **Issuance:** A certificate of zoning compliance shall be issued after adequate review whenever the structure and use are consistent with the permit, conditions of the permit, and the provisions of this Ordinance. The Director of Planning and Zoning shall not refuse to grant any certificate of zoning compliance that complies with the permit, conditions of the zoning permit, and this Ordinance.
- (B) **Final Grading:** A certificate of zoning compliance shall not be issued until the final grading is completed and stabilized or a performance guarantee, as outlined in Section 31.05 Performance Guarantee, has been submitted to the Township to cover the anticipated cost of final grading.
- (C) **Stormwater Management System:** The stormwater management system shall be inspected and approved by the Township Engineer before a certificate of zoning compliance may be issued.
- (D) **Landscaping:** All landscaping required by this Ordinance shall be installed or a performance guarantee, as outlined in Section 31.05 Performance Guarantee of this Ordinance, shall be provided to the Township before a certificate of zoning compliance can be issued.

End of Article

# Article 26.

# Plot Plans

## SECTION 26.01

### Intent and Purpose

The intent and purpose of this Article is to:

- (A) Ensure that improvements will not have a substantially adverse impact on surrounding uses or properties and the public health, safety, and general welfare;
- (B) Provide a consistent and uniform method of review for plot plans;
- (C) Delegate the authority for review of plot plans;
- (D) Define the data required for plot plans; and
- (E) Ensure full compliance with the provisions of this Ordinance, other Township ordinances, and state and federal laws.

## SECTION 26.02

### Plot Plans Required

Plot plans shall be required for the structures, sites, and uses outlined below.

- (A) **Major Zoning Permit:** All structures, sites, and uses requiring a major zoning permit shall require a plot plan if they do not require a site plan.
- (B) **Fence Permit:** All fences and retaining walls that require a fence permit shall require a plot plan.
- (C) **Sign Permit:** All signs that require a sign permit shall require a plot plan. If a sign was included as part of a site plan, the site plan may be used instead of a plot plan.
- (D) **Temporary Zoning Permit:** All temporary permits that include a structure shall require a plot plan.
- (E) **Other Improvements:** Other improvements that expand an existing building envelope or cover more ground shall require a plot plan.
- (F) **Site Plan:** Structures, sites, and uses that require a site plan, as outlined in Section 27.03 Site Plans Required, shall not require an additional plot plan.



SECTION 26.03

## Plot Plan Information

Plot plans submitted as part of an application shall include the information necessary to review the application for compliance, as outlined below.

- (A) **Readability:** Plot plans shall include a north arrow, scale, and be easily legible in the format submitted. If a plot plan is shown on more than one (1) sheet, match lines and a composite sheet of the overall lot shall be provided. Plot plans shall be drawn at a legible engineering or architectural scale acceptable to the Township.
- (B) **Nonapplicable Items:** If any of the required information in Table 25.1 Data Required for Plot Plans is not applicable to a particular plot plan, the Director of Planning and Zoning may waive the requirement to include that specific information from the plot plan, as outlined below.
- 1) **Criteria:** The omission of the information will not negatively impact the ability to review the plot plan for compliance with this Ordinance, other Township ordinances, and state and federal laws.
  - 2) **Rescinding Waiver:** The waiver may be rescinded at a later date if it is determined that the information is necessary to review the plot plan.

**Table 26.1: Data Requirements for Plot Plans**

### LOT AND ZONING DATA

- North Arrow
- Scale, including graphic representation
- Location, description, and dimensions of all existing and proposed right-of-way and easements
- Existing lot lines, buildings, parking areas, and other structures and improvements on and within 100 feet of the site
- Proposed lot lines, building, parking areas, and other structures and improvements on and within 100 feet of the site, including dimensions and setbacks
- Impervious surface coverage, including square footage and percentage of the lot area
- Number of bedrooms
- Required setback

### NATURAL FEATURES

- Location of existing drainage courses and county drains
- Location of floodplains, including the base flood elevation and FIRM panel number
- Location of existing and proposed surface waterbodies
- Location and area of existing and proposed wetlands
- Location of area of wetlands to be disturbed

### ACCESS AND PARKING

- Location and dimensions of off-street parking spaces
- Clear-vision zones required by this Ordinance



**BUILDING, STRUCTURE, AND MISCELLANEOUS INFORMATION**

- Location, height, and exterior dimensions of all existing and proposed buildings and structures
- Location and distance to existing and proposed buildings within 15 feet of the proposed buildings and structures
- Building floor plans
- Finished floor elevation for all existing and proposed buildings
- Building façade elevations
- Location of exterior lighting
- Details of exterior light fixtures

**UTILITIES**

- Location of existing and proposed sanitary sewers and/or septic systems, including lines and grinder pumps
- Location of existing and proposed water mains and/or wells, including exclusion area
- Location of existing and proposed above and below-ground utilities, including gas, electric, telephone, cable, and fiber optic
- Location of existing and proposed utility easements

**GRADING AND DRAINAGE**

- Proposed grading, drainage patterns, and other stormwater management measures
- Stormwater drainage calculations

End of Article





# Article 27.

# Site Plan Review

## SECTION 27.01

### Intent and Purpose

It is the intent and purpose of this Article to:

- (A) Ensure that developments and uses will not have a substantially adverse impact on surrounding uses or properties and the public health, safety, and general welfare;
- (B) Achieve safe and convenient traffic and pedestrian movement within a site and in relation to access streets;
- (C) Encourage compatibility of site layout in relationship to uses and structures, both within a site and in relation to adjacent sites and uses;
- (D) Encourage preservation of natural features and resources;
- (E) Encourage efficient use of the land;
- (F) Ensure adequate infrastructure and public services are available for developments and uses;
- (G) Define the types of developments and uses that require site plan approval;
- (H) Provide a consistent and uniform method of review for site plans;
- (I) Delegate the authority for review and approval of site plans;
- (J) Define the data required for site plans;
- (K) Define standards for the review of site plans;
- (L) Ensure that developments and uses are compatible with the goals and objections of the Master Plan;
- (M) Encourage cooperation and consultation between applicants and the Township; and
- (N) Ensure full compliance with the provisions of this Ordinance, other Township ordinances, and state and federal laws.



SECTION 27.02

## Authority

- (A) **Site Plan Review:** Authority to approve, approve with conditions, or deny a site plan shall be with the Planning Commission or the Director of Planning and Zoning and Planning Commission Chair, or designee, as outlined below:
  - 1) **Standard Site Plans:** Standard site plans, including preliminary and final site plans, shall be reviewed by the Planning Commission;
  - 2) **Administrative Site Plans:** Administrative site plans shall be reviewed by the Director of Planning and Zoning and Planning Commission Chair, or designee. Review of administrative site plans may be deferred to the Planning Commission; and
  - 3) **Amended Site Plans:** Amended site plans shall be reviewed by the original approving authority.
- (B) **Development Agreement Review:** Authority to approve, approve with conditions, or deny a development agreement shall be with the Township Board, as outlined in Section 31.06 Development Agreement.
- (C) **Variance Review:** Authority to approve, approve with conditions, or deny a variance associated with a site plan shall be with the Zoning Board of Appeals, as outlined in Article 29 Zoning Board of Appeals.
- (D) **Appeal of Decision:** Authority to hear an appeal of a decision of a site plan shall be with the Zoning Board of Appeals, as outlined in Article 29 Zoning Board of Appeals.

SECTION 27.03

## Site Plans Required

- (A) **Site Plan Required:** The following structures, sites, and uses shall require site plan approval before issuance of a zoning permit, unless otherwise noted in this Ordinance:
  - 1) All permitted uses in Commercial (C), Public Institutional (PI), and Public Recreation (PR) Districts;
  - 2) All commercial, institutional, and public uses, regardless of the zoning district in which the use is located;
  - 3) All special land uses;
  - 4) All multiple-unit dwellings;
  - 5) Mobile home parks;
  - 6) Commercial planned unit developments;
  - 7) Open space communities;
  - 8) Site condominiums or platted subdivisions;
  - 9) Any alteration, addition, or expansion of an existing use that requires a site plan; and
  - 10) Any parking lot or parking lot addition.
- (B) **Administrative Site Plan Limitations:** Administrative site plans shall be limited to the following:
  - 1) **Minor Changes:** Minor changes, determined by the Director of Planning and Zoning, relative to an approved site plan that are required during construction due to other governmental agencies;
  - 2) **Change of Use:** A change in use to a similar or less intensive permitted use;
  - 3) **Structure Relocation:** Minor changes in the location of any structure from its location in an approved site plan;



- 4) **Building Height:** Changes to building height that do not add an additional floor;
- 5) **Building Reduction:** Reduction in the size of a building;
- 6) **Barrier Free Access:** Minor reconfiguration of an approved site plan or existing site to allow for barrier free access;
- 7) **Site Improvements:** The relocation or addition of accessory structures, including, but not limited to: fences, signs, sidewalks, trails, bus stops;
- 8) **Landscaping Changes:** Additions to or substitutions of approved or existing landscaping;
- 9) **Parking Lot Reconfiguration:** Internal reconfiguration of a parking lot, provided the necessary number of spaces are still provided;
- 10) **Group Day Care Home:** Establishment of a new or reconfiguration of an existing group day care home;
- 11) **Well Relocation:** Relocation of wells required by the Environmental Health Department.

## SECTION 27.04

## General Site Plan Provisions

- (A) **Combined Site Plan Review:** An applicant may request a combined preliminary and final site plan review, unless otherwise noted in this Ordinance. The Director of Planning and Zoning or the Planning Commission may require separate preliminary and final site plan review if, in their opinion, the complexity or size of the proposed development makes such a separation necessary. Combined site plan review shall not be considered for a project with more than one (1) phase or when a variance is necessary.
- (B) **Developments with Multiple Phases:** Projects with multiple phases shall have one (1) preliminary site plan for the entire project and one (1) final site plan for each phase.
- (C) **Site Plans Requiring a Variance:** All site plans requiring a variance shall be reviewed by the Planning Commission and shall require both a preliminary and final site plan. The preliminary site plan shall be approved before the Zoning Board of Appeals holds a public hearing for any variances. Any variances shall be approved before the Planning Commission considers the final site plan.
- (D) **Site Plans for Special Land Uses:** Site plans for special land uses shall have the special land use approval before or at the same meeting as the preliminary, administrative, or amended site plan review.
- (E) **Site Plans for Open Space Communities:** Site plans for open space communities shall have the open space community approval before or at the same meeting as the preliminary, combined, or administrative site plan review.
- (F) **Changes to Preliminary Site Plan:** The Planning Commission may approve changes to an approved preliminary site plan during final site plan review.
- (G) **Right to Enter Property:** Submission of a site plan application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.
- (H) **Development Agreement:** A development agreement between the applicant and the Township shall be necessary for final and combined site plans, as outlined in Section 31.06 Development Agreement.
- (I) **Master Deed and Bylaws:** Any site plan with a master deed and/or bylaws shall have those documents approved by the Township and shall address, at a minimum, the following items:



- 1) **Development Agreement:** If a development agreement has not been approved or the requirement to have a development agreement has not been waived by the Township Board before a final, amended, or administrative site plan approval, the approval or waiver of a development agreement shall be a condition of approval; and
  - 2) **Master Deed and Bylaws:** If a master deed and bylaws has not been approved by the Township before a final, amended, or administrative site plan approval, the approval of a master deed and bylaws shall be a condition of approval.
- (J) **Contact with Planning Commissioners (Ex-Parte Contact):** No person shall communicate directly with any member of the Planning Commission outside of a public hearing with the intent of influencing the member's action or decision. Written comments may be submitted to the Director of Planning and Zoning for distribution to the Planning Commission. This shall not prohibit the Director of Planning and Zoning from promulgating staff reports and other related materials to the Planning Commission.

#### SECTION 27.05

## Review Process

Site Plans shall be reviewed as described below and in this Article.

- (A) **Preapplication Meeting:** The applicant shall meet with Township Officials, other agencies, and other interested parties before submission of a site plan application, as outlined in Section 31.04 Preapplication Meetings.
- (B) **Application:** The applicant shall submit a complete and accurate site plan application form. The application shall include all relevant materials, as outlined in this Article, any materials requested by the approving authority, and any additional materials determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws. Submission of an application constitutes a representation that all the information is complete and accurate.
- (C) **Fee:** A fee, as outlined in the adopted fee schedule, shall be submitted at the time of application. No fee shall be required if the applicant is acting on behalf of the Township.
- (D) **Review of Completeness:** An application for a site plan shall be reviewed by the Director of Planning and Zoning for completeness, as outlined in Section 31.02(C) Review Applications.
- (E) **Planning Commission Review:** When the Planning Commission is the approving authority, site plan review shall be conducted at a public hearing, as outlined in Section 31.08 Public Hearings.
- (F) **Director of Planning and Zoning Review:** When the Director of Planning and Zoning is the approving authority, site plan review shall not be conducted at a public hearing but shall require notice as outlined in Section 31.07(B) Administrative Adjustments and Administrative Site Plans.
- (G) **Timely Decisions:** Decisions shall be made in a timely manner, based on the approving authority, as follows:
  - 1) **Planning Commission:** The Planning Commission shall render its decision within 60 days of the date the application is administratively complete, unless a delay is agreed to by the applicant and the Planning Commission. The decision shall be final upon adoption of meeting minutes or signing of a resolution by the Township, whichever occurs first.
  - 2) **Director of Planning and Zoning and Planning Commission Chair, or Designee:** The Director of Planning and Zoning and Planning Commission Chair, or designee, shall render a decision within 30 days of the date the application is administratively complete, unless a delay is agreed to by the applicant and the Director of Planning and Zoning. The decision shall be final upon issuance of a letter outlining the decision by the Director of Planning and Zoning.



- (H) **Acceptance of Conditions:** The approval of any site plan shall only be effective upon acceptance of the approval and any conditions of the approval by the applicant.
- (I) **Preconstruction Meeting:** A preconstruction meeting shall be held between the applicant and Township officials and other interested parties before issuance of a zoning permit for the project.
- (J) **Rehearing:** A rehearing shall be processed as outlined in Section 31.11 Rehearing.
- (K) **Reapplication:** A site plan application that has been denied shall not be resubmitted for reconsideration, except as outlined in Section 31.12 Reapplication.
- (L) **Suspension:** An approved site plan may be suspended temporarily and immediately by the approving authority, as outlined in Section 31.13 Suspension.
- (M) **Revocation:** An approved site plan may be revoked by the approving authority, as outlined in Section 31.14 Revocation.

## SECTION 27.06

## Preliminary and Final Site Plan Review Process

Preliminary and Final Site Plans shall be reviewed in the same manner as described below and in this Article, except where processes specific to preliminary and final reviews are identified herein.

- (A) **Application Materials:** An application for a preliminary or final site plan review shall include the following:
  - 1) **Application Form:** A signed and completed application form;
  - 2) **Fee:** An application fee, as outlined in the adopted fee schedule;
  - 3) **Site Plans:** The applicant shall submit at least one (1) hard copy and a digital copy of the associated site plan, in a format acceptable to the Township, with the application and shall submit at least fifteen (15) additional hard copies following the review of completeness; and
  - 4) **Additional Materials:** Any additional information determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws.
- (B) **Scheduling:** Upon declaration of an administratively complete preliminary or final site plan application, the application shall be placed on the next available agenda for the Planning Commission. The applicant may request it be placed on a later meeting agenda or may request a special meeting, with payment of an additional special meeting fee.
- (C) **Applicant's Responsibilities:** Upon declaration of an administratively complete preliminary or final site plan application, the application shall be placed on the next available agenda for the Planning Commission. The applicant may request it be placed on a later meeting agenda or may request a special meeting, with payment of an additional special meeting fee.
- (D) **Planning Commission Review:** The Planning Commission, following a public hearing, shall approve, approve with conditions, deny, or postpone a preliminary or final site plan using the standards in this Article.
  - 1) **Approval:** If a preliminary site plan is approved, the Planning Commission shall cite its reasons for approval and any conditions necessary for approval. Following approval of a preliminary site plan, the applicant may apply for a final site plan review. The concurring vote of at least four (4) members of the Planning Commission shall be necessary to approve a preliminary and final site plan.
  - 2) **Denial:** If a preliminary or final site plan is denied, the Planning Commission shall cite its reasons for denial.



- 3) **Postpone:** If the Planning Commission determines that the preliminary or final site plan does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall cite the reasons for postponement. Time for postponement shall not count against the timely decision period in Section 27.05(G) Timely Decisions.
- (E) **Decision Criteria:** The Planning Commission shall approve or approve with conditions a preliminary or final site plan upon finding that all of the applicable decision criteria outlined in Section 27.10 Site Plan Decision Criteria are true.
- (F) **Copies of Approved Preliminary or Final Site Plan:** The applicant shall submit four (4) hard copies and a digital copy, in a format acceptable to the Township, of the approved preliminary or and final site plan. Two (2) hard copies shall be returned to the applicant after they have been stamped and signed.
- 1) **Modifications and Conditions:** The approved preliminary or final site plan shall include any modifications and conditions required for approval.
  - 2) **Signatures:** The approved preliminary or final site plan shall be stamped and signed by the Planning Commission Chair or Acting Chair and the Director of Planning and Zoning and signed by the applicant.
  - 3) **Record:** The approved preliminary or final site plan shall become a part of the record.
- (G) **Expiration of a Preliminary Site Plan:** Approval of the preliminary site plan shall be valid for 18 months from the date of approval, unless otherwise noted below.
- 1) **Final Site Plan Application:** An administratively complete application for a final site plan review shall be submitted within this period or the preliminary site plan shall be considered expired.
  - 2) **Multiple-Phase Developments:** An administratively-complete application for the final site plan review of the first phase of a multiple-phase development shall be submitted to the Township within this period, and applications for the final site plans for additional phases shall be submitted according to a schedule outlined on the approved preliminary site plan.
  - 3) **Effect:** Preliminary site plans that have expired shall be resubmitted for review as a new application.
  - 4) **Extension Request:** If an administratively complete application for an extension has been submitted before the expiration date, the preliminary site plan shall remain valid until the Director of Planning and Zoning makes a decision.
  - 5) **Previously Approved Preliminary Site Plans:** Preliminary site plans approved under a previous ordinance shall be valid for a period of six (6) months from the effective date of this Ordinance. They shall be reviewed using the ordinance that was effective at the date of approval. They shall not qualify for extensions of approval.
- (H) **Expiration of a Final Site Plan:** Final site plan approval shall be valid for 18 months from the date of approval. Final site plans approved before the effective date of this Ordinance shall be valid for 24 months from the effective date of this Ordinance.
- 1) **Zoning Permit:** The applicant shall receive a zoning permit within this period or the final site plan shall be considered expired.
  - 2) **Substantial Work Completed:** Substantial work on the project shall be completed within this time and diligently pursued or the final site plan shall be considered expired.
  - 3) **Effect:** Final site plans that have expired shall be resubmitted for review as a new application, and all activity shall cease immediately, except for work directly related to securing the site.
  - 4) **Extension Request:** If an application for an extension has been submitted before the expiration date, the final site plan shall remain valid until the Director of Planning and Zoning makes a decision.



- (I) **Extension:** The Planning Commission may grant an extension of an approved preliminary or final site plan for a period of up to one (1) year, upon making a written finding that all of the following are true:
- 1) **Application Date:** The administratively complete application for an extension was submitted before the expiration date;
  - 2) **Applicant Effort:** The applicant has made a good-faith effort to submit a final site plan in a timely manner, and the delay was not the result of actions or inaction of the applicant;
  - 3) **Substantial Changes:** There have been no substantial changes on abutting properties since the original approval that would raise concern of the impact of the approved preliminary site plan on those properties or on the site; and
  - 4) **Current Standards:** The approved preliminary site plan shall comply this Ordinance at the time of extension.

## SECTION 27.07

## Administrative Site Plan Review Process

Administrative site plans shall be reviewed as outlined below.

- (A) **Application Materials:** An application for an administrative site plan review shall include the following:
- 1) **Application Form:** A signed and completed application form;
  - 2) **Fee:** An application fee, as outlined in the adopted fee schedule;
  - 3) **Site Plans:** At least five (5) hard copies of the site plan and a digital copy of the site plan, in a format acceptable to the Township;
  - 4) **Additional Information:** Any additional information determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws.
- (B) **Applicant's Responsibilities:** The applicant shall mark the property before submitting an application. The marking shall be maintained in good condition until a decision is made.
- (C) **Director of Planning and Zoning and Planning Commission Chair, or Designee, Review:** The Director of Planning and Zoning and Planning Commission Chair, or designee, following notice, shall approve, approve with conditions, or deny an administrative site plan using the standards in this Article.
- 1) **Notice:** The Director of Planning and Zoning shall provide notice to interested persons that an administrative site plan review application has been received and will be reviewed, as outlined in Section 27.07 Administrative Adjustments and Administrative Site Plans.
  - 2) **Approval:** If an administrative site plan is approved, the Director of Planning and Zoning and Planning Commission Chair, or designee, shall cite the reasons for approval and any conditions of approval, and the applicant may apply for a zoning permit.
  - 3) **Denial:** If an administrative site plan is denied, the Director of Planning and Zoning and Planning Commission Chair, or designee, shall cite the reasons for denial.
- (D) **Decision Criteria:** The Director of Planning and Zoning and Planning Commission Chair, or designee, shall approve or approve with conditions an administrative site plan upon finding that all of the applicable decision criteria outlined in Section 27.10 Site Plan Decision Criteria are true.
- (E) **Copies of Approved Administrative Site Plan:** The applicant shall submit four (4) hard copies and a digital copy, in a format acceptable to the Township, of the approved administrative site plan. Two hard (2) copies shall be returned to the applicant after they have been stamped and signed.





- 1) **Modifications and Conditions:** The approved administrative site plan shall include any modifications and conditions required for approval.
  - 2) **Signatures:** The approved administrative site plan shall be stamped and signed by the Director of Planning and Zoning and signed by the applicant.
  - 3) **Record:** The approved administrative site plan shall become a part of the record.
- (F) **Expiration:** Administrative site plan approval shall be valid for 18 months from the date of approval.
- 1) **Zoning Permit:** The applicant shall receive a zoning permit within this period, or the administrative site plan shall be considered expired.
  - 2) **Substantial Work Completed:** Substantial work on the project shall be completed within this time or the administrative site plan shall be considered expired.
  - 3) **Effect:** Administrative site plans that have expired shall be resubmitted for review as a new application, and all activity shall cease immediately, except for work directly related to securing the site.
  - 4) **Extension Request:** If an administratively complete application for an extension has been submitted prior to the expiration date, the administrative site plan shall remain valid until the Director of Planning and Zoning makes a decision.
- (G) **Extension:** The Director of Planning and Zoning may grant two (2) extensions of an approved administrative site plan for a period of up to one (1) year each, upon making a written finding that all the following are true:
- 1) **Application Date:** The administratively complete application for an extension was submitted before the expiration date;
  - 2) **Applicant Effort:** The applicant has made a good-faith effort to submit a zoning permit in a timely manner, and the delay was not the result of actions or inaction of the applicant;
  - 3) **Substantial Changes:** There have been no substantial changes on abutting properties since the original approval that would raise concern of the impact of the approved administrative site plan on those properties or on the site; and
  - 4) **Current Standards:** The approved administrative site plan shall comply with this Ordinance at the time of extension.

**As-built Plans:** The applicant shall submit one (1) hard copy and a digital copy, in a format acceptable to the Township, of the administrative site plan as constructed or shall certify that the site was developed exactly as-shown in the approved administrative site plan.

#### SECTION 27.08

## Amendment of an Approved Site Plan

A site plan may be amended upon mutual consent of the property owner and the approving authority as outlined below.

- (A) **Amended Preliminary Site Plans:** Amended preliminary site plans shall be reviewed as outlined in Section 27.06 Preliminary and Final Site Plan Review Process.
- (B) **Amended Final Site Plans:** Amended final site plans shall be reviewed as outlined in Section 27.06 Preliminary and Final Site Plan Review Process.
- (C) **Amended Administrative Site Plans:** Amended administrative site plans shall be reviewed as outlined in Section 27.07 Administrative Site Plan Review Process.





SECTION 27.09

# Site Plan Information

- (A) **Site Plan Preparation:** All site plans shall be prepared and stamped by a professional engineer, architect, planner, landscape architect, or surveyor who is registered or licensed in the State of Michigan.
- (B) **Readability:** Site plans shall include a north arrow, graphic scale, and be easily legible in the format submitted. If a site plan is shown on more than one (1) sheet, match lines and a composite sheet of the overall site shall also be provided. Site plans shall be at a scale acceptable to the Township.
- (C) **Nonapplicable Items:** If any of the required information in Table 26.1 Data Required for Site Plans is not applicable to a particular site plan, a list of those items shall be included with the application or on the site plan and shall state the reasons why the applicant believes each listed item should not be considered necessary.
- (D) **Waiver of Information:** The Director of Planning and Zoning, Township Engineer, and Planning Commission Chair, or designee, may waive the requirement to include specific information from a site plan, as outlined below:
  - 1) **Criteria:** The approving authority shall make a written finding describing how omission of the information will not negatively impact the ability to review the site plan for compliance with this Ordinance, other Township ordinances, and county, state, and federal laws.
  - 2) **Rescinding Waiver:** The approving authority may rescind the waiver at a later date if it determines the information is necessary to review the site plan.
- (E) **Other Items:** The approving authority may require additional information, beyond what is listed in Table 26.1 Data Required for Site Plans, that it determines necessary to determine compliance with this Ordinance and other applicable laws.
- (F) **Combined Site Plan:** Combined site plans shall include the information necessary for both preliminary and final site plan review.
- (G) **Amended Site Plan:** Amended site plans shall include the information for the type of site plan being amended and shall clearly illustrate what is being amended.
- (H) **Conventional Plan:** Conventional plans shall include the information required for a Preliminary Plan.
- (I) **Site Plan Data:** Site plans shall include the information outlined in the table below.

**Table 27.1: Data Required for Site Plans**

TYPE OF INFORMATION	TYPE OF SITE PLAN		
	ADMINISTRATIVE	PRELIMINARY	FINAL
APPLICATION			
Name and address of the applicant(s) and property owner(s)	x	x	x
Address(es), parcel ID (s), and legal description of the site	x	x	x
Project Name	x	x	x
Dimensions of the site and the lot area (net) and total acreage (gross)	x	x	x
Zoning district of the site and all adjacent properties	x	x	x
Description of the proposed project or use(s)	x	x	x
Name and address of the individual and/or firm that prepared the site plan	x	x	x
Proof of property ownership and control or authority	x	x	x



<b>SITE AND ZONING DATA</b>	<b>ADMINISTRATIVE</b>	<b>PRELIMINARY</b>	<b>FINAL</b>
Project Name	X	X	X
Survey and legal description of the existing and proposed site	X	X	X
Vicinity sketch	X	X	X
Location and dimensions of existing rights-of-way	X	X	X
Existing lot lines, buildings, parking areas, and other structures and improvements on and within 100 feet of the site	X	X	X
Proposed lot lines, buildings, parking areas, and other structures and improvements on and within 100 feet of the site, including dimensions and setbacks	X	X	X
Location of buildings on adjacent lots used to establish waterbody setbacks	X	X	X
Location, legal description, and type of all existing and proposed easements and deed restrictions	X	X	X
Zoning district of the site and all abutting properties	X	X	X
Existing and proposed use of the site and existing use of all abutting properties	X	X	X
Total existing and proposed lot area (net) and proposed site acreage (gross)	X	X	X
Building coverage, including square footage and percentage of the lot area	X	X	X
Impervious surface coverage, including square footage and percentage of the lot area	X	X	X
Number of residential units for residential developments and number of bedrooms for multiple-family developments	X	X	X
Required setbacks	X	X	X
North arrow	X	X	X
Scale, including graphic representation	X	X	X
Location, character, developments and size of each phase for multiple-phase site plans	X	X	X
<b>NATURAL FEATURES</b>	<b>ADMINISTRATIVE</b>	<b>PRELIMINARY</b>	<b>FINAL</b>
Location of existing plant materials, identifying those to remain and those to be removed	X	X	X
Location, sizes, species, and condition of existing trees with a caliper of six (6) inches or more that are located outside of a woodland area	X	–	X
Location of woodland areas	X	X	X
Location of steep slope areas	X	X	X
Topography of and within 150 feet of the site at two (2) feet contours or better, referenced to a USGS benchmark	X	X	X
Location of existing drainage course and county drains	X	X	X
Location of floodplains, including the base flood elevation and FIRM panel number	X	X	X
Location of existing and proposed surface waterbodies	X	X	X
Location and area of existing and proposed wetlands	X	X	X
Location and area of wetlands to be disturbed	X	X	X
Soil information, including the type and any restrictions on development	X	X	X
Groundwater information	X	X	X



ACCESS, CIRCULATION, AND PARKING	ADMINISTRATIVE	PRELIMINARY	FINAL
Location of existing and proposed streets, driveways, parking lots, sidewalks, and non-motorized pathways	X	X	X
Dimensions, curve radii, centerlines, and widths of existing and proposed streets, parking lots, sidewalks, non-motorized pathways, and rights-of-way	X	–	X
Driveways and intersections within 300 feet of the site	X	X	X
Clear-vision zones required by this Ordinance and the Road Commission	X	X	X
Cross-sections and details of proposed roads, driveways, parking lots, sidewalks, and non-motorized pathways	X	–	X
Dimensions of acceleration, deceleration, and passing lanes	X	–	X
Calculation for number of required parking spaces, including floor area and number of employees for the largest shift, or number of dwelling units/bedrooms	X	X	X
Dimensions of parking spaces, islands, maneuvering lanes, and loading zones	X	–	X
Location and dimensions of existing and proposed queuing spaces	X	–	X
Designation of fire lanes, including signage	X	–	X
Location and details of traffic regulatory signs and pavement markings	X	–	X
Shared parking agreement for site plans using shared parking	X	–	X

LANDSCAPING PLAN	ADMINISTRATIVE	PRELIMINARY	FINAL
Landscaping Plan as outlined in Section 20.09 Landscaping Plan	X	X	X
Proposed dates of plant installation	X	–	X

BUILDING STRUCTURE AND MISCELLANEOUS INFORMATION	ADMINISTRATIVE	PRELIMINARY	FINAL
Location, height, and exterior dimensions of all existing and proposed buildings and structures	X	X	X
Building floor plans, including total floor area	X	–	X
Finished floor level for all existing and proposed buildings	X	–	X
Location, size, height, and lighting details of all existing and proposed signs	X	X	X
Building façade elevations for all sides	X	–	X
Location of exterior lighting	X	X	X
Lighting Plan, as outlined in Section 21.10 Lighting Plan	X	–	X
Location of trash receptacles, transformer pads, HVAC equipment, generators, and screening methods	X	X	X
Location of any outdoor sales or display area	X	X	X
Location of any screening or buffering	X	X	X



UTILITIES	ADMINISTRATIVE	PRELIMINARY	FINAL
Location of existing and proposed sanitary sewers and/or septic systems	X	X	X
Size of existing and proposed sanitary sewers and septic systems	X	–	X
Location of existing and proposed water mains, well sites, water service, and fire hydrants	X	X	X
Size of existing and proposed water mains, well sites, water service, and fire hydrants	X	–	X
Location of existing and proposed above and below-ground gas, electric, telephone, and cable lines	X	X	X
Location of existing and proposed utility easements	X	X	X
Location of existing and proposed transformers and utility boxes	X		X

GRADING AND DRAINAGE	ADMINISTRATIVE	PRELIMINARY	FINAL
Proposed site grading, drainage patterns, and other stormwater management measures	X	X	X
Stormwater drainage calculations	X	X	X
Location of stormwater retention/detention pond(s)	X	X	X
Stormwater retention/detention pond(s) details, including grading, side slopes, high-water elevation, volume, and outfalls	X	–	X
Location of existing and proposed storm sewer and drains	X	X	X
Dimensions of existing and proposed storm sewer and drains	X	–	X
Extent of disturbed area, including square footage and percentage of lot area	X	X	X

ADDITIONAL INFORMATION FOR OPEN SPACE COMMUNITIES	ADMINISTRATIVE	PRELIMINARY	FINAL
Conventional Plan	X	X	–
Table of deviations from the standards of this Ordinance	X	X	X
Additional lot calculations	X	X	X

ADDITIONAL INFORMATION FOR PLANNED UNIT DEVELOPMENTS	ADMINISTRATIVE	PRELIMINARY	FINAL
Table of deviations from the standards of this Ordinance	X	X	X

ADDITIONAL INFORMATION/STUDIES	ADMINISTRATIVE	PRELIMINARY	FINAL
Completion schedule	X	X	X
Table of required permits and the issuing authority	X	X	X
Date/revision date of the site plan	X	X	X
Depiction of changes made since the previous site plan	X	–	X
Description and location of methods to contain any hazardous materials	X	X	X
Traffic study for all projects anticipated to generate 100 or more trips in a day	X	X	X
Impact statement	X	X	–
Sound Study	X	–	X



SECTION 27.10

# Site Plan Decision Criteria

Site plans shall be approved, or approved with conditions, if the approving authority finds all of the following applicable criteria in the table below to be true.

**Table 27.2: Site Plan Decision Criteria**

CRITERIA	ADMIN	PRELIM	FINAL	AMEND
<b>Health, Safety, and Welfare:</b> The site and use shall not be injurious to the general health, safety, and welfare of the surrounding area and the Township.	X	X	X	X
<b>Information:</b> All of the required information has been supplied or waivers have been granted.	X	X	X	X
<b>Organization:</b> All elements of the site shall be harmoniously and efficiently designed in relation to topography, the size and type of the site, the character of the surrounding area, and the type and size of buildings.	X	X	–	X
<b>Existing and Surrounding Uses:</b> The development shall be compatible with existing and possible future uses in the immediate area.	X	X	–	X
<b>Ordinance Standards:</b> The site shall meet the provisions of this Ordinance for the proposed use.	X	–	X	X
<b>Master Plan:</b> The use shall be generally consistent with the Master Plan.	X	X	X	X
<b>Applicable Ordinances and Laws:</b> The site shall be consistent with this Ordinance, other Township Ordinances, and state and federal laws.	X	X	–	X
<b>Privacy:</b> The site shall be arranged to provide reasonable visual, sound, and light privacy for all dwelling units located on it and in the surrounding area.	X	X	–	X
<b>Access:</b> The site shall have adequate and safe access from existing public or private streets, and every structure and dwelling unit shall have access to a public or private street, sidewalk, or other dedicated common use area.	X	X	–	X
<b>Street Capacity:</b> The street network shall be adequately able to accommodate the anticipated traffic generated by the site.	X	X	–	X
<b>Circulation Arrangement:</b> The arrangement of streets, driveways, and trails in the site shall respect the pattern of existing and planned streets and pedestrian improvements in the area	X	X	–	X
<b>Internal Circulation:</b> The site shall be organized to provide safe and convenient vehicular and pedestrian movement within the site, including a pedestrian circulation system that is insulated as much as reasonable from the vehicular circulation system.	X	X	X	X
<b>Emergency Access:</b> The site and buildings shall be arranged to provide for emergency access throughout the site and to all sides of buildings.	X	X	–	X
<b>Hazardous Material Storage:</b> Adequate provisions shall be provided to contain any hazardous materials that may be used or stored on the site.	X	X	–	X
<b>Landscaping:</b> There shall be adequate room on the site to provide the required landscaping	–	X	–	–
<b>Landscape Preservation:</b> The landscape shall retain, as much as possible, a natural state, by reasonably minimizing tree, vegetation, and soil removal and topographical modifications.	X	X	X	X
<b>Storm Water:</b> The storm water management system shall preserve natural drainage patterns, shall not increase flooding or sedimentation to other properties, and shall meet the standards of the Washtenaw County Water Resources Commissioner.	X	–	X	X



<b>Water Supply:</b> An adequate water supply shall be approved.	X	–	X	X
<b>Sewage System:</b> An adequate sewage system shall be approved.	X	–	X	X
<b>Public Service Capacity:</b> The site shall not place an unreasonable burden on the provision of public services, such as, but not limited to, fire protection, police protection, schools, and utilities.	–	–	X	X
<b>Original Approval:</b> The approval shall not negatively affect the original reasons or conditions of approval.	–	–	–	X

SECTION 27.11

## Inspections and Maintenance

- (A) **Inspections:** The Township shall inspect improvements associated with approved site plans.
- 1) **Subgrade Improvements:** All subgrade improvements, including, but not limited to, utilities, sub-base installations for drives and parking lots, storm water management, and similar, shall be inspected and approved before covering.
  - 2) **Applicant’s Responsibilities:** The applicant shall be responsible for requesting inspections in a timely manner.
  - 3) **Costs:** All costs incurred by the Township to conduct inspections shall be paid by the applicant.
- (B) **Maintenance:** The property owner shall be responsible for maintaining the property in a manner consistent with the approved site plan and development agreement.

SECTION 27.12

## Appeals of an Approved Site Plan

- (A) **Appeal:** Any person aggrieved by the decision of the approving authority to approve, approve with conditions, or deny a site plan shall have the right to appeal the decision to the Zoning Board of Appeals, as outlined or permitted in Article 29 Zoning Board of Appeals.
- (B) **Filing Deadline:** An appeal of decision concerning a site plan shall be filed within ten (10) days of the decision of the Planning Commission or Director of Planning and Zoning.
- (C) **Effect:** Filing of a completed appeal of decision application concerning a site plan shall stay any zoning permit issued for the approved site plan until the appeal of decision has been decided. Any work associated with the site plan shall cease until the appeal of decision has been decided, but work necessary to secure the site may continue, as approved by the Director of Planning and Zoning.
- (D) **Record:** In hearing the appeal, the Zoning Board of Appeals shall consider the record established during the site plan review process; additional information shall not be considered

End of Article

# Article 28.

## Special Land Uses

### SECTION 28.01

#### Intent and Purpose

It is the intent and purpose of this Article to:

- (A) Recognize that there are certain uses that may be necessary or desirable to allow in certain locations within zoning districts but which, due to their actual or potential impact on neighboring uses or public facilities, need to be more-carefully reviewed with respect to their location, design, and operation;
- (B) Establish the procedures for review of special land uses;
- (C) Establish standards for review of special land uses;
- (D) Provide a mechanism for public input on decisions involving more-intense land uses;
- (E) Promote a planned and orderly development pattern that can be adequately served by public facilities and services in a cost-effective manner;
- (F) Provide greater flexibility to integrate land uses within the Township; and
- (G) Ensure that more-intense land uses can be accommodated by the environmental condition of their location.

### SECTION 28.02

#### Authority

- (A) **Approval:** The authority to approve, approve with conditions, or deny a special land use shall be with the Planning Commission. Its decision shall be final and may not be appealed to the Zoning Board of Appeals.
- (B) **Amendment or Expansion:** The authority to approve, approve with conditions, or deny an amendment or expansion of an approved special land use shall be with the Planning Commission. Its decision shall be final and may not be appealed to the Zoning Board of Appeals, as outlined in Article 29 Zoning Board of Appeals.

### SECTION 28.03

#### General Provisions

- (A) **Site Plan Required:** The special land use approval shall be before or at the same meeting as the preliminary, combined, or amended site plan review and before administrative site plan approval.



- (B) **Special Land Uses Requiring a Variance:** The applicant shall obtain any necessary variance(s) before special land use approval.
- (C) **Separate Approval:** A separate special land use approval shall be required for each use that requires a special land use approval.
- (D) **Right to Enter Property:** Submission of a special land use application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.
- (E) **Performance Guarantee:** The applicant shall provide a performance guarantee, as outlined in Section 31.05 Performance Guarantee, before issuance of a zoning permit for the special land use.
- (F) **Conditions of Approval:** The approving authority may impose reasonable conditions in granting a special land use approval, amendment, or expansion, as outlined in Section 31.09 Conditions of Approval.
- (G) **Public Hearing:** Special land uses, including original approval and major amendments or expansions of approved special land uses, shall be reviewed by the Planning Commission at a public hearing, as outlined in Section 31.08 Public Hearing.
- (H) **Zoning Permit:** A zoning permit shall be required before establishment, expansion, or amendment of a special land use that has been approved.
- (I) **Change of Special Land Use:** Change of an approved special land use to another special land use shall require a separate review of that new special land use and shall be processed in the same manner as a new application.

SECTION 28.04

## Review Process

Special land uses shall be reviewed as described below and in this Article.

- (A) **Preapplication Meeting:** The applicant shall meet with Township Officials, other agencies, and other interested parties before submission of a special land use application, as outlined in Section 31.04 Preapplication Meeting.
- (B) **Application:** The applicant shall submit a complete and accurate special land use application form. Submission of an application constitutes a representation that all the information is complete and accurate. The application shall include all the following:
  - 1) **Application Form:** A signed and completed application form.
  - 2) **Fee:** An application fee, as outlined in the adopted Fee Schedule.
  - 3) **Site Plans:** The applicant shall submit at least one (1) hard copy and a digital copy of the associated site plan, in a format acceptable to the Township, with the application and shall submit at least fifteen (15) hard copies remaining copies following the review of completeness. When copies are required for site plan review, the number of copies required for the special land use may be reduced.
  - 4) **Additional Materials:** Any additional information determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws.
- (C) **Review of Completeness:** A special land use application shall be reviewed by the Director of Planning and Zoning for completeness, as outlined in Section 31.02(C) Review Applications.
- (D) **Scheduling:** Upon declaration of an administratively complete special land use application by the Director of Planning and Zoning, the application shall be placed on the next available agenda for the Planning Commission. The applicant may request it be placed on a later meeting agenda or may request a special meeting, with payment of an additional special meeting fee





- (E) **Applicant's Responsibilities:** The applicant shall post a public notice sign or signs, provided by the Township, on each road frontage of the site, clearly visible from each adjacent street and mark the property, at least fifteen (15) days before the public hearing. The public notice sign(s) and marking shall be maintained in good condition until a final decision is made.
- (F) **Contact with Planning Commission Members (Ex-Parte Contact):** No person shall communicate directly with any member of the Planning Commission before a hearing with the intent to influence the member's action or decision. Written comments may be submitted to the Director of Planning and Zoning for distribution to the Planning Commission. This shall not prohibit the Director of Planning and Zoning from promulgating staff reports and other related materials to the Planning Commission.
- (G) **Planning Commission Review:** The Planning Commission, following a public hearing, shall approve, approve with conditions, deny, or postpone a special land use using the standards in this Article.
- 1) **Approval:** If a special land use is approved, the Planning Commission shall cite its reasons for approval and any conditions necessary for approval. The concurring vote of at least four (4) members of the Planning Commission shall be necessary for approval.
  - 2) **Denial:** If a special land use is denied, the Planning Commission shall cite its reasons for denial.
  - 3) **Postponement:** If the Planning Commission determines that the special land use does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall cite the reasons for postponement.
- (H) **Timely Decisions:** The Planning Commission shall render its decision within thirty (30) days of the date of the public hearing date, unless a delay is agreed to by the applicant and the Planning Commission. The decision shall be final upon adoption of meeting minutes or signing of a resolution by the Township, whichever occurs first.
- (I) **Acceptance of Conditions:** The approval of any special land use shall only be effective upon acceptance of the approval and any conditions of the approval by the applicant.
- (J) **Expiration:** An approved special land use shall run with the land but shall expire, as outlined below.
- 1) **Establishment:** An approved special land use shall be established within two (2) years of the approval date, or the approval shall become null and void, and the special land use shall extinguish.
  - 2) **Discontinuation:** An approved special land use that has been inactive for a period of two (2) consecutive years or more, whether or not there is an intent to abandon the use, shall become null and void, and the special land use shall extinguish.
  - 3) **Notice:** Upon finding that an approved special land use has expired, the Director of Planning and Zoning shall send written notice to the property owner to the last known address of record.
  - 4) **Effect:** Special land uses that have expired shall be resubmitted for review as a new application.
- (K) **Extension:** Extensions for special land uses shall be processed in the same manner as a new submission, including a public hearing.

## SECTION 28.05

## Decision Criteria

Special land uses shall be approved, or approved with conditions, if the Planning Commission finds all of the following applicable criteria to be true:



- (A) **Master Plan:** The special land use shall be compatible with the goals, objectives, and future land use map of the Master Plan;
- (B) **Zoning District:** The special land use shall be consistent with the intent of the zoning district in which it is located.
- (C) **Compatibility:** The special land use shall not be detrimental or disturbing to existing or reasonably anticipated future uses in the general vicinity and shall not significantly alter the existing or intended character of the general vicinity;
- (D) **Services:** The special land use shall be adequately served by essential public facilities and services, including, but not limited to: streets, police, fire protection, drainage, solid waste disposal, water and sewage, and schools;
- (E) **Health, Safety, and Welfare Impacts:** The special land use shall not involve any activities, processes, or materials that are detrimental to the natural environment or public health, safety, or welfare because of an excessive increase of traffic, noise, vibration, smoke, fumes, odors, glare, or other such nuisances;
- (F) **Mitigation:** The special land use shall provide mitigation to minimize or prevent negative impacts; and
- (G) **Applicable Ordinances and Laws:** The special land use shall comply with the provisions of this Ordinance, other Township Ordinances, and all applicable county, state, and federal laws.

SECTION 28.06

## Rehearing and Reapplication

- (A) **Rehearing:** A rehearing shall be processed in the same manner as the original application, as outlined in Section 31.11 Rehearing of this Ordinance.
- (B) **Reapplication:** A special land use application that has been denied shall not be resubmitted for reconsideration, except as permitted in Section 31.12 Reapplication.

SECTION 28.07

## Suspension and Revocation

An approved special land use may be revoked or suspended as outlined below.

- (A) **Suspension:** An approved special land use may be suspended temporarily and immediately by the Planning Commission, as outlined below in Section 31.13 Suspension.
- (B) **Revocation:** An approved special land use may be revoked by the Planning Commission, as outlined in Section 31.14 Revocation.



## SECTION 28.08

## Amendments and Expansions

An approved special land use may be amended or expanded as outlined below.

- (A) **Amendment or Expansion:** An amendment or expansion of an approved special land use shall be reviewed by the Planning Commission at a public hearing, as outlined in this Article. The Planning Commission may impose reasonable conditions in granting approval of a major amendment or expansion of an approved special land use, as outlined in Section 31.09 Conditions of Approval.
- (B) **Decision Criteria:** An amendment or expansion of an approved special land use shall be approved, or approved with conditions, if the approving authority finds all the following to be true:
- 1) **Original Decision Criteria:** The amendment or expansion of the special land use shall not negatively affect any of the original decision criteria;
  - 2) **Conditions:** The amendment or expansion of the special land use shall not conflict with any conditions of the original approval; and
  - 3) **Impact:** The amendment or expansion of the special land use shall not have a significant impact on the use, value, or enjoyment of the surrounding area or the Township in general or appropriate mitigation measures will be made.

End of Article



# Article 29.

# Zoning Board of Appeals

## SECTION 29.01

### Intent and Purpose

The intent and purpose of this Article is to:

- (A) Create and outline the membership, organization, and procedures of the Zoning Board of Appeals;
- (B) Provide reasonable flexibility from the strict application of the provisions of this Ordinance where a practical difficulty has been determined to exist;
- (C) Establish decision criteria and required findings for developmental-standard variances, appeals of decisions, and interpretations;
- (D) Provide a method for interpretation of this Ordinance and review of actions taken in the administration and enforcement of this Ordinance; and
- (E) Ensure that the intent and purpose of this Ordinance be observed, public safety secured, and substantial justice done.

## SECTION 29.02

### Creation and Membership

- (A) **Establishment:** A Zoning Board of Appeals, first established by the Zoning Ordinance adopted March 27, 1973, retained by the Zoning Ordinance adopted April 15, 2003, is hereby retained in accordance with MCL 125.3601 et seq (part of Public Act 110 of 2006).
- (B) **Membership:** The Zoning Board of Appeals shall consist of five (5) regular members and two (2) alternate members, as outlined below.
  - 1) **Appointment:** All members shall be appointed by the Township Board.
  - 2) **Planning Commission:** One (1) member shall be a member of the Planning Commission.
  - 3) **Township Board:** One (1) member may be a member of the Township Board, but this member shall not serve as the chairperson or vice-chairperson.
  - 4) **Residents:** All members shall be electors residing within the Township's zoning jurisdiction.
  - 5) **Employees:** The Director of Planning and Zoning and other employees or contractors of the Township Board shall not serve on the Zoning Board of Appeals. For the purposes of this Section, members of the Planning Commission, Zoning Board of Appeals, and Township Board shall not be considered employees or contractors.



- (C) **Alternate Members:** Alternate members may be called, as needed, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member or if a regular member has disqualified themselves for reasons of conflict of interest.
- 1) **Not Planning Commission:** Alternate members shall not be a member of the Planning Commission.
  - 2) **Follows the Case:** An alternate member shall serve on a case until a final decision is made.
  - 3) **Voting Rights:** Alternate members shall have the same voting rights as regular members when seated.
- (D) **Terms of Office:** Members shall be appointed for three (3) year terms, except Planning Commission and Township Board members, whose terms shall expire if that member is no longer seated on the Planning Commission or Township Board.
- 1) **Staggered Terms:** Terms of office shall be staggered.
  - 2) **Vacancies:** Vacancies for unexpired terms shall be filled for the remainder of the term.
  - 3) **Remain Seated:** Members will remain seated until a replacement has been appointed and qualified, except for Planning Commission or Township Board members no longer seated on those bodies.
  - 4) **Reappointment:** Members may be reappointed.
- (E) **Conflict of Interest:** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest, as outlined in the Zoning Board of Appeals Rules of Procedure and state law. Failure to do so shall constitute malfeasance in office.
- (F) **Voting Twice:** A member who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.
- (G) **Removal:** A member may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing by the Township Board.

## SECTION 29.03

## Organization

- (A) **Rules of Procedure:** The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties.
- (B) **Officers:** The Zoning Board of Appeals shall annually elect a chairperson, vice-chairperson, and secretary.
- (C) **Meetings and Quorum:** Zoning Board of Appeals meetings shall be held at least annually according to a schedule adopted by the Township Board and at other times as outlined in its Rules of Procedure. At least three (3) members of the Zoning Board of Appeals shall comprise a quorum. The Zoning Board of Appeals shall not conduct official business unless it has a quorum.
- (D) **Open Meetings:** All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act, except for lawfully called executive sessions.
- (E) **Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.
- (F) **Records:** The minutes of all meetings shall contain the grounds for every determination made by the Zoning Board of Appeals, including all evidence and data considered, all findings of fact and conclusions drawn by the Zoning Board of Appeals for every case, along with the vote of each member, and the final ruling on each case. The Zoning Board of Appeals shall file its minutes with the Township Clerk's office.



- (G) **Legal Counsel:** An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

## SECTION 29.04

## Jurisdiction

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in this Ordinance and MCL 125.3601 et seq (Public Act 110 of 2006).

- (A) **Variances:** The Zoning Board of Appeals shall have the power to authorize variances from the standards and provisions of this Ordinance when it determines there is a practical difficulty that prevents a property from complying with the strict letter of this Ordinance, with such conditions and safeguards as it may determine are necessary so that the intent and purpose of this Ordinance is observed, public safety secured, and substantial justice done.
- (B) **Appeals of Decisions:** The Zoning Board of Appeals shall have the authority to hear and decide appeals of decisions where it is alleged by a person aggrieved that there is an error in any order, requirement, permit, decision, action, determination, or refusal made by the Director of Planning and Zoning, any other official, or the Planning Commission in administering or enforcing the provisions of this Ordinance, unless otherwise noted.
- (C) **Interpretations:** The Zoning Board of Appeals shall have the authority to hear and decide the following interpretations:
- 1) **Unclear Language:** The meaning of the text of this Ordinance where the language is not clear or could have multiple meanings;
  - 2) **District Boundaries:** The precise location of the boundary lines between zoning districts where there is dissatisfaction with the administrative decision of the boundary location made by the Director of Planning and Zoning; and
  - 3) **Change of Legally Non-conforming Uses:** The change or substitution of legally non-conforming uses where there is dissatisfaction with the administrative decision made by the Director of Planning and Zoning.
- (D) **Other Duties:** The Zoning Board of Appeals shall have the authority to and shall perform other duties as outlined in state law, this Ordinance, and other Township Ordinances.
- (E) **Use Variance Not Permitted:** The Zoning Board of Appeals shall not have the authority to authorize any use not otherwise permitted within a zoning district.
- (F) **Zoning Map Amendment Not Permitted:** The Zoning Board of Appeals shall not have the authority to alter or change the zoning district classification of any property or to make any change in the terms or intent of this Ordinance.
- (G) **Appeal of Legislative Decision Not Permitted:** The Zoning Board of Appeals shall not have the authority to hear an appeal from a legislative decision of the Township Board.
- (H) **Appeal of Certain Actions Not Permitted:** The Zoning Board of Appeals shall not have the authority to hear an appeal from any decision or order of the Planning Commission with respect to special land uses and planned unit developments.



SECTION 29.05

## Procedures

- (A) **Application:** The applicant shall submit a complete and accurate application form. The application shall include all relevant materials, as determined by the Director of Planning and Zoning, which may include, but is not limited to, an accurate site plan or plot plan, based on a survey, and building elevations. Submission of an application constitutes a representation that all the information is complete and accurate.
- (B) **Fee:** A fee, as outlined in the adopted Fee Schedule, shall be submitted at the time of application.
- (C) **Scheduling:** Upon receipt of a completed application, the request shall be placed on the next available agenda for the Zoning Board of Appeals. The applicant may request it be placed on a later meeting agenda or may request a special meeting, with payment of a special meeting additional fee, as established by the Township Board.
- (D) **Public Hearing:** Petitions to the Zoning Board of Appeals shall be reviewed at a public hearing, as outlined in Section 31.08 Public Hearings.
- (E) **Applicant's Responsibilities:** The applicant shall post a public notice sign, clearly visible from the front lot line, on the affected property and, in the case of variance applications, mark the extent of the proposed structure and lot corners and lot lines of the affected property within 100 feet of the proposed structure at least fifteen (15) days before the Zoning Board of Appeals meeting.
- (F) **Contact with Zoning Board of Appeals Members (Ex-Parte Contact):** No person shall communicate directly with any member of the Zoning Board of Appeals before a hearing with the intent to influence the member's action or decision. Written comments may be submitted to the Director of Planning and Zoning for distribution to the Zoning Board of Appeals. This shall not prohibit the Director of Planning and Zoning from promulgating staff reports and other related materials to the Zoning Board of Appeals.
- (G) **Decision:** The concurring vote of at least three (3) members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter.
  - 1) **Timely Decisions:** The Zoning Board of Appeals shall render its decision within 45 days of the public hearing, unless in the opinion of the Zoning Board of Appeals, an extension of time is necessary to receive or review information necessary to making the decision or if a delay is agreed to by the applicant and the Zoning Board of Appeals.
  - 2) **Decisions Final:** Decisions of the Zoning Board of Appeals shall become final upon adoption of minutes or adoption of a resolution, whichever comes first, unless the Zoning Board of Appeals finds the immediate effect of the decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- (H) **Rehearing:** A rehearing shall be processed in the same manner as the original application, as outlined in Section 31.11 Rehearing.
- (I) **Reapplication:** An application for a variance, appeal of decision, interpretation, or other decision, which has been denied wholly or in part by the Zoning Board of Appeals, shall not be resubmitted for reconsideration, excepted as permitted in Section 31.12 Reapplication.
- (J) **Revocation:** A variance, appeal of decision, interpretation, or other decision may be revoked, following a duly noticed public hearing, as outlined below.
  - 1) **Variance:** A variance may be terminated by the Zoning Board of Appeals, as outlined in Section 31.14 Revocation.





- 2) **Other Decisions:** An appeal of decision, interpretation, or other decision may be revoked if the Zoning Board of Appeals determines the following to be true:
  - a) *The appeal of decision, interpretation, or other decision was the result of fraud or misrepresentation of facts.*
- 3) **Review Limitations:** A variance, appeal of decision, interpretation, or other decision shall not be reviewed for revocation for the same cause more than once in any one (1) year period.

## SECTION 29.06

## Variations

- (A) **Limitations:** Variations shall only be granted when the applicant demonstrates, and the Zoning Board of Appeals determines, that a practical difficulty would result from a failure to grant the requested variance.
- (B) **Stay of Proceedings:** Filing of a completed variance application shall stay all proceedings related to the variance unless the Director of Planning and Zoning certifies to the Zoning Board of Appeals, after a variance application has been filed, that, by reason of facts, a stay would cause imminent peril to life or property, in which case, the proceedings shall only be stayed by a restraining order granted by the Zoning Board of Appeals or a court of record.
- (C) **Decision Criteria:** The Zoning Board of Appeals shall have the power to authorize specific variations from the developmental standards of this Ordinance if it finds, following a public hearing, that all the following are true:
  - 1) **Practical Difficulty:** The strict application of the terms of this Ordinance would constitute a practical difficulty.
  - 2) **Peculiar Physical Condition:** The practical difficulty is due to some physical condition peculiar to the property involved.
  - 3) **Self-created:** The practical difficulty is not self-created.
  - 4) **Reasonable Amount:** The variance is the minimum amount necessary to mitigate the practical difficulty.
  - 5) **Health, Safety, and Welfare:** Approval of the variance will not be injurious to the public health, safety, and welfare.
  - 6) **Adjacent Properties:** Approval of the variance will not affect the use of the adjacent properties or the area in a substantially adverse manner; and
  - 7) **Intent and Purpose:** Approval of the variance is consistent with the intent and purpose of this Ordinance.
- (D) **Conditions:** The Zoning Board of Appeals may place conditions and safeguards on variance approvals, as outlined in Section 31.09 Conditions of Approval, as it determines necessary to observe the intent and purpose of this Ordinance, secure public safety, and do substantial justice. Violations of such conditions and safeguards, that are made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the variance and any zoning permit issued based on that variance.
- (E) **Variance Runs with Land:** Variations shall run with the land, unless otherwise noted. Future owners shall enjoy the benefits of and be obliged to follow and comply with the approval and any conditions placed on the approval.
- (F) **Recording:** The Township shall prepare the approved notice of variance and conditions, which shall be recorded with the Register of Deeds at the applicant's expense.
- (G) **Amendment:** The Zoning Board of Appeals may amend an approved variance or conditions of an approved variance upon request of the applicant and following a public hearing if it determines the amendment would continue to meet the decision criteria for granting the original variance. Granting of an amendment shall not



extend the period of approval beyond the original period unless an extension is granted.

- (H) **Expiration:** A variance shall be good for one (1) year from the date of final decision. A completed application for a zoning permit must be submitted within this period or the variance shall expire unless an extension is granted.
- (I) **Extension:** The Zoning Board of Appeals may grant a single extension for a variance approval of up to one (1) year if it finds all the following are true:
  - 1) **Submission Date:** An administratively complete application for extension has been submitted before the expiration date;
  - 2) **Good-faith Effort:** The project has been diligently pursued or conditions have prevented such action; and
  - 3) **No Changes in Conditions:** Conditions in the area have not changed, including zoning text and zoning map amendments, that affect the original reasons for approval.
- (J) **Right to Enter Property:** Filing of a variance application shall constitute permission for the Township to access the property to complete an onsite investigation for purposes of administering this Article.
- (K) **Zoning Permit Necessary:** Zoning permits shall be required, as outlined in Article 25, shall not be issued until the decision becomes final. If a zoning permit is issued and construction begins before the deadline for filing a judicial appeal of the Zoning Board of Appeals decision has passed, the applicant must sign an acknowledgement that all work must stop if an appeal has been filed with the court of jurisdiction and that any work completed may need to be removed at the applicant's expense.
- (L) **Site Plans Requiring a Variance:** All site plans requiring a variance shall be reviewed by the Planning Commission and shall require both a preliminary and final site plan. The preliminary site plan shall be approved before the Zoning Board of Appeals holds a public hearing for any variances. Any variances shall be approved before the Planning Commission holds a public hearing for the final site plan.
- (M) **Decision Final:** The decision of the Zoning Board of Appeals shall be final. However, appeals may be made from the Zoning Board of Appeals decision to an appropriate court of record, as outlined in state law.

#### SECTION 29.07

## Appeals of Decision

- (A) **Standing:** An appeal of decision may be made by any person, firm, or corporation or by any office, department, board, or bureau aggrieved by a decision of or action by the Director of Planning and Zoning, any other official, or the Planning Commission in administering or enforcing the provisions of this Ordinance, unless otherwise noted.
- (B) **Filing Deadline:** An appeal of decision application shall be filed within 30 days of the decision or action being appealed, unless otherwise noted in this Ordinance.
- (C) **Stay of Proceedings:** Filing of an administratively complete appeal of decision application shall stay all proceedings related to the decision or action being appealed unless the Director of Planning and Zoning certifies to the Zoning Board of Appeals, after an appeal of decision application has been filed, that, by reason of facts, a stay would cause imminent peril to life or property, in which case, the proceedings shall only be stayed by a restraining order granted by the Zoning Board of Appeals or a court of record.
- (D) **Authority:** The Zoning Board of Appeals may reverse, affirm, or modify, in whole or in part, the order, requirement, decision, determination, or action and may issue or direct the issuance of a zoning permit.
- (E) **Decision Criteria:** The Zoning Board of Appeals shall review the record and decision or action being appealed and determine whether the record supports the decision that was made, in light of the standards of this



Ordinance. The Zoning Board of Appeals shall uphold the original decision or action unless the record clearly shows that one or more of the following is true:

- 1) **Arbitrary or Capricious:** The original decision or action was arbitrary or capricious;
- 2) **Erroneous Fact:** The original decision or action was based on an erroneous finding of material fact;
- 3) **Abuse of Discretion:** The original decision or action constituted an abuse of discretion; or
- 4) **Erroneous Interpretation:** The original decision or action was based on an erroneous interpretation of this Ordinance or zoning law.

- (F) **Right to Enter Property:** Filing of an appeal of decision application shall constitute permission for the Township to access the property to complete an onsite investigation for purposes of administering this Section.
- (G) **Decision Final:** The decision of the Zoning Board of Appeals shall be final. However, appeals may be made from the Zoning Board of Appeals decision to an appropriate court of record, as outlined in state law.
- (H) **Refund:** If the decision or action being appealed is fully reversed, the applicant shall be refunded the application fees.

#### SECTION 29.08

## Interpretations

- (A) **Zoning District Boundaries:** The Zoning Board of Appeals shall determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Director of Planning and Zoning. When interpreting zoning district boundaries, the Zoning Board of Appeals shall apply the standards outlined in Section 3.03 Rules for Interpretation.
- (B) **Ordinance Text:** The Zoning Board of Appeals shall interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of this Ordinance, the Article in which the language in question is contained, and all other relevant provisions in this Ordinance.
- (C) **Change or Substitution of Legally Non-conforming Use:** The Zoning Board of Appeals shall review changes or substitutions of non-conforming uses when there is dissatisfaction with a decision made by the Director of Planning and Zoning. When reviewing a change or substitution of a non-conforming use, the Zoning Board of Appeals shall apply the standards outlined in Section 24.04(F) Substitution.
- (D) **Decision Final:** The decision of the Zoning Board of Appeals shall be final. However, appeals may be made from the Zoning Board of Appeals decision to an appropriate court of record, as outlined in state law.
- (E) **Refund:** If the interpretation is fully reversed, the applicant shall be refunded the application fees.

End of Article



# Article 30.

# Amendments

## SECTION 30.01

### Intent and Purpose

The intent and purpose of this Article is to:

- (A) Establish the process to amend this Ordinance;
- (B) Establish decision criteria to be used when reviewing zoning map amendments, conditional zoning map amendments, and zoning text amendments to this Ordinance;
- (C) Ensure this Ordinance is amended to address changed or changing conditions in the Township; and
- (D) Ensure this Ordinance is amended in order to conform with changes to the Master Plan, other Township ordinances, county, state, and federal laws, and court decisions.

## SECTION 30.02

### General Amendment Process

Zoning map and text amendments to this Ordinance shall be reviewed as described below and in this Article.

- (A) **Initiation:** Amendments to this Ordinance shall be initiated by the Township Board, Planning Commission, Zoning Board of Appeals, Director of Planning and Zoning, or one (1) or more owner(s) of property within the Township's zoning jurisdiction that is affected by the proposed amendment.
- (B) **Application:** The applicant shall submit a complete application form and shall include all relevant materials. Submission of an application constitutes a representation that all the information is complete and accurate.
- (C) **Fee:** A fee, as outlined in the adopted fee schedule, shall be submitted at the time of application.
- (D) **Review of Completeness:** An application for an amendment of this Ordinance shall be reviewed by the Director of Planning and Zoning for completeness, as outlined in Section 31.02(C) Review Applications.
- (E) **Scheduling:** Upon declaration of an administratively complete application by the Director of Planning and Zoning, the application shall be placed on the next available agenda for the Planning Commission. The applicant may request it be placed on a later meeting agenda or may request a special meeting, with payment of an additional special meeting fee.
- (F) **Public Hearing:** The Planning Commission shall review amendments to this Ordinance at a public hearing, as outlined in Section 31.08 Public Hearings.



- (G) **Planning Commission Review:** The Planning Commission, following at least one (1) public hearing, shall forward an amendment to this Ordinance to the Township Board with a favorable or unfavorable recommendation, as outlined in Section 30.03 Zoning Map Amendments for zoning map amendments, Section 30.04 Conditional Zoning Map Amendment for conditional zoning map amendments, or Section 30.05 Zoning Text Amendment for zoning text amendments.
- (H) **Township Board Review:** The Township Board, following review at a regular meeting or a special meeting called for that purpose, shall adopt, not adopt, or return an amendment to this Ordinance, as outlined in Section 30.03 Zoning Map Amendment for zoning map amendments, Section 30.04 Conditional Zoning Map Amendment for conditional zoning map amendments, or Section 30.05 Zoning Text Amendment for zoning text amendments.
- (I) **Reapplication:** An application for an amendment to this Ordinance that has been denied shall not be resubmitted for reconsideration, except as permitted in Section 31.12 Reapplication.
- (J) **Publication of Notice of Adoption:** At least one (1) notice of adoption shall be published in a newspaper of record within fifteen (15) days following adoption of an amendment to this Ordinance. The notice shall contain the following information:
  - 1) **Summary or Text:** Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
  - 2) **Effective Date:** The effective date of the amendment; and
  - 3) **Time and Place:** The time and place where a copy of the amended Ordinance may be inspected or purchased.
- (K) **Effective Date:** An amendment to this Ordinance shall be effective in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

SECTION 30.03

## Zoning Map Amendment

Zoning map amendments shall be reviewed as outlined below.

- (A) **Application Materials:** An application for a zoning map amendment shall include the following:
  - 1) **Application Form:** A signed and completed application form;
  - 2) **Fee:** A zoning map amendment application fee, as outlined in the adopted fee schedule;
  - 3) **Survey:** The applicant shall submit at least one (1) hard copy and a digital copy, in a format acceptable to the Township, of the survey with the application and shall submit at least fifteen (15) hard copies following the review of completeness;
  - 4) **Legal Description:** A legal description of the area to be rezoned; and
  - 5) **Additional Materials:** Any additional information determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws.
- (B) **Right to Enter Property:** Submission of an application for a zoning map amendment shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.
- (C) **Applicant's Responsibilities:** The applicant for a zoning map amendment shall post a public notice sign or signs, provided by the Township, clearly visible from each adjacent street, on the affected property or properties and shall mark the area in question, at least fifteen (15) days before the public hearing. This shall not apply when the Township is replacing the Official Zoning Map. The public notice sign(s) and marking shall be maintained in good condition until a final decision is made by the Township Board.



- (D) **Decision Criteria:** The Planning Commission and Township Board shall consider the following in making a recommendation or a decision when reviewing a zoning map amendment:
- 1) **Master Plan:** The zoning map amendment shall be compatible with the goals, policies, and future land use map of the Master Plan. Significant changes and conditions since the Master Plan was adopted, or recent trends in the area, may be considered.
  - 2) **Compatibility with Property:** The possible uses allowed in the proposed zoning district shall be compatible with the property's physical, geological, hydrological, and other environmental characteristics.
  - 3) **Compatibility with Area:** The possible uses allowed in the proposed zoning district shall be compatible with surrounding uses and zoning with respect to land suitability, impacts on the environment, density, nature of use, traffic, aesthetics, infrastructure, and potential influence on property values.
  - 4) **Infrastructure and Services:** There shall be adequate capacity in the Township to provide enough infrastructure and services for possible uses allowed in the proposed zoning district without compromising the general public health, safety, and welfare.
- (E) **Planning Commission Review:** The Planning Commission, following a public hearing, shall forward a zoning map amendment with a favorable or unfavorable recommendation to the Township Board or postpone action.
- 1) **Favorable Recommendation:** If a zoning map amendment receives a favorable recommendation, the Planning Commission shall cite its reasons. The affirmative vote of at least four (4) members of the Planning Commission shall be necessary to receive a favorable recommendation.
  - 2) **Unfavorable Recommendation:** If a zoning map amendment receives an unfavorable recommendation, the Planning Commission shall cite its reasons.
  - 3) **Postponement:** If the Planning Commission determines that a zoning map amendment application does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall cite the reasons for postponement.
  - 4) **Timely Review:** The Planning Commission shall make a recommendation on a zoning map amendment within 60 days of the date it was administratively complete, unless a delay is agreed to by the Planning Commission and the applicant.
  - 5) **Forward to Township Board:** The Planning Commission's recommendation, along with any comments received at any public hearing(s), shall be forwarded to the Township Board within 60 days of making its recommendation.
- (F) **Township Board Review:** The Township Board may adopt, not adopt, or return a zoning map amendment to the Planning Commission.
- 1) **Actions:** The Township Board shall adopt a zoning map amendment as forwarded by the Planning Commission or shall return it to the Planning Commission for further attention, including a list of specific objections. The Township Board may make minor grammatical corrections that do not change the meaning of the zoning map amendment.
  - 2) **Adoption:** A zoning map amendment shall be in the form of an ordinance and shall require the affirmative vote of at least four (4) members of the Township Board.





SECTION 30.04

## Conditional Zoning Map Amendment

As an alternative to zoning map amendments, the Township may allow conditional zoning map amendments to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the zoning map amendment process that may be advantageous to both the applicant and the Township. Conditional zoning map amendments shall be reviewed as outlined below.

- (A) **Preapplication Meeting:** The applicant may request a preapplication meeting with Township Officials, other agencies, and other interested parties before submission of a conditional zoning map amendment, as outlined in Section 31.04 Preapplication Meeting.
- (B) **Application Materials:** An application for a conditional zoning map amendment shall include the following:
  - 1) **Application Form:** A signed and completed application form.
  - 2) **Fee:** A conditional zoning map amendment application fee, as outlined in the Fee Schedule.
  - 3) **Survey:** The applicant shall submit at least one (1) hard copy and a digital copy, in a format acceptable to the Township, of the survey with the application and shall submit at least fifteen (15) hard copies following the review of completeness.
  - 4) **Legal Description:** A legal description of the area to be conditionally rezoned.
  - 5) **Zoning Agreement:** A zoning agreement, as outlined in (H) Zoning Agreement, listing conditions proposed by the applicant.
  - 6) **Additional Materials:** Any additional information determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws.
- (C) **Right to Enter Property:** Submission of an application for a zoning map amendment shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.
- (D) **Applicant's Responsibilities:** The applicant for a conditional zoning map amendment shall post a public notice sign or signs, provided by the Township, clearly visible from each adjacent street, on the affected property or properties and shall mark the area in question, at least fifteen (15) days before the public hearing. The public notice sign(s) and marking shall be maintained in good condition until a final decision is made by the Township Board.
- (E) **Decision Criteria:** The Planning Commission and Township Board shall consider the following in making a recommendation or a decision when reviewing a conditional zoning map amendment:
  - 1) **Master Plan:** The conditional zoning map amendment shall be compatible with the goals, policies, and future land use map of the Master Plan. Significant changes and conditions since the Master Plan was adopted, or recent trends in the area, may be considered.
  - 2) **Compatibility with Property:** The possible uses allowed in the proposed zoning district shall be compatible with the property's physical, geological, hydrological, and other environmental characteristics.
  - 3) **Compatibility with Area:** The possible uses allowed in the proposed zoning district are compatible with surrounding uses and zoning with respect to land suitability, impacts on the environment, density, nature of use, traffic, aesthetics, infrastructure, and potential influence on property values.
  - 4) **Infrastructure and Services:** There shall be adequate capacity in the Township to provide enough infrastructure and services for possible uses allowed in the conditional zoning map amendment without compromising the general public health, safety, and welfare.





- 5) **Conditions:** The conditions outlined in the zoning agreement are adequate to mitigate possible negative impacts of the conditional zoning map amendment on the surrounding area and the Township.
- (F) **Planning Commission Review:** The Planning Commission, following a public hearing, shall forward the conditional zoning map amendment with a favorable or unfavorable recommendation to the Township Board or postpone action.
- 1) **Recommended for Approval:** If a conditional zoning map amendment receives a recommendation for Approval to the Township Board, the Planning Commission shall cite its reasons. The affirmative vote of at least four (4) members of the Planning Commission shall be necessary to receive a favorable recommendation.
  - 2) **Recommended for Denial:** If a conditional zoning map amendment recommendation for denial to the Township Board, the Planning Commission shall cite its reasons.
  - 3) **Postpone:** If the Planning Commission determines that a conditional zoning map amendment application does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall cite the reasons for postponement.
  - 4) **Timely Review:** The Planning Commission shall make a recommendation on a conditional zoning map amendment within 60 days of the date it was administratively complete, unless a delay is agreed to by the Planning Commission and the applicant.
  - 5) **Forward to Township Board:** The Planning Commission's recommendation, along with any comments received at any public hearing(s), shall be forwarded to the Township Board within 60 days of making its recommendation.
- (G) **Township Board Review:** The Township Board may adopt, not adopt, or return a conditional zoning map amendment to the Planning Commission. Review shall be conducted at a regular or special meeting called for that purpose.
- 1) **Actions:** The Township Board shall adopt a conditional zoning map amendment as forwarded by the Planning Commission or shall return it to the Planning Commission for further attention, including a list of specific objections. The Township Board may make minor grammatical corrections that do not change the meaning of the zoning map amendment.
  - 2) **Adoption:** A conditional zoning map amendment shall be in the form of an ordinance and shall require the affirmative vote of at least four (4) members of the Township Board.
- (H) **Zoning Agreement:** The conditions set forth in the zoning agreement shall be voluntary and be equally or more restrictive than the standards that would apply for the proposed zoning district.
- 1) **Form:** The zoning agreement shall be a written agreement that is approved by the applicant and the Township.
  - 2) **Recording:** The conditional zoning map amendment shall not be effective until the zoning agreement has been recorded with the Register of Deeds and a copy has been submitted to the Township. Costs for recording shall be borne by the applicant.
  - 3) **Uses and Standards:** The zoning agreement may include limitations on the uses or outline more restrictive standards for the property. The zoning agreement shall not authorize uses or less restrictive standards than those of the zoning district.
  - 4) **Purpose:** Conditions included in the zoning agreement may be related to the use and development of the property that are necessary for the following:



- a) *Infrastructure and Services: Serving the intended use of the property, such as improvements, extension, widening, or realignment of streets, utilities, storm drains, or other infrastructure serving the property;*
  - b) *Impact: Minimizing the impact of development on surrounding properties; or*
  - c) *Preservation: Preservation of natural features, historic resources, or open space.*
  - 5) **Additional Information:** In addition to any limitations on the use or development of a property, the zoning agreement shall also include all of the following:
    - a) *Voluntarily and Necessary: An acknowledgment that the zoning agreement was proposed voluntarily by the applicant, and the Township relied upon the conditions and may not grant the conditional zoning map amendment without the conditions offered in the zoning agreement;*
    - b) *Authorized by Law: An acknowledgement that the zoning agreement and its terms and conditions are authorized by all applicable state and federal law and constitutions;*
    - c) *Development and Use: An agreement and understanding that the property shall only be developed and used in a manner consistent with the zoning agreement;*
    - d) *Site Plan Required: An agreement and understanding that the conditional zoning map amendment is conditioned upon obtaining site plan approval, etcetera;*
    - e) *Uses: An agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise not be permitted in the proposed zoning district;*
    - f) *Binding: An agreement and understanding that approval of the conditional zoning map amendment shall be binding upon and inure to the benefit of the property owner and the Township, their respective heirs, successors, assigns, receivers, or transferees;*
    - g) *Reversion: An agreement and understanding that if conditional zoning map amendment becomes void, as outlined in this Section, no further development shall take place and the property shall revert back to its original zoning district;*
    - h) *Legal Description: A legal description of the property affected by the zoning agreement; and*
    - i) *Other: Any other provisions agreed upon by the applicant and the Township.*
  - 6) **Future Zoning Map Amendment:** Nothing in the zoning agreement, nor any statement or provision, shall prohibit the Township from adopting a zoning map amendment for all or a portion of land that is subject to a zoning agreement.
  - 7) **Amendment of Zoning Agreement:** A zoning agreement shall only be amended by the mutual consent of the property owner, the Planning Commission, and the Township Board following at least one (1) public hearing.
- (I) **Time Limitation:** The use or uses associated with a conditional zoning map amendment shall commence within two (2) years of the date of approval or the approval shall become null and void and the property shall revert to its original zoning district.
- (J) **Failure to Comply:** Failure to comply with the zoning agreement at any time after approval shall constitute a breach of the zoning agreement and a violation of this Ordinance and shall be deemed a nuisance per se.
- (K) **Reversion:** The conditional zoning map amendment shall be revoked following a public hearing and the property shall revert back to its original zoning district if the Planning Commission determines the zoning agreement is void or the property owner has failed to comply with the conditions of the zoning agreement.



## SECTION 30.05

## Zoning Text Amendment

Zoning text amendments shall be reviewed as outlined below.

- (A) **Application Materials:** An application for a zoning text amendment shall include the following:
- 1) **Application Form:** A signed and completed application form, provided by the Township;
  - 2) **Fee:** A zoning text amendment application fee, as outlined in the adopted fee schedule;
  - 3) **Text:** The applicant shall submit at least one (1) hard copy and a digital copy, in a format acceptable to the Township, of the zoning text amendment, including a detailed statement clearly and completely setting forth all the proposed provisions and regulations with all of the necessary changes to this Ordinance, and indication of the purpose of the zoning text amendment with the application and shall submit at least fifteen (15) hard copies following the review of completeness; and
  - 4) **Additional Materials:** Any additional information determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws.
- (B) **Decision Criteria:** The Planning Commission and Township Board shall consider the following in making a recommendation or a decision when reviewing zoning text amendments:
- 1) **Master Plan:** The zoning text amendment shall be compatible with the goals, policies, and future land use map of the Master Plan; and
  - 2) **State and Federal Law:** The zoning text amendment shall be consistent with state and federal law.
- (C) **Planning Commission Review:** The Planning Commission, following a public hearing, shall forward a zoning text amendment with a favorable or unfavorable recommendation to the Township Board or postpone action.
- 1) **Favorable Recommendation:** If a zoning text amendment receives a favorable recommendation, the Planning Commission shall cite its reasons. The affirmative vote of at least four (4) members of the Planning Commission shall be necessary to receive a favorable recommendation.
  - 2) **Unfavorable Recommendation:** If a zoning text amendment receives an unfavorable recommendation, the Planning Commission shall cite its reasons.
  - 3) **Postpone:** If the Planning Commission determines that a zoning text amendment application does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall cite the reasons for postponement.
  - 4) **Timely Review:** The Planning Commission shall make a recommendation on a zoning text amendment within sixty (60) days of the date it was administratively complete, unless a delay is agreed to by the Planning Commission and the applicant.
  - 5) **Forward to Township Board:** The Planning Commission's recommendation, along with any comments received at any public hearing(s), shall be forwarded to the Township Board within sixty (60) days of making its recommendation.
- (D) **Township Board Review:** The Township Board may adopt, not adopt, or return a zoning text amendment to the Planning Commission.
- 1) **Initial Review:** The Township Board shall adopt a zoning text amendment as forwarded by the Planning Commission or shall return it to the Planning Commission for further attention, including a list of specific objections. The Township Board may make minor grammatical corrections that do not change the meaning of the zoning text amendment without returning it to the Planning Commission.



- 2) **Additional Reviews:** After a zoning text amendment to this Ordinance has been referred to and returned from the Planning Commission, the Township Board shall adopt the zoning text amendment as forwarded by the Planning Commission or with changes or shall return it to the Planning Commission for further attention, including a list of specific objections.
- 3) **Adoption:** A zoning text amendment shall be in the form of an ordinance and shall require the affirmative vote of at least four (4) members of the Township Board.

SECTION 30.06

## **Amendment Required by Court Decree**

An amendment to this Ordinance for the purpose of complying with the decree of a court of competent jurisdiction as to any specific lands shall be adopted by the Township Board and published without requiring a public hearing or review by the Planning Commission, as outlined in MCL 125.3202(5) (Public Act 110 of 2006).

SECTION 30.07

## **Petition for Referendum**

Registered electors may file a notice of intent to file a petition for referendum within seven (7) days of the publication of an amendment to this Ordinance, as outlined in MCL 125.3402 (Public Act 110 of 2006).

End of Article

# Article 31.

## Administration

### SECTION 31.01

#### Intent and Purpose

It is the intent and purpose of this Article to:

- (A) Establish the procedures for the administration of this Ordinance;
- (B) Outline the collection of fees and performance guarantees;
- (C) Establish the procedures for the enforcement of this Ordinance; and
- (D) Establish the penalties for violations of this Ordinance.

### SECTION 31.02

#### Administration and Enforcement

This Ordinance shall be administered and enforced by the Director of Planning and Zoning, or designee.

- (A) **Issue Permits:** The Director of Planning and Zoning shall receive applications for and issue any permits outlined in this Ordinance.
- (B) **Issue Certificates of Zoning Compliance:** The Director of Planning and Zoning shall receive applications for and issue certificates of zoning compliance.
- (C) **Review Applications:** The Director of Planning and Zoning shall review all applications submitted to the Planning Commission and Zoning Board of Appeals for completeness before applications are forwarded to those bodies and shall forward all administratively complete applications and materials in a timely manner, as outlined below.
  - 1) **Review Letter:** The Director of Planning and Zoning shall issue a review letter within fourteen (14) business days of receiving an application stating whether the application is complete or, if not, what additional materials or information is necessary for it to be considered complete. If the review letter is not issued within the above period, the application shall be placed on the next available agenda.
  - 2) **Administratively Complete:** The date on which the Director of Planning and Zoning declares an application complete or the expiration of the fourteen (14) days described above, unless the application has been declared incomplete, shall be considered the date the application is administratively complete.
- (D) **File of Applications:** The Director of Planning and Zoning shall keep and maintain a record of all applications. Records shall be made available for public inspection, in accordance with MCL 15.231 et seq (Public Act 442 of 1976).



- (E) **Addresses:** The Director of Planning and Zoning shall be responsible for developing and implementing an address assignment system and assigning new addresses.
- (F) **Inspections:** The Director of Planning and Zoning shall make inspections of structures, uses, and properties in order to enforce this Ordinance.
- 1) **Assistance:** The Director of Planning and Zoning may engage the assistance of the Township Engineer, Fire Inspector, Building Official, other officials, and other experts to make inspections.
  - 2) **Obstruction:** Persons shall not molest, hinder, or obstruct the Director of Planning and Zoning or authorized individuals from the discharge of their duties. Any time a property owner refuses access to a structure or property for purposes of administering or enforcing this Ordinance, the Director of Planning and Zoning may seek a search warrant in order to make any necessary inspections.
- (G) **Ordinance Violations:** The Director of Planning and Zoning shall be responsible for enforcing the provisions of this Ordinance.
- 1) **Initiation:** Violation complaints and enforcement actions may be initiated by a complaint or by the Director of Planning and Zoning, independently, anytime a violation has been identified.
  - 2) **Record of Complaints:** The Director of Planning and Zoning shall keep a record of every complaint of violation of this Ordinance and of the subsequent actions taken. Records shall be made available for public inspection.
  - 3) **Cease and Desist Order:** The Director of Planning and Zoning may issue a cease and desist order when a structure or property is being used in violation of an issued permit or certificate of zoning compliance, conditions and safeguards established in connection with permits, special land uses, approved site plans, variances, or certificates of zoning compliance, or in violation of this Ordinance, as outlined in Section 31.10(E) Cease and Desist Order.
  - 4) **Stop Work Order:** The Director of Planning and Zoning may issue a stop work order when work is being done in violation of an issued permit, conditions and safeguards established in connection with permits, special land uses, approved site plans, or variances, or in violation of this Ordinance, as outlined in Section 31.10(F) Stop Work Order.
- (H) **Interpretations:** The Director of Planning and Zoning shall interpret this Ordinance but shall not make changes to or vary the terms of this Ordinance. Individuals unsatisfied with this interpretation may appeal for an interpretation to the Zoning Board of Appeals.
- (I) **Reports:** The Director of Planning and Zoning shall submit reports to and offer recommendations to the Township Board, Planning Commission, and Zoning Board of Appeals.
- (J) **Professional Review:** The Director of Planning and Zoning may arrange for professional reviews when an application requires review by the Director of Planning and Zoning, Township Engineer, Township Attorney, Fire Department, or other professionals in order to determine compliance with this Ordinance and other Township Ordinances, county, state, and federal laws, or to address possible concerns to public health, safety, and welfare.



## SECTION 31.03

## Fees

Fees for the issuance of permits, inspections, review of development proposals, and applications to the Planning Commission, Zoning Board of Appeals, or Director of Planning and Zoning shall be paid in advance of processing or issuance.

- (A) **Fee Schedule:** The Fee Schedule shall be adopted by the Township Board and shall cover the Township's cost of review and inspection, including, but not limited to: costs associated with conducting public hearings, public body and staff time and mileage, and costs associated with review by qualified professionals.
- (B) **Professional Review:** Payment of a review fee may be required to cover the anticipated costs of a professional review. The applicant shall receive a copy of any reports and a statement of expenses.
- (C) **Fee Balance:** The applicant shall receive any unused balance paid towards professional review within 60 days of the time a permit is issued, an application is approved, or the review of a development proposal is concluded, in accordance with Township policy. If the actual professional review costs exceed the fee that was paid, the applicant shall pay the balance before a permit or certificate of zoning compliance is issued.

## SECTION 31.04

## Preapplication Meetings

Applicants shall meet with Township Officials, other agencies, and other interested parties before submission of various applications, as outlined in this Ordinance.

- (A) **Intent:** The intent of the preapplication meeting is to inform Township Officials and other interested parties of the general concept of the proposed development and to provide the applicant with feedback and guidance concerning the application. Statements made during a preapplication meeting are not legally-binding on any party nor construed as representing approval or actions the approving authority may make during open space community review.
- (B) **Township Attendance:** The Director of Planning and Zoning shall invite the following individuals to attend the preapplication meeting:
  - 1) **Township Officials:** Other Township Officials, including, but not limited to, the Planning Commission Chair, the Township Engineer, and the Township Attorney; and
  - 2) **Other Agencies:** Officials from other agencies, including, but not limited to; the Road Commission, the Environmental Health Department, the Water Resources Commissioner, the Fire Department, and local schools.
  - 3) **Applicant Attendance:** The applicant, or an agent, shall attend and shall be responsible for inviting individuals responsible for preparing the plan.





SECTION 31.05

## Performance Guarantee

A performance guarantee may be required by this Ordinance or the approving authority as a condition to and before the issuance of a zoning permit, certificate of zoning compliance, or other approval in order to ensure compliance with the standards of this Ordinance, the zoning permit, certificate of zoning compliance, an approval, a condition of approval, or applicable state and federal laws.

- (A) **Amount:** The amount of the performance guarantee shall be adequate to complete the improvements, restore the site, and maintain the site, and cover Township costs.
- (B) **Form:** The performance guarantee shall be a cash deposit, performance bond, or irrevocable (*evergreen*) letter of credit.
- (C) **Waiver of Performance Guarantee:** The Township Board may waive the requirement for a performance guarantee for site plans, special land uses, open space communities, and commercial planned unit developments if it finds all of the following to be true:
  - 1) **Minor Project:** The scope of the project is of a such limited nature that a development agreement is not necessary to ensure completion; and
  - 2) **Other Guarantees:** There are other guarantees that will ensure that the project will be developed according to the approval and any conditions of that approval.

SECTION 31.06

## Development Agreement

A development agreement between the applicant and the Township shall be necessary for all final, combined, and amended site plan approvals, in order to ensure compliance with the standards of this Ordinance and other county, state, and federal laws and to ensure orderly development, while protecting the health, safety, and general welfare.

- (A) **Authority:** The Township Board shall have the authority to approve or waive the requirement for a development agreement.
- (B) **Waiver:** The Township Board may waive the development agreement if it finds all the following to be true:
  - 1) **Minor Project:** The scope of the project shall be of such a limited nature that a development agreement is not necessary to ensure completion; and
  - 2) **No Harm:** The lack of a development agreement shall not cause harm to surrounding properties or the Township in general.
- (C) **Recording:** The development agreement, following approval by the Township Board, shall be recorded with the Register of Deeds at the developer's expense, with a copy provided to the Township.





## SECTION 31.07

**Notices**

Notice shall be given for all public hearings, administrative adjustments, and administrative site plans, as outlined below.

- (A) **Public Hearings:** Notices for public hearings shall comply with MCL 125.3103 (Public Act 110 of 2006) and the following.
- 1) **Public Notice Content:** Notices for public hearings, including newspaper and mailed notices, shall contain the following:
    - a) *Description: A description of the type and nature of the request;*
    - b) *Location: For public hearings involving a specific property or properties, the location of the property or properties involved, including the street address(es). If street addresses do not exist, other means of identification may be used;*
    - c) *Time and Place: The date, time, and place of the public hearing;*
    - d) *Comments: A statement describing when and where written comments will be received and a statement that the public may appear at the public hearing in-person or by agent; and*
    - e) *Handicap Access: Information concerning how handicap access will be accommodated if the meeting is not handicap accessible.*
  - 2) **Publication and Delivery:** Notice shall be published and mailed at least fifteen (15) days before a public hearing, as follows:
    - a) *Newspaper: Notice shall be published in a newspaper of general circulation in the Township;*
    - b) *Owner/Applicant: Notice shall be sent by first class mail or personal delivery to the property owner(s) and applicant(s); and*
    - c) *Interested Persons: Notice shall be sent by first class mail or personal delivery to the owners and residents of properties within 300 feet of the property in question and to those registered to receive notice.*
- (B) **Administrative Adjustments and Administrative Site Plans:** Notices for administrative adjustments and administrative site plans shall comply with the following:
- 1) **Notice Content:** Notices for administrative adjustments and administrative site plans shall contain the following:
    - a) *Description: A description of the type and nature of the request;*
    - b) *Location: The location of the property or properties involved, including the street address(es). If street addresses do not exist, other means of identification may be used; and*
    - c) *Comments: A statement describing when and where written comments will be received.*
  - 2) **Delivery:** Notice shall be mailed at least fifteen (15) days before a final decision is made, as follows:
    - a) *Owner/Applicant: Notice shall be sent by first class mail or personal delivery to the property owner(s) and applicant(s); and*
    - b) *Interested Persons: Notice shall be sent by first class mail or personal delivery to the owners and residents of properties within 300 feet and to those registered to receive notice.*
- (C) **Interpretations or Appeals of Decisions Notice:** Notice for interpretations or appeals of decisions that do not relate to a specific property shall only require newspaper publication and a letter to the applicant.
- (D) **Zoning Text Amendment Notice:** Notice for zoning text amendments that do not relate to a specific property



shall only require newspaper publication and a letter to the applicant.

- (E) **Registration to Receive Notice:** Any public utility, railroad, airport, neighborhood association, or person may register with the Director of Planning and Zoning to receive written notice of all applications requiring public notice.
- 1) **Period:** Registration shall be valid through the end of that calendar year.
  - 2) **Fees:** The Township may charge a fee for registering to receive the notices.

#### SECTION 31.08

## Public Hearings

Public hearings, when required by this Ordinance or State law, shall meet the standards outlined below.

- (A) **Notice of Hearing:** Public notice of the public hearing shall be given as outlined in Section 31.07 Notices.
- (B) **Hearing Appearance:** Any party may appear in person or by duly authorized agent or attorney at a public hearing.
- (C) **Hearing Recess:** Public hearings may be recessed from time-to-time, with notice conforming to the requirements of the Open Meetings Act.
- (D) **Additional Notice:** If a duly noticed public hearing is postponed to a specific date, additional public notice shall not be required.

#### SECTION 31.09

## Conditions of Approval

Reasonable conditions may be placed on approvals, as outlined below.

- (A) **Health, Safety, and Welfare:** Conditions shall be designed to protect the health, safety, and welfare of those who will use the lot under consideration, residents and landowners immediately adjacent to the lot, and the community as a whole.
- (B) **Public Services and Facilities:** Conditions shall be designed to ensure that public services and facilities affected by a proposed activity or structure will be capable of accommodating the resulting increased service and facility loads.
- (C) **Police Power:** Conditions shall be related to the valid exercise of the police power and purposes that are affected by the activity.
- (D) **Compliance:** Conditions shall be necessary to ensure compliance with the standards and provisions of this Ordinance, other Township Ordinances, or state and federal law.



## SECTION 31.10

## Violations, Fines, and Penalties

Violation of any provision of this Ordinance or failure to comply with any of its requirements, including conditions and safeguards established in connection with permits, special land uses, site plans, variances, or certificates of zoning compliance, shall be nuisances per se, municipal civil infractions, and/or misdemeanors.

- (A) **Nuisances Per Se:** Any use of a structure or property, the excavation, erection, alteration or moving of any structure, or any other violation of the provisions of this Ordinance is a nuisance per se. The owner of record or agent in charge of the structure or property shall be liable for maintaining a nuisance. Any act, use, thing, structure, or occupation that violates any provision of this Ordinance or condition of approval is declared a nuisance per se and may be abated by a court of competent jurisdiction.
- (B) **Presumption/Party to Violation:** The owner of record or tenant of any structure, property, or part thereof, and any architect, contractor, agent, or other person(s) who commits, participates in, assists, aids, or maintains such violation may each be found guilty or responsible for each separate offense and be subject to the fines and penalties provided for in this Ordinance. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner of record, as disclosed in the Township's current assessment roll, has authorized all structures and uses.
- (C) **Inspection of Violation:** Each alleged violation of this Ordinance shall be inspected, and a record shall be kept of the findings. Records shall be made available for public inspection.
- (D) **Scope of Remedies:** The Township may pursue all remedies available. Enforcement by one remedy does not preclude or waive enforcement by another remedy. The imposition of any fine, penalty, jail sentence, or combination of the above shall not exempt a violator from compliance with the provisions of this Ordinance. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.
- (E) **Cease and Desist Order:** If a violation of this Ordinance concerning the use of any structure or property is determined to exist after an inspection, a cease and desist letter may be issued in the form of a written notice ordering an immediate cessation of the use that is in violation. A cease and desist order may be issued to any person that is subject to the provisions of this Ordinance.
- 1) **Effective:** A cease and desist order shall be effective once it has been posted on the property where the violation exists and a copy has been sent to the last known address of the property owner. Additional copies of the cease and desist order may be sent to other responsible parties to the violation, if different and known.
  - 2) **Effect:** Once a cease and desist order has been issued, any use or work done in violation of this Ordinance shall stop immediately and shall not resume until the Director of Planning and Zoning issues a written notice ending the cease and desist order. Work necessary to secure the structure or property may continue, as authorized by the Director of Planning and Zoning.
  - 3) **Violation:** Any violation of a cease and desist order shall be a violation of this Ordinance.
  - 4) **Other Remedies:** A cease and desist order shall be in addition to other penalties and remedies provided by this Ordinance and state and federal law.
- (F) **Stop Work Order:** If a violation of this Ordinance concerning the construction of any structure or improvement of any property is determined to exist after an inspection, a stop work order may be issued in the form of a written notice ordering an immediate stop of the work being done in violation of this Ordinance. A stop work order may be issued to any person that is subject to the provisions of this Ordinance.
- 1) **Effective:** A stop work order shall be effective once it has been posted on the property where the violation occurs. Copies of the stop work order may also be sent to the last known address of the property owner.



Additional copies of the stop work order may be sent to other responsible parties to the violation, if different and known.

- 2) **Effect:** Once a stop work order has been issued, any use or work done in violation of this Ordinance shall stop immediately and shall not resume until the Director of Planning and Zoning issues a written notice ending the stop work order. Work necessary to secure the structure or property may continue, as authorized by the Director of Planning and Zoning.
- 3) **Violation:** Violation of a stop work order or removal a stop work order without authorization shall be a violation of this Ordinance.
- 4) **Other Remedies:** A stop work order shall be in addition to other penalties and remedies provided by this Ordinance and state and federal law.

**(G) Municipal Civil Infraction:** Any person, corporation, partnership, limited liability corporation, or other entity who violates this Ordinance or fails to comply with any of its provisions, including conditions and safeguards established in connection with a permit, special land use, site plan, variance, or certificate of zoning compliance shall be responsible for a municipal civil infraction, as defined by Michigan law. Payment of a fine shall not allow the violation to continue. Each day a violation continues shall be considered a separate offense. If found responsible, the responsible party shall pay all costs and expenses, direct and indirect, including, but not limited to staff time and attorney costs, that the Township has incurred and shall be subject to the civil fines listed below.

- 1) **Use Violations:** For violations of any provision of this Ordinance, including conditions and safeguards established in connection with a permit, preliminary certificate of zoning compliance, site plan, or special land use, the following fines shall apply:
  - a) *First Violation: First violation within a three (3) year period, determined by the date of violation: \$500.00;*
  - b) *Second Violation: Second violation within a three (3) year period, determined by the date of violation: \$1,000.00;*
  - c) *Third Violation: Third violation within a three (3) year period, determined by the date of violation: \$2,000.00;*
  - d) *Fourth and Subsequent Violation: Fourth and subsequent violation(s) within a three (3) year period, determined by the date of the violation: \$5,000.00.*
- 2) **Non-use Violations:** For violations of any other provision of this Ordinance, including conditions and safeguards established in connection with a permit, variance, appeal, certificate of zoning compliance, or site plan, the following fines shall apply:
  - a) *First Violation: First violation within a three (3) year period, determined by the date of violation: \$200.00;*
  - b) *Second Violation: Second violation within a three (3) year period, determined by the date of violation: \$400.00;*
  - c) *Third Violation: Third violation within a three (3) year period, determined by the date of violation: \$800.00;*
  - d) *Fourth and Subsequent Violation: Fourth and subsequent violation(s) within a three (3) year period, determined by the date of violation: \$1,200.00.*

**(H) Misdemeanor:** Any person, corporation, partnership, limited liability corporation, or other entity who violates this Ordinance or fails to comply with any of its provisions, including conditions and safeguards established in connection with a permit, special land use, variance, appeal, certificate of zoning compliance, or approved site plan, may be prosecuted for a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$500.00, imprisonment of not more than 90 days, or both, and shall pay all costs and expenses, direct and indirect, that the Township has incurred. Each day a violation continues shall be considered a separate offense.



- (I) **Remedies:** The Director of Planning and Zoning or Township Attorney may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoy, abate, or remove any unlawful erection, alteration, maintenance, or use. The rights and remedies provided above are civil in nature.

## SECTION 31.11

## Rehearing

A rehearing shall be processed in the same manner as the original application, including a new fee, unless initiated by the Planning Commission or Township Board, as outlined below.

- (A) **Filing Deadline:** A request for rehearing shall be made within 30 days of the decision becoming final, unless otherwise noted in this Ordinance.
- (B) **Decision Criteria:** The only grounds upon which a rehearing of a previously denied application shall be granted is if the approving authority, upon inspection, finds one (1) or more of the following to be true:
- 1) **New Evidence:** Newly discovered evidence is available that may affect the decision that was made;
  - 2) **Inaccurate Evidence:** Evidence previously relied upon is found to be inaccurate; or
  - 3) **Procedures:** Proper procedures were not followed.
- (C) **Effect:** If a rehearing is granted, the approving authority shall review the application and may consider new evidence.

## SECTION 31.12

## Reapplication

An application that has been denied shall not be resubmitted for reconsideration for a period of one (1) year from the date the decision became final, unless one (1) of the following is true:

- (A) **Changed Conditions:** The approving authority, upon inspection, finds proof of changed conditions that contributed to the denial; or
- (B) **Changes to Application:** Substantial changes have been made to the application that addresses the reasons for denial.

## SECTION 31.13

## Suspension

An approval may be suspended temporarily and immediately by the approving authority, as outlined below.

- (A) **Public Hearing:** A public hearing shall not be necessary for suspension of an approval.
- (B) **Notice:** The applicant shall receive written notice of the possible suspension, including the time and place the suspension will be considered and the reason for the suspension.
- (C) **Decision Criteria:** In order to suspend an approval, the approving authority shall find all of the following to be true:
- 1) **Threat:** A severe and imminent threat exists to the health, safety, and welfare of neighboring persons or properties; and



- 2) **Delay:** The delay required for noticing would be detrimental to efforts to mitigate or respond to the threat.
- (D) **Effect:** Upon suspension of an approval, all activity shall cease immediately, except for work directly related to securing the site, correcting the violation, or addressing the threat, as approved by the Director of Planning and Zoning.
- (E) **Removing Suspension:** The approving authority shall outline the conditions necessary for removal of suspension.

#### SECTION 31.14

## Revocation

An approval may be revoked by the approving authority, as outlined below.

- (A) **Public Hearing:** If the Planning Commission is the approving authority, the revocation shall be heard at a public hearing.
- (B) **Notice of Hearing:** When the revocation will be heard at a public hearing, the Township shall give public notice for the public hearing, as outlined in Section 31.07 Notices. Written notice shall be sent to the applicant of the possible revocation, including the time and place the revocation will be considered and the reason for the revocation.
- (C) **Decision Criteria:** In order to revoke an approval, the approving authority shall find any one (1) of the following to be true:
  - 1) **Ordinance Standard:** The approval or execution or use of a zoning permit related to the approval is not consistent with a standard of this Ordinance as it existed at the time of approval;
  - 2) **Approval and Conditions:** The approval or execution or use of the zoning permit related to the approval is not consistent with the approval, any condition of approval, or any written commitment; or
  - 3) **Fraud:** The approval was a result of fraud or misrepresentation of facts.
- (D) **Effect:** Upon revocation of an approval, all activity shall cease immediately, except for work directly related to securing the site or correcting a violation, as approved by the Director of Planning and Zoning.
- (E) **Reinstatement:** An approval that has been revoked shall be submitted for review and approval as a new application.

#### SECTION 31.15

## Moratorium

The Township Board may adopt a moratorium to on the acceptance, processing, or issuance of zoning permits or other applications to temporarily defer or delay development, as outlined below.

- (A) **Intent and Purpose:** The moratorium shall be necessary to address at least one (1) of the following:
  - 1) **Direct Threat:** Address a direct threat to the public health, safety, and welfare;
  - 2) **Overburdening:** Prevent the shortage or overburdening of public facilities or services that would otherwise occur during the period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development;



- 3) **Serious Public Harm:** Prevent serious public harm due to the application of the existing Master Plan, use and development standards of this Ordinance, and other applicable laws, is not adequate to prevent serious public harm; or
  - 4) **Develop Standards:** Allow the Township the adequate time to develop and adopt necessary standards to address use or structure that is not adequately addressed in this Ordinance.
- (B) **Period:** A moratorium shall be for a limited, definite period, as outlined below.
- 1) **Effective Date:** A moratorium may be effective immediately upon adoption.
  - 2) **Period:** A moratorium shall be for a term not to exceed 180 days.
  - 3) **Extension:** A moratorium may be extended one (1) time for a period not to exceed 180 days, if all the following are true:
    - a) *Still Exists: The need for the moratorium continues to exist; and*
    - b) *Progress: Reasonable progress is being made to address the need for the moratorium.*
- (C) **Resolution:** The moratorium shall be in the form of a resolution adopted by the Township Board.
- 1) **Contents:** The resolution adopting the moratorium shall contain the following information:
    - a) *Effect: What specifically the moratorium affects;*
    - b) *Purpose: The intent and purpose of the moratorium; and*
    - c) *Period: The start and finish dates for the moratorium.*
  - 2) **Publishing:** The resolution adopting the moratorium shall be published in a newspaper of general circulation within fourteen (14) days, but the moratorium may be effective as soon as adopted.

End of Article