

LIMA TOWNSHIP



ZONING ORDINANCE

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With Changes through July 9, 2018

LIMA TOWNSHIP PLANNING COMMISSION

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The Planning Commission would like to recognize the following individuals for their time and effort in the development of this Ordinance: Else Heller, Recording Secretary, and Tom Caplis, Zoning Administrator.



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ARTICLE 1

TITLE, PURPOSE, CONSTRUCTION RULES APPLYING TO TEXT AND ENABLING AUTHORITY

Section 1.1. Title.

This Ordinance shall be known and cited as the Lima Township Zoning Ordinance.

Section 1.2. Purpose.

1.2.1. The purpose of this Ordinance is to provide for the regulation of land development and the establishment of districts in the portions of the Township outside the limits of cities and villages which regulate the use of land and structures; to meet the needs of the state's citizens for food, fiber, energy and other uses of land; to insure that the use of land shall be situated in appropriate locations and relationships; to prevent the inappropriate overcrowding of facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public services and facility requirements; and to promote the public health, safety, and general welfare of the residents of Lima Township by imposing certain regulations and restrictions.

1.2.2. In order to more efficiently protect and promote the general welfare and to accomplish the aims and purposes of the Lima Township Master Plan, the Township is divided into districts of such number, boundaries, shape and area, and of such common unity of purpose, adaptability of use, that are deemed most suitable to provide the best civic use, protect the common rights and interest of all, and to promote improved wholesome, harmonious, aesthetic development of said Township; and by further regulations and restrictions to limit the location, height, bulk, number of stories, size of dwellings, the uses and occupancy of dwellings, structures and land for residential, agricultural, commercial, industrial or other purposes; to regulate the size of front, rear and side yard, courts, or other open spaces; to promote a Board of Appeals, defining and limiting the power and duties of said Board and providing the means for enforcing said Ordinance.

Section 1.3. Scope and Construction of Regulations.

1.3.1. This Ordinance shall be liberally construed in such manner as to best effectuate its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.

1.3.2. No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except as permitted by and in conformity with the provisions of this Ordinance.

1.3.3. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern. This section is not intended to supersede the Mobile Home Commission Act, 1987 PA 96, as amended.

1.3.4. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

Section 1.4. Rules Applying to the Text.

The following rules shall apply to the text and language of this Ordinance:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- E. The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- F. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

Section 1.5. Validity and Severability Clause.

1.5.1. If any Court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

1.5.2. If any Court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

ARTICLE 2

DEFINITIONS

Section 2.1. Purpose.

For the purpose of this Ordinance, certain words and terms are herewith defined. Such definitions are subject to the rules set forth in Section 1.4, Rules Applying to the Text.

Section 2.2. Definitions.

Accessory (Use or Structure). A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Accessory Use. A use that is incidental and subordinate to the principle use of the land or buildings.

Adult Foster Care Facility. A residential structure that is licensed to provide room and board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Act 218 of 1979, as amended, or Act 287 of 1972, as amended, and the Adult Foster Care Administrative Rules' as administered by the Michigan Department of Human Services. The following four (4) types of Adult Foster Care Homes are provided for in the Adult Foster Care Administrative Rules:

- A. *Adult Foster Care Family Home:* A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- B. *Adult Foster Care Small Group Home:* An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- C. *Adult Foster Care Large Group Home:* A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. Local zoning is required prior to issuance of a license.

- D. *Adult Foster Care Congregate Facility.* An Adult Foster Care Congregate Facility is a facility with the approved capacity to receive more than 20 adults who shall be provided foster care. Section 15 of P.A. 218 prohibits the licensure of new adult foster care congregate facilities.

Agriculture. The use of land for tilling of the soil, the raising of tree and field crops, or raising of animals as a source of income.

Airport. The use of land, including water, runway, or other facility designed, used or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie down areas, hangars and other necessary buildings, structures and open spaces. Other uses to be included: ticket offices, restaurants, confections, luggage checking facilities, and parcel shipping facilities.

Altered. Any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, joists, girders, and similar components, or any substantial change in the roof or exterior walls, or any change in the type of occupancy. Also includes the words "reconstructed" and "alteration".

Antique. Furniture, jewelry, silverware and other items that are at least one hundred (100) years old.

Antique Shop. A business establishment primarily devoted to the sale of furniture, silverware, jewelry, and other items that are generally at least one hundred (100) years old.

Adult Motion Picture Theater. An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult Physical Culture Establishment. An "Adult Physical Culture Establishment" is any establishment club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:

- A. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
- B. Electrolysis treatment by a licensed operator of electrolysis equipment;
- C. Continuing instruction in material or performing arts or in organized athletic activities,
- D. Hospitals, nursing homes, medical clinics or medical offices; and

- E. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.

Adult Supply Store. Premises used for the sale, distribution, display or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia or similar materials that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"

"Specified Sexual Activities" are defined as:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy,
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And, "Specified Anatomical Areas" are defined as:

- A. Less than completely and opaquely covered: (A) human genitals, pubic region, (B) buttock, and (C) female breast: below a point immediately above top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

Animal. A zoological species, classified for purposes of this Ordinance as follows:

- A. Class I Animal: Domesticated household pets weighing less than one hundred-fifty (150) pounds.
- B. Class II Animal: An animal that is normally part of the livestock maintained on a farm, including.
 - 1. Bovine and like animals, such as the cow.
 - 2. Equine and like animals, such as the horse.
 - 3. Swine and like animals, such as the pig and hog.
 - 4. Ovis (ovine) and like animals, such as the sheep and goat.
 - 5. Other animals, similar to those listed in subsections 1. through 4. above, weighing in excess of seventy-five (75) pounds, and not otherwise specifically classified herein, such as Llamas, Ostrich, Emu, or Elk.

- C. Class III Animal: Rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as wildfowl, such as pheasant, quail, geese or grouse, and other animals weighing less than seventy-five (75) pounds not specifically classified herein.

Arcade. Any place, premises, establishment, or room within a structure within which are located three (3) or more amusement devices. For purposes of this section, amusement devices shall mean any device, machine or apparatus operated by a patron who plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddy rides, jukeboxes, bowling alleys, or pool tables.

Architectural Features. Architectural features of a building shall include but not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

As Built Drawing. Final drawings or plans that are the result of modifications in the field.

Assembly. Means any temporary amusement enterprises, outdoor temporary gathering, and any similar event, all or part of which includes a theatrical exhibition, musical performance, public show, a lighting or visual display or event involving the amplified transmission of sound (both of which may unreasonably impact adjacent public highways or properties), entertainment, amusement or other exhibition, but does not mean:

- A. An event conducted or sponsored by a governmental unit or agency on publicly owned land or property;
- B. An event at which fewer than 150 people, exclusive of the sponsor's employees, are expected to or do attend;
- C. Estate or "farm" auctions, or events that are private and not open to the public.

Assembly Hall or Dance Hall. A large public or semi-public building, room, or structure in which a group of people can gather together for worship, meetings, instruction, banquets, exhibits or entertainment.

Auto body Shop. Building and premises used primarily for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing, and similar activity.

Automobile Service Station. Building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories are dispensed at retail cost and minor maintenance services may be provided. Uses permitted at an automobile service station include such minor repairs as brake and front-end work, tune-ups, shock absorbers, valve jobs, fuel pumps, and carburetors.

Excluded are major repairs such as removal and overhaul of drive train components, engines, transmissions, and differentials or other major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station does not do body work.

Bar. An establishment containing tables and chairs, and a counter at which alcoholic beverages and sometimes food are served to be consumed on the premises.

Basement. That portion of a building that is wholly or partly below grade is a basement when the vertical distance from finished grade to floor is greater than the vertical distance from finished grade to ceiling. A basement shall not be included as a story for height measurement, except as provided in the definition of “story.”

Bedroom. A bedroom is a dwelling room used for or intended to be used in whole or in part for sleeping purposes, by human beings.

Bed and Breakfast. Detached dwellings in which a maximum of six (6) sleeping room are rented with or without meals for hire or pay, for the traveling or vacationing public.

Billboard. See Sign, Billboard

Block. The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Board of Appeals. As used in this Ordinance, the term Board of Appeals means the Township of Lima, Michigan, Zoning Board of Appeals.

Building. Temporary or permanent structure, or any part thereof, having a roof supported by columns or walls. A detached building is one (1) separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

Buildable Area. The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Building Code. The currently designated code or codes regulating building construction in the Township of Lima.

Building Frontage. The portion of a building that principally faces a public or private right-of-way.

Building Height. The building height is the vertical distance measured from the established grade reference level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height may be measured from the average ground level of the grade at the building wall.

Building Setback Line. The line established by the minimum required setbacks forming the area within a lot in which a building may be located, unless otherwise provided for by this Ordinance.

Building, Main or Principal. A building in which the principal use of the lot on which it is located is conducted.

Building Official. The administrative official designated by the Township Board to enforce the Building Code and/or portions of this Ordinance.

Building Permits. A building permit is the written authority issued by the Building Official permitting the construction, removal, moving, alteration, or use of a building, fence, or sign in conformity with the provisions of this Ordinance.

Bus Station. A building or premises where commercial motor vehicles pick up and discharge fare paying, intercity passengers. Accessory uses may include ticket offices, luggage checking facilities and similar uses.

Cabaret. A cabaret is an establishment where live entertainment is provided, presented, permitted or performed including but not limited to, dance, comedy, theatrical, or musical performances, or performances which are distinguished or characterized by an emphasis on, or related to, "specified anatomical areas" (as heretofore defined) for observation by persons or patrons therein.

Campground. A plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes. (Subject to Section 5.11 Campgrounds)

Church. A building or structure wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

Cemetery. Property used for the interring of the dead. May include a structure for the cremation of remains and facilities for storing ashes of remains that have been cremated of the dead. Also may include structures for the interment of the dead in sealed crypts or compartments.

Change of Use. Any alteration of a lot, parcel, land, or structure which is an intensification of use which results in one (1) or more of the following:

1. A change of land use which requires additional parking
2. A significant change in traffic flow or interior circulation

3. A change in the hours of operation which could impact surrounding areas
4. A change in stormwater flow or an increase in impervious area
5. A change which has the potential to require additional public service such as police and fire

Child Day Care Facilities. The following definitions shall apply in the construction and application of this Ordinance (Also Subject to Section 5.13, Child Day Care Facilities):

- A. **Family Day Care Home:** A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. **Group Day Care Home:** A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. **Day Care Center:** A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

Child Foster Family Facilities – Means the following:

- A. **Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- B. **Foster Family Group Home.** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Clear Vision Area. The clear vision area (sometimes called the "sight triangle") is a triangular-shaped area on corner lots. Objects within this area are limited to between the heights of three (3) feet and ten (10) feet above the road grade level so that drivers stopped at an intersection can see oncoming traffic. See illustration on page 2-34.

Clinic. An establishment where patients are examined and treated by physicians, dentists, veterinarians or members of similar professions. A clinic shall not include overnight boarding facilities.

Club. Buildings or facilities owned and operated by a corporation, association or persons for social or recreational purposes for members and guests, but not operated primarily for profit or to render a service customarily carried on as a business.

Collectables. Any class of items that can be collected for a hobby or for sale that are usually old, but not an antique.

Commercial Recreation. A recreational type of business that is primarily operated for profit and that can be subdivided into either indoor or outdoor types, such as an indoor or outdoor golf driving range.

Commercial Use. Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or services.

Commission. The words "Commission" or "Planning Commission" shall mean the Lima Township Planning Commission.

Community Supported Agriculture or CSA. A CSA is a marketing strategy in which a farm produces farm products for a group of farm members or subscribers who pay in advance for their share of the harvest. Typically the farm members receive their share once a week, sometimes coming to the farm to pick up their share; other farms deliver to a central point.

Community Wastewater Utility System or Systems. A facility which is owned by a non-governmental entity and is designed, constructed, operated and maintained to transport, collect, process, and treat sanitary sewage from more than one structure.

Condominium. A real estate project in which each unit owner has title to a unit within a building or a subdivision of land, and an undivided interest in the common areas of the project. Sometimes the unit owner also has the exclusive use of certain limited common areas.

Convalescent or Nursing Home. A convalescent home or nursing home is a state licensed facility for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with it and having a gross floor area of less than 5,000 square feet.

Cul-De-Sac. Cul-de-sac street means a minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.

Development. The construction of a new building on a zoning lot that is appropriately zoned the relocation of an existing building on another zoning lot an appropriately zoned lot, or the utilization of open land that is appropriately zoned for a new use.

District. A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

Dog Park: A dog park is a designated place where dogs run off leash in the presence of their owners or handlers. Dog parks can be public or private. Dog parks shall not include commercial or private kennels as defined in this Section. (Amended: Effective Date: April 23, 2016)

Drive-Through Business. Any portion of a permanent building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle and is so developed that such transaction is dependent on providing a driveway approach and staking spaces for motor vehicles in order to service patrons while in said vehicle. Examples of Drive through businesses may include, fast food restaurants, drycleaners, and other similar uses. (Added: Effective Date: June 27, 2018)

Drive-In Restaurant. A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption is designed to take place outside the confines of the building, often in a motor vehicle. (Added: Effective Date: June 27, 2018)

Drive-In Theater. A lot which is used commercially for the purpose of showing motion pictures which are viewed by patrons from the confines of a motor vehicle. A drive-in theatre also includes accessory uses and structures such as a snack bar, projector building, speaker stands and ticket office.

Driveway. A residential vehicle access provided between a street or land and parking space, parking area or loading area, or between two parking areas and shall be constructed of and maintained with a stable dustless surface, such as asphalt, brick, compacted gravel or macadam.

Dry-Cleaners, Coin Operated. A building or part of a building where the services of coin operated dry cleaning machines, using only non-combustible and non-flammable solvents, is made available to the public for the purpose of dry cleaning.

Dry Cleaners, Distribution Station. A building or part of a building used only for the purpose of collection and distribution of articles to be subjected to the process of dry cleaning, washing, dry

dyeing, cleaning and spotting and stain removing, and for the pressing of any such articles or goods which have been subjected to any such process elsewhere at a dry cleaners' plant.

Dry Cleaning or Laundry Outlet. A building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to a process, carried out on-site, of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or goods of fabric that have been received therein.

Dwelling. A dwelling is any building or portion of a building, which is designed for occupancy wholly as the home or residence of one (1) family, either permanently or transiently. A travel trailer, motor home, automobile chassis, tent or other portable building shall not be considered a dwelling.

Dwelling, Multiple. A dwelling, as defined herein, except which is designed as a residence for three (3) or more families living independently of each other.

Dwelling, Single-Family. A detached building designed for and occupied exclusively by one (1) family, with a minimum of one thousand (1,000) square feet of living space.

Dwelling, Two-Family. A detached building designed for and occupied exclusively by two (2) families living independently of each other. Also known as a duplex dwelling.

Efficiency Unit. An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

Equipment Rental. A building or part of a building where residential, industrial and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

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

Escort Agency. Any business, agency, or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

Essential Services. The phrase “essential services” means the erection, operation, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles, recycling bins and other similar equipment or accessories reasonably in connection

therewith (not including buildings) for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Wireless communication facilities shall not be considered an essential service.

Excavating. Excavating shall be the removal of sand, stone, gravel, or fill dirt to below-the-average grade of the surrounding land and/or the finished grade, whichever shall be highest, excepting common household gardening and farming operations.

Extraction. Sand and Gravel Pits etc: See definition for a Quarry.

Family.

- A. An individual or a group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than two (2) additional unrelated people, who are domiciled together as a single, domestic, 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, who are cooking and living as a single non-profit housekeeping unit, and whose relationship is the functional equivalent of a domestic family with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Farm. Land used for tillage of soil and the growing of vegetables, fruits, grains and other staple crops including livestock raising, dairying, or woodlots. A farm also includes buildings, and machinery used in the commercial production of farm products.

Farmer. A person whose principal occupation and source of income is farming.

Farm Market. A “farm market” is a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50% of the products marketed and offered for sale at a farm market (measured as an average over the farm market’s marketing season or up to a five-year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state, and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include

marketing activities and services to attract and entertain customers and facilitate retail trade business transactions when allowed by applicable local, state, and federal regulations.

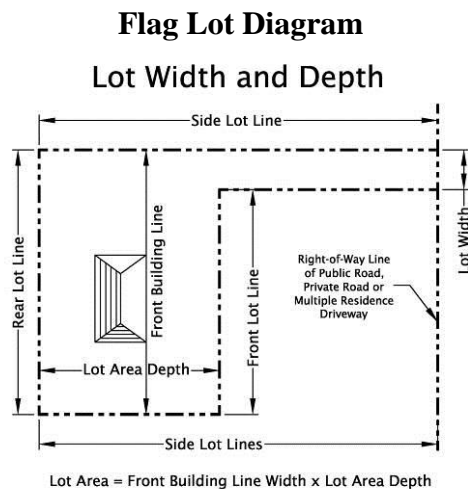
Farm Operation. A condition or activity which occurs in the community in connection with the commercial production or sale of farm products, and includes, but is not limited to: noise; odors; dust; fumes; operation of machinery and irrigation pumps; grazing by animals; ground and aerial seeding and spraying; the application of fertilizers, insecticides, and herbicides; and the employment of labor.

Farm Product. Farm product means, but is not limited to the following: livestock, poultry, grains, grasses, fibers, fruits, wood, trees, plants, shrubs, flowers, seeds, and honey.

Farm Supply, Wholesale/Retail. A building, structure or area where farm equipment and farm supplies are kept for sale, but shall not include any other establishment defined or classified herein.

Fitness Center/Club. A building in which facilities are provided for recreational athletic activities including but not limited to body-building and exercise classes, and shall include associated facilities such as a sauna and solarium.

Flag Lot. Flag lot means a lot, the major portion of which has access to a street by means of a comparatively narrow strip of land.



Flood Plain. The relatively flat area or low lands adjoining the channel or watercourse or a body of water, which may be covered by floodwater when high amounts of precipitation are experienced. Determinants of flood plain are as follows:

- A. Contiguous areas paralleling major rivers or streams that constitute at their maximum edge the highest flood levels experienced in a period of one hundred (100) years.
- B. Principal wetland areas that are part of the river flow system.

- C. Contiguous areas paralleling major rivers or streams that exhibit unstable soil conditions for development.

Floodway. The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

Floor Area. The floor area of a building shall be the sum of the gross horizontal floor areas of the several stories of a building as measured to the exterior face of the exterior walls, plus that area similarly measured of all other floor except basements, that are accessible by a fixed stairway, such as storage areas, recreational rooms, boiler and other areas within or contiguous to the structure. The measurement shall include the floor area of all accessory buildings measured similarly.

Floor Area Ratio (FAR). Floor area ratio (FAR) is the total floor area on a zoning lot divided by the area of that zoning lot. Each zoning district classification contains an FAR control which, when multiplied by the lot area of the zoning lot, produces the maximum floor area allowable on such lot.

Floor, Ground. That portion of a building that is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

Generally Accepted Agricultural and Management Practices (GAAMPS). Those practices as defined by the Michigan Commission of Agriculture. The Commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University Experiment Station in cooperation with the United States Department of Agricultural Natural Resources Conservation Service and the Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations.

Game Refuge, Conservation Area. Land left in its natural state for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals and plant life and includes a forest preserve.

Garage, Private. An accessory structure for the principal permitted use, used for the storage of motor vehicles for the use of the occupants of the principal permitted use on the lot on which such use is located

Grade Contact. The elevation of the finished ground surface along and adjacent to the exterior wall of a building.

Golf Course. A golf course shall mean the premises upon which the game of golf is played, including clubhouse, parking lots, pro shop, and other structures and uses customarily incidental to a golf course. A golf course shall include a minimum of eighteen (18) holes and shall not be less than six thousand (6,000) yards in length. A golf course shall not include a miniature golf course operated either independently or in conjunction with a golf course.

Greenhouse, Commercial, Non-Farm Related. A building, room, or area usually chiefly of glass, in which the temperature is maintained within a desired range, used for cultivating tender plants or growing plants out of season for retail sale to the general public.

Ground Floor Coverage (GFC). The total ground floor area of the principal and all accessory buildings divided by the total lot area, both areas being in the same unit of measure, and expressed as a percentage. The term is commonly referred to as GFC.

Hazardous Substances. Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labors; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources, and hazardous substances as defined in Michigan Public Act 307 of 1982, as amended, and the Federal Comprehensive Environmental Response Compensation and Utility Act of 1980, Public Act 96-510, 94 STAT 2767, as amended.

Home Occupation. An occupation, profession, activity, or use by a resident that is clearly a customary, incidental, and secondary use of a residential dwelling unit, which may include patronage by customers or clients, and which does not alter the exterior of the property or affect the residential character of the neighborhood, with the exception of agricultural enterprises.

Home Office. An office within a residential building that is used by resident members of the household that is clearly a customary component of a residential use. A home office that does not include onsite visits from customers or clients is an accessory to a residential use. Such office is not considered a home occupation.

Horse Stable, Commercial. See Stable, Commercial

Horse Stable, Private. See Stable, Private

Hospital. An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Hotel. A building or structure or part thereof, occupied as the more or less temporary abiding place of individuals, in which the rooms are usually occupied singly for hire and in which rooms no provisions for cooking are made, and in which building there may be a general kitchen and/or public dining room(s) for the accommodation of the occupants. The word "hotel" shall not include "motel" or "motor court."

Industrial Use. The use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

Industry, Non-effluent Producing. An industrial use which does not utilize process waters and which does not produce wastewaters.

Intensive Livestock Operation. An agricultural operation in which many livestock are bred and/or raised within a confined area, either inside or outside an enclosed building. While the density of confined livestock varies, it significantly exceeds that of traditional farming operations and includes both the number of confined livestock in the confined area and the amount of land which serves as the waste disposal receiving area.

Junk Yard. A lot and any accessory buildings where waste, used or secondhand materials including, but not limited to, *automobiles*, scrap iron, and other metals, paper, rags, rubber tires, wood, and bottles, are stored, baled, packed, disassembled, or handled for the purpose of purchase, sale, or exchange.

Kennel, Commercial. Any building and/or land used, designed, or arranged for the boarding, breeding, or care of more than three (3) dogs, cats, or other domestic animals for remuneration, but shall not include those animals raised for agricultural purposes. Subject to Section 5.25.

Kennel, Private. Any building and/or land used, designed or arranged for the boarding, breeding, or care of dogs, cats, or other domestic animals belonging to the owner thereof and kept for purposes of show, hunting, or as pets (but not to include riding stables, or animals raised for agricultural purposes), provided that no more than three (3) such animals six (6) months old or older are kept on the premises either permanently or temporarily. The keeping of such animals shall be strictly incidental to the principal use of the premises and shall not be for the purposes of remuneration or sale. Subject to Section 5.25.

Landscaping. The following definitions shall apply in the construction and application of this Ordinance:

- A. Berm: A landscaped mound of earth that blends with the surrounding terrain.
- B. Buffer: A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
- C. Conflicting non-residential land use: Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
- D. Conflicting residential use: Any residential land use developed at a higher density that abuts a residential land use developed at a lower density.
- E. Greenbelt: An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area. For zoning purposes a greenbelt is a

landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.

- F. Opacity: The degree of being impervious or obscure to light and sight.
- G. Plant material: A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

Livestock. See definitions of Animal.

Loading Space. An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

Lot. A lot is a place or parcel of land occupied or intended to be occupied by a building, structure or use, or by other activity permitted thereon and including the yards and open spaces required under this Ordinance. A lot need not be a lot of existing record or otherwise specifically so designated on any public record.

Lot Area. The area within the described lot lines excluding public and private road rights-of-ways and road access easements for lots of less than five (5) acres, and including the public and private road right-of-ways and road access easements, for lots of five (5) or more acres.

Lot, Corner. A lot abutting two (2) intersecting streets.

Lot Depth. The average horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

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

Lot, Interior. An interior lot is a lot other than a corner lot with only one lot line fronting on a street.

Lot, Waterfront. A lot having frontage directly upon a lake, river, or other reasonably sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

Lot, Width. The horizontal distance between the side lot lines, measured at the two (2) points where the required front yard setback line intersects the side lot lines. For lots fronting on the

turn around of a cul-de-sac street the minimum straight line distance between the side lot lines may be reduced to eighty (80%) percent of the required lot width.

Lot Lines. Any line dividing one (1) lot from another or from a right-of-way, and thus constitutes the property lines bounding a lot.

Lot Line, Front. In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit (see Double Frontage Lot and Waterfront Lot). In the case of a corner lot having frontage on more than one (1) street, the corner lot shall be considered as having a front yard for each street front.

Lot Line, Rear. Ordinarily, that lot line that is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Planning Commission shall designate the rear lot line. (See "Double Frontage Lot" and "Waterfront Lot")

Lot Line, Side. Any lot line, not a front lot line, or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot Line, Street or Alley. A lot line separating the lot from the right-of-way of a street or an alley, respectively.

Lot of Record. A lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Washtenaw County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.

Lot, Zoning. A single tract of land, located within a single block which, at the time of applying for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the applicable requirements of this Ordinance in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record.

Lumber Yard. A building or structure used for the storage of timber sawed into beams, planks or boards of convenient size that are for sale with other related retail items and services for construction purposes.

Manufactured Home Sales. Business establishments engaged in the display and sale of factory built, single-family structures that are manufactured under the authority of the National Manufactured Housing and Construction Standards Code. For the purposes of this definition,

mobile homes are considered a type of manufactured housing. Recreational vehicles, travel trailers and motor homes are not considered manufactured homes for the purposes of this ordinance and definition.

Manufactured Housing. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing the seal that it is built in compliance with the National Manufactured Housing and Construction Standards Code or the State of Michigan Construction Code.

Master Deed. The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved by-laws for the project and the condominium subdivision plan for the project.

Master Plan. The comprehensive land use plan for the Township, also known as the "Master Plan for Future Land Use," including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings and all physical developments of the Township, including any unit or part of such Plan separately adopted, and any amendment to such Plan or parts thereof adopted by the Planning Commission. The Township Board may by resolution, as provided in the Township Planning Act, have final approval of the Master Plan.

Mobile Food Vending. Vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a food service establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending. (Added: Effective Date: June 27, 2018)

Mobile Food Vending Unit. Any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale. (Added: Effective Date: June 27, 2018)

Mobile Home. A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required facilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle.

Mobile Home Condominium Project. A condominium project where mobile homes are intended to be located upon separate sites which constitute individual condominium units pursuant to M.C.L.A. 559.101 et. seq.

Mobile Home Park. A parcel or tract of land under the control of a person, upon which three or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose, regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home, and which is not intended for use as a seasonal trailer park pursuant to M.C.L.A. 125.2301 et.seq.

Mobile Home Pad. That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

Mobile Home Site. The entire area, which is designated for use by a specific mobile home.

Mobile Home Subdivision. A mobile home park, except that the mobile home lots are subdivided, surveyed, recorded and sold in accordance with the Michigan Subdivision Control Act of 1967, M.C.L.A. 560.101 et. seq.

Motel. A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one (1) unit or a motor lodge shall be deemed a motel.

Mortuary/Morgue. A place where dead bodies are stored and prepared before cremation or burial.

Night Club. A place of entertainment, open at night for eating, drinking, and dancing, usually having live entertainment.

Non-Conforming Building. A non-conforming building is a building or portion thereof existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Non-Conforming Lot. A lot, created prior to the effective date of this ordinance, or amendments thereto, and which does not conform to the lot area regulations for the district in which it is located.

Non-Conforming Structure. A structure or part of a structure constructed and existing at the effective date of this ordinance, or amendments thereto, that does not conform to the Area, and/or Placement and/or Height Regulations, and/or off-street parking and/or loading requirements of the district in which it is located.

Non-Conforming Use. A structure, building, lot, or other parcel of land occupied by a use at the effective date of this ordinance, or amendments thereto, and which does not conform to the Use Regulations of the district in which it is located.

Nursery (Plant Materials). A lot and/or structure or combination thereof for the growing, storage, wholesale sale, or retail sale, of live trees, shrubs, and plants, and including as incidental sales, the sale of products used for gardening or landscaping. This definition of nursery does not include a roadside or temporary sales facility for Christmas trees.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or

use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people - particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right To Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to.

Occupied. The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited; not necessarily for dwelling purposes.

Off-Street Parking Lot. A facility providing vehicular parking spaces along with adequate drives and aisles.

Off Premises Business. A business which is clearly incidental to the principal use of a property as a residence whose services are rendered off premises, but which may have incidental support functions (e.g. secretary, book keeper) provided on premises, primarily by resident family members.

Off-Premise Service Vehicle. Operable licensed or unlicensed vehicle(s) associated with off-premise service businesses.

Open Air Business. When developed in conjunction with a permitted use, any area that is exclusively used for the sale of or taking of orders for any merchandise where such merchandise is displayed or sold in the open air.

Open Storage. All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, construction vehicles and other supplies.

Outdoor Sales/Open Air Business. The retail sales of goods that are principally displayed outside, such as automobiles, building material, and nursery and garden products.

Parcel. See definition of Lot of Record.

Park, Public. Any open space or recreational area, owned or controlled by a Corporation or by any Board, Commission or other Authority established under any statute of the State and may include therein neighborhood, community, regional and special parks or areas and may include one (1) or more athletic fields, field houses, community centers, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fairgrounds, arenas or similar uses.

Parking Space. An area of definite length and width for the parking of one (1) vehicle only, said area to be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any article of personal property as security for the payment or repayment of money.

Pawn Shop or Collateral Loan and/or Exchange Establishments. Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Permitted Use. Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Person shall include any individual, corporation, or partnership.

Personal Service Establishment. A business where personal services are provided for profit and where the sale, of goods is only accessory to the provisions of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, shoe repair shops.

Planned Unit Development (PUD). A form of development usually characterized by the flexible application of zoning district regulations and unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site-plan review, in which the Township will have considerable involvement in determining the nature of the development.

Plant Nursery. A place where young trees or other plants are raised for experimentation, transplantation, or for sale.

Playground. An area of landscaped open space equipped with children's play equipment such as slides, swings, wading pools or similar equipment and game areas.

Porch, Enclosed. A covered entrance to a building or structure that is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open. A covered entrance to a building or structure that is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Pool or Billiard Hall. An establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

Premise. All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

Principal Use. The primary or most predominant use of a parcel.

Private Medical Practice. Businesses for the purpose of providing direct patient care to the local community and not to sell medical devices as a primary purpose. The property shall be maintained in a neat manner, with a professional and modest appearance. The building shall not exceed three thousand two hundred (3,200) square feet. Non-illuminated, freestanding signage shall comply with the area requirements of home occupation signage. Occupational Safety and Health Administration (OSHA) guidelines for waste disposal shall be strictly adhered to. Impact on the character of local surroundings and traffic patterns will be considered before granting a special use permit.

Private Wastewater System. A system, owned and operated by a private entity having no superintending public control, consisting of pipes and structures, including pipes, channels, conduits, manholes, pumping station, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating or otherwise handling human sanitary sewage or industrial liquid wastes of such nature as to be capable of adversely affecting the public health.

Public and Commercial Storage Garages. A building or part thereof not over one (1) story or 4.6 meters in height, used for the storage of motor vehicles wherein neither servicing for profit is conducted, nor storage of commercial vehicles having a capacity of more than 0.5 metric tons is permitted.

Public Lodging House. A commercial establishment or place in which live five (5) or more members of the public, whether travelers or not, are charged for or pay for sleeping quarters in the form of cots or beds in the same room.

Public (Municipal) Wastewater System. A system, owned and operated by a municipality, consisting of pipes and structures, including pipes, channels, conduits, manholes, pumping station, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating or otherwise handling human sanitary sewage or industrial liquid wastes of such nature as to be capable of adversely affecting the public health. Public and/or Municipal systems have a public superintending control.

Public Utility. Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, and under Federal, State or municipal regulations, to the public; electricity, gas, steam, communications, telegraph, transportation, or water. A public utility shall not, however, include cellular telephone operations.

Quarry. The term quarry shall mean any, pit, excavation, extraction or mining operation for the purpose of removal of excavated material such as earth, topsoil, sand, aggregate, clay or stone,

for sale, transportation, exchange or barter, away from the premises. Removal in excess of five hundred (500) cubic yards in any calendar year shall be deemed a quarry operation. Away from the premises shall be defined as any one of the following: a different lot of legal record, across a public road right-of-way or more than one thousand (1,000) feet from the site of excavation. Excavation by public authorities within a public right-of-way shall not be deemed an extraction operation.

Recreational Vehicle. A recreational vehicle is defined as a vehicle primarily designed and used for recreational, camping or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by a motor vehicle.

- A. Travel Trailer: A structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
- B. Camper Trailer (pop up): A collapsible structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
- C. Motor Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. Pickup Camper. A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
- E. Water Craft: Any unit that is used for water travel.
- F. Off-street Vehicle: A motorized vehicle typically designed for use off of public streets. Off-street vehicles include snowmobiles, dune buggies, and two (2); three (3) and four (4) wheeled all-terrain vehicles.

Recycling Bins. Containers positioned for public drop off of recyclable materials including but not limited to newspaper, cans, plastics, etc.

Repair Shop, Auto Body. An establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age. This type of use includes the reconstruction of motor vehicles, painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts. This type of use does not include a motor vehicle repair shop, an impounding yard, and an automobile service and/or gasoline station.

Repair Shop, Motor Vehicle. An establishment for the repair or replacement of parts in a motor vehicle. This includes but is not limited to: shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement. The following uses are not included: an auto

body repair shop, an impounding yard, and an automobile service and/or gasoline station. However, the repair shop may provide vehicle rescue service and emergency road service.

Restaurant. An establishment which is primarily engaged in serving food and beverages which are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon, and, as accessory use thereto, may be engaged in providing customers with take-out service of food and beverages for off-site consumption.

Restaurant, Carryout. An establishment in which the design of physical facilities, the serving or packaging procedures permit or encourage the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where the consumption of foods in motor vehicles on the premises is neither permitted nor encouraged.

Retail Establishment. A building where merchandise is offered or kept for retail sale, including storage of limited quantities of such merchandise sufficient only to service such store.

Retaining Wall. A wall designed and constructed to hold back a mass of earth.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Roof, Mansard. A roof with two (2) slopes on each of four (4) sides, the lower steeper than the upper.

Sanitary Sewer. Artificial conduits to convey water and waste matter to a central treatment facility.

Saw, Lumber, Planing Mill. A building, structure or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for kiln drying of lumber and may or may not include the distribution of such products on a wholesale or retail basis.

Secondhand Store. Any building, structure, premises, or part thereof used solely or partially for the sale of secondhand clothing, furniture, books, or household goods, or solely or primarily for the sale of secondhand household appliances.

Self-Storage Facility. A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Such facilities are typically, but not necessarily, contained within a fenced, controlled access compound.

Senior Citizen Housing. A building or group of buildings other than a hospital, hotel or nursing home which provides dwelling units for persons primarily sixty (60) years of age or older. Such housing shall conform to certain requirements as specified in this Ordinance in order to accommodate the special and different needs of the elderly.

Septic System. A system constructed below grade consisting of a tank and perforated drain tiles designed to treat sanitary sewage.

Setback. The minimum required horizontal distance between the building or structure and the front, side and rear lot lines.

Shopping Center. A group of commercial uses, which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants and distinguished from a business area comprising unrelated individual uses.

Shopping Mall, Enclosed. A shopping center in which access by the general public to each individual store, premises or commercial establishment is obtained from the outside through a common entrance or entrances and from the inside through a covered common mall or aisle.

Sign. A name, identification, description, display, light, balloon, banner, flag or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or parcel of land which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, sidewalk, alley, park, public property or from other private property. Additional definitions of specific types of signs can be found in Article 10, Signs.

Site Condominium. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- A. Condominium Act, Act 59, Public Acts of 1978, as amended.
- B. Condominium Documents. The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws that affect the rights and obligations of a co-owner in the condominium.
- C. Condominium Lot. The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
- D. Condominium Unit. The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. General Common Elements. The common elements other than the limited common elements.

- F. Limited Common Elements. A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. Master Deed. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

Small Wind Energy System: A small wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. Small wind energy system height is measured by the height above grade of the fixed portion of the wind energy tower, including the wind turbine itself.

Solid Waste Transfer Facility. A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the re-handling or temporary storage of solid waste or recyclable goods incidental to the transportation of solid waste.

Solid Waste Processing Facility. A tract of land, building, unit, or appurtenance of a building or unit or a combination of land, building and unit that is used or intended for use for the processing of solid waste or the recovery of recyclable or compostable materials. The facility shall not include incinerators, waste to energy plants, junkyards or salvage operations.

Special Land Use. See Use, Special Land

Specially Designated Distributor's Establishment (SDD). A specially designated distributor's establishment is a retail establishment, consisting of less than fifteen thousand (15,000) gross square feet of usable retail space, or any retail establishment where more than ten (10%) percent of the usable retail space is utilized for the distribution or alcoholic liquor, licensed by the state liquor control commission to distribute alcoholic liquor, other than wine under twenty (20%) percent alcohol by volume, and beer, in the original package for consumption off the premises.

Specially Designated Merchant's Establishment (SDM). A specially designed merchant's establishment is a retail establishment consisting of less than fifteen thousand (15,000) gross square feet of usable retail space, or any retail establishment where more than ten (10%) percent of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to sell beer and/or wine for consumption off the premises.

Sponsor. Means any person who organizes, promotes, or conducts an assembly.

Stable, Commercial. A structure that is used for the shelter and care of horses, llamas, mules or donkeys which are rented, hired, or used on a commercial basis for compensation, also to include the renting of stable space, for the above mentioned animals not owned by the owner/proprietor(s) of a commercial stable.

Stable, Private. A structure that is used for the shelter and care of horses, llamas, mules or donkeys which are kept or boarded for the sole enjoyment of the owners, and does not include the renting or hiring of the above mentioned animals on a commercial basis or the renting of stable space.

Storm Sewer. An artificial conduit to convey storm water.

Story. That portion of a building, other than a mezzanine, included between the surface of any floor and the floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Mezzanine. A mezzanine is an intermediate level or levels between the floor and ceiling of any story, with an aggregate floor area of not more than one-third of the area of the room in which the level or levels are located. (Source: BOCA Code)

Story, Basement. For the purposes of this Ordinance, a basement shall be counted as a story if over fifty (50%) percent of its height is above the level from which the height of the building is measured.

Story, Half. The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clean height of at least seven (7) feet six (6) inches.

Street. A public or private traffic way having a right-of-way width of not less than sixty-six (66) feet, which meets the requirements of this ordinance, and which affords the principal means of vehicular access to the abutting property.

- A. "Boulevard street" means a street developed to two two-lane, one-way pavements, separated by a median.
- B. "Collector street" means a street used primarily to carry traffic from minor streets to major thoroughfares.
- C. "Cul-de-sac street" means a minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.
- D. "Loop street" means a minor street of short length with two openings to traffic beginning from the same street, projecting parallel to each other and connecting at their termination by a loop.
- E. "Major thoroughfare" means an arterial street of greater continuity which is intended to serve as a large volume traffic way for both the immediate Municipal area and the region beyond, which may be designated on the City's Major Street or Thoroughfare Plan as a major thoroughfare, parkway or expressway, or an

equivalent term to identify those streets comprising the basic structure of the street plan.

- F. "Marginal access street" means a minor street, parallel and adjacent to a major thoroughfare, which provides access to abutting properties and protection from through traffic.
- G. "Minor street" means a street of limited continuity used primarily for access to abutting residential properties.
- H. "Turn-around" means a short boulevard street permanently terminated by a vehicular turn-around.

Street Line. The street line is that line thirty-three (33) feet from, and parallel to the centerline of a public road or private street approved by the Township board, unless the County or State Road Commission holds a right-of-way of greater or lesser width. In the latter case the Street Line shall be that line one-half (1/2) the distance of the right-of-way width from, and parallel to, the road centerline.

Structural Changes or Alterations: Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

Structure. Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground. When a structure is divided into separate parts by an un-pierced wall, each part shall be deemed a separate structure. Among other things, structures shall include buildings, mobile homes, walls, fences, billboards, signs, and towers.

Structure Height. See Building Height, herein.

Structural Alteration. Any change in the supporting elements of a building or structure such as, but not limited to, bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof.

Subdivision: The partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, lease of more than one year, or building development, where the act of division creates five or more parcels of land, each of which is ten acres or less in area; or where five or more parcels of land, each of which is ten acres or less in area, are created by successive divisions within a period of ten years.

Subdivision Act: The Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

Supermarket. A retail establishment primarily selling food as well as other convenience and household goods to the general public, which operates on a self-service, cash and carry basis and

may include facilities for parcel pickup. Supermarkets commonly have a gross floor area of between thirty-five thousand (35,000) and seventy-five thousand (75,000) square feet.

Swimming Pool, Commercial. A swimming pool and/or wading pool, including structures necessary and incidental thereto, operated by a non-governmental unit for profit.

Swimming Pool, Community. A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by an association of members for the benefit of such association, incorporated or unincorporated, provided that said association is not organized for profit, and provided that the right to use such pools is restricted to these members and their guests.

Swimming Pool, Private. A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by the landowner of the parcel on which situated, for use only by the residents of the parcel on which situated, and their guests.

Taxi. An automobile used for the carrying of passengers for a fee.

Taxi Station. A building or premises where commercial vehicles, primarily automobiles are dispatched from and stored when not in use.

Temporary Building and Use. A building or use permitted by the Zoning Administrator to exist during periods of construction of the main building or use or for special events, said period not to exceed six (6) months. Renewable by the Zoning Administrator in increments of six (6) months, not to exceed two (2) years.

Tent Camper. A vehicular, portable structure, built on a non motorized chassis and designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and whose sides and top can be folded down into a compact trailer unit for traveling.

Theater. A place, either indoor or outdoor, where plays, operas or motion pictures are presented. (See Drive In)

Time Limits. Unless otherwise specified, time limits stated in this ordinance shall be measured from midnight of the date on which the cause of action arises. Specific units of measure shall be as follows:

- A. Days - consecutive periods of twenty-four (24) hours.
- B. Weeks - consecutive periods of seven (7) days.
- C. Months - consecutive periods of twenty-eight (28) – thirty-one (31) days,
- D. Years - consecutive periods of three hundred sixty-five (365) days.

Tourist Home. See definition of Motel, herein.

Township. The Township of Lima, Washtenaw County, Michigan.

Trailer Sales Area, Boat Sales Area and Farm Equipment Sales Area. Areas for the display and retail sale or rental of the described items where no repair work is done, and, in the case of trailers, where trailers are not used as living quarters.

Turnabout. An approved circular driveway extending from an authorized curb cut to another such curb cut and including auxiliary parking spaces in excess of those required by this Zoning Ordinance.

Transition Strip. An improved strip of land that functions as an aesthetic buffer between different land uses. A transition strip normally consists of living plant materials, however, a screen or wall may be substituted at the discretion of the planning commission, where permitted. A transition strip shall not be included as part of the required yard.

Transient Amusement Enterprises. Transient amusement enterprises are uses that are temporary and not part of an established business or where no permanent or physical structures or facilities are used such as: circuses, carnivals, music festivals, other similar amusements and similar gatherings of people.

Transient Sales Lot. Any area that is used exclusively for the sale of or order for any merchandise where sales or order-taking are not part of the operation of an established business or where no permanent physical structures or facilities are used as integral parts of the sales or order taking operations.

Truck Stop. Any building, premises or land where commercial vehicles are maintained, serviced, stored or repaired. Also included, is the dispensing of fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may include overnight accommodations and restaurant facilities solely for the use of truck crews.

U-Pick Operation. A U-pick operation is a farm that provides the opportunity for customers to harvest their own farm products directly from the plant. Also known as pick-your-own or PYO, these are forms of marketing farm products to customers who go to the farm and pick the products they wish to buy.

Use. The lawful purpose, for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let or leased.

Use, Legal Non-Conforming. An existing use of land and structures, as of the effective date of this Ordinance, which does not conform to the uses specified as permitted in a District.

Use, Illegal Non-Conforming. An existing use of land and structures, created after the effective date of this Ordinance, and which does not conform to the uses specified as permitted in a District.

Use, Special Land. A use that would be inconsistent with or detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood. Such uses may be considered necessary or important to the public health, safety, and welfare of the neighborhood or township as a whole and may be permitted if proper safeguards are taken. Such uses may be permitted in such zoning district as special land uses if specific provision for such special land use is made in this ordinance.

Use, Permitted. A use permitted by right in the zoning district where so designated without further action by the property owner or Township.

Variance. A variance is a relaxation of regulations of this ordinance with respect to a specific lot, granted by the Board of Appeals. The variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this ordinance would result in unnecessary hardship or practical difficulty.

Vehicle Rental. A building, part of a building or in combination with an open air yard, where motor vehicles, trailers, traction engines, farm tractors, and any vehicle drawn or propelled by any kind of power including muscular power is kept for rental to the general public.

Vehicle Wash Establishment. A building or structure used for washing motor vehicles.

- A. Automatic Wash – An establishment having facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices.
- B. Self-Wash – A car wash where the patron supplies the labor.

Watercourse. Any waterway or other body of water having well defined banks, including rivers, streams, creeks and brooks, whether continually or intermittently flowing, and lakes and ponds.

Wetlands. Poorly drained lands of two (2) contiguous acres or more that are generally or intermittently covered with water, which, by nature of their surface and/or sub-surface soil characteristics are self-contained water resources, including marshes, swamps and bogs.

Wildlife Preserve. Land kept and/or managed to protect and propagate wildlife.

Wireless Communication Facilities. For purposes of this Ordinance, the following terms are defined in regards to wireless communication facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

- A. Collocate or Collocation - Means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound with a view toward reducing the overall number of towers within the Township.
- B. Provider - Means an entity which is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.
- C. Wireless communications antenna or antenna - Means any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, ham radio antenna, satellite antenna, those which receive video programming services via multipoint distribution services which are one meter (39 inches) or less in diameter and those which receive television broadcast signals.
- D. Wireless communications equipment compound or equipment compound - Means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- E. Wireless communication equipment or equipment – Means the set of equipment and network components used in the provision of wireless communications service, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- F. Wireless communications facilities or facility - Means the wireless communications antennae, equipment, equipment compound and tower, and any related accessory structures, landscaping and improvements.
- G. Wireless communications support structure or tower – Means a structure erected or modified to support wireless communications antennae or equipment including a monopole, self-supporting lattice tower, utility pole, guyed tower, water tower, building or other structure.

Wood Facsimile Sign. A sign made of high density pre-formed foam or similar material resembling wood that may be painted or stained or otherwise finished to compliment the architecture.

Yard, Required, Front/Side/Rear. An open space of prescribed width or depth adjacent to a lot or property line on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard Front. A required front yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the front lot line and unoccupied from the ground upward except as hereinafter specified.

Yard, Side. A required side yard is an open space extending from the front yard to the rear yard and of a uniform width (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as herein otherwise specified.

Yard, Rear. A required rear yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as herein otherwise specified.

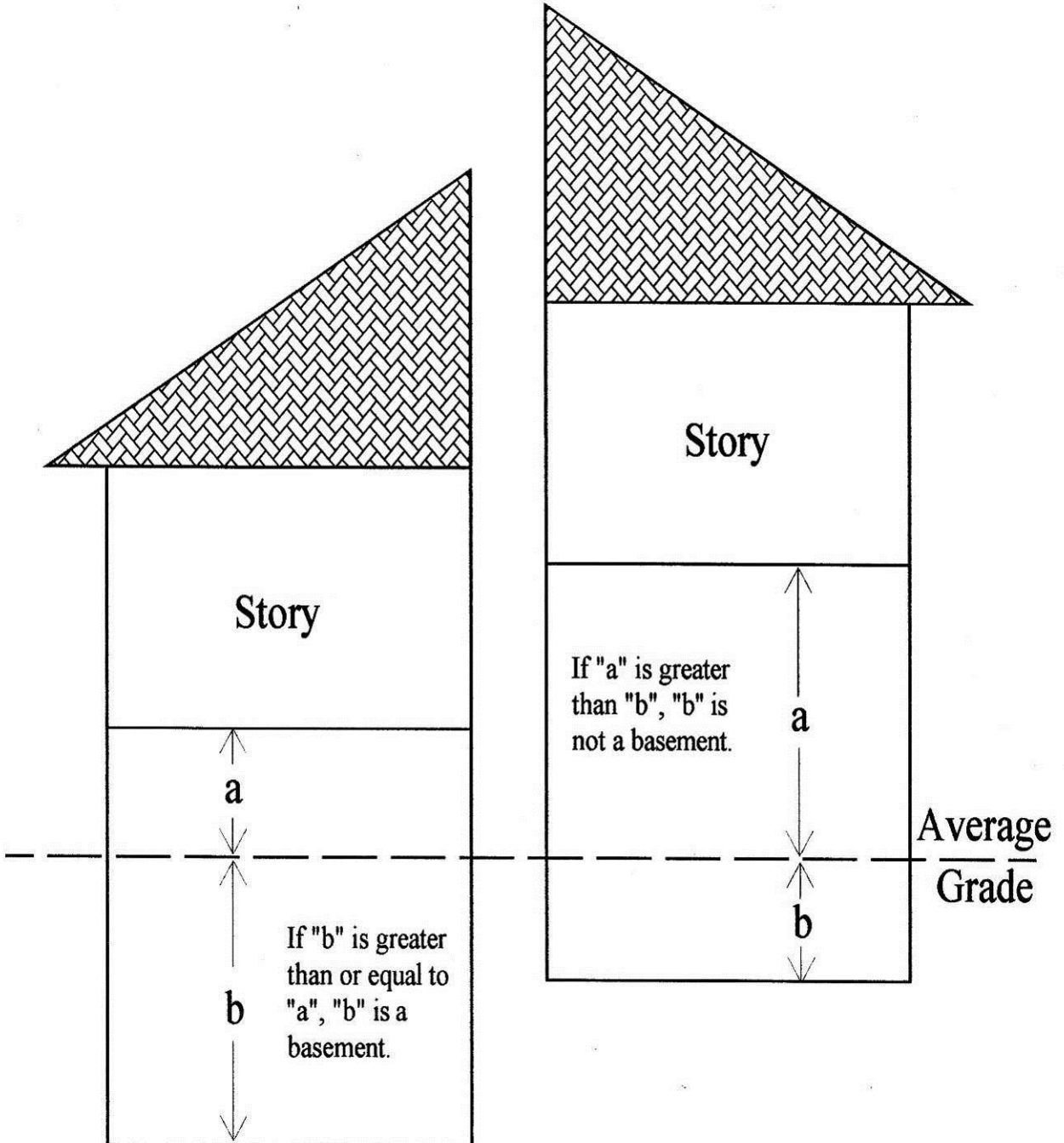
Zoning Administrator. The person designated by the Township Board to administer the Zoning Ordinance.

(Amended, effective December 7, 2006, January 25, 2007, and January 2, 2017)

Section 2.3

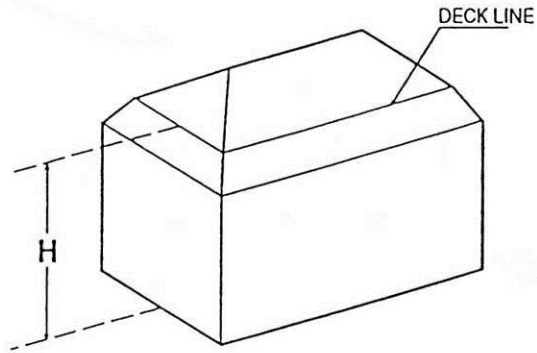
Illustration of Terms.

Basement & Story Definitions

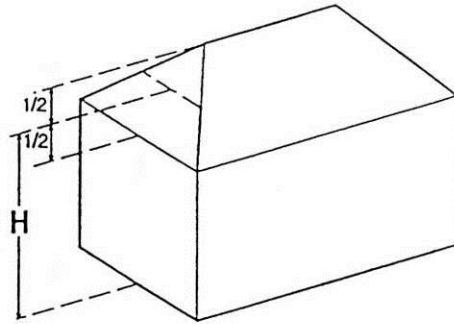


Building Height Requirements

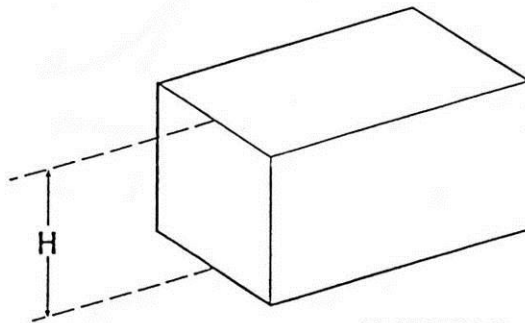
H = HEIGHT OF BUILDING



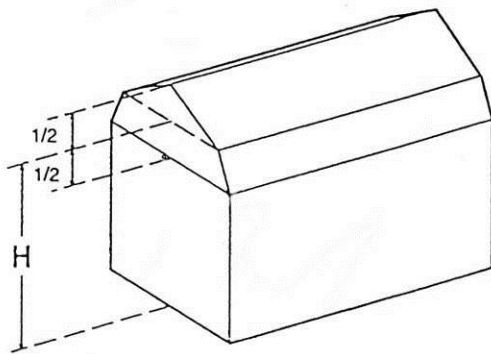
MANSARD ROOF



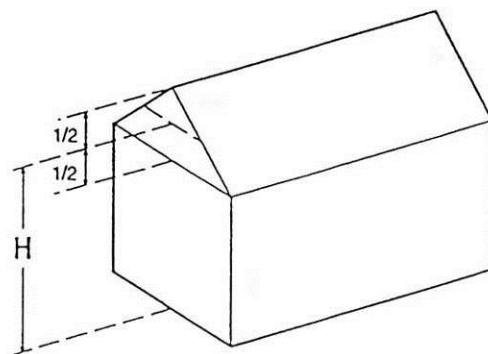
HIP ROOF



FLAT ROOF

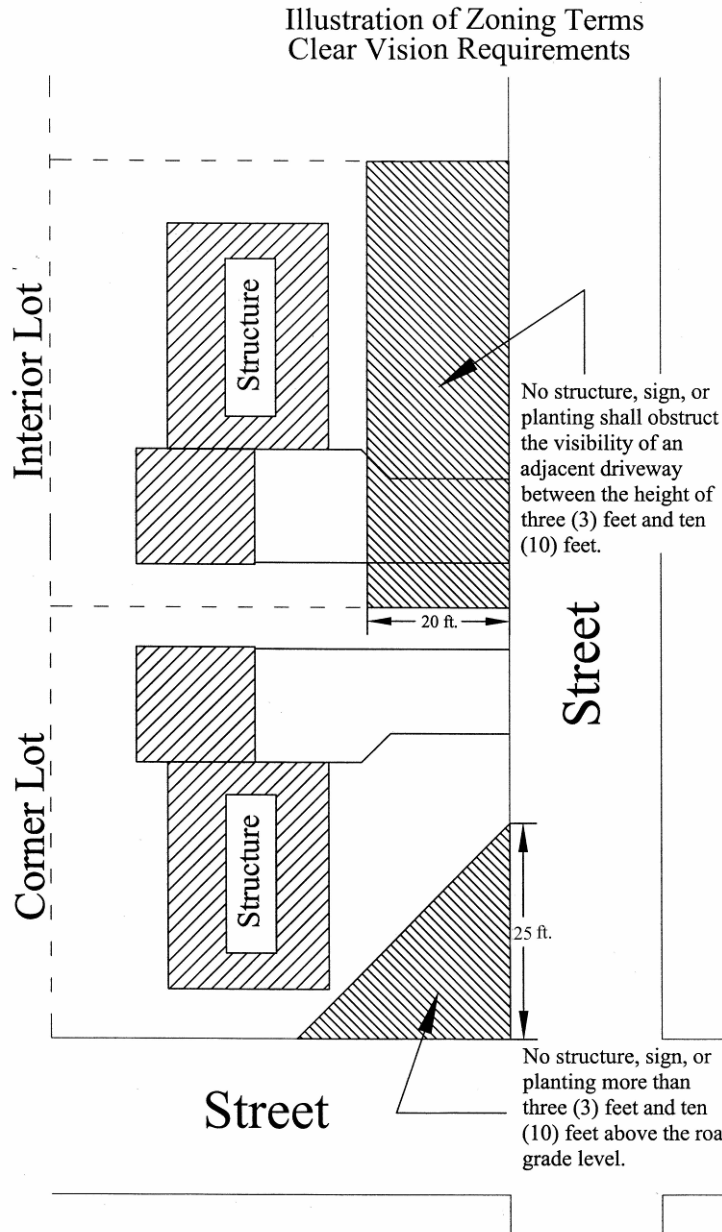


GAMBREL ROOF

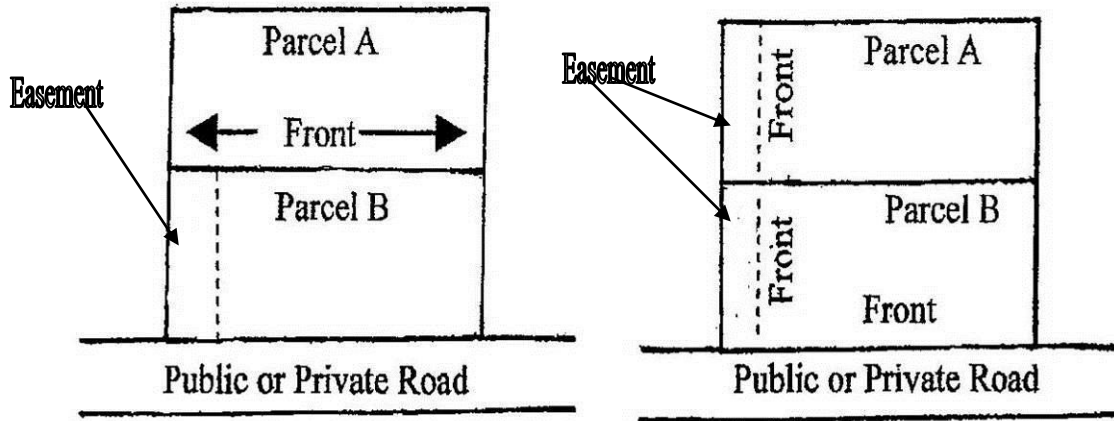


GABLE ROOF

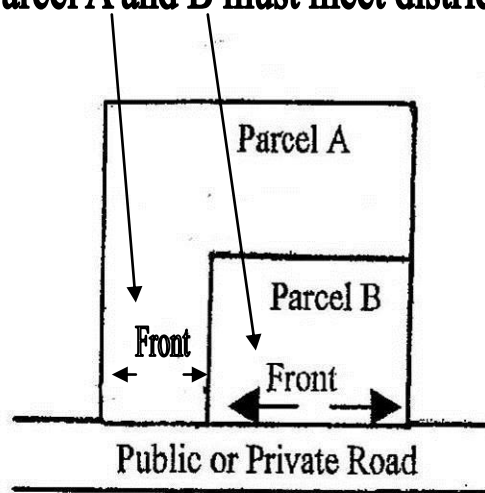
Clear Vision Requirements



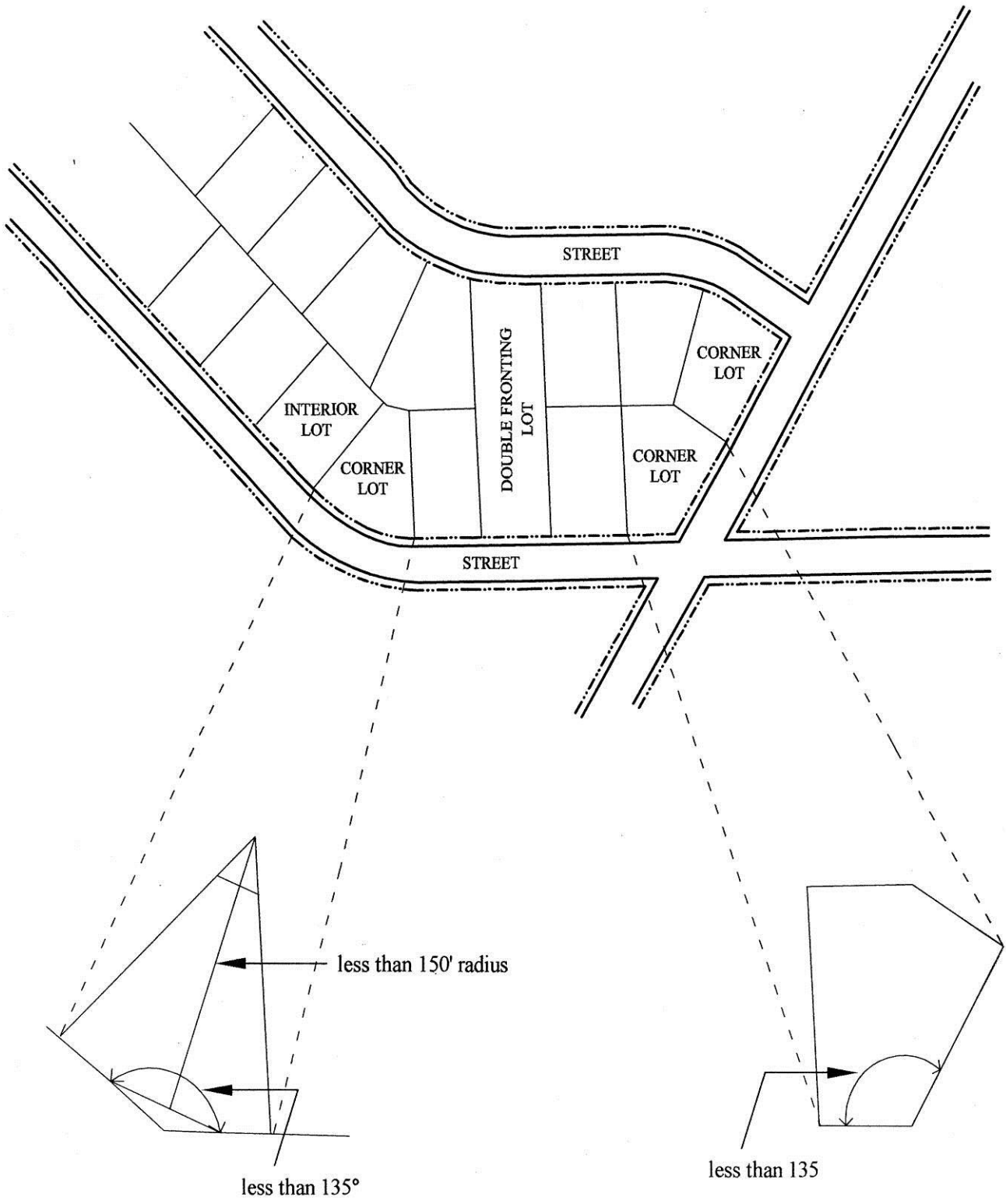
Flag Lots and Easements



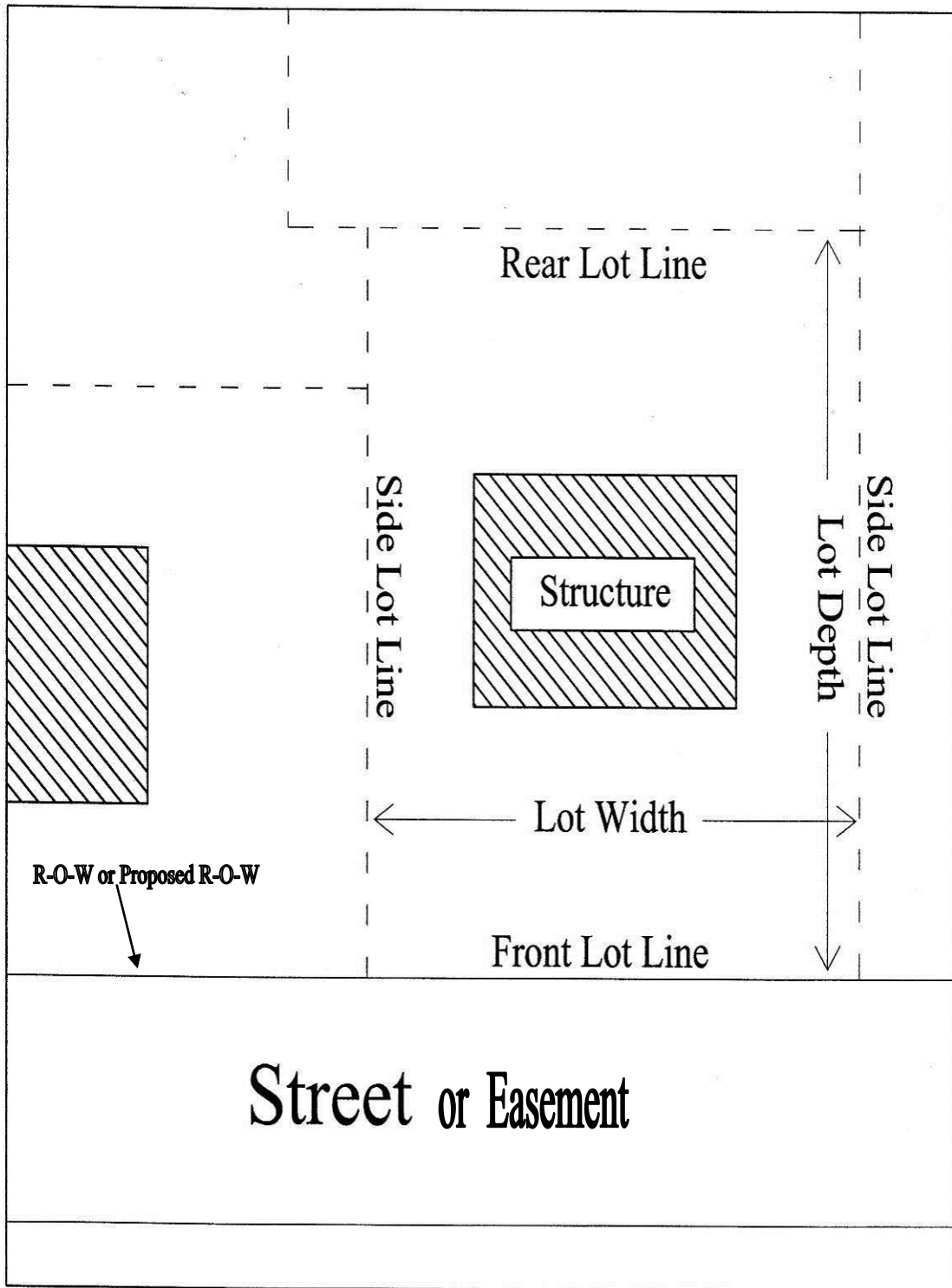
Lot width of Parcel A and B must meet district width requirement.



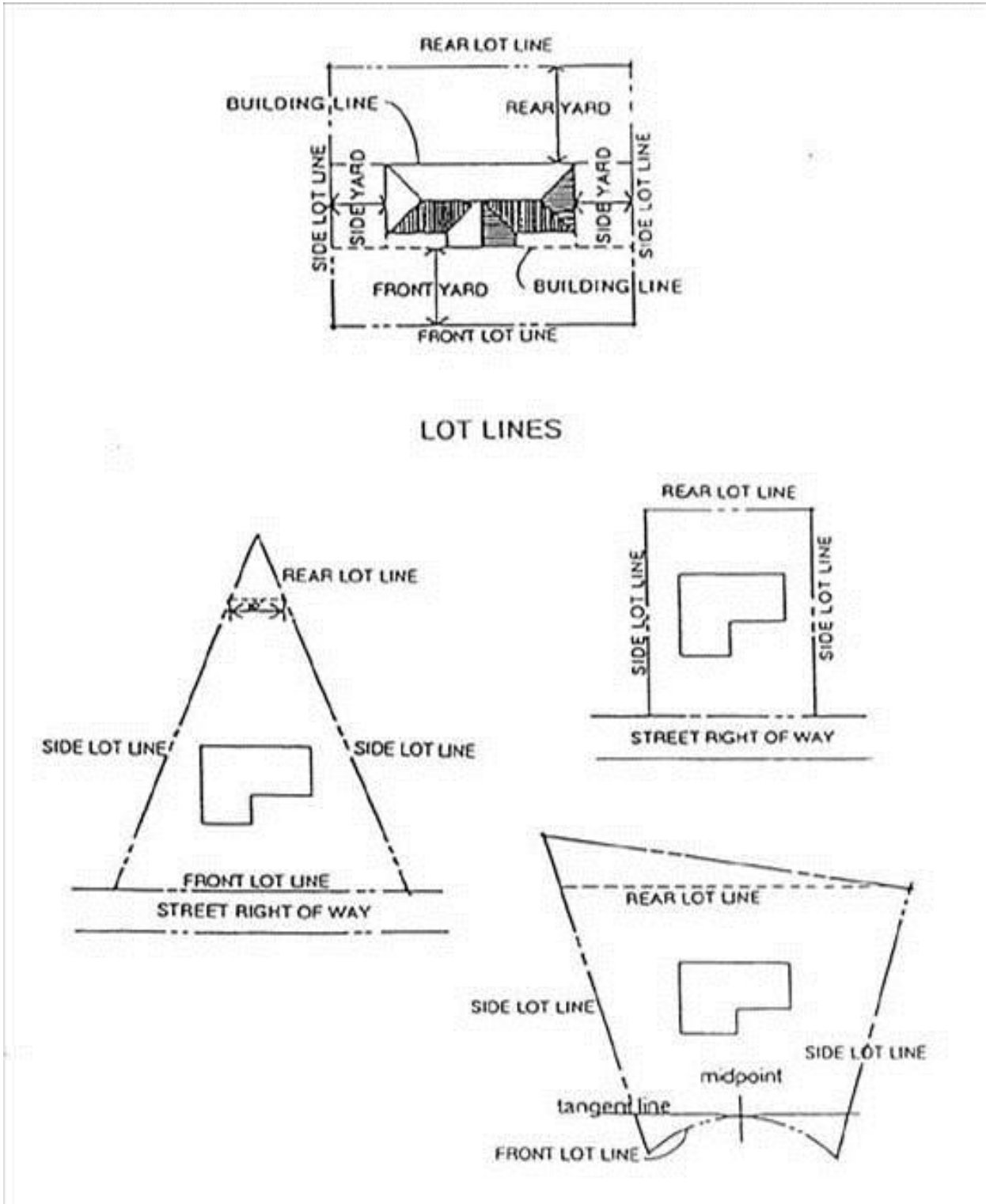
Corner and Double Frontage Lots



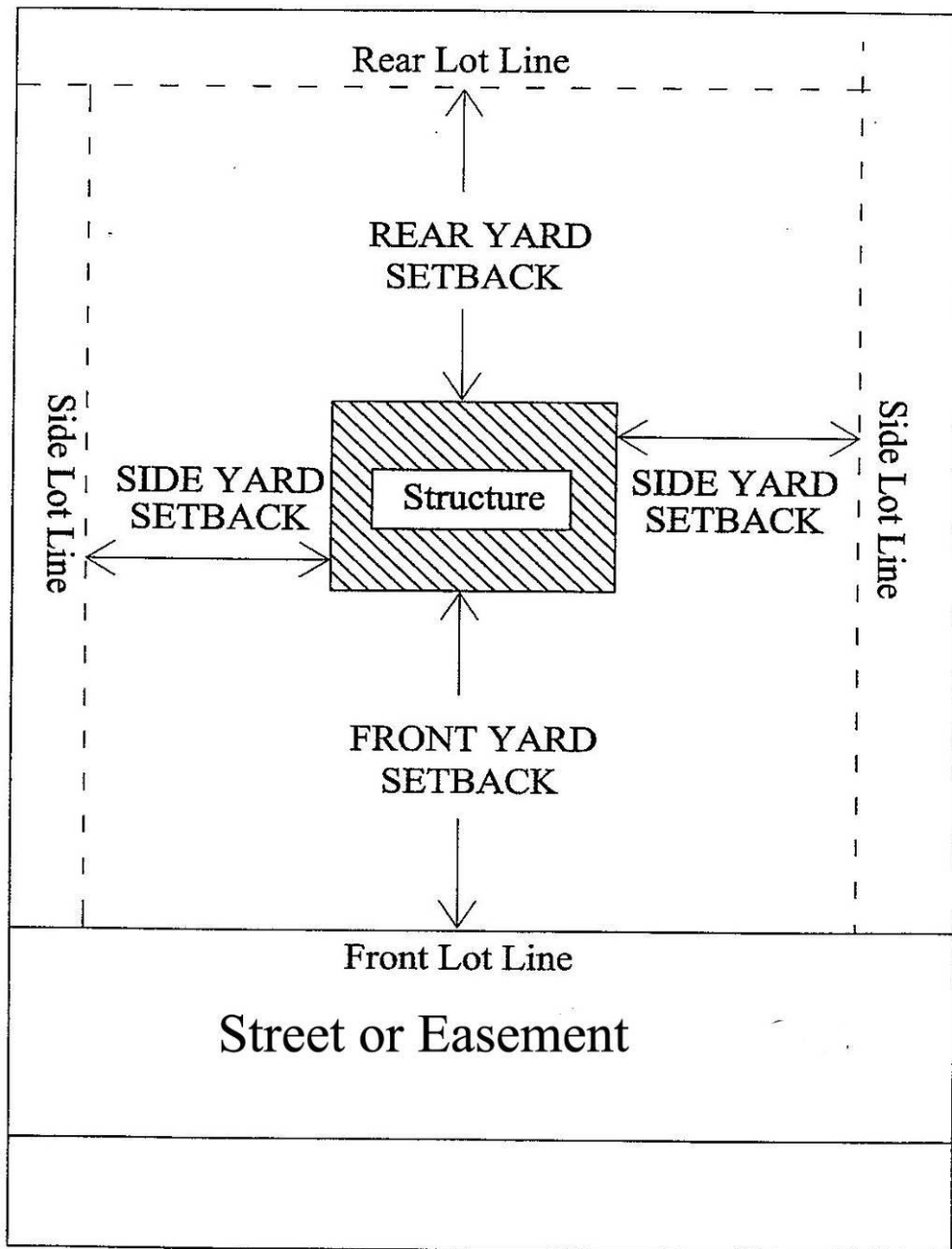
Lot Lines, Width, Depth



Lot Lines



Setbacks



ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

Section 3.1. Zoning Administration.

The Township Board shall designate and employ a Zoning Administrator to administer and enforce the provisions of this Ordinance. Unless otherwise noted all applications and fees are to be submitted to the Township Clerk or the Clerk's designated agent.

Section 3.2. Duties of the Zoning Administrator.

3.2.1. The Zoning Administrator shall:

- A. Issue zoning compliance permits.
- B. Maintain written records of all actions taken by the Zoning Administrator and meet with the Planning Commission upon request.
- C. Make periodic site inspections of the Township to determine Ordinance compliance, answer complaints on Zoning Ordinance violations, and file monthly reports to the Township Board and Planning Commission.
- D. Review all applications for site plan review and special use permits for which the Planning Commission is required to decide under this Ordinance and implement the decisions of the Planning Commission.
- E. Review all applications for appeals, variances, or other matters that the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications with recommendations to the Zoning Board of Appeals for determination.
- F. Review all applications for amendments to this Ordinance and report to the Planning Commission all such applications together with recommendations.
- G. Maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy to be maintained by the Township Clerk.
- H. Be responsible for providing forms required by the Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance and be responsible for information necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.

I. Interpret the Zoning Ordinance.

(Amended, effective _____)

Section 3.3 Special Uses.

3.3.1. Authority to Grant Special Use Permits.

The Planning Commission shall have the authority to grant special use permits and to attach conditions prior to granting the permit. Only those uses listed in each zoning district as special uses, or deemed similar by the Planning Commission to such listed uses shall be considered for special use permit review and approval.

3.3.2. Application.

Applications for special land use permits authorized in this Ordinance shall be submitted to the Township Clerk on a form provided by the Township. In addition to a complete application form, the applicant is required to submit a site plan prepared in accordance with Article 7, Site Plan Review. At the request of the applicant the Planning Commission, in its sole discretion, may waive the requirement for a final site plan.

3.3.3. Procedures.

An application for a special use permit for any land or structural use permitted under this Ordinance shall be submitted and processed under the following procedures:

- A. Submission of Application. An application shall be submitted to the Township Clerk on a form provided for that purpose. Each application shall be accompanied by the payment of an application fee, including a deposit of a payment for consultant(s) review fee(s). The cost of the application fee and amount of the deposit for the consultant(s) review fee(s) shall be set by resolution of the Lima Township Board, except that no fee shall be required for a special use application from any governmental body or agency. No part of the application fee shall be returnable to the applicant.
- B. Data Required. Every application shall be accompanied by the following information and data:
 - 1. The form supplied by the Township Clerk filled out in full by the applicant, including a statement of supporting evidence concerning the required findings specified in Section 3.3.4 or other findings as identified for special uses in Article 5.

2. Preliminary site plan and specifications of the proposed development and for all construction (see Section 7.7, Preliminary Site Plan, Information Required).
 3. All interested parties (identified by name, address and telephonenumber) shall sign the application for special use permit. "Interested parties" shall, at a minimum, include the owner(s) of record of the land involved, all persons identified on the Township tax rolls, and all persons seeking the permit.
- C. Planning Commission Review and Public Hearing. Upon receipt of a completed application, the Clerk shall schedule a public hearing at the next regular Planning Commission meeting which allows enough time to provide notification as required in the following subsection, E.
- D. Notice of the Public Hearing. Notice of the public hearing shall be published in at least one (1) newspaper of general circulation and sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date that the public hearing will be held.
- E. Contents of Notification. The notice of public hearing shall:
1. Describe the nature of the request.
 2. Describe the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the public hearing will be held.
 4. Indicate when and where written comments will be received concerning the request.

- F. **Planning Commission Action.** The Planning Commission may deny, approve, or approve with conditions a request for a special use. The Planning Commission's decision, and the basis for the decision, shall be described in a written statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. The findings and conclusions shall be made part of the record of the meeting in accordance with Section 502, sub paragraph (4) of Act 110 of 2006.
- G. **Conditions and Safeguards.** The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed. Such conditions shall conform to the standards found in, Section 504 of Act 110 of 2006, as the same may be amended or superseded from time to time.

Conditions may include provisions necessary:

1. To insure the public and/or private services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
2. To protect the natural environment and conserve natural resources and energy;
3. To insure compatibility with adjacent uses of land;
4. To promote the use of the land in a socially and economically desirable manner.

3.3.4. Basis of Determinations.

The Planning Commission shall review the proposed special use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location:

- A. Will be harmonious and in accordance with the general objectives of the Lima Township Master Plan.
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended essential character of the area.
- C. Will not be hazardous or disturbing to existing nearby uses.

- D. Will be compatible with existing and adjacent uses of land and will promote the use of land in a socially and economically desirable manner.
- E. Will be served adequately by essential public and/or private water supply and waste water treatment services and/or facilities or that the persons responsible for the establishment of the proposed special use will provide adequately any such service or facility.
- F. Will not create excessive additional public costs and will not significantly decrease property values of surrounding properties.
- G. Will meet all the requirements and standards of this Ordinance and any other applicable laws, standards, ordinances and/or regulations.
- H. Will be harmonious with the natural environment and/or unique natural features.

3.3.5. Effect of Approval.

Approval of a Special Use permit authorizes the Zoning Administrator to issue a certificate of zoning compliance and, provided all other requirements for such certificate have been met.

3.3.6. Duration, Voiding and Extensions of Permit.

Unless otherwise specified by the Planning Commission, any special use permit granted under this section shall be null and void five hundred forty-five (545) days after the issuance of a special use permit, unless the use has begun or a building permit has been issued and construction has begun on the property and is diligently pursued in conformance with the approved site plan and construction schedule. The Zoning Administrator shall give notice by certified mail to the holder of a permit no less than 60 days before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated on said permit. Within thirty (30) days of receipt of notice of voiding of the permit, the applicant shall have the right to request an extension of the permit from the Planning Commission. The Planning Commission may grant an extension thereof for good cause for a period not to exceed six (6) months.

3.3.7. Revocations by the Planning Commission.

The Planning Commission shall have the authority to revoke any special use permit if the holder of the permit has failed to comply with any of the applicable requirements of this Article or the terms of the permit. After a revocation notice has been given, the use for which the permit was granted shall cease.

3.3.8. Reapplication.

No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Planning Commission.

3.3.9. Minor Amendments to an Approved Special Use Permit Site Plan.

Minor amendments to an approved Special Use Permit Site Plan, may be approved by the Zoning Administrator without a public hearing upon determination that the proposed amendment is minor in accordance with section 7.19. In addition, the zoning administrator must certify that the minor change does not alter the specified conditions of the Special Use as previously approved by the Planning Commission.

- A. If the Zoning Administrator determines that the proposed amendment is not minor, the applicant may apply for a new/amended Special Use permit. See Section 3.3 Special Uses.

Section 3.4. Certificates of Zoning Compliance. Certificates of Zoning Compliance are required of all structures, uses, or lots, erected, used, or created after the effective date of this Ordinance.

3.4.1. Applications for Certificates of Zoning Compliance shall be made to the Zoning Administrator. Each application shall include a site plan as required in Section 3.4.11, herein, and all information necessary to determine zoning compliance.

3.4.2. All plans to be submitted to the Building Official for a Building Permit shall first be submitted for review and approval by the Zoning Administrator with respect to the requirements of the Zoning Ordinance. No Building Permit shall be issued unless a Certificate of Zoning Compliance has been issued by the Zoning Administrator for the same, and is in effect.

3.4.3. In all cases in which a Certificate of Occupancy is required, but a Building Permit is not required, the Certificate of Occupancy shall not be issued unless a Certificate of Zoning Compliance has been issued by the Township Zoning Administrator and is in effect.

3.4.4. A Certificate of Zoning Compliance shall not be issued for any use or structure, unless said use or structure and the lot upon which it is situated meets all the requirements of this Ordinance. A Certificate of Zoning Compliance may be issued for a legally existing non-conforming use, structure, or lot. In such case, the Certificate of Zoning Compliance shall clearly list each and every legal non-conformity. A Certificate of Zoning Compliance shall not be issued for any use, structure, or lot if any illegal non-conformity exists thereon.

3.4.5. The owner or lessee of the structure or lot, or agent of either, may make application for a Certificate of Zoning Compliance by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

3.4.6. Subject to the limitations of Section 3.4.8, herein, amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the certificate was approved and before a Certificate of Occupancy is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.

3.4.7. The Zoning Administrator shall examine or cause to be examined all applications for a Certificate of Zoning Compliance and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing, stating the reasons therefore. If the application or plans do so conform, the Zoning Administrator shall issue a Certificate of Zoning Compliance as soon as practical. The signature of the Zoning Administrator shall be attached to every certificate, or a subordinate may be authorized to affix such signature thereto. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved."

3.4.8. An application for a Certificate of Zoning Compliance shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently pursued or a Building Permit shall have been issued, or a Certificate of Occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause grant not more than two (2) extensions of time, for periods not exceeding ninety (90) days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after time of commencing the work.

3.4.9. In the case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based, any Zoning Compliance Certificate shall be deemed null and void at the discretion of the Zoning Administrator.

3.4.10. Issuance of a Certificate of Zoning Compliance shall be subject to the following conditions:

- A. No certificate shall be issued until the required fees have been paid.
- B. All work or use shall conform to the approved application and plans for which the certificate has been issued and any approved amendments thereof.
- C. All work or use shall conform to the approved final site plan, if required.

3.4.11. An application for a Certificate of Zoning Compliance shall be accompanied by a site plan as required in this Section, unless a site plan is required under Article 7, Site Plan Review, in which case the provisions of this Section shall not apply. Such site plan shall be drawn to a measurable scale, submitted in three (3) copies, and shall provide the following information:

- A. Scale, date, and north arrow.
- B. Location, shape, dimensions of the lot, and rights-of-way.
- C. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
- D. A clear description of existing and intended uses of all structures.

Section 3.5. Building Permits. No Building Permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof which does not comply with all provisions of this Ordinance and unless a Certificate of Zoning Compliance has been issued therefore, by the Zoning Administrator and is in effect. No structure shall be erected, moved, added to, or structurally altered unless the Building Official shall have issued a Building Permit.

Section 3.6. Certificates of Occupancy. It shall be unlawful to use or occupy or permit the occupancy of any land, building, or structure for which a Building Permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Official shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with. A Certificate of Occupancy shall constitute certification of zoning compliance, as well as compliance with all other applicable building codes. A Certificate of Occupancy shall not be required for

agriculturally used lands and structures however; a Zoning Compliance permit is required for such uses and structures.

3.6.1. Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, if, after inspection, it is found that same is in conformity with the provisions of this Ordinance, and any other applicable statutes, laws, ordinances, and/or regulations.

3.6.2. Temporary Certificates of Occupancy may be issued for a period not to exceed one hundred twenty (120) days for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, provided that such portions of the building or structure are in conformity with the provisions of this Ordinance and other applicable ordinances. A temporary certificate of occupancy may be extended for thirty (30) days, by the Zoning Administrator beyond the initial one hundred twenty (120) day term. However, a temporary certificate shall not extend more than five (5) days after the building or structure is fully completed and ready for occupancy.

3.6.3. Buildings or uses accessory to dwellings shall not require a separate certificate but may be included in the certificate for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.

3.6.4. Applications for Certificates of Occupancy shall be made in writing to the Building Official on forms furnished by the Building Department. Certificates shall be issued within seven (7) days after receipt of application if it is found in compliance with Section 3.6.1 above. If such certificate is refused for cause, the applicant shall be notified of such action and cause within the same seven (7) day period.

Section 3.7. Performance Guarantee Required. In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Township Board upon the recommendation of the Planning Commission shall require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, safety paths, drainage, fences, screens, walls and landscaping.

3.7.1. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Township.

3.7.2. Where the Township Board requires a performance guarantee, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a zoning compliance permit by the Township for the development and use of the land. Upon the deposit of the performance guarantee the Township shall issue the Zoning Compliance permit if all requirements are met.

3.7.3. The permit shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the compliance permit.

3.7.4. Upon the satisfactory completion, as determined by the Zoning Administrator, of the improvement for which the performance guarantee was required, the Township shall return to the applicant the performance guarantee deposited. However, the Township is not required to deposit the performance guarantee in an interest-bearing account.

3.7.5. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the township, the township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to insure completion of an improvement associated with the proposed use prior to the Township conditional approval, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

Section 3.8. Fees. The Township Board shall, by resolution, establish a schedule of fees for administering this Article. The schedule of fees shall be posted for public display in the office of the Zoning Administrator and in the Township Hall, and may be amended from time to time by the Township Board, by resolution. No certificate or permit shall be issued unless all of the required fees have been paid in full.

Section 3.9. Records. A complete record and copy of each application for each certificate or permit, and each permit or certificate issued pursuant to the provisions of this Ordinance, shall be filed with the Township Clerk and be a part of the Township records.

Section 3.10. Compliance with Plans. Certificates of Zoning Compliance and Certificates of Occupancy shall be issued upon the basis of the plans and applications approved, respectively, by the Township Zoning Administrator and Building Official, and such certificates authorized only the use, construction, development, and configuration of structures set forth in such approved plans and applications, and no other use, construction, development, or configuration of structures shall be allowed. Any development, use, or construction at variance with that authorized herein shall be deemed a violation of this Ordinance and punishable as provided by Section 3.11, herein.

Section 3.11. Sanctions for Violations

3.11.1 Sanctions for Violations. Any person, firm, corporation, owner or entity of whatever kind who violates any provision of this Ordinance is responsible for a municipal civil infraction as outlined in the Lima Township Civil Infraction Procedures and subject to payment of a civil infraction fine based on the Schedule of Civil Infraction Fines that is established by the Township Board of Trustees. Violators may also be assessed costs, which shall include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL 600.8701 et. seq., as amended. The Lima Township Zoning Administrator is hereby authorized to process and issue municipal civil infraction citations in accordance with law.

3.11.2 Stop Work Order. Upon notice from the Zoning Administrator that work on any structure or premises is being pursued contrary to the provisions of this Ordinance, such work shall be immediately stopped. The stop-work order shall be in writing and state the conditions under which the work may be resumed. It shall be posted on the property or premises and delivered in person or by first class mail to the owner of the property or the person doing the work. Any person who shall continue any work in or about the structure or premises after having been served with a stop-work order or after such stop work order has been posted on the property or premises, except such work as he is directed by the Zoning Administrator to perform to remove a violation or unsafe conditions, shall be liable to a fine in the amount of \$500.00 for each day the stop work order is violated, and subject to other sanctions as outlined in Section 3.11, Sanctions for Violations. If the violation is not corrected within ten (10) days from service of the notice of the stop work order the Zoning Administrator may issue additional violations as prescribed in Section 3.11.1 or, if necessary request the Township Supervisor to proceed with an appropriate equitable action in the Washtenaw Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance.

3.11.3 Nuisance Per Se. Uses of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, changed or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged guilty of maintaining a nuisance per se.

3.11.4 Remedies Not Exclusive. Nothing in this Section shall be interpreted as abrogating the Township's right to proceed with an appropriate equitable action in the Washtenaw County Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Amended, effective date: July 6, 2017)

ARTICLE 4

ZONING DISTRICT REGULATIONS

Section 4.1. District Designations.

For the purpose of the Ordinance, the Township of Lima is hereby divided into the following districts:

RC	Recreation Conservation	PUD	Planned Unit Development
AG-1	Agriculture-1	MH	Mobile Home Residential
AG-2	Agriculture - 2	GC	General Commercial
RR	Rural Residential	HC	Highway Commercial
R-1A	Suburban Residential	O	Office
R-1B	Suburban Residential	R-O	Research Office
R-1C	Suburban Residential	LI	Light Industrial
R-1D	Urban Residential		
R-2A	Low Density Multiple Family Residential	VC	Village Commercial

Section 4.2. Zoning District Map.

4.2.1. **Identified.** The zoning districts as provided in Section 4.1 are bounded and defined as shown on the map entitled "Zoning District Map of Lima Township." The Zoning District Map, along with all notations, references, and other explanatory information, shall accompany and be made a part of this Ordinance.

4.2.2. **Authority.** Regardless of the existence of purported copies of the Zoning District Map that may be published, a true and current copy of the Zoning District map available for public inspection shall be located in and maintained by the office of the Township Clerk. The Clerk's copy shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the Township.

4.2.3. **Interpretation of District Boundaries.** Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- C. A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following such line.
- D. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
- E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
- F. The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
- G. A boundary indicated as parallel to, or an extension of, features in paragraphs A. through F. preceding shall be so construed.
- H. A distance not specifically indicated on the Zoning District Map shall be determined by the scale of the map.
- I. Where a physical or cultural feature existing on the ground is at variance with that shown on the Zoning District Map or any other circumstances not covered by A. through H. preceding, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.

Section 4.3. Application of District Regulations. The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules or regulations, ordinances, deed restriction, or covenants, the most restrictive, or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner:

4.3.1. No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by variance as herein described by this Ordinance.

- A. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts. Other uses of the same nature or class may be permitted as those listed as permitted uses in a district, which, as determined by the Planning Commission, are no more intrusive or detrimental to the surrounding area than those listed in Section 4.5, Schedule of Use Regulations. All other uses are prohibited.
- B. **Accessory Uses and Buildings.** Accessory uses are permitted only if such uses are clearly incidental to the permitted principal uses. Subject to Section 5.2.
- C. **Special Uses.** Special uses as authorized by Article 3, Administration and Enforcement, Section 3.3, Special Uses and as listed in Section 4.5, Schedule of Use Regulations. Other uses of the same nature or class may be permitted as those listed as special uses in a district, which, as determined by the Planning Commission, are no more intrusive or detrimental to the surrounding area than those listed in Section 4.5, Schedule of Use Regulations. Additional requirements for certain special uses are set forth in Article 5, General Provisions and Supplemental Regulations.

4.3.2. No building shall hereafter be erected or altered except by appeal as herein described by this Ordinance, to:

- A. Not conform to the standards specified in the district in which the building is located.
- B. Exceed the height limit specified for the district in which such building is located.
- C. Occupy a greater percentage of lot area than is specified for the district in which such building is located.
- D. Intrude upon the required front, rear, or side yards, as specified for the district in which such building is located.
- E. Accommodate or house a greater number of families than is specified for the district in which such building is located.
- F. Provide less living space per dwelling unit than is specified for the district in which such building is located.

4.3.3. **Reduction, Diminishment of a Lot.** No lot area shall be reduced or diminished so that yard setbacks and other open spaces shall be smaller than specified, nor shall the area of any lot be reduced below the minimum requirements herein established for the district in which such lot is located.

4.3.4. **Yards and Open Space Not to Be Used Twice.** No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

4.3.5. **Buildings and Lot of Record.** Every building or structure erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of approved multiple dwelling, commercial, and industrial developments, there shall be no more than (1) principal building/structure and its permitted accessory structures located on each lot in any district, unless specified elsewhere in the Ordinance.

4.3.6. **Street, Alley or Other Public Way Vacated.** Whenever any street, alley or other public way within the Lima Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public right-of-way shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this Ordinance for such adjoining lands.

4.3.7. **Fill/Created Land.** Whenever any fill is placed in any lake, stream or other body of water, the land created shall automatically and without further governmental action shall be subject to the same zoning regulations as are applicable to lands to which the created land shall attach or be adjacent to. The created land shall be used for the same purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

4.3.8. **Setback Measurements.** Required yard setbacks shall be measured from the road right-of-way to the setback line. No exterior face of a structure may protrude into the required yard space except for the outer edge of roof overhangs or cornices, which may extend up to one (1) foot into the required yard. All required yards shall be located parallel and adjacent to property lines.

4.3.9. **Exemptions for Area, Placement and Height Regulations.** The following structures may be located anywhere on any lot: Open and unroofed terraces, patios, flag poles, hydrants, laundry drying equipment, trellises, outdoor cooking equipment, sidewalk and private driveways, trees, plants, shrubs and hedges, fences, screens, or light poles. Anything constructed, erected, placed, or planted or allowed to grow, shall conform to the provisions of Section 5.47 herein, Visibility at Intersections.

The following structures and appurtenances shall be exempt from the height regulations of this ordinance: cupolas, spires, belfries, mechanical penthouses, and domes, chimneys, ventilators, skylights, water tanks, public utility transmission and distribution lines and related structures, radio, and television broadcasting and receiving antennae, silos, grain storage bins, parapets, and other appurtenances usually required to be placed above roof level and not intended for human occupancy. Wireless and/or cellular towers and/or facilities are not exempt from height restrictions.

An entrance structure, including but not limited to walls, columns or gates, may be placed in a subdivision, or other residential developments without regard to yard requirements provided that the location of such a structure shall be approved by the Planning Commission before a building permit shall be issued. The location of such a structure shall conform to the provisions of Section 5.47 herein, Visibility at Intersections.

Signs identifying a development by name and address may be mounted on an entry structure or made a structural part thereof, provided that such signs shall conform to all sign regulations, of the district in which located, and to the provisions of Article 10, Signs, herein.

Section 4.4. Intent of Districts. The intent and purpose of each district is set forth as follows:

4.4.1. **RC, Recreation/Conservation.** This district is established to preserve and enhance the rural character of the Township. The principal uses of land are primarily those that use natural areas, and are essentially unimproved or undeveloped open spaces, public or private buildings or public or private activities involving development or utilization of the land, educational facilities and those related services and functions which are normally operated with them, and institutions and quasi-public uses. The RC district also includes private conservation and recreation, agricultural activities, and single-family homes on parcels of forty (40) acres or more. Further, the RC district is designed to support the general intent of this Ordinance, to protect and preserve public open space, and to ensure orderly transition to appropriate uses when such public use is abandoned.

4.4.2. **AG-1, Agriculture District.** This district is established to preserve the rural character and support stable and viable agricultural operations. The primary use of this district area is considered to be agriculture. The regulations of this district are designed to conserve and protect farm operations, including dairy farming, pasturage, cash cropping, stables (public and private), orchards, as well as other agricultural and related uses. The regulations of the district are designed to exclude or discourage uses and buildings that demand substantial public or private services, such as major thoroughfares, water supply and waste water treatment facilities, drainage, and other public or private utility type services. Minimum lot size is five (5) acres.

4.4.3. **AG-2, Agriculture District.** This district is established to provide a district that preserves the Township's rural character by accommodating a variety of agricultural uses deemed generally compatible with residential uses, and simultaneously permitting single-family residential development on larger size lots. The AG-2 district enables the incorporation of environmentally fragile areas such as ravines and wetlands into low density subdivisions; to retain, preserve, and protect a predominantly open and non-urban character within the Township; and to reduce the need for public services to these areas. The regulations of the district are designed to exclude or discourage uses and buildings that demand substantial public services, such as major thoroughfares, water supply and waste water treatment facilities/plants, drainage, and other public or private utility type services. The minimum lot size of the AG-2 district is five (5) acres.

4.4.4. **RR, Rural Residential District.** This district is established to provide areas in which the primary use is single-family residential on large, estate size lots, plus customary accessory and compatible supportive uses. The RR district is suitable for the introduction of on-site septic fields and domestic water wells, subject to the regulations of the Washtenaw County Environmental Health Department. It is envisioned that these areas will provide additional choices of desirable and economically feasible housing opportunities for various segments of the general public. Selective ranges of agricultural types of land uses are also accommodated within the district. Certain other private and public uses are permitted, as well as special uses subject to conditions that will insure compatibility with the primary use and essential rural character of this district. The regulations of the district are designed to exclude or discourage uses and buildings that demand substantial public services, such as major thoroughfares, public sewer or water facilities, drainage, and other public services. Minimum lot size is three (3) acres.

4.4.5. **R-1A, Suburban Residential District.** This district is established to provide districts in which the primary use is single-family residential, plus customary accessory and compatible support uses. The R-1A district is suitable for the introduction of on-site septic fields and domestic water wells, subject to the regulations of the Washtenaw County Environmental Health Department. This district is designed to preserve and enhance the Township's rural character and natural features while also adding to the range of lot sizes and potential housing opportunities for various segments of the general public. Minimum lot size is 1 acre.

4.4.6. **R-1B, Suburban Residential District.** This district is established to provide single-family residential areas at a suburban density of 20,000 square feet. This district is designed to create a predominately suburban residential character only in those areas in which public and/or private sanitary sewer and water services are available.

4.4.7. **R-1C, Urban Residential District.** This district is established to provide single-family residential uses on small lots of at least 10,000 square feet. The district is intended for those areas served by public and/or private sanitary sewer and/or water.

4.4.8. **R-1D, Urban Residential District.** This district is established to provide single-family residential uses on small lots of at least 7,200 square feet. The district is intended for those areas served by public and/or private sanitary sewer and water.

4.4.9 **R-2A Low Density Multiple Family Residential District.** This district is established to provide areas for townhouses and similar types of single-family attached dwelling units, and for low-density apartment units. This district is intended to be used only in those areas of the Township, which are served by public and/or private sanitary sewer and water facilities. Single-family detached: 15,000 square foot minimum lot size. Multiple-family: lot minimum is 1 acre, 8 dwelling units per acre.

4.4.10 **MH, Mobile Home Residential District.** This district is established to allow the development of functional, compatible, and aesthetically pleasing mobile home residential parks of imaginative design, adjacent to essential community services, including public and/or private sanitary sewer and water supply, and otherwise protect the health, safety and welfare of mobile home residents in Lima Township.

In addition to the requirements of this Ordinance, all mobile home parks shall comply with the Mobile Home Commission Act, Act 96 of the Public Acts of 1987 and the current Mobile Home Code, adopted by the Michigan Manufactured Housing Commission.

4.4.11 **GC, General Commercial District.** This district is established to provide suitable locations for both local service, convenience shopping facilities and general retail, service and office activities and establishments that serve a more broadly based market. These regulations are intended to discourage strip or linear development, and to encourage stable and desirable development in a cluster or planned pattern. One (1) acre minimum lot size.

It is the intent of this district to encourage consolidation of the permitted uses, particularly as shopping centers. Consolidations of retail shopping facilities are encouraged, thereby lessening traffic congestion by reducing the number of commercial driveways opening onto major streets.

4.4.12 **HC, Highway Commercial District.** This district is established to provide a district for general commercial and office uses relying on a significantly broader market area which serves the motoring public. One (1) acre minimum lot size.

4.4.13. **O, Office.** This district is intended for general office activities. One (1) acre minimum lot size.

4.4.14. **R-O, Research-Office.** The Research Office district is designed and intended for research and office facilities to serve the needs of commerce, industry, science, and education. Offices and limited prototype manufacturing operations in support of and incidental to research activity are acceptable. This district is characterized by a low intensity of land coverage and uses, which produce an insignificant amount of heat, noise, glare, offensive odors, and similar environmental disturbances. Uses, which involve substantial storage or handling of explosive or highly inflammable gases or liquids, are not permitted in this district. One (1) acre minimum lot size.

4.4.15. **LI, Light Industrial District.** This district is established to make available resources and services essential to high quality light industrial development, including manufacturing, office/research, warehousing and distribution, and other similar light and low impact industrial uses, while also guarding against the encroachment of these uses into districts where they may be considered incompatible. One (1) acre minimum lot size.

4.4.16. **PUD, Planned Unit Development.** This district is established to provide for various types of land uses planned in a manner which shall: encourage the use of land in accordance with its unique character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township; and bring about a greater compatibility of design with land use. The provisions of this district provide review authority to the Planning Commission and standards for the submission, review, and approval of applications for Planned Unit Developments.

4.4.17. **VC, Village Commercial.** This district is designed to complement and blend with the rural character of Lima Township while providing residents with services and the opportunity to establish and grow small businesses. The VC district encourages and facilitates the development of traditional, pedestrian-oriented nodes which may include mixed-use buildings containing residential, retail, and service uses.

Section 4.5. Schedule of Use Regulations.

4.5. Permitted, Accessory, and Special Uses

4.5.1. RC, Recreation/Conservation District.

RC, Permitted Uses

- 1) Accessory uses, subject to Section 5.2.
- 2) Agricultural uses and customary farm accessory buildings.
- 3) Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.16.
- 4) Forest preserve, game refuge, and conservation area.
- 5) Kennel, private, subject to Section 5.25.1.A.
- 6) Public parks and recreation activities.
- 7) Stable, private, subject to Section 5.25.2.A.
- 8) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes with six (6) or fewer children or adults, subject to Section 5.13 (b) (1) A.).
- 9) Adult and Child Family Day-Care Homes, with six (6) or fewer children or adults, subject to Section 5.5.1.
- 10) Child Foster Family Home, four (4) or fewer children, subject to Section 5.13 (c) (1). (Amended: Effective Date: July 2, 2009)
- 11) Home occupations, subject to Section 5.22.

RC, Special Uses (All Special Uses subject to Section 3.3)

- 1) Campgrounds subject to Section 5.11.
- 2) Cemeteries, public or private, subject to Section 5.12. (Amended, Effective Date: June 4, 2016)
- 3) Churches, subject to Section 5.14.

RC, Special Uses (con't)

- 4) Country clubs.
- 5) Domestic radio, T.V. broadcast station, receiving and broadcasting towers, excluding wireless/cellular towers/facilities.
- 6) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements are required. The erection of poles for electrical and/or telephone service, on private property for single-family purposes are exempt from the provisions of this sub-section.
- 7) There shall be no storage of materials, equipment, vehicles, or supplies on the premises, except as required for maintenance of a permitted or special land use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located. Subject to Section 5.16.
- 8) Golf courses, subject to Section 5.21. Also Subject to Section 5.2.4.
- 9) Governmental and municipal buildings and structures.
- 10) Kennel, commercial, subject to Section 5.25.1.B.
- 11) Marinas and beaches.
- 12) Public or private elementary, middle, and secondary schools.
- 13) Public or private colleges, universities, subject to Section 5.26.
- 14) Residential uses associated with a conservation, educational, or recreation use.
- 15) Single-family dwellings, detached.

RC, Special Uses (con't)

- 16) Skiing, and tobogganing facilities, snowmobile and motorcycle trails, game yards, hunting preserves.
- 17) Stables, commercial, subject to Section 5.25.2.B.
- 18) Structures or roads for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- 19) Swimming pool, community.
- 20) Vocation training facilities.
- 21) Child Group Day-Care Homes (greater than six (6) children and Child Day-Care Centers, subject to Section 5.54 and Section 5.5.5 respectively.
- 22) Child Foster Family Group Homes (between four (4) and eight (8) children etc.), subject to Section 5.13 (c) (2).
- 23) Adult Group Day-Care Homes six (6) or greater adults, Subject to Section 5.5.2.
- 24) Adult Day-Care Centers, subject to Section 5.5.3.
- 25) Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 5.13 (b) (2). (Amended: Effective Date: July 2, 2009)
- 26) Agricultural Commercial/Tourism Business, subject to the provisions of 5.52.

4.5.2 AG-1, Agriculture District

AG-1, Permitted Uses

- 1) Accessory uses, subject to Section 5.2.
- 2) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes with six (6) or fewer children or adults, subject to Section 5.13 (b) (1) A.). (Amended: Effective Date: July 2, 2009)
- 3) Agricultural uses and customary farm accessory buildings, including apiaries and greenhouses.
- 4) Adult and Child Family Day-Care Homes, with six (6) or fewer children or adults, subject to Section 5.5.1. (Amended: Effective Date: July 2, 2009)
- 5) Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.16.
- 6) Forest preserve, game refuge, and conservation area.
- 7) Home occupations, subject to Section 5.22.
- 8) Kennel, private, subject to Section 5.25.1.A.
- 9) Private/commercial grain elevator
- 10) Nature and wildlife preserve
- 11) Roadside stands selling seasonal farm produce, at least of which fifty (50%) percent is grown on the premises.
- 12) Single-family dwelling, detached.
- 13) Stables, private subject to Section 5.25. 2. A.
- 14) Tree, sod farm.
- 15) Fertilizer sales, feed or seed sales.
- 16) Structures or roads for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- 17) Child Foster Family Home, four (4) or fewer children, subject to Section 5.13 (c) (1). (Amended: Effective Date: July 2, 2009)

AG-1, Special Uses (All Special Uses subject to Section 3.3)

- 1) Airport, helicopter and other vertical landing and takeoff craft landing ports and aircraft landing fields.
- 2) Bed and Breakfast, subject to Section 5.9.
- 3) Campgrounds subject to Section 5.11.
- 4) Cemeteries, public or private, subject to Section 5.12. (Amended, Effective Date: June 4, 2016)
- 5) Child Group Day-Care Homes (greater than six (6) children and Child Day-Care Centers, subject to Section 5.5.4 and Section 5.5.5 respectively. (Amended: Effective Date: July 2, 2009)
- 6) Churches, subject to Section 5.14.
- 7) Commercial, non-farm related nurseries and retail greenhouses.
- 8) Confined animal feedlots, intensive livestock operations subject to Section 5.24.
- 9) Country club.
- 10) Domestic radio, T.V. broadcast station, receiving and broadcasting towers, excluding wireless/cellular towers/facilities.
- 11) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements. The erection of poles for electrical and/or telephone service, on private property, for single-family purposes are exempt from the provisions of this sub-section. There shall be no storage of materials, equipment, vehicles, or supplies on the premises, except as required for maintenance of a permitted or special land use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located. Subject to Section 5.16.
(Amended, effective date: December 7, 2006; removed commercial kennel)

AG-1, Special Uses (con't)

- 12) Farm implements sales and repair.
- 13) Golf courses, subject to Section 5.21. Also Subject to Section 5.2.4.
- 14) Governmental and municipal buildings and structures.
- 15) Livestock auction yards.
- 16) Marinas, beaches.
- 17) Nursing and/or convalescent home, subject to Section 5.23.
- 18) Off premises business and off premise storage of service vehicles.
- 19) Private day camps, subject to Section 5.11.
- 20) Public parks, playgrounds and recreation activities
- 21) Public or private colleges, universities, subject to Section 5.26.
- 22) Public or private elementary, middle, and secondary schools.
- 23) Quarries, mineral mining, sand and gravel pits, soil removal and other extractive excavations, subject to Section 5.27.

AG-1, Special Uses (con't)

- 24) Recreational vehicle storage yard subject to Section 5.34.
- 25) Residential uses associated with a conservation, educational, or recreation use.
- 26) Saw mills.
- 27) Seasonal housing for agricultural workers, on farms of forty (40) acres or larger subject to Section 5.56. (Amended: Effective Date: October 25, 2017)
- 28) Skiing and tobogganing facilities, snowmobile and motorcycle trails.
- 29) Stable, commercial, subject to Section 5.25.2.B.
- 30) Swimming pool, community.
- 31) Transient and amusement enterprises, subject to Section 5.46.
- 32) Veterinary clinic, animal hospital.
- 33) Vocational training facilities.
- 34) Wireless Communication Facilities, subject to Section 5.48.
- 35) Child Foster Family Group Homes (between four (4) and eight (8) children etc.), subject to Section 5.13 (c) (2). (Amended: Effective Date: July 2, 2009)
- 36) Not for profit charitable and philanthropic organizations. (Amended, effective date: July 30, 2005)
- 37) Adult Group Day-Care Homes (six (6) or greater adults, Subject to Section 5.5.2.
- 38) Adult Day-Care Centers, subject to Section 5.5.3.
- 39) Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 5.13 (b) (2). (Amended: Effective Date: July 2, 2009)
- 40) Agricultural Commercial/Tourism Business, subject to the provisions of Section 5.52.
- 41) Dog Park, subject to Section 5.53. (Amended: Effective Date: April 23, 2016)
- 42) Off premises business and off premise storage of service vehicles, subject to the provisions of 5.53. (Amended: Effective Date: January 2, 2017)

4.5.3. AG-2, Agriculture District.

AG-2, Permitted Uses

- 1) Accessory uses, subject to Section 5.2.
- 2) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes with six (6) or fewer children or adults, subject to Section 5.13 (b) (1) A.). (Amended: Effective Date: July 2, 2009)
- 3) Agricultural uses and customary farm accessory buildings.
- 4) Adult and Child Family Day-Care Homes, with six (6) or fewer children or adults, subject to Section 5.5.1. (Amended: Effective Date: July 2, 2009)
- 5) Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.16.
- 6) Forest preserve, game refuge, and conservation area.
- 7) Home occupations, subject to Section 5.22.
- 8) Kennel, Private, subject to Section 5.25.1.A.
- 9) Roadside stands selling seasonal farm produce, at least of which fifty (50%) percent is grown on the premises.
- 10) Single-family dwelling, detached.
- 11) Stable, private, subject to Section 5.25.2.A.
- 12) Child Foster Family Home, four (4) or fewer children, subject to Section 5.13 (c) (1). (Amended: Effective: July 2, 2009)

(Amended, effective date: December 7, 2006; removed commercial kennel)

AG-2, Special Uses (All Special Uses subject to Section 3.3)

- 1) Airport, helicopter and other vertical landing and takeoff craft landing ports and aircraft landing fields.
- 2) Bed and Breakfast, subject to Section 5.9.
- 3) Campgrounds, subject to Section 5.11.
- 4) Cemeteries, public or private, subject to Section 5.12. (Amended, Effective Date: June 4, 2016)
- 5) Child Group Day-Care Homes (greater than six (6) children and Child Day-Care Centers, subject to Section 5.5.4 and Section 5.5.5 respectively. (Amended: Effective Date: July 2, 2009)
- 6) Churches, subject to Section 5.14.
- 7) Commercial, non-farm related nurseries and greenhouses.
- 8) Country club.
- 9) Domestic radio, T.V. broadcast station, receiving and broadcasting towers, excluding wireless/cellular towers/facilities.
- 10) Essential services and structures, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements are required, and structures of public utility companies, except that the erection of poles for electrical and/or telephone service, on private property, for single-family purposes are exempt from the provisions of this sub-section. Further, there shall be no storage of materials, equipment, vehicles, or supplies on the premises, except as required for maintenance of a permitted or special land use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located. Subject to Section 5.16.
- 11) Farm implements sales and repair, fertilizer sales, feed or seed sales.

AG-2, Special Uses (con't)

- 12) Golf courses, subject to Section 5.21. Also Subject to Section 5.2.4.
- 13) Governmental and municipal buildings and structures.
- 14) Library, museum (non-commercial).
- 15) Marinas and beaches.
- 16) Nursing and/or convalescent home, subject to Section 5.23.
- 17) Off premises business and off premise storage of service vehicles, subject to the provisions of 5.53. (Amended: Effective Date: January 2, 2017)
- 18) Public or private colleges, universities, subject to Section 5.26.
- 19) Private Day camps, subject to Section 5.11.
- 20) Public or private elementary, middle, and secondary schools.
- 21) Saw mills.
- 22) Skiing and tobogganing facilities snowmobile and motorcycle trails.
- 23) Structures or roads for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- 24) Recreational vehicle storage yards, subject to Section 5.34
- 25) Residential uses associated with a conservation, education or recreation use

AG-2, Special Uses (con't)

- 26) Seasonal housing for agricultural workers, on farms of forty (40) acres or larger subject to Section 5.56. (Amended: Effective Date: October 25, 2017)
- 27) Stable, commercial, subject to Section 5.25.2, B.
- 28) Swimming pool, community.
- 29) The sale of food and alcoholic beverages when part of a recreational activity.
- 30) Transient and amusement enterprises, subject to Section 5.46.
- 31) Veterinary clinic, animal hospital.
- 32) Vocational training facilities.
- 33) Wireless Communication Facilities, subject to Section 5.48.
- 34) Grain elevator, commercial
- 35) Public parks and recreational activities.
- 36) Tree, sod farm.
- 37) Child Foster Family Group Homes (between four (4) and eight (8) children etc.), subject to Section 5.13 (c) (2). (Amended: Effective Date: July 2, 2009)
- 38) Not for profit charitable and philanthropic organizations. (Amended, Effective Date: July 30, 2005)
- 39) Adult Group Day-Care Homes (six (6) or greater adults), Subject to Section 5.52.
- 40) Adult Day-Care Centers, subject to Section 5.5.3.
- 41) Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 5.13 (b) (2). (Amended: Effective Date: July 2, 2009)
- 42) Agricultural Commercial/Tourism Business, subject to the provisions of Section 5.52.
- 43) Dog Park, subject to Section 5.53. (Amended: Effective Date: April 23, 2016)

4.5.4 RR, Rural Residential District.**RR, Permitted Uses**

- 1) Accessory uses, subject to Section 5.2.
- 2) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes with six (6) or fewer children or adults, subject to Section 5.13 (b) (1) A.).

Adult and Child Family Day-Care Homes, with six (6) or fewer children or adults, subject to Section 5.5.1. (Amended: Effective Date: July 2, 2009)

- 3) Essential services and structures. Transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.16.
- 4) Home occupations, subject to Section 5.22.
- 5) Residential Cluster Development, subject to Section 5.38.
- 6) Single-family dwellings, detached.
- 7) Child Foster Family Home, four (4) or fewer children, subject to Section 5.13 (c) (1). (Amended: Effective Date: July 2, 2009)

RR, Special Uses (All Special Uses subject to Section 3.3)

- 1) Child Group Day-Care Homes (greater than six (6) children and Child Day-Care Centers, subject to Section 5.5.4 and Section 5.5.5 respectively.
- 2) Child Foster Family Group Homes (between four (4) and eight (8) children etc...), subject to Section 5.13 (c) (2). (Amended: Effective Date: July 2, 2009)
- 3) Bed and Breakfast, subject to Section 5.9.
- 4) Cemeteries, public or private, subject to Section 5.12. (Amended, Effective Date: June 4, 2016)
- 5) Child Group Day Care Home and Day Care Centers, subject to Section 5.13.2. B. and C. and Section 5.13.3 and 5.13.4.
- 6) Churches, subject to Section 5.14.

RR, Special Uses (con't)

- 7) Country clubs.
- 8) Essential services and structures of public utility companies, transmission, distribution lines and pipelines, of public utility companies, when new rights-of-way easements are required. The erection of poles for electrical and/or telephone service on private property, for single-family purpose are exempt from the provisions of this sub-section.
- 9) There shall be no storage of materials, equipment, vehicles, or supplies on the premises, except as required for maintenance of a permitted or special land use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located. Subject to Section 5.16.
- 10) Golf courses, subject to Section 5.21.
- 11) Governmental and municipal buildings and structures.
- 12) General and specialty hospitals, subject to Section 5.20.
- 13) Kennel, private, subject to Section 5.25.1.A.
- 14) Library, museum (non-commercial).
- 15) Nursing and/or convalescent home, subject to Section 5.23.
- 16) Public parks, playgrounds and recreational facilities.
- 17) Public or private colleges, universities, subject to Section 5.26.
- 18) Public or private elementary, middle, and secondary schools.
- 19) Stables, private subject to Section 5.25. 2. A.
- 20) Swimming pool, community.
- 21) Adult Group Day-Care Homes (six (6) or greater adults), Subject to Section 5.5.2

- 22) Adult Day-Care Centers, subject to Section 5.5.3. 5.13 (b) (2). (Amended: Effective Date: July 2, 2009)
- 23) Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 24) Dog Park, subject to Section 5.53. (Amended: Effective Date: April 23, 2016)

4.5.5. R-1A, Suburban Residential District.

R-1A Permitted Uses

- 1) Accessory uses, subject to Section 5.2.
- 2) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes with six (6) or fewer children or adults, subject to Section 5.13 (b) (1) A.).
- 3) Adult and Child Family Day-Care Homes, with six (6) or fewer children or adults, subject to Section 5.5.1.
(Amended: Effective Date: July 2, 2009)
- 4) Essential services and structures. Transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.16.
- 5) Residential Cluster Development, subject to Section 5.38. (Amended: Effective Date: January 2, 2017)
- 6) Single-family dwellings, detached.
- 7) Child Foster Family Home, four (4) or fewer children, subject to Section 5.13 (c) (1). (Amended: Effective Date: July 2, 2009)

R-1A, Special Uses (All Special Uses subject to Section 3.3)

- 1) Child Group Day-Care Homes greater than six (6) children and Child Day-Care Centers, subject to Section 5.5.4 and Section 5.5.5 respectively. (Amended: Effective Date: July 2, 2009)
- 2) Bed and Breakfast, subject to Section 5.9.
- 3) Cemeteries, public, subject to Section 5.12.
- 4) Child Foster Family Group Homes (between four (4) and eight (8) children etc...), subject to Section 5.13 (c) (2). (Amended: Effective Date: July 2, 2009)
- 5) Churches, Subject to Section 5.14.
- 6) Country Clubs.

R-1A, Special Uses (con't)

- 7) Essential services and structure of public utility companies, transmission and distribution lines and pipelines, of public utility companies, when new rights-of-way easements are required. The erection of poles for electrical and/or telephone service on private property, for single-family purposes are exempt from the provisions of this sub-section.

There shall be no storage of materials, equipment, vehicles, or supplies on the premises, except as required for maintenance of a permitted or special land use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located. Subject to Section 5.16.

- 8) Golf courses, subject to Section 5.21.
- 9) Government and municipal buildings and structures.
- 10) Hospitals, subject to Section 5.20.
- 11) Kennel, private, subject to Section 5.25.1.A.
- 12) Library, museums (non-commercial).
- 13) Nursing and/or Convalescent Centers, subject to Section 5.23 and 5.13. B. (2) (3).
(Amended: Effective Date: July 2, 2009)
- 14) Public park, playground and recreational facilities.
- 15) Public or private colleges, universities, subject to Section 5.26.
- 16) Public or private elementary, middle, and secondary schools.
- 17) Private medical practice.
- 18) Swimming pool, community.
- 19) Adult Group Day-Care Homes (six (6) or greater adults), Subject to Section 5.5.2. (Amended: Effective Date: July 2, 2009)

- 20) Adult Day-Care Centers, subject to Section 5.5.3.
- 21) Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 5.13 (b) (2).
- 22) Home Occupations, subject to the provisions of 5.22 (Amended: Effective Date: January 2, 2017)

4.5.6 R-1B, Suburban Residential Districts

R-1B, Permitted Uses

- 1) Accessory uses, subject to Section 5.2.
- 2) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes with six (6) or fewer children or adults, subject to Section 5.13 (b) (1) A.).
- 3) Adult and Child Family Day-Care Homes, with six (6) or fewer children or adults, subject to Section 5.5.1. (Amended: Effective Date: July 2, 2009)
- 4) Essential services and structures. Transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement. Subject to Section 5.16.
- 5) Single-family dwelling, detached.
- 6) Child Foster Family Home, four (4) or fewer children, subject to Section 5.13 (c) (1). (Amended: Effective Date: July 2, 2009)

R-1B, Special Uses (All Special Uses subject to Section 3.3)

- 1) Child Group Day-Care Homes (greater than six (6) children and Child Day-Care Centers, subject to Section 5.5.4 and Section 5.5.5 respectively. (Amended: Effective Date: July 2, 2009)
- 2) Bed and Breakfast, subject to Section 5.9.
- 3) Child Foster Family Group Homes (between four (4) and eight (8) children etc...), subject to Section 5.13 (c) (2). (Amended: Effective Date: July 2, 2009)
- 4) Churches, subject to Section 5.14.

R-1B, Special Uses (con't)

- 5) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way easements are required. The erection of poles for electrical and/or telephone service on private property, for single-family purposes are exempt from the provisions of this subsection.
- 6) There shall be no storage of materials, equipment, vehicles, or supplies on the premises, except as required for maintenance of a permitted or special land use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located. Subject to Section 5.16.
- 7) Golf courses, subject to Section 5.21.
- 8) Government and municipal buildings and structures.
- 9) Nature and wildlife preserves.
- 10) Public park, playground and recreational facilities.
- 11) Public or private elementary, middle, and secondary schools.
- 12) Swimming pool, community.
- 13) Country clubs.
- 14) Adult Group Day-Care Homes (six (6) or greater adults), Subject to Section 5.5.2.
- 15) Adult Day-Care Centers, subject to Section 5.5.3
- 16) Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 5.13 (b) (2). (Amended: Effective Date: July 2, 2009)

4.5.7 R-1C, Urban Residential District

R-1C, Permitted Uses

- 1) Accessory uses, subject to Section 5.2.
- 2) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes with six (6) or fewer children or adults, subject to Section 5.13 (b) (1) A.).
- 3) Adult and Child Family Day-Care Homes, with six (6) or fewer children or adults, subject to Section 5.5.1. (Amended: Effective Date: July 2, 2009)
- 4) Essential services and structures. Transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement. Subject to Section 5.16.
- 5) Nature and wildlife preserves.
- 6) Single-family dwelling, detached.
- 7) Child Foster Family Home, four (4) or fewer children, subject to Section 5.13 (c) (1). (Amended: Effective Date: July 2, 2009)

R-1C, Special Uses (All Special Uses subject to Section 3.3)

- 1) Child Group Day-Care Homes greater than six (6) children and Child Day-Care Centers, subject to Section 5.5.4 and Section 5.5.5 respectively.
- 2) Child Foster Family Group Homes (between four (4) and eight (8) children etc.), subject to Section 5.13 (c) (2). (Amended: Effective Date: July 2, 2009)
- 3) Churches, subject to Section 5.14
- 4) Country Clubs.

R-1C, Special Uses (con't)

- 5) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way easements are required. The erection of poles for electrical and/or telephone service on private property, for single-family purposes are exempt from the provisions of this subsection.

There shall be no storage of materials, equipment, vehicles, or supplies on the premises, except as required for maintenance of a permitted or special land use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located, subject to Section 5.16.

- 6) Golf courses, subject to Section 5.21.
- 7) Governmental and municipal buildings and structures.
- 8) Public park, playground and recreational facilities.
- 9) Public or private elementary, middle, and secondary schools.
- 10) Swimming pool, community.
- 11) Adult Group Day-Care Homes (six (6) or greater adults), Subject to Section 5.5.2.
- 12) Adult Day-Care Centers, subject to Section 5.5.3.
- 13) Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 5.13 (b) (2). (Amended: Effective Date: July 2, 2009)

4.5.8 R-1D, Urban Residential District

R-1D, Permitted Uses

- 1) Accessory uses, subject to Section 5.2.
- 2) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes with six (6) or fewer children or adults, subject to Section 5.13 (b) (1) A.
- 3) Adult and Child Family Day-Care Homes, with six (6) or fewer children or adults, subject to Section 5.5.1.
(Amended: Effective Date: July 2, 2009)
- 4) Essential services and structures. Transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement. Subject to Section 5.16.
- 5) Single-family dwelling, detached.
- 6) Child Foster Family Home, four (4) or fewer children, subject to Section 5.13 (c) (1).
(Amended: Effective Date: July 2, 2009)

R-1D, Special Uses (All Special Uses subject to Section 3.3)

- 1) Child Group Day-Care Homes (greater than six (6) children and Child Day-Care Centers, subject to Section 5.5.4 and Section 5.5.5 respectively.
(Amended: Effective Date: July 2, 2009)
- 2) Churches, subject to Section 5.14.
- 3) Child Foster Family Group Homes (between four (4) and eight (8) children etc...), subject to Section 5.13 (c) (2). (Amended: Effective Date: July 2, 2009)
- 4) Country club.

R-1D, Special Uses (con't)

- 5) Essential services and structures of public utility companies, transmission, distribution lines and pipelines, of public utility companies, when new rights-of-way easements are required. The erection of poles for electrical and/or telephone service on private property, for single-family purposes are exempt from the provisions of this sub-section.

There shall be no storage of materials, equipment, vehicles, or supplies on the premises, except as required for maintenance of a permitted or special land use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located, subject to Section 5.16.

- 6) Golf courses, subject to Section 5.21.
- 7) Governmental and municipal buildings and structures.
- 8) Public park, playground and recreational facilities.
- 9) Public or private elementary, middle, and secondary schools.
- 10) Swimming pool, community.
- 11) Adult Group Day-Care Homes (six (6) or greater adults), Subject to Section 5.5.2.
- 12) Adult Day-Care Centers, subject to Section 5.5.3.
- 13) Adult Foster Care Small Group Homes (seven (7) to twelve (12) adults), subject to Section 5.13 (b) (2). (Amended: Effective Date: July 2, 2009)

4.5.9 R-2A, Low Density Multiple Family Residential District.

R-2A, Permitted Uses

- 1) Accessory uses, subject to Section 5.2.
- 2) Essential services and structures. Transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.16.
- 3) Multiple-family dwellings.
- 4) Single-family dwelling, detached.
- 5) Child Foster Family Home, subject to Section 5.13.5.A.

R-2A, Special Uses (All Special Uses subject to Section 3.3)

- 1) Adult Day-Dare Centers, subject to Section 5.5.3. (Amended: Effective Date: July 2, 2009)
- 2) Churches, subject to Section 5.14.
- 3) Child Day-Care Centers, subject to Section 5.5.5. (Amended: Effective Date: July 2, 2009)
- 4) Country club.
- 5) Essential services and structures of public utility companies, transmission, distribution lines and pipelines, of public utility companies, when new rights-of-way easements are required. The erection of poles for electrical and/or telephone service on private property, for single-family purposes are exempt from the provisions of this sub-section.

R-2A, Special Uses (con't)

- 6) There shall be no storage of materials, equipment, vehicles, or supplies on the premises, except as required for maintenance of a permitted or special land use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located. Subject to Section 5.16.
- 7) Golf courses, subject to Section 5.21.
- 8) Government and municipal buildings and structures.
- 9) Public or private elementary, middle, and secondary schools.
- 10) Public park, playground, recreational facilities
- 11) Swimming pool, community.

4.5.10 MH, Mobile Home Residential District.

MH, Permitted Uses

- 1) Accessory uses, subject to Section 5.2.
- 2) Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters, and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.16.
- 3) Mobile home parks, subject to Section 4.6. D.
- 4) Mobile home subdivision.

MH, Special Uses (All Special Uses subject to Section 3.3)

- 1) Church, subject to Section 5.14.
- 2) Cluster development, subject to Section 5.38.
- 3) Country club.
- 4) Essential services and structures, transmission, distribution lines and pipelines, of public utility companies, when new rights-of-way easements are required. The erection of poles for electrical and/or telephone service on private property, for single-family purposes are exempt from the provisions of this sub-section.

Further, there shall be no storage of materials, equipment, vehicles, or supplies on the premises, except as required for maintenance of a permitted or special land use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located, subject to Section 5.16.

- 5) Golf course, subject to Section 5.21.
- 6) Governmental and municipal buildings and structures.
- 7) Public park, playground and recreational facilities.
- 8) Public or private primary, middle, secondary schools.
- 9) Swimming pool, community.

4.5.11 GC, General Commercial.

GC, Permitted Uses

- 1) Automobile and farm equipment, sales, new, including accessory activities such as car storage, used car sales, and repairs. Subject to Section 5.33.
- 2) Charitable and philanthropic institutions.
- 3) Churches, subject to Section 5.14.
- 4) Dry cleaning establishment, laundry and dry cleaning pickup stations, Laundromat, launderette, not including central processing facilities.
- 5) Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters, and related structures, subject to Section 5.16.
- 6) Fax service, internet service.
- 7) Feed and grain sales and storage.
- 8) Financial and business service establishments, banks, credit unions, and insurance offices.
- 9) Fraternal service and similar organizations.
- 10) Funeral home, mortuary.
- 11) Governmental and municipal buildings and structures.
- 12) Horticultural nursery, landscape, commercial greenhouse, including sales of supplies.
- 13) Library, museum.
- 14) Messenger Service.
- 15) Nursing and convalescent home, subject to Section 5.23.
- 16) Personal service establishments such as watch, small appliance, shoe, and television repair shops, and beauty and barber shops, tailor and seamstress shops, upholstery shops.

GC, Permitted Uses (con't)

- 17) Professional offices/clinic of doctors, dentists, lawyers, planners, architects, engineers, and other similar professions.
- 18) Restaurant (no entertainment, except music).
- 19) Retail businesses supplying commodities, such as antiques, automobile parts, tire stores, baked goods, books, candy, clothing, delicatessen products, dairy products drugs, florist, furniture, gifts, groceries, magazines and newspapers, party store items (including package liquor), meats, notions, hardware, and other similar commodities.
- 20) Recreational vehicle sales, service and repairs.
- 21) Shopping Centers.
- 22) Tanning Salon.
- 23) Theatre, excluding drive in.

GC, Special Uses (All Special Uses subject to Section 3.3)

- 1) All drive-in or drive through facilities.
- 2) Automobile and farm equipment sales, used, when not on the same premises as a new car or equipment sales.
- 3) Automobile service and repair. No paint or bodywork, except when associated with new automobile and farm equipment sales.
- 4) Automobile service stations, filling stations, and quick lube operations, subject to Section 5.7.
- 5) Car wash, automatic or self serve.
- 6) Child Day Care Centers, subject to Section 5.13.2.C. and Section 5.13.4.
- 7) Commercial recreational facilities, indoor or outdoor.

GC, Special Uses (con't)

- 8) Domestic radio, T.V. broadcast station, receiving and broadcasting towers, excluding wireless/cellular towers/facilities.
- 9) Hotels and motels, subject to Section 5.29.
- 10) Kennel, commercial, subject to Section 5.25.1.B.
(Amended, effective date: December 7, 2006)
- 11) Mobile home sales, service and repair.
- 12) Outdoor sales, storage lots and displays, subject to Section 5.33.
- 13) Professional offices/clinic of doctors, dentists, lawyers, planners, architects, engineers, and other similar professions.
- 14) Recreational vehicle storage.
- 15) Self storage facility, subject to Section 5.41.
- 16) Shops fabricating merchandise to be sold on the premises, provided that not more than five (5) persons are employed on the premises in such production.
- 17) Swimming pool, commercial.
- 18) Taxi, bus station.
- 19) Theatre, drive in.
- 20) Transient, temporary amusements, subject to Section 5.46.
- 21) Wireless Communication Facilities, subject to Section 5.48.
- 22) Accessory buildings, structures and uses customarily incidental to the above Special Land Uses, subject to Section 5.2.2.

4.5.12 HC, Highway Commercial.

HC, Permitted Uses

- 1) Adult Uses, subject to Section 5.6. (See list of Adult Uses)
- 2) All drive-in or drive through facilities.
- 3) Automobile new and used car sales, showrooms, and lots, subject to Section 5.33.
- 4) Automobile service and repair (no paint or bodywork).
- 5) Auto part stores, supply and tire stores.
- 6) Automobile service stations, and quick lube operations, subject to Section 5.7.
- 7) Billboards, subject to Section 10.8.
- 8) Commercial recreational facilities, indoor and outdoor.
- 9) Equipment or vehicle rental.
- 10) Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters, and related structures, subject to Section 5.16.
- 11) Farm equipment sales.
- 13) Governmental and municipal buildings and structures.
- 14) Hotels and motels, subject to Section 5.29.
- 15) Mobile home sales; service and repair.
- 16) Health and fitness clubs.
- 17) Personal service establishments such as watch, small appliance, shoe, and television repair shops, and beauty and barbershops, tailor and seamstress shop, upholstery shop.
- 18) Public and commercial storage garages.

HC, Permitted Uses (con't)

- 19) Private clubs and lodges, provided sales and services are to members and guests only.
- 20) Professional offices/clinic of doctors, dentists, lawyers, planners, architects, engineers, and other similar professions.
- 21) Public or private business schools or colleges.
- 22) Recreational vehicle storage.
- 23) Restaurant. (No entertainment, except music)
- 24) Self-storage facility, subject to Section 5.41.
- 25) Shopping Centers.
- 26) Shops fabricating merchandise to be sold on the premises, provided that not more than five (5) persons are employed on the premises in such production.
- 27) Supermarkets.
- 28) Tanning Salon
- 29) Theaters, excluding drive-in theaters.
- 30) Veterinary offices including animal hospitals and clinics.

HC, Special Uses (All Special Uses subject to Section 3.3)

- 1) Assembly or dance halls.
- 2) Automobile and farm equipment sales, used, when not on the same premises as a new car or equipment sales.
- 3) Automobile, truck repair and gasoline or diesel service stations subject to Section 5.7.
- 4) Auto body and paint shops.
- 5) Bars and similar establishments serving alcoholic beverages.

HC, Special Uses (con't)

- 6) Bowling alleys, indoor skating rinks, and similar recreational uses.
- 7) Car wash; automatic and self serve.
- 8) Domestic radio, T.V. broadcast station, receiving and broadcasting towers, excluding wireless/cellular towers/facilities.
- 9) Funeral homes.
- 10) Kennel, commercial, subject to Section 5.25.1.B
- 11) Lumber yards.
- 12) New and used bus, truck, and heavy equipment sales and storage.
- 13) Horticultural nursery, landscape, commercial greenhouse, including sales of supplies.
- 14) Open air businesses, when developed in conjunction with a permitted use.
- 15) Outdoor sales, storage lots and displays, subject to Section 5.33.
- 16) Recreational facilities, commercial.
- 17) Recreational vehicle storage yards.
- 18) Self storage facilities, subject to Section 5.41.
- 19) Swimming pool (commercial).
- 20) Theatre, drive in.
- 21) Vehicle wash establishments.
- 22) Warehouse/indoor storage associated with a retail sales business.
- 23) Wireless Communication Facilities, subject to Section 5.48.
- 24) Accessory buildings, structures and uses customarily incidental to the above Special Land Uses, subject to Section 5.2.2.

4.5.13 O, Office District.

O, Permitted Uses

- 1) Business and professional offices such as legal, engineering, architectural, financial, insurance, accounting offices.
- 2) Corporate, executive and administrative offices.
- 3) Medical and dental offices and related laboratories.
- 4) Governmental and municipal buildings and structures.
- 5) Offices of non-profit organizations such as labor unions, political organizations, religious organizations.
- 6) Banks, credit unions, savings and loan associations.
- 5) Publicly owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices.
- 8) Nursing homes, subject to Section 5.23.
- 9) Medical/emergency clinics.
- 10) Funeral homes.
- 11) General or specialty hospitals, subject to section 5.20.
- 12) Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters, and related structures, subject to Section 5.16.

O, Special Uses (All Special Uses subject to Section 3.3)

- 1) Barber or beauty shops, coffee shop, cafeteria, newsstand, and similar shops when located within an office building, provided that such business shall be intended only for the occupants of the office building or complex and shall be located accordingly, without signs or other advertising visible from a street.

O, Special Uses (con't)

- 2) Child Day Care Center, subject to Section 5.13.2. C and Section 5.13.4 when located and designed, so as to be clearly intended primarily for the use of employees of the permitted principle use, with which such business is affiliated, and not for use by the general public. No sign for such business shall be visible from the street.
- 3) Sit-down restaurants serving food and beverages, not including those which: permit food and beverages to be served on the premises in motor vehicles; sold at a drive-through window; and uses which otherwise have a carry out service as a material part of the business.
- 4) Laundry and dry cleaning customer outlets, provided dry cleaning or laundry plants serving more than one (1) customer outlet shall be prohibited.
- 5) Private service clubs, fraternal organizations and lodge halls.
- 6) Pharmacies, including stores selling or renting durable medical equipment.
- 7) Photographic studios.
- 8) Retail office supply, computer and business machine sales.
- 9) Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
- 10) Retail sales when conducted in conjunction with a permitted land use. Floor area devoted to retail sales shall not exceed ten (10%) percent of gross floor area.
- 11) General and specialty hospitals, subject to Section 5.20.
- 12) Accessory buildings, structures and uses customarily incidental to the above Special Land Uses, subject to Section 5.2.2.

4.5.14 R-O, Research Office District.

R-O, Permitted Uses

- 1) Corporate, executive and administrative offices.
- 2) Data processing or computer centers, including sales, service and maintenance of electronic data processing equipment.
- 3) Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters, and related structures, subject to Section 5.16.
- 4) Governmental and municipal buildings and structures.
- 5) Laboratories and offices for industrial, scientific, prototype or pilot processing or business research, development and testing. Limited manufacturing operations connected with these uses when they are equal to no more than ten (10%) percent of the total usable floor area.
- 6) Medical and dental offices but not including veterinarian establishments or any type of medical facility permitting overnight patients.
- 7) Offices for administrative or professional occupations, including, but not limited to, offices for doctors, lawyers, dentists, engineers, architects, tax and financial consultants, realtors, insurance agents, and brokers.
- 8) Offices, not in conjunction with large meeting halls, of non-profit organizations and agencies such a labor unions, civic and social and fraternal associations, and political and religious organizations.

R-O, Special Uses (All Special Uses subject to Section 3.3)

- 1) Commercial support services, such as a restaurant or cafeteria facility (not including drive-in facilities), barber or beauty shop, banking, news stand, or photocopying shop, photographic studio, provided that such businesses shall be located and designed so as to be clearly intended only for use by employees of the permitted uses, and not for the general public, and provided that no signs for such businesses are visible from the street.
- 2) Child Day Care Center, subject to Section 5.13.C. and Section 5.13.4 when located and designed so as to be clearly intended primarily for the use of employees of the permitted principle use with which such business is affiliated, and not for use by the general public. No sign for such business shall be visible from the street
- 3) Motels or hotels, subject to Section 5.29.
- 4) Retail sales when conducted in conjunction with a permitted land use. Floor area devoted to retail sales shall not exceed ten (10%) percent of gross floor area.
- 5) Accessory buildings, structures and uses customarily incidental to the above Special Land Uses, subject to Section 5.2.2.

4.5.15 LI- Light Industrial.

LI, Permitted Uses

- 1) Agricultural wholesale and retail facilities, including bulk storage of grains and other commodities in elevators and other transfer structures such as grain dryers and conveying equipment.
- 2) Billboards, Subject to Section 10.8.
- 3) Auto Body and paint shops.
- 4) Wholesale establishments, warehouses, cartage businesses, and truck terminals.
- 5) Contractor establishments, equipment and material storage yards.
- 6) Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters, and related structures, subject to Section 5.16.
- 7) Experimental, film, or testing laboratories.
- 8) Governmental and municipal buildings and structures.
- 9) Monument sales and yards.
- 10) Self storage facilities, subject to Section 5.41.
- 11) Scientific business/research.
- 12) Radio TV broadcasting, transmitting and receiving towers.
- 13) Testing laboratories.
- 14) The manufacture, assembly, compounding, processing, packaging or treatment from previously prepared materials, or repair, of such products as, but not limited to: Bakery goods and candy; Cosmetics, pharmaceuticals, and toiletries; Hardware and cutlery; Pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas; Musical instruments, toys, and novelties; metal or rubber stamps, or other small molded rubber products; Electrical appliances, electronic instruments and devices, and electronic consumer products:

LI, Permitted Uses (con't)

- A. Electric or neon signs;
 - B. Light sheet metal products, including heating and ventilating equipment, siding, and the like,
 - C. Textile goods;
 - B. Apparel and leather goods;
 - C. Furniture and fixtures;
 - D. Printing and publishing;
 - E. Jewelry, silverware and plated ware;
 - F. Converted paper and paper products,
 - G. Sporting goods;
 - H. Glass products (using purchased glass);
 - I. Office and artists supplies and materials;
 - J. Professional, scientific and controlling instruments, photographic and optical equipment supplies,
 - K. Electrical machinery, equipment and supplies, electronic components and accessories;
 - L. Office, computing and similar machines;
 - M. Canvas products (from purchased canvas).
- 15) The manufacture, compounding, assembling, reassembly, packaging or treatment of articles or merchandise from previously prepared materials including but not limited to: felt, fiber, glass, leather, paper, plastics, rubber, precious or semi-precious metals or stones, and wire.
 - 16) Tool, die and machine shops.
 - 17) Vocational training facilities: bricklayers, carpenters, electricians, plumbers, pipe fitters, and other similar skilled trades.
 - 18) Accessory buildings, structures and uses customarily incidental to any of the above Principal Uses.

LI, Special Uses (All Special Uses subject to Section 3.3)

- 1) Airport, helicopter and other vertical landing take off craft landing ports and aircraft landing fields.
- 2) Blacksmith shops and welding shops.
- 3) Building materials and lumber supply (sales and storage).
- 4) Bulk storage of refined petroleum products: liquids, gasses, above or below ground.
- 5) Central dry cleaning plants.
- 6) Collection center for household waste material to be recycled.
- 7) Commercial outdoor storage.
- 8) Construction and farm equipment sales.
- 9) Manufacturing, processing and assembling of the following:
 - A. Fabricated metal products, excepting heavy machinery and transportation equipment.
 - B. Furniture and fixtures.
 - C. Monuments, cut stone, stone cutting and stone products.
 - D. Wooden containers and pallets.
- 10) Inoperative vehicle storage.
- 11) Junk yards, scrap waste and wholesaling, subject to Section 5.8.
- 12) Saw mills.
- 13) Manufacture of
- 14) Public or private waste or water treatment facilities.
- 15) Quarries, mineral mining, sand and gravel pits, soil removal and other extractive excavations. Subject to Section 5.27
- 16) Radio, television, telephone, transmitter towers.

LI, Special Uses (con't)

- 17) Recreational vehicle storage yards.
- 18) Retail sales of goods assembled, manufactured, compounded, processed, packaged or treated from previously prepared materials, or repaired or stored, on the premises, provided the building floor area devoted to retail sales comprises no more than twenty-five (25%) percent of principal building floor area and the outdoor sales area comprises no more than twenty-five (25%) percent of the minimum required lot area.
- 19) Retail sales when incidental to a permitted use.
- 20) Sales, leasing, and storage of contractor's equipment and supplies.
- 21) Sanitary landfills.
- 22) Sawmills.
- 23) Truck and trailer rental facilities.
- 24) Vehicle service and repair (autos, farm, construction equipment and trucks).
- 25) Warehousing and materials distribution centers.
- 26) Wholesale of goods and materials.
- 27) Wireless Communication Facilities, subject to Section 5.48.
- 28) Kennel, commercial, subject to Section 5.21.1.B. **(Amended, effective date: December 7, 2006)**
- 29) Accessory buildings, structures and uses customarily incidental to the above Special Land Uses, subject to Section 5.2.2.

4.5.16 PUD - Planned Unit Development.

Permitted Uses

- 1) All uses permitted in any other zoning district, subject to Article 8, Planned Unit Development.
- 2) Customary accessory uses, subject to Section 5.2.

Special Uses (All Special Uses subject to Section 3.3)

- 1) Any special uses to be determined in negotiations between the developer and the Planning Commission.

4.5.17 VC – Village Commercial.

Permitted Uses

- 1) Dry cleaning establishments, laundry and dry cleaning pickup stations, laundromats, laundrettes, not including central processing facilities.
- 2) Fax service, internet service, messenger service.
- 3) Financial and business service establishments, banks, credit unions, and insurance offices.
- 4) Library, museum.
- 5) Personal service establishments such as watch, small appliance, shoe, and television shops; beauty and barber shops; tailor and seamstress shops; and upholstery shops.
- 6) Health and Fitness Clubs.
- 7) Auto parts stores.
- 8) Restaurants (no entertainment except music).
- 9) Retail businesses supplying commodities such as antiques, baked goods, books, candy, clothing, delicatessen products, dairy products, florist, furniture, gifts, groceries, magazines and newspapers, party store items (including package liquor), meats, hardware, and other similar commodities.
- 10) Retail office supply, computer and business machine sales.
- 11) Shopping Center, maximum 25,000 square feet of ground floor space (with uses permitted in Village Commercial).
- 12) Pharmacies, including stores selling or renting durable medical equipment.
- 13) Tanning Salons.
- 14) Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
- 15) Office for administrative or professional occupations, including but not limited to offices for doctors, lawyers, dentists, engineers,

architects, tax and financial consultants, realtors, insurance agents, and brokers.

- 16) Medical and dental offices and related laboratories, but not any type of medical facility permitting overnight patients.
- 17) Photographic studios.
- 18) Residential uses that are accessory in nature to the commercial use, with the first level being only commercial and the residential square footage being equal to or less than the commercial square footage, with a minimum of 500 square feet for residential use.
- 19) Governmental and municipal buildings and structures.

Special Uses (All Special Uses subject to Section 3.3)

- 1) Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, subject to Section 5.16.
- 2) Child Day Care Centers, subject to Section 5.13.2.C and Section 5.13.4.
- 3) Kennels, commercial, indoor, subject to Section 5.25.1.B.
- 4) Bars and similar establishments serving alcoholic beverages.
- 5) Equipment rental, non-commercial and stored indoors.
- 6) Accessory buildings, structures, and uses customarily incidental to any of the above principal or special uses. Subject to Section 5.2.
- 7) All drive-in or drive-through facilities.
- 8) Veterinary clinics, animal hospitals, with indoor animal facilities only.
- 9) Tire stores.
- 10) Shops fabricating merchandise to be sold on the premises, provided not more than five (5) persons are employed on the premises in such production.

Section 4.6 Schedule of Area, Height and Placement Regulations. The following regulations regarding lot sizes, yards, setbacks, lot coverage, building size and densities apply within the zoning districts as indicated, including the regulations contained in the footnotes to Section 4.6. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

**4.6.A
Schedule of District Regulations**

Zoning District	Minimum Lot Area	Minimum Lot Width	Max. Ground Floor Cover	Max. Floor Area Ratio	Minimum Setbacks In Feet					Height		Notes
					Front & Corner	Side		Rear		Stories	Feet	
						Residential Structures	Agricultural Structures (Note 5)	Residential Structures	Agricultural Structures (Note 5)			
RC	40 Acres (Note 1)	660 ft. (Note 11)	10%	.10	50	30	10	30	10	2.5	35	1,2,3,4,5,6,9,11
	10 Acres (Note 2)	330 ft. (Note 2)										
AG-1 (Notes: 3,5)	5 acres (Note 1)	330 ft.	10%	.10	50	30	10	30	10	2.5	35	1,3,4,5,6,9,11
	Development Alternatives See Article 9 (Note 1)	200 – 330 ft. (Note 11)										
AG-2 (Notes: 3,5)	5 acres (Note 1)	330 ft (Note 11)	10%	.10	50	30	10	30	10	2.5	35	1,3,4,5,6,9,11
	Development Alternatives See Article 9 (Note 1)	200 – 330 ft. (Note 11)										

**4.6.A. (con't)
Schedule of District Regulations**

Zoning District	Minimum Lot Area	Minimum Lot Width	Max. Ground Floor Cover	Max Floor Area Ratio	Minimum Setbacks In Feet			Height		Notes
					Front & Corner	Side	Rear	Stories	Feet	
RR (Notes 3,5)	3 Ac. (Note 1)	200 ft. (Note 11)	10%	.10	50	20	20	2.5	35	1,3,4,5,8,11
R-1A (Note 3)	Detached dwelling: 1 Ac. (Note 1) All Others: 3 Ac. (Note 2)	150 ft (Note 11)	10%	.10	50	10	10	2.5	35	1,2,3,4,8,11
MH (Note 3) Subject to Section 4.6.D.	Detached dwelling: 1 Ac. (Note 1) All Others: 3 Ac. (Note 2)	150 ft. (Note 11)	10%	.10	50	10	10	2.5	35	1,2,3,7,8,11

4.6.A. (con't)

Schedule of District Regulations

Zoning District	Minimum Lot Area	Minimum Lot Width	Max. Ground Floor Cover	Max Floor Area Ratio	Minimum Setbacks In Feet			Height		Notes
					Front & Corner	Side	Rear	Stories	Feet	
R-1B (Note 3)	20,000 sq. ft. (Note 11)	100 ft.	20%	.30	35	15	35	2.5	35	1,3,4,8,10, 11
R-1C (Note 3)	10,000 sq. ft. (Note 11)	70 ft.	20%	.30	35	10	35	2.5	35	1,3,4,8,10, 11
R-1D	7,200 (Note 11)	60 ft.	20%	.30	20	8	30	2.5	35	1,3,4,8,10, 11

**4.6.B.
Schedule of District Regulations**

Zoning District	Minimum Lot Area	Minimum Lot Width	Max. Ground Floor Cover	Max Floor Area Ratio	Minimum Setbacks In Feet				Height		Notes	
					Front & Corner	Side	Rear	Abutting Other Residential District	Stories	Feet		
R-2A	Single Family: 15,000 sq. ft. (Notes 1, 3)	120 ft. (Note 11)	20%	.30	30	10	10	N/A	2.5	35	1,3, 4, 8, 10, 11	
	Multiple Family: 1 Ac. Max. Density: 8 d.u.'s per acre.	150 ft. (Note 11)	30%	.30	35	15	35	100	2.5	35	4, 8, 10, 11	
	Minimum Required Floor Space for Two and Multiple Family Dwellings (R-2A)				<p align="center">Distance Between Buildings for Two and Multiple Family Dwellings</p> <p>If more than one building shall be constructed on the same site, the following minimum distance between building shall be:</p> <ul style="list-style-type: none"> a. Seventy (70) feet when front to rear, front-to-front, and/or rear-to-rear. b. Thirty (30) feet end to end. c. Fifty (50) feet end to front and/or end to rear. <p>No required yard space or minimum distance between buildings shall be used for required parking, drives or aisles, except that a maximum of fifteen (15) percent of these required distances between buildings and required yards may be used for parking, after off street parking requirements of this ordinance have been met.</p> <p>Regulations for housing the elderly and convalescent homes – Subject to Section 5.23</p>							
	Efficiency/One (1) bedroom		600 sq. ft.									
	Two (2) bedrooms		800 sq. ft.									
Three (3) bedrooms		1,000 sq. ft.										

4.6.B. (con't)

Schedule of District Regulations

Zoning District	Minimum Lot Area	Minimum Lot Width	Max. Ground Floor Cover	Max Floor Area Ratio	Minimum Setbacks In Feet			Height		Notes
					Front & Corner	Side	Rear	Stories	Feet	
GC	1 Ac.	150 ft. (Note 11)	30%	.60	35	10	10	3.0	35	4, 8, 11
HC	1 Ac.	150 ft. (Note 11)	30%	.60	35	20	20	3.0	45	4, 8, 11
O	1 Ac.	150 ft. (Note 11)	25%	.50	50	10	35	2.0	35	4, 8, 11
R-O	1 Ac.	150 ft. (Note 11)	20%	.40	50	10	35	2.0	40	4, 8, 11
LI	1 Ac.	150 ft. (Note 11)	30%	.60	50	20	20	2.0	45	4, 8, 11

4.6.C., Notes For All Districts

1. All lots possessing a dwelling.
2. All other permitted and special uses.
3. Minimum square footage for a residence is one-thousand (1,000) square feet.
4. Lines and structures (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this section.
5. Where livestock is raised or kept, any structure for housing of livestock and any storage of manure shall be located a minimum of fifty (50) feet from any property line, not withstanding wider setbacks suggested by the Michigan Department of Agriculture's Right to Farm Program. Raising of livestock in the RR District is a special use regulated by Section 3.3.
6. The maximum height of farm structures shall be seventy-five (75) feet, unless otherwise noted in Section 4.3.9, herein.
7. Regulations for Mobile Home Parks are set forth in Section 4.6.D.
8. The area within the described lot lines excluding public and private road rights-of-ways and road access easements for lots of less than five (5) acres.
9. Height restrictions are waived for all agricultural wholesale and retail facilities including grain elevators, bins and other grain handling equipment.
10. Public or private sanitary sewer and water required.
11. For further information refer to the definitions of Lot Area and Lot Width, Article 2, Definitions.

4.6.D. MH, Mobile Home Residential District.

All mobile home parks shall be located in the MH - Mobile Home Residential District. All uses permitted within the MH - Mobile Home Residential District shall comply with the Mobile Home Commission Act 96 of the Public Acts of 1987, as amended, the current Mobile Home Code adopted by the Michigan Mobile Home Commission, and the following additional standards.

- A. **Site Design Requirements.** The Mobile Home Code, as established by the Mobile Home Commission and the Michigan Department of Public Health Rules under the authority of 1987 PA 96, as amended, regulates development of mobile home

parks. All mobile home parks must be constructed according to the standards of the Code.

- B. In addition to the rules and standards of the State of Michigan, Lima Township imposes the following conditions:
1. Mobile home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, 1987 P.A. 96, as amended, and subsequently adopted rules and regulations governing mobile home parks.
 2. Mobile home parks shall not be permitted on parcels of less than fifteen (15) acres in size.
 3. Individual mobile home sites within a mobile home park shall have a minimum lot size of five thousand five hundred (5,500) square feet per mobile home being served. This five thousand five hundred (5,500) square foot minimum may be reduced by twenty (20%) percent, provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through this reduction of the site below five thousand five hundred (5,500) square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that require under R125.1946, Rule 946 of the Michigan Administrative Code.
 4. The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.
 5. The minimum setback for mobile home parks shall be fifty (50) feet from a public right-of-way and fifteen (15) from any adjoining property line not involving a public right-of-way. Mobile home parks shall be landscaped as follows:
 - a. If the mobile home park abuts an existing residential development, the park shall be required to provide landscape screening along the park boundary abutting the residential development.
 - b. If the park abuts a non-residential development, the park need not provide screening.
 - c. In all cases, however, a park shall provide landscape screening along the park boundary abutting a public right-of-way. The landscape screening shall consist of evergreen trees or shrubs with

a minimum of three (3) feet in height; which is spaced so they provide a continuous screen at maturity. A landscape berm may be incorporated within the landscape screen. The Planning Commission shall approve walls and fences used in conjunction with a landscape screen.

- 6. Mobile home parks shall be subject to preliminary plan review requirements in accordance with 1987 PA 96, as amended.
- 7. A permit shall not be required for the construction or erection of canopies or awnings, which are open on three (3) sides. A building permit shall be required, however, before the construction or erection or any screened, glassed-in, or otherwise enclosed awning or canopy.

Section 4.7. Additional Regulations.

A. The minimum floor area per dwelling unit:

Type of Dwelling Unit	Square Foot	
	Square Foot Floor Area First Story	Floor Area Total
SINGLE-FAMILY:		
1 story in height	1,000	1,000
1 1/2 stories	850	1,000
2 stories in height	800	1,600

B. Minimum lot widths are required along the street right-of-way upon which a lot fronts. In the case of corner lots, minimum lot widths must be met along both street frontages. Where curvilinear street patterns or cul-de-sacs result in irregularly shaped lots with non-parallel side lot lines, no less than eighty (80%) percent of the minimum lot width shall be required at the street right-of-way provided one hundred (100%) percent of the minimum lot width is met at the building line.

ARTICLE 5

GENERAL PROVISIONS AND SUPPLEMENTARY REGULATIONS

Section 5.1. Intent.

The intent of this Article is to provide for those regulations that generally apply regardless of the particular zoning district.

Section 5.2. Accessory Buildings, Swimming Pools and Other Uses.

5.2.1. Application to Single-Family Residential Districts.

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all setback regulations of this Ordinance and building codes applicable to main buildings.
- B. A detached accessory building shall not be located in the front yard of a single-family dwelling and shall be restricted to a location in a side or rear yard. All side and rear yard setbacks shall be observed unless otherwise stated in this Ordinance. No detached accessory building shall be erected within five (5) feet of any other building.
- C. Any structure used for the housing of livestock and any storage of manure shall be located not less than fifty (50) feet from any property line, dedicated right-of-way or road access easement. (Subject to Section 5.37, Regulation of Animals)
- D. In no instance shall an accessory structure be located within a dedicated easement or right-of-way.
- E. The total of all attached and detached accessory buildings located on a parcel shall be subject to maximum lot coverage requirements of the particular zoning district they are located in (See Article 4, Schedule of Regulations).
- F. No detached accessory building in the RR, R-1A, R-1B, R-1C, R-1D or R-2A district shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts. (Subject to Section 4.3.9, Exceptions for Area, Placement and Height Regulations)
- G. Nothing contained herein shall be construed to affect the size of accessory buildings in conjunction with farming operations as defined (Subject to Section 5.39, herein) in this Ordinance and determined by the Zoning Administrator, provided that all yard requirements are complied with.

- H. Private swimming pools shall be subject to the following:
- 1) No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way that has been granted for public utility use.
 - 2) Front yard and side yard setbacks shall comply with required setbacks specified for the zoning district wherein the pool is located.
 - 3) All swimming pools shall be enclosed in accordance with applicable building codes.

5.2.2. **Application to all other Uses.** Accessory buildings and uses for all uses other than single-family residences shall comply with applicable setback and height restrictions specified for the zoning district wherein the accessory use or structure is located.

5.2.3. **Application to all Uses and Districts.** No accessory building shall be used prior to occupancy of the principal building or use, except as a construction facility for construction of the principal building.

5.2.4. **Accessory Uses-Golf Courses.** The following uses are considered as accessory uses for golf courses in the RC, AG-1 and AG-2 districts:

- A. Licensed establishments serving alcoholic beverages. Permitted as an accessory use at golf courses of at least eighteen (18) holes and six-thousand (6,000) yards in length.
- B. Restaurants. Permitted as an accessory use at golf courses of at least eighteen (18) holes and six-thousand (6,000) yards in length.

Section 5.3. Access to Roads.

- A. In any residential or non-residential district, to include the RR, R-1A, R-1B, R-1C, R-1D, R-2A, O, R-O, GC, HC, VC, and LI districts, every use, building, or structure established after the date of this ordinance shall be on a lot or parcel which adjoins a public right-of-way, such road right-of-way is to be at least sixty-six (66) feet in width, unless a lesser width has been established and recorded prior to the effective date of this ordinance, or shall adjoin a private road or road access easement which has been approved as to design and construction by the Township Zoning Administrator, the Township's Engineering Consultant, and the Lima Township Board, which ever is applicable. (See definition of Lot Area and Lot Width).

Any lot or parcel in a RR or R-1A residential district may be split, such that one (1) lot or parcel shall adjoin a public street or private road, and the other lot or parcel shall have an access easement of record to that public street or private road. All lots or parcels shall be in compliance with the zoning ordinance for said residential district. Any access easement granted to a private road shall not violate any of the conditions under which that private road was approved, nor shall it violate any current requirement(s) of a private road that was/were not a requirement when said private road was approved. If an easement is granted to a private road, the property owner being granted said easement must sign the private road maintenance agreement. (See definition of Lot Area)

Furthermore, said access easement from the parent lot or parcel shall only be to a lot or parcel divided from the parent lot or parcel. No access easement shall be granted from the parent lot or parcel to a lot/parcel that is not currently part of the parent lot/parcel. The access easement shall be at least sixty-six (66) feet in width at the public street or private road right-of-way, continuing at least sixty-six (66) feet in width to the divided lot or parcel. Before issuance of a permit for any structure on the lot or parcel, the driveway or road to said lot or parcel must be approved by the Zoning Administrator.

Private roads not in compliance shall be brought into compliance with the current ordinance.

- B. In any rural district, to include the RC, AG-1 and AG-2 districts, every use, building, or structure established after the date of this ordinance shall be on a lot or parcel which adjoins a public road, such road right-of-way to be at least sixty-six (66) feet in width unless a lesser width has been established and recorded prior to the effective date of this ordinance, or shall adjoin a private road or road access easement which has been approved as to design and construction by the Township Zoning Administrator, the Township's Engineering Consultant, the Lima Township Board and the Washtenaw County Road Commission, which ever is applicable. (See definition of Lot Area)

The outbuildings and activities of farming operations shall be exempt from this provision

- C. Every building and structure constructed or relocated after the effective date of adoption or amendment of this ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.

Section 5.4. Removed. (Amended: Effective Date: October 27, 2017)

Section 5.5. Adult and Child Day-Care Facilities.

5.5.1. Family day-care homes serving six (6) or fewer adults or children shall be considered a residential use of property and a permitted use in all residential districts. The family day-care home shall receive minor children for care and supervision for periods of less than twenty-four (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. Such facilities also include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.

5.5.2. Adult group day-care home with greater than six (6) adults is subject to the following:

- A. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance in fact or law relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
- B. Where outdoor areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height, but no higher than six (6) feet.
- C. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 PM and 6:00 AM shall be limited so that the drop-off and pick-up is not disruptive to neighboring residents.
- D. Appropriate license with the State of Michigan shall be maintained.

5.5.3. Adult day-care centers are subject to the following conditions:

- A. The property is maintained in a manner that is consistent with the character of the neighborhood.
- B. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
- C. Where outdoor activity areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height but no higher than six (6) feet.

5.5.4. Child group day-care homes with greater than six (6) children are subject to the following:

- A. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
- B. There shall be an outdoor play area of at least five hundred (500) square feet provided on the premises. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is within five hundred (500) feet of the subject parcel.
- C. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
- D. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 PM and 6:00 AM shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
- E. Appropriate licenses with the State of Michigan shall be maintained.
- F. The granting of the special land use application shall not impair the health, safety, welfare, or reasonable enjoyment of adjacent or nearby residential properties.

5.5.5. Child day-care centers are subject to the following conditions:

- A. The property is maintained in a manner that is consistent with the character of the area.
- B. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
- C. There shall be an on-site outdoor play area of the greater of one thousand five hundred (1,500) square feet or seventy-five (75) square feet for each child. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
- D. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height, but no higher than six (6) feet.
- E. For each child, a center shall have a minimum of fifty (50) square feet of indoor activity space for use by, and accessible to, the child, exclusive of all of the

following: hallways, storage areas and cloakrooms, kitchens and reception and office areas.

- F. Appropriate licenses with the State of Michigan shall be maintained. **(Amended: Effective Date: July 2, 2009)**

Section 5.6. Adult Uses-Listed

5.6.1. **Purpose.** The purpose of this section is to identify and describe certain uses that are recognized as an impediment to stable growth and development because of their disruptive and deleterious effect on adjacent properties, especially when constructed near residential zones.

5.6.2 **Location.** Adult uses shall be permitted in the HC district and are subject to the following conditions:

- A. No adult business as listed in Section 5.6.3 herein shall be permitted within a one thousand (1,000) foot radius of an existing adult business. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposal adult use will be situated.
- B. No adult business as listed in Section 5.6.3 herein shall be permitted within a five hundred (500) foot radius of a residentially zoned or used parcel, or a zoning district that permits residences either single-family or multiple-family, school, library, park, playground, licensed group day-care home or center, church, convent, monastery, synagogue or similar place of worship. Measurement of the five hundred (500) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

5.6.3. **Adult Uses.**

- 1. Adult motion picture Theater.
- 2. Adult supply store.
- 3. Adult drive-in motion picture theater.
- 4. Adult physical culture establishment.
- 5. Arcades or amusement establishments.
- 6. Bars or establishments principally used for the sale of beer, wine or intoxicating liquor for consumption on the premises.
- 7. Cabaret.

8. Escort Services and Escort Agencies.
9. Massage Parlors and Massage Establishments.
10. Pawnshops or collateral loan and exchange establishments.
11. Pool or billiard halls.
12. Public lodging houses.
13. Secondhand stores.
14. Specially designated distributor's establishment (SDD).
15. Specially designated merchant's establishment (SDM).
16. Tattoo, Body-Piercing and Branding Studios.

5.6.4. **Application.** Application to establish any of the above adult uses shall be made to the Zoning Administrator, who shall not approve any such application or request if there is already an existing adult use as listed in Section 5.6.3 within one thousand (1,000) feet as described in Section 5.6.2. A. or if such adult use will be located within five (500) feet of a use as described in Section 5.6.2.B herein. Subject to Section 5.6.7., Establishment Prohibited Near Schools and Residential Zones.

5.6.5. **Waivers.** Upon denial of any application for an adult use listed under 5.6.3. above, the applicant may appeal for a waiver of the locational provisions above to the planning commission consistent with the standards set forth below. The planning commission may waive the locational provisions set forth in Section 5.6.2 after all the following findings are made:

- A. The proposed use will not be contrary to any other provision of this ordinance or injurious to nearby properties,
- B. The proposed use will not enlarge or encourage the development of a "skid row" or "strip,"
- C. That the establishment of an additional adult use will not be contrary to, or interfere with, any development program or improvement plan.
- D. That all applicable city, state, or federal laws and regulations will be observed.
- E. Meet the requirement of Section 5.6.7., Establishment Prohibited Near Schools and Residential Zones if applicable.

5.6.6. **Procedure for Waiver.** Prior to granting waiver of the locational restrictions set forth above, and not less than five (5), nor more than fifteen (15) days before the request for waivers is considered or a public hearing held pursuant to this section, the Township Clerk shall publish, in a newspaper of general circulation in Lima Township, one (1) notice indicating that a request for waivers to establish an adult use has been received, and shall send by mail or personal delivery, a copy of said notice to the owners of the property for which waivers are being considered, and to all persons to whom any real property is assessed within three hundred (300) feet of the boundary of the premises in question and to the occupants of all structures within three hundred (300) feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.

Notification need not be given to more than one (1) occupant of a structure except that if a structure contains more than one (1) dwelling or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each dwelling unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

The notice of application shall inform the recipient of the applicant's name, describe the nature and type of use proposed, indicate the local address, the lot number and subdivision name of the property in question and provide the section of the zoning ordinance under which the proposal is being processed. Said notice shall also invite written comments, statements or opinions, and indicate the place and date upon which written comments concerning the proposed use must be received.

Said notice of application shall further indicate that a public hearing on the proposed adult use may be requested by a property owner or occupant, no less than eighteen (18) years of age, of a structure located within three hundred (300) feet of the boundary of the property being considered for the adult use. If the applicant or the Planning Commission requests a public hearing under this section any interested person may be represented by a person, firm, organization, partnership, corporation, board or bureau.

5.6.7. **Establishment Prohibited Near Schools and Residential Zones.** It shall be unlawful to hereafter establish any adult uses listed in Section 5.6.3, if the proposed controlled use will be within a five hundred (500) foot radius of a planned unit development district (PUD) or agricultural district (AG-1, AG-2) primarily devoted to residential use, a residentially zoned district or within a five hundred (500) foot radius of any nursery, primary or secondary school or day care facility or any uses listed in Section 5.6.2.B. This prohibition relative to the establishment of an adult use near a planned unit development district or agricultural district primarily devoted to residential use, residentially zoned districts or land in residential use shall be waived upon the presenting to the Zoning Administrator a validated petition requesting such waiver, signed by at least fifty-one (51%) percent of all those persons owning, residing, or doing

business within five hundred (500) feet of the proposed location. No waivers shall be given to permit an adult use to locate within a five hundred (500) foot radius of any nursery, primary or secondary school or day care facility.

The Zoning Administrator shall adopt rules and regulations governing the procedure for securing any petition of waiver, which may be provided for in this section of the ordinance. The rules shall provide that the circulator of the petition requesting a waiver shall be over eighteen (18) years of age and subscribe to an affidavit attesting to file fact that the petition was circulated in accordance with said rules and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.

The Planning Commission shall not consider the waiver of locational requirements until the above described petition, if required, shall have been filed and verified by the Zoning Administrator.

Prior to the granting of approval for the establishment of any adult use, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the adult use as in its judgment may be necessary for the protection of the public interest. Any evidence bond or other performance and guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled.

Section 5.7. Automobile Service and Repair Stations. In addition to other regulations set forth in this ordinance, all automobile gasoline service and repair stations and other automotive service and repair facilities shall conform to the following requirements:

- A. Sidewalks shall be separated from vehicular parking or circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
- B. The entire area used for vehicle service shall be paved.
- C. Hydraulic hoist, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.
- D. The maximum widths of all driveways at the right-of-way line shall be no more than thirty (30) feet.
- E. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than ninety (90) degrees.
- F. The distance of any driveway from any property line shall be at least twenty (20) feet, measured at the tangent points of the drive edge and the street curb return.

- G. The distance between curb cuts shall be no less than forty (40) feet, measured between the tangent points of the drive edges and the street curb returns.
- H. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, un-pierced enclosure.
- I. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of storage of not more than sixty (60) days, and then only for the purpose of temporary storage pending transfer to a auto wrecking yard or junkyard. Such storage shall not be sold or advertised for sale on the premises.
- J. Sales of used cars and other motorized vehicles shall be prohibited.

Section 5.8. Automobile Wrecking Yards/Junk Yards.

5.8.1. In addition to other regulations set forth in this ordinance; all automobile wrecking/junk yards shall conform to the following requirements:

- A. Direct ingress and egress from a paved public road.
- B. Travel routes for trucks entering and leaving the yard shall be shown on a map of the Township at the time of application for the special use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.
- C. A site plan shall be provided at the time of the special use permit application and shall meet all requirements of Article 7, Site Plan Review, herein. The site plan shall also contain a description of the location and nature of any materials processing operations to be conducted within the yard, and the location and nature of equipment for such operations.
- D. Yard materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.
- E. Yard materials shall not be stored in piles higher than the top of the fence surrounding the yard. Automobiles, trucks, and other vehicles shall not be stacked in a manner that prohibits fire protection or does not protect the safety of visitors.
- F. The yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.
- G. The yard, when established and located within one thousand (1,000) feet of any existing residential district or land being used for residential purposes, as

measured on a straight line distance, shall not be open for business and shall not operate at any time other than between the hours of 7:00 AM and 6:00 PM on weekdays; between 7:00 AM and 12:00 noon on Saturdays. Operations shall not be permitted on Sunday and major holidays, except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. For further information refer to the United States Code, Title 5, Section 6103.

- H. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the local Fire Chief, or other designated fire official, the Township Zoning Administrator, and the County Environmental Health Division.
- I. All flammable liquids contained in automobiles and other vehicles shall be drained from the same immediately after such vehicles are brought to the yard. Such liquids shall be temporarily stored in containers approved by the local Fire Chief or other designated fire official until properly disposed of according to law.
- J. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by dust on neighboring properties and public roads.
- K. There shall be not more than one (1) entranceway from each public street that adjoins the yard.
- L. Fencing shall be required as follows:
 - 1. A solid, screen-type fence or wall, seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) foot intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located on or behind the rear line of the required front yard. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.
 - 2. Where the yard is adjacent to an agricultural, residential, or commercial district, a solid, screen type fence or wall, seven (7) feet high as measured in L. 1., preceding, shall be provided on any side or rear property line or portion thereof, adjoining such lots.
 - 3. Where the yard is adjacent to any lot within a LI, Light Industrial district, a chain-link fence six (6) feet high as measured from grade level at each fence post shall be provided on any side or rear property line or portion thereof, adjoining such lots.
 - 4. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted in any fence enclosing a yard.

- M. Wrecking and processing operations are permitted in a yard but shall be described in the application for the special use permit.

Section 5.9. Bed and Breakfast Accommodations. Bed and breakfast accommodations are subject to the following conditions:

- A. Each premise must be occupied and operated by its owner.
- B. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting or traffic.
- C. The total number of sleeping rooms is limited to six (6) rooms. No bed and breakfast sleeping room shall be permitted that does not comply with the State Construction Code.
- D. There shall be no separate cooking facilities used for a bed and breakfast stay.
- E. Bed and breakfast bedrooms shall be a minimum of one hundred and twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant.
- F. The stay of bed and breakfast occupants shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- G. The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast. The list shall be available for inspection by the Zoning Administrator.
- H. One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.
- I. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
- J. Signs are permitted in accordance with Article 10, Signs.
- K. One (1) off street parking space shall be provided in the interior side yard or rear yard area for each bed and breakfast bedroom. The Planning Commission may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.
- L. All Washtenaw County Environmental Health Department regulations must be complied with. Prior to beginning operation the proprietor must provide proof

from the Environmental Health Department that on-site disposal facilities are adequate.

Section 5.10. Buildings to be Moved.

5.10.1. No permit shall be granted for the moving of buildings or structures from without or within the limits of the Township to be placed on property within said limits unless the Building Official shall have made an inspection of the building to be moved and has found that it is structurally safe, and will fully comply with all applicable building codes. A performance bond as established by the Township Board of sufficient amount to insure the cost of completing the building for occupancy within a period of not less than six (6) months from date of permit shall be furnished before a permit is issued.

5.10.2. Any building moved within a district and placed upon a foundation or any building moved into a district from without shall be considered a new building and be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates.

Section 5.11. Campgrounds. Publicly or privately owned and operated campgrounds and camp buildings providing temporary living quarters for campers on a daily, weekly or seasonal basis shall be subject to the following.

- A. The minimum site area shall be twenty (20) acres.
- B. The site shall have direct access to a paved public or private road.
- C. A minimum one hundred (100) foot setback shall be established around the perimeter of the property for the purpose of buffering a private campground or recreational vehicle park in relation to adjacent land currently zoned or used for residential purposes. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contour are insufficient to buffer a private campground or recreational vehicle park in relation to surrounding properties, the Planning Commission may require additional setback, landscaping, and/or berming according to Section 6.2.5, Screening Between Land Uses.
- D. Temporary campgrounds are strictly prohibited.
- E. Mobile homes as defined, shall not be permitted to be located within a campground.
- F. The use and occupancy of a campground shall be in strict compliance with the current laws and requirements of the State of Michigan governing such uses.

Section 5.12. Cemeteries, Public or Private. Cemeteries shall be subject to the following conditions:

- A. Appropriate setbacks and screening shall be determined by the Planning Commission for cemeteries based on the contexts of the existing and planned neighboring land uses.
- B. No building shall be located closer than one hundred (100) feet from any property line.
- C. Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a dedicated right-of-way.
- D. Direct ingress and egress shall be from a paved public road.
- E. An easement for ingress and egress from the public road to the land on which the cemetery is located must be recorded.
- F. The developer must provide approval from the Environmental Health Division of the Washtenaw County Health Department.
- G. Cemetery owner or operator shall provide for perpetual care and maintenance of the cemetery property. (Amended, Effective Date: June 4, 2016)

Section 5.13 Adult and Child Foster Care Facilities.

- A. Intent. It is the intent of this section to establish standards for child and adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.
- B. Adult Foster Care Facilities.
 - 1. Application of Regulations.
 - a. A State licensed adult foster care family home and adult foster care small group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
 - b. The Township may, by issuance of a special land use permit, authorize the establishment of adult foster care small group homes serving more than six (6) persons and adult foster care large group homes.

- c. The Township may, by issuance of a special use permit, authorize the establishment of an adult foster care congregate facility.
- 2. Adult foster care small group homes serving between seven (7) and twelve (12) adults and adult foster care large group homes serving between thirteen (13) and twenty (20) adults, shall be considered as a special land use subject to the requirements and standards of Section 3.3, Special Uses and the following additional standards:
 - a. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or care givers.
 - b. The property is maintained in a manner that is consistent with the character of the neighborhood.
 - c. Appropriate licenses with the State of Michigan shall be maintained.
- 3. Adult foster care congregate facilities (21 or more adults) shall be considered as a special land use subject to the requirements and standards of Section 3.3, Special Uses and the following standards:
 - a. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or caregivers.
 - b. Appropriate licenses with the State of Michigan shall be maintained.

C. Child Foster Care Facilities.

- 1. Foster family homes serving less than four (4) children shall be considered a residential use of property and a permitted use in all residential districts. Such facilities shall provide no less than forty (40) square feet of sleeping room per child with all other requirements provided in accordance with the applicable State standards.
- 2. Foster family group homes serving between four (4) and eight (8) children under the age of seventeen (17), no more than two (2) of which may be under the age of one (1), shall be considered as a special land use subject to the requirements and standards of Section 3.3, Special Uses and the following standards:

- a. The proposed use of the residence for foster family care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
- b. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
- c. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
- d. Appropriate licenses with the State of Michigan shall be maintained. **(Amended: Effective Date: July 2, 2009)**

Section 5.14. Churches.

5.14.1. Churches, and other incidental facilities approved by the Planning Commission are subject to the following conditions:

- A. Direct ingress and egress shall be from a paved public road.
- B. Churches existing before the effective date of this section and not meeting these requirements shall not be prevented from expanding their facilities and, for the purpose of this Zoning Ordinance, shall not be considered non-conforming. Any expansion shall not violate any current regulation already in place.
- C. The buildings on the site shall be set back from abutting properties zoned and used for residential uses not less than fifty (50) feet.
- D. Buildings of greater than the maximum height allowed in the zoning district that a church is located in may be allowed, provided that front, side and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.

Section 5.15. Completion of Construction.

- A. Nothing in this ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance.

- B Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and be of no effect three hundred sixty-five (365) days following the effective date of adoption or amendment of this ordinance, unless the Building Official has issued a permit for the actual construction of a new building.
- C. Where a building permit has been issued within three hundred sixty-five (365) days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject thereafter to the provisions of Article 12, Non-Conforming Uses, Structures, Lots, herein, if applicable.

Section 5.16. Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of all buildings, underground and overhead wires and pipelines, and towers associated with essential services shall be subject to the provisions of Article 7, Site Plan Review. (See definition of Essential Service, Article 2).

Section 5.17. Fences, Walls and Screens. Except as otherwise required by this Ordinance, the following regulations shall apply:

- A. **All Districts:** Fences, walls and screens shall not to be located in any public right-of-way or any easement granted for the purposes of ingress or egress.
- B. **Rural Districts (RC, AG-1, AG-2).** Within the limits of the front yard space of a lot in the above districts, no fence wall, or other screening structure shall exceed four (4) feet in height unless at least fifty (50%) percent of the surface area is open when viewed from the perpendicular as determined by the Zoning Administrator. (Subject to Section 5.47, Visibility at Intersections and page 2-34).
- C. **Residential Districts (RR, R-1A, R-1B, R-1C, R-1D, R-2A.)** Within the limits of the front yard space of a lot within a residential district, no fence wall, or other screening structure shall exceed four (4) feet in height. No such fence, wall or other screening structure located within a side or rear yard shall exceed six (6) feet in height. (Subject to Section 5.47, Visibility at Intersections and page 2-34).

- D. **Non-Residential Districts (GC, HC, VC, O, R-O, LI).** Within the limits of the front yard space of a lot within a non-residential district, no fence wall, or other screening structure shall exceed four (4) feet in height unless at least seventy-five (75%) percent of the surface area is open when viewed from the perpendicular as determined by the Zoning Administrator. No fence, wall, or other screening structure located within a side or rear yard shall exceed twelve (12) feet in height. (Subject to Section 5.47, Visibility at Intersections and page 2-34).
- E. The use of barbed wire, spikes, nails, or any other sharp pointed instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited except in conjunction with agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
- F. On lakefront lots fences that are located between the rear of the main building and the lake shoreline shall be of an open-air type, permitting visibility through at least eighty (80%) percent of its area.
- G. Retaining walls shall be designed and constructed in accordance with applicable building code requirements.
- H. Fence height shall be designed and constructed in accordance with applicable building code requirements.

Section 5.18. Freeway Overlay District.

5.18.1. Intent.

Freeway Overlay District. The purpose of this district shall be to manage the development of the area surrounding freeway interchanges in such a manner that land will not interfere with the operational aspects of the interchange, including ramps and feeder roads; will be compatible with surrounding environment and characteristics of the site on which it is located. Community facilities and services shall be adequate to accommodate the needs of the development; and, suitable provisions will be made for the needs of motorists for service-oriented uses.

5.18.2. Permitted Uses. All principal permitted uses and structures, permitted accessory uses and structures and special uses and structures within the various zoning districts shall be applicable within the Freeway Overlay District as designated on the Lima Township Zoning Map.

5.18.3. Schedule of Zoning Regulations. All zoning district regulations (Subject to Section 4.6) for the underlying zoning districts shall apply to uses in the Freeway Overlay

District. This shall include minimum lot area, lot width, lot cover, floor area, height regulations, yard requirements, and living space, unless otherwise specified herein.

5.18.4. Planning and Development Regulations.

- A. **Access Barrier.** Access to public roads shall be controlled in the interest of public safety. Each building or group of buildings used for non-residential purposes, and its parking or service area shall be physically separated from public roads by a curb, or other suitable barrier against un-channeled motor vehicle ingress or egress, except for access ways authorized herein. In addition to providing the access barrier, greenbelt requirements shall be provided in accordance with Section 6.2, Landscaping, Greenbelts and Buffers.
- B. **Driveway Performance Standards.** Driveways shall conform to the following performance standards or to standards adopted by the Washtenaw County Road Commission, whichever is more stringent:
1. Any driveway design must allow an entering vehicle turning speed of fifteen (15) mph to help reduce interference with through street traffic. Driveways shall be designed with twenty-five (25) foot radii, or thirty (30) foot radii where daily semi-truck traffic is expected.
 2. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period.
 3. There must be sufficient on-site storage to accommodate at least three (3) queued vehicles waiting to park or exit without using a portion of the public right-of-way obstructing existing vehicle sight distance, or otherwise interfering with street traffic.
 4. Provisions for circulation between adjacent parcels are encouraged through coordinated or joint parking systems.
 5. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation and separation, where appropriate, of entry and exit lanes within driveways.
 6. Driveway placement must be such that loading and unloading activities will in no way hinder vehicle ingress or egress.

7. Direct-access driveways placement must be such that an exiting vehicle has an unobstructed sight distance according to the minimum adopted by the Washtenaw County Road Commission.

5.18.5. **Driveway Spacing.**

- A. Driveway spacing will be determined as a function of operating speeds of the adjacent public road. Spacing will be determined according to the following minimum standards or to standards adopted by the Washtenaw County Road Commission whichever is more stringent.

Speed Limit (mph)	Minimum Spacing (Feet)
25	105
30	125
35	150
40	185
45	230
50	275

- B. This spacing is based on average vehicle acceleration and deceleration rates and is considered necessary to maintain safe traffic operation. Spacing will be measured from the midpoint of each driveway. In the event that a particular parcel or parcels lack sufficient road frontage to maintain adequate spacing, the applicant shall have one of two (2) options:
1. Seek a variance from the Zoning Board of Appeals.
 2. The adjacent landowners may agree to establish a common driveway. In such cases, the driveway midpoint shall be the property line between the two (2) parcels and shall meet standard specifications. The Township may require maintenance agreements between owners of a common driveway to cover such issues as snowplowing, re-surfacing liability, etc.

5.18.6. **Bonus for Combining Driveways.** When two (2) adjacent property owners agree to combine driveways, the Township will grant an incentive bonus. The total lot size and road frontage normally required would each be reduced by fifteen (15%) percent for both properties. In addition, reduction in the required number of parking spaces for each development may be considered by the Planning Commission, in accordance with the provisions set forth in Section 11.3.4.

5.18.7. **Number of Driveways Per Parcel.**

- A. A maximum of one (1) two-way driveway opening or a pair of one-way driveway openings shall be permitted to a particular site from each adjacent public road.
- B. Based on the recommendation of the County Highway Engineer and/or Township Engineer that an additional driveway is in the interests of good traffic operation, the Planning Commission may permit one additional driveway entrance along a continuous site with frontage in excess of three hundred (300) feet or two (2) additional driveway entrances along a continuous site with frontage in excess of six hundred (600) feet.
- C. Common driveways, as set forth in Section 5.18.5.B.2, shall be considered to be one (1) driveway.
- D. In the case of common one-way driveways, one (1) pair may be used per two hundred fifty (250) feet of frontage.
- E. Only one (1) pair of one-way drives may be used per street frontage.

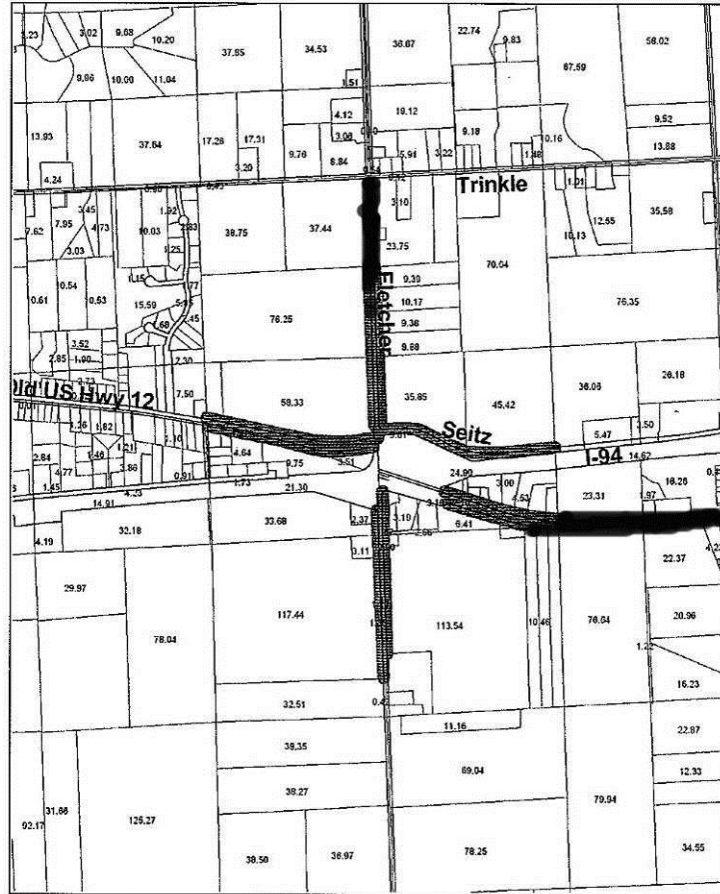
5.18.8. **Traffic Impact Analysis.** The Township may require a traffic impact analysis in order to analyze the effect of development upon existing street traffic. The traffic impact analysis shall examine existing and proposed traffic flows, trip generation studies, and impacts on major intersections, turning movement analysis, roadway capacity, parking generation and site ingress/egress. A certified traffic engineer shall prepare the traffic impact analysis.

5.18.9. **Coverage Area.** The dark area along the frontages of the roads listed below and depicted on the map below identifies the overlay zone in which the Freeway Overlay District is to be enforced.

- A. Fletcher Road: east and west side, right of way one hundred twenty (120) feet.
- B. Seitz: north side, right of way one hundred twenty (120) feet.
- C. Old U.S. 12: north and south side, right of way one hundred twenty (120) feet.

- D. Jackson Road: north and south side, right of way one hundred twenty (120) feet.

Freeway Overlay District Map



Section 5.19. Garage Sales, Rummage Sales, and Similar Activities. Garage sales, rummage sales, yard sales, moving sales and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the conditions contained herein. Any garage sale, rummage sale, or similar activity shall be allowed for a period not to exceed four (4) business days within a six (6) month period. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties. Overnight outside storage of goods or merchandise offered at such a sale is prohibited. No signs advertising a garage sale or similar activity shall be placed upon public property.

Section 5.20. General or Specialty Hospitals.

5.20.1. General or specialty hospitals are subject to the following conditions:

- A. Such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
- B. All ingress and egress from the site shall be through a paved public road.
- C. The minimum distance of any building from a residentially zoned or occupied parcel shall be one hundred (100) feet for front, rear and side yards, including parcels separated by a public street.
- D. Mobile units, ambulances and delivery areas shall be located in the side and rear yards and shall be screened in accordance with Section 6.2.5, Screening Between Land Uses.
- E. All parking areas of greater than five (5) spaces shall be set back from residentially zoned or occupied parcel by no less than twenty-five (25) feet for rear and side yards.
- F. The location of all heliports shall be subject to Planning Commission review, based upon the applicant demonstrating the following conditions are met:
 - 1. The location will cause the least possible disturbance to adjacent property owners.
 - 2. The location will not be a safety hazard due to physical and natural features within the immediate area.
 - 3. The heliport shall be approved by and operated in accordance with all Michigan Department of Transportation, Division of Aeronautics and Federal Aviation Administration rules and regulations.

Section 5.21. Golf Courses. Golf courses and country clubs, including accessory uses such as: clubhouses, driving ranges, pro shops, maintenance buildings, recreational facilities, restaurants, and caretaker residence shall be subject to the following conditions:

- A. Minimum site area shall be forty (40) acres.
- B. The location of structures, such as the club house and accessory buildings, and their operations shall be reviewed by the Planning Commission to insure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially zoned or used property.
- C. All storage, service and maintenance areas when visible from adjoining residentially zoned land or land presently used for residential purposes shall be screened from view according to Section 6.2.5, Screening Between Land Uses.

- D. All proposed outdoor lighting and sound systems shall be reviewed by the Planning Commission to ensure that they do not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land currently zoned or used for residential purposes.
- E. The caretaker's residence must meet the minimum requirements of the district that the golf course is located in.
- F. For certain accessory uses regarding golf courses Subject to Section 5.2.4.
- G. Direct ingress and egress shall be from a paved public road.

Section 5.22. Home Occupations All home occupations, with the exception of agricultural operations, shall be in single-family residences subject to the following requirements:

These businesses will only be allowed in zoning districts AG-1 Agricultural District, AG-2 Agricultural District, RR Rural Residential District and R-1A Suburban Residential District.

- A. A Home Occupation must be clearly incidental and secondary to the primary use of the dwelling unit used for dwelling purposes.
- B. A Home Occupation shall not change the character or appearance of the structure or the premises, or other visible evidence of conduct of such home occupation. There shall be no external or internal alterations not customary in residential areas or structures.
- C. A Home Occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like, involved in, or resulting from such Home Occupation. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- D. A Home Occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
- E. No employees shall be permitted other than members of the immediate family residing in the dwelling unit.
- F. A Home Occupation shall be conducted within the dwelling unit and or within a building accessory thereto. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a Home Occupation, with the

exception of a sign (nameplate) as described in paragraph “I” below and Section 10.3.10.

- G. Customers or clients may patronize such business however, there shall be no vehicular traffic permitted for the Home Occupation, other than that which is normally generated for a single-family dwelling unit in a residential area, both as to volume and type of vehicles.
- H. Parking for the home occupation shall not exceed two (2) non-family spaces. Such spaces shall be provided on the premises. Off street parking is subject to all regulations in Article 11, Off Street Parking and Loading. Parking spaces shall not be located in the required front yard.
- I. Signs not customarily found in residential areas shall be prohibited, provided however, that one non-illuminated name plate, not more than six (6) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises. Such signs shall be subject to Section 10.3.10, for additional information on a sign for a home occupation.
- J. No article shall be sold on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- K. Except as permitted in Section 5.44, Storage of Material, the exterior storage of material, equipment or refuse associated with or resulting from a home occupation shall be prohibited. (Amended: Effective Date: January 2, 2017)

Section 5.23. Housing for the Elderly and Convalescent Centers.

5.23.1. Housing for the elderly shall comply with the following conditions:

- A. All housing for the elderly shall provide for the following:
 - 1. **Independent Living for the Elderly.** Dwellings may be provided as single-family detached, two-family or multiple-family units. The minimum site area requirements for the purpose of calculating density shall be as follows:

Dwelling Unit Size	Site Area Per Unit (Sq. Ft.)
Efficiency/One Bedroom	2,000
Two Bedroom	4,000
Each Additional Bedroom	500

2. **Assisted Living for the Elderly.** Where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in paragraph 1 above shall apply. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be two hundred (200) square feet.

3. Both independent and assisted living facilities shall be contained within a building which does not exceed two hundred and fifty (250) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and nature and topographic features ensure that the building is in scale with the site and surrounding areas.

4. **Building setbacks shall comply with the following:**
 - a. Perimeter setbacks shall be no less than seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.

 - b. Internal setbacks for single and two-family dwellings located on an individual lot shall be as follows:

Front	25 feet
Rear	35 feet
Least Side	7.5
Total Side/Between Buildings	20 feet

- c. Internal setbacks for multiple, single-family attached and two-family dwellings not located on an individual lot shall be as follows:

	Multiple Family	Single/Two Family
Internal Drives/Street	25 feet	25 feet
Side/Side Orientation	30 feet	20 feet
Side/Front, Side/Rear	30 feet	35 feet
Front/Front, Front/Rear, Rear/Rear	50 feet	50 feet

5. **Minimum Floor Area.** Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:

Dwelling Unit Type	Floor Area/Square Feet	
	Assisted Living Unit	Independent Living Unit
Efficiency	400	500
One Bedroom	550	650
Two Bedroom	700	800
Additional Bedroom	150 per	150 per

6. **Building Height.** The maximum height of a building is two (2) stories or thirty-five (35) feet. The Planning Commission may at its discretion, permit up to three (3) stories only if the following conditions are met:
- a. The site contains significant natural resources such as slopes or wetlands.
 - b. No increase in density shall be allowed.
 - c. Approval by the Fire Department is required.
 - d. An increased setback distance is established with respect to each setback required to be increased, including front, rear and side yard requirements and spacing requirements between buildings. The extent of increase, if any, for each set back measurement shall be established as part of the approval of the Planning Commission.
 - e. In no event shall the maximum height of any such building exceed thirty-five (35) feet, in the manner defined and calculated in accordance with the terms of this Ordinance.
7. **Open Space/Recreation.** Open space and recreation shall be provided in accordance with the following requirements:
- a. Total open space required shall be a minimum of fifteen (15%) percent of the site.
 - b. Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.

8. **Accessory Uses.** Support uses offered solely to residents may be permitted provided they are contained within the principal building and are strictly accessory to the principal use as an elderly residential facility. Such support may include congregate dining; health care; personal services; and social, recreational, and educational facilities and programs.

B. Convalescent homes shall comply with the following conditions:

1. Minimum lot size shall be based upon no less than two thousand (2,000) square feet per bed.
2. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each bed in the convalescent home there shall be provided not less than one thousand five hundred (1,500) square feet of open space. Such space shall provide for a landscaped setting, off-street parking, service drives, loading space, yard requirements, employee facilities and any space required for accessory uses. The one thousand five hundred (1,500) square foot requirement is over and above the building coverage area requirement.
3. No building shall be closer than forty (40) feet from a property line.
4. The lot location shall be such that at least one property line abuts a paved public road. More than one (1) point of vehicle ingress and egress shall be provided directly from said thoroughfare.
5. Area for access of emergency vehicles shall be provided for each primary building entrance.

Section 5.24. Intensive Livestock Operations.

- A. It is the intent of this Section to allow for intensive livestock operations while providing additional protection to the Township and neighboring land uses in order to minimize noise and odors and prevent surface water and groundwater contamination, and further subject to the following conditions:
- B. The Michigan Right to Farm Act shall control minimum site area.
- C. There shall be adequate fencing, or other restraining devices, for the purpose of maintaining animals within a restricted area. For further information refer to the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- E. The refuse and wastes resulting from the feeding and maintenance of animals shall be controlled upon the premises, and shall be subject to the Michigan Right

to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

- F. All feed and other materials used for the maintenance of animals shall be appropriately stored so as not to attract rats, mice, or other vermin.
- G. For the location of new or expanding intensive livestock operations refer to the following: The Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

Section 5.25. Kennels and Stables. Kennels and horse riding stables, including breeding, or boarding facilities shall be subject to the following conditions:

5.25.1. Private and Commercial Kennels.

- A. **Private kennels** shall be permitted as an accessory use in the RC, AG-1, AG-2, districts. Private kennels are permitted as a special use in the RR district. No private kennel shall keep or maintain more than three (3) dogs, cats, or other domestic animals, but shall not include those animals raised for agricultural purposes.
- B. **Commercial kennels** shall be a special use in the RC, ~~*AG-1, AG-2~~, GC and LI districts, subject to the following conditions: *pending change to ordinance to coordinate with Article 4.
 1. A minimum lot size of one (1) acre in the GC and HC districts, and ten (10) acres in the RC, AG-1 and AG-2 districts shall be required.
 2. Structures or pens shall not be located less than three hundred (300) feet from a public right-of-way or less than one hundred (100) feet from a side or rear lot line.
 3. The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions.
 4. Out side kennel pens shall not be permitted.
 5. A site plan shall be approved in accordance with Article 7, Site Plan Review, herein, as it pertains to commercial operations.
 6. The Planning Commission may require as part of site plan review the following:

- Traffic study,
- Adequate parking,
- Specific hours of operation,
- Noise management plan and/or monitoring of noise.

5.25.2. **Private and Commercial Horse/Equine Stables.**

- A. **Private Stables** shall be permitted as an accessory use in the RC, AG-1, and the AG-2 districts. Private stables are permitted as a special use in the RR district, subject to Section 3.3. One (1) horse/equine type animal is allowed for every three (3) acres up to the first nine (9) acres. After the first nine (9) acres, one (1) additional acre is required for each additional horse/equine type animal. Up to four (4) horse/equine type animals are permitted to be kept on ten (10) acres. One (1) such animal is permitted on five (5) acres. Subject to Section 5.37.
1. A private stable shall be established and maintained in accordance with all applicable state, county, and township sanitation regulations, including any applicable generally acceptable agricultural management practices (GAAMPS) adopted by the Michigan Department of Agriculture.
 2. For a private horse/equine stable to have more than the number of horses/equine animals as outlined in Section 5.25.2.A, in the RC, AG-1 and AG-2 districts, the owner of the private horse/equine stable must submit an application for a special use permit. As part of the site plan process the applicant must submit a manure/urine management plan that follows generally accepted agricultural management practices. (Subject to Section 3.3 Special Uses) Contact the Michigan Department of Agriculture, Right to Farm Program.
 3. A site plan shall be approved in accordance with Article 7, Site Plan Review, herein.
 4. Subject to Section 5.37.2. A. through E.
- B. **Commercial Stables** shall be a special use in the RC district and AG-1 and AG-2 districts, subject to the following conditions:
1. The minimum lot area required for a commercial stable shall be ten (10) acres. The number of horses shall be subject to the provisions of Section 5.25.2.A., above.
 2. A commercial horse/equine stable shall be established and maintained in accordance with all applicable state, county, and township sanitation regulations, including any applicable generally acceptable agricultural

management practices (GAAMPS) adopted by the Michigan Department of Agriculture.

3. For a commercial horse/equine stable to have more than the number of horse/equine animals as outlined in Section 5.25.2.A, the owner of the commercial horse/equine stable must submit a manure/urine management plan that follows generally accepted agricultural management practices (GAAMPS). Contact the Michigan Department of Agriculture, Right to Farm Program.
4. A site plan shall be approved in accordance with Article 7, Site Plan Review, herein.
5. Subject to Section 5.37.2. A. through E.

Section 5.26. Public and Private Colleges, Universities and Other Such Institutions of Higher Learning.

5.26.1. All colleges, universities and other such institutions of higher learning, public and private, are subject to the following conditions:

- A. Any use permitted under this section shall be developed only on sites of at least forty (40) acres in area and shall not be permitted on any portion of a recorded subdivision plat.
- B. The proposed site shall have a minimum of two hundred (200) feet of frontage on an existing or planned paved public road. All ingress and egress from such site shall be directly from a paved public road(s).
- C. No building other than a structure for residential purposes shall be closer than seventy-five (75) feet to a property line.
- D. All parking areas of greater than five (5) spaces shall be set back from residentially zoned or occupied parcels by no less than twenty-five (25) feet for rear and side yards.
- E. Direct ingress and egress shall be from a paved public road.

Section 5.27. Mineral Mining, Extractive Operations, and Quarries.

5.27.1. **Intent and Purpose.** It is the intent and purpose of this section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited, and to insure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public or private services and facilities affected by the land use, and, to

insure that mineral mining activities are consistent with the public health, safety and welfare of the Township.

5.27.2. **Use Restriction.** Mineral mining and extractive operations may be considered as a special use in the AG-1, Agriculture or LI, Light Industrial Districts. The extraction, removal, and processing of sand, gravel, stone and other mineral mining in the township shall be prohibited unless first authorized by the granting of a special use permit by the Township Planning Commission in accordance with this section, Section 3.3, Special Uses. The following conditions shall apply to mineral mining and extractive operations:

- A. No hydraulic dredging.
- B. Containment of soil and windblown fines.
- C. No topsoil is to leave the site without an engineer's report determining the amount of topsoil on the site and the amount needed for reclamation.
- D. Allow access to the entire property for inspection of the operations on a yearly basis.
- E. Allow inspection by any Township representative with twenty-four (24) hours notice to determine the validity of any complaint.
- F. No surface watercourse may be constructed or used without the permission of the Township as part of the operation without a report from the Township's Engineering Consultant demonstrating that there will be no offsite impacts.
- G. The Township's Engineering Consultant shall recommend a bond amount for the reclamation of the site.
- H. Provide a detailed plan and a timetable for the reclamation/restoration of the site.
- I. File a site plan per the requirements of Article 7, Site Plan Review.
- J. Operations shall be permitted only between the hours of 7:00 AM and 6:00 PM, Monday through Friday and on Saturday between the hours of 7:00 AM and 12 PM. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. (Source: United States Code, Title 5, Section 6103).
- K. Provide a letter to the Township with specific date for the start and completion of the operations once mining operations have commenced.

- L. No stock piling of materials brought to the site.
- M. There shall be not more than one (1) entrance way from a public paved road to said lot for each six hundred sixty (660) feet of front lot line. Said entrance shall be located not less than five hundred (500) feet from an intersection of two (2) or more public roads.
- N. Stockpiles of stripped topsoil shall be seeded with grass or other plant materials and shall be prevented from eroding onto other properties.
- O. On said lot, all roads, driveways, parking lots and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered or chemically treated so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.
- P. Each operator shall be held responsible for all public roads, upon which trucks haul materials from the quarries, to keep these roads in a driveable condition at least equal to that which existed prior to the beginning of quarrying operations; and to keep the roads dust free and to clean up any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment.
- Q. Any noise, odors, smoke, fumes, or dust generated on said lot by any digging, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- R. Such removal shall not be conducted as to cause the pollution by any material of any surface or sub-surface watercourse or water body outside the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.
- S. Such removal shall not be conducted as to cause or threaten to cause the erosion by water of any land outside the lot or of any land on the lot so that earth materials are carried outside of the lines of the lot. Such removal shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such removal shall cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation as specified in this paragraph.
- T. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any zoning district that permits residential dwellings or that is currently used in a residential manner. In the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to a residential classification

subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line adjacent to the residential district. A fence of not less than six (6) feet in height shall be erected around the periphery of the area being excavated. Fences shall be adequate to prevent trespass.

- U. All areas within a quarry shall be rehabilitated progressively as they are worked out, so as to be non-hazardous. Further these areas shall be inconspicuously blended with the general surrounding ground form, so as to appear natural.
- V. The applicant shall submit a plan for the use of the property during mining operations at the time of application for the permit. The Planning Commission shall review and approve the plan. The plan shall provide the following information:
 1. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;
 2. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;
 3. Existing site improvements such as buildings, drives, well, and drain fields;
 4. Existing topography at contour intervals of five (5) feet;
 5. Extent of future mining areas and depth thereof;
 6. Location and nature of structures and stationary equipment to be located on the site during mining operations;
 7. Location and description of soil types;
 8. An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of mining operations;
 9. Description of all operations to be conducted on the premises, such as, but not limited to, digging, sorting and washing operations, and the type, size and nature of equipment to be used with each operation;
 10. Location and width of drives, sight distances; lane widening on public roads at intersections of same with drives;
 11. Tree areas and other natural features to be retained;
 12. Description of pollution and erosion control measures;

13. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site; and
 14. Map showing truck routes to and from the site.
- W. The applicant shall file a plan for restoring the site to a safe, attractive and usable condition. The plan shall be filed at the time of application for the special land use permit. The Planning Commission shall review and approve the plan. The restoration plan shall provide the following information:
1. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;
 2. Location and extent of all natural features to be retained during mining operations;
 3. Contour lines at intervals of five (5) feet of the proposed, restored surface, clearly showing connection to existing undisturbed contour lines;
 4. Schedule and areas of progressive rehabilitation;
 5. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
 6. Sketch plan of the proposed use of the site when restored; and
 7. Description of methods and materials to be used in restoring the site.
- X. The applicant shall provide a security deposit in the name of the Township, in the form and amount acceptable to the Township Planning Commission, to guarantee restoration of the site and certification of conformance by the Township Engineer.

- Y. The applicant shall provide a security deposit when required by the Township Board, to maintain and replace public roads traversed by trucks associated with the mining operation. The security shall be deposited with the Washtenaw County Road Commission in the form and amount required by the Road Commission.
- Z. The Township Planning Commission shall not approve a special use permit for any quarry operation until the Commission has received the plans required in this Section, and until the required security deposit has been provided.
- AA. The applicant shall provide a date for completing the quarry operation, such date to be based upon the estimated volume of material to be extracted and an average annual extraction rate. The special use permit shall expire on that date. Any extension of operations beyond that date shall require a new special use permit, which shall be applied for and processed as provided in this Ordinance.
- BB. Travel routes for trucks entering and leaving the pit shall be shown on a map of the Township at the time of application for the special use permit. Such routes except arterial streets or their equivalents shall not pass through residential areas.
- CC. Only equipment owned or leased by the operator of the quarry and used in the operations of the quarry shall be stored overnight or for longer periods anywhere on the premises of the quarry. Storage of any other equipment on the premises shall be prohibited.
- DD. Potable water supply and sanitary sewage disposal systems shall be approved by the County Health Department before a special use permit is issued.
- EE. Concrete, cement or asphalt production shall not be allowed as part of a quarry operation.

5.27.3. **Exemption.** Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this section.

5.27.4. **Application.** An application shall be filed with the Zoning Administrator and shall include the following:

- A. Site plan prepared in accordance with Article 7.
- B. Vertical aerial photograph, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photograph flown at a negative scale no smaller than one (1) inch equals six hundred sixty (660) feet. The date of the aerial photograph shall be certified, and shall have been flown at such time when the foliage shall be

off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:

1. All land anticipated to be mined in the application, together with adjoining land owned by the applicant.
 2. All contiguous land, which is or has been used by the owner or leasehold applicant for mineral extraction and processing and storage, and all contiguous (land) in which the applicant or any affiliate has a current interest.
 3. All lands within one-half (1/2) mile of the proposed mining area.
 4. All private and public roads from which access to the property may be immediately gained.
 5. Boundary of the entire planned mining area by courses and distance.
 6. Site topography and natural features including location of watercourses within the planned mining area.
 7. Means of vehicular access to the proposed operation.
- C. Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site;
- D. Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:
1. Property within a radius of one (1) mile around the site; and
 2. The property fronting on all vehicular routes within the Township contemplated to be utilized by trucks that will enter and leave the site.
- E. Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
1. Level of water table throughout the proposed mining areas;
 2. Opinion as to each and every effect on the water table and private wells and property owners within the reasonably anticipated area of impact during and subsequent to the operation;

3. All qualitative and quantitative aspects of surface water, ground water, and water shed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected; and,
 4. Opinion whether the exposure of subterranean waters and the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public,
- F. Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, and the anticipated noise and vibration levels.
- G. All other information required to satisfy the requirements of the Township Mining Ordinance

5.27.5. **Review Procedure.**

- A. The Township Clerk shall retain the original application for the file, and forward the copies to the members of the Planning Commission, The Township's Engineering and Planning consultants, the Road Commission and soil erosion control authority.
- B. The Township Engineer and the Township Planner shall each file a report with the Zoning Administrator, together with a recommendation on the need for additional experts. The Zoning Administrator shall retain the original of these reports for the file, and forward copies to the Planning Commission.
- C. The Zoning Administrator shall request a report from the Road Commission regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare.
- D. After receiving all reports, including any additional reports of experts recommended by the Township Engineer and/or Planner, if deemed appropriate the Planning Commission shall consider the application in accordance with the procedures set forth in Section 3.3, Special Uses.
- E. Reasonable conditions may be required with the approval of the application for the special land use, to insure that public or private services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and

economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.

5.27.6. **Requirements and Standards.** The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in the discretion of the Planning Commission, and if the application is approved, the applicant shall maintain such standards and requirements as a condition to continued operation and use:

- A. Demonstration by the applicant that the proposed special land use shall not result in a probable impairment, pollution, or destruction of the air, water, natural resources, and public trust therein.
- B. Demonstration by the applicant that the proposed special land use shall not result in a probable impairment to the water table or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
- C. Demonstration by the applicant that the proposed special land use shall not create a probable impairment of and/or unreasonable alteration in the course, quantity, and quality of surface water, ground water, and/or the watershed anticipated to be impacted by the operation.
- D. Taking into consideration the duration and size of the operation, viewed within the context of the surrounding land uses in existence, or reasonably anticipated to be in existence during the operation, the proposed special land use shall not be incompatible with such surrounding uses, based upon an application of generally accepted planning standards and principles.
- E. The proposed special land use shall not unreasonably burden the capacity of public or private services and facilities.
- F. The proposed special land use shall have immediate and direct access to a paved public road having a planned right-of-way not less than one hundred twenty (120) feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
- G. The proposed special land use shall not unreasonably impact upon surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics.
- H. All activities conducted in connection with the operation shall occur at least one hundred sixty (160) feet from the nearest property line, provided, all processing and stockpiling shall be conducted at least two hundred sixty (260) feet from the center of the nearest street and two hundred (200) feet from the nearest property

line and three hundred (300) feet from a zoning district which permits residential uses or land is in residential use.

- I. The hours of operation shall not reasonably interfere with usual and customary uses of land within the surrounding area anticipated to be impacted. Hours of operation are 7:00 AM to 6:00 PM Monday through Friday and on Saturday between the hours of 7:00 AM and 12:00 PM. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. For further information refer to the United State Code, Title 5, Section 6103.
- J. Taking into consideration that the Township is conditionally authorizing this special use in residential districts and areas used for residential purposes, and that this special use, is to some extent, inharmonious with child rearing and other residentially-related activities, and as an attempt to legislate a balance of interests between the mineral mine user and the owners and/or the occupants of residential property, the maximum duration of the proposed special land use, if conducted in or immediately adjacent to a residential zoning district, shall be ten (10) years.
- K. The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels in a manner which meets the maximum requirements of this Ordinance.
- L. The total area (or areas) being mined, and which has (or have) not been reclaimed, shall at no time exceed the lesser of seventy-five (75) acres and forty (40%) percent of the entire parcel approved as a special use.
- M. The activities of the proposed special land use shall not result in a demand for local services and/or facilities that are or become unavailable, including, without limitation, road and/or drainage facilities, maintenance and repair.
- N. The proposed transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined at the discretion of the Planning Commission at the time of application, and thereafter.

5.27.7. **Reclamation.** Reclamation of the site shall be in accordance with a reclamation plan approved by the Planning Commission as part of the application review process. There shall be no final slopes having a grade in excess of a minimum ratio of one (1) foot vertical to five (5) feet horizontal, and, for permanent water areas, for a distance of not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal; the entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and

improvements shall be removed from the site, unless, following approval of the Planning Commission the same are deemed consistent with the zoning district in which the site is situated. The Planning Commission or Township Board shall have the right to impose performance bonds to insure that the reclamation and restoration plans as submitted are implemented.

Section 5.28. Minimum Dwelling Unit Floor Area.

Minimum floor area per single-family dwelling unit shall be one thousand (1,000) square feet. For additional information Subject to Section 4.7.A.

Section 5.29. Motels and Hotels.

5.29.1. Motels and hotels are subject to the following conditions:

- A. A site shall contain no less than two (2) acres of land and no less than one thousand (1,000) square feet of lot area shall be available per guest unit.
- B. Each unit shall contain not less than two hundred and fifty (250) square feet of heated/air-conditioned floor area per guest unit.
- C. All buildings shall be setback no less than fifty (50) feet from all perimeter parcel lines, while one hundred (100) feet is required when adjacent to a residential zoning district or land occupied for residential purposes.
- D. Accessory uses may include, but not be limited to meeting rooms, ballrooms, restaurants, bars, recreational uses, and gift shops.
- E. Cooking and kitchen facilities may be provided in new hotels/motels upon demonstration by the applicant that the provisions of all applicable fire prevention and building codes have been complied with.
- F. No existing hotel/motel units shall be converted for the use of cooking or kitchen facilities, unless the owner first obtains a building permit, complies with all applicable fire prevention and building codes and obtains a certificate of occupancy for each unit prior to renting it.
- E. All parking areas of greater than five (5) spaces shall be set back from residential zoned or occupied parcel by no less than twenty-five (25) feet for rear and side yards.
- F. Ingress and egress shall be from a paved public road.

Section 5.30. Number of Residences on a Lot. Not more than one (1) single-family dwelling unit shall be located on a lot, nor shall a single-family dwelling unit be located on the same lot with any other principal building, structure or use, except as permitted for:

- A. Farm Housing for seasonal agricultural workers on farms subject to the regulations in Section 5.56, or;
- B. A single-family home for a caretaker or watchman's residence for a golf course or self-storage facility subject to the requirements in Section 5.21 or Section 5.41.

(Amended: Effective Date: October 27, 2017)

Section 5.31. Open Space Preservation.

5.31.1. Whenever the preservation of open space is required by this Ordinance, the applicant shall provide a demonstrated means that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space community plan.

The dedicated open space shall be set aside by the applicant through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:

- A. Recorded deed restrictions.
- B. Covenants that run perpetually with the land.
- C. Conservation easements such as those established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
- D. Land Trust.

5.31.2. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

- A. Indicate the proposed allowable use(s) of the dedicated open space.
- B. Demonstrate to the satisfaction of the Township that dedicated open space shall be maintained.
- C. Provide standards for scheduled maintenance of the open space.

- D. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon property owners within the proposed development.
- E. All dedicated open space must have a dedicated sixty-six (66) foot wide access for ingress and egress to a public road.

Section 5.32. Open Space Preservation Option. At the option of the owner, land zoned AG-1, AG-2, RR or R-1A may be developed for detached single-family residential subdivisions and condominiums consistent with this Section and as authorized by MCL 125.3506 of Public Act 110 of 2006, as may be amended from time to time. **(Amended, effective date: September 28, 2006)**

- A. **Minimum Open Space Required.** In all developments proposed under the standards of this option, at least fifty (50%) percent of the “gross buildable area” of the subject property must be perpetually preserved as open space. “Gross buildable area” is defined as that portion of the gross site area that is buildable and specifically excluding areas that are not buildable such as: open bodies of water, streams, floodplains, wetlands and other such non-buildable areas as defined by the MDEQ.
- B. The following land areas shall not be applied toward satisfaction of the minimum open space requirement stated under 5.32 (A) above:
 - 1. Unbuildable land, including wetlands, floodplain area, open bodies of water and streams.
 - 2. The area of any public road right-of-way or private road easement.
 - 3. Areas within established lots or units within the development.
 - 4. Public or private golf courses.
 - 5. Any other area that is not buildable.
- C. The following land areas may be applied toward satisfaction of the minimum open space requirement stated under 5.32 (A) above:
 - 1. Un-cleared areas of the site left in their natural condition.
 - 2. Landscaped greenbelts.
 - 3. Public and private parks developed with recreational amenities including but not limited to landscaping, gazebos, benches, play equipment, pathways (woodchip or paved), and wildlife enhancements.

4. Storm water management facilities, including detention, retention and sedimentation basins, up to twenty-five (25%) percent of the total amount of open space required under 5.32 (A) above.
 5. Buildable areas.
- D. Open Space Standards. Open space intended to satisfy the minimum requirements stated under 5.32 (A) must adhere to the following standards:
1. Open space shall be centrally located, located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
 2. Open space must either be left in its natural condition, provided with recreational amenities, or landscaped. Preserved open space shall not be left primarily as lawn. This subsection shall not apply to storm water management basins.
 3. Open space provided along exterior public roads shall generally have a depth of at least one hundred (100) feet, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one (1) evergreen or canopy tree for each forty (40) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting this frontage landscaping requirement.
 4. Open space must be accessible. Access can be provided via sidewalks and pathways throughout the development or where open space abuts road rights-of-way within the development.
 5. The Planning Commission may require connections with adjacent open space, public land or existing or planned pedestrian/bike paths.
 6. Views of open spaces from lots (or units) and roads within the development are encouraged. For larger developments (over one hundred (100) residential units or golf course communities), the Planning Commission may require view sheds of lakes or other areas as a condition of site plan approval. A view shed shall be composed of at least one hundred (100) lineal feet of road frontage having an unobstructed view of a lake or other landscape feature found acceptable to the Planning Commission.
 7. Where lakes and ponds are located within or abut a development, the Planning Commission may require open space to provide lake access.

8. Preservation of Open Space. Open space shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Commission and Township Board, such as:
 - a. Recorded deed restrictions;
 - b. Covenants that run perpetually with the land;
 - c. Dedication to a land conservancy approved by the Planning Commission; or,
 - d. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MCL 324.2140).

9. Preservation of open space as described above under 5.32.D.8, shall assure that open space will be protected from all forms of development, except as shown on an approved plat or site plan, and shall never be changed to another use. The recorded document utilized shall indicate the proposed allowable use(s) of the preserved open space. The Planning Commission and Township Board may require the inclusion of open space restrictions that prohibit or require the following:
 - a. Prohibit dumping or storing of any material or refuse.
 - b. Prohibit activity that may cause risk of soil erosion or threaten any living plant material.
 - c. Prohibit cutting or removal of live plant material, except for removal of dying or diseased vegetation or seasonal pruning and necessary maintenance.
 - d. Prohibit use of motorized off-road vehicles.
 - e. Prohibit cutting, filling or removal of vegetation from wetland areas;
 - f. Prohibit use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
 - g. Require that parties who have an ownership interest in the open space maintain the preserved open space.
 - h. Require for the provision of standards for scheduled maintenance of the open space.

- i. Require for the provision of maintenance to be undertaken by Lima Township, at the Township's option, in the event that the preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners. Subject to Section 3.7., Performance Guarantee Required
10. Continuing Obligation. The preserved open space shall remain perpetually in an undeveloped state subject only to uses approved by the township on the approved site plan or plat. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.
11. Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the preserved open space, subject to the approved site plan. Accessory structures may include:
 - a. Maintenance buildings;
 - b. Clubhouse;
 - c. Recreation structures (gazebos, boardwalks, docks, etc.);
 - d. Other structures as approved by the Planning Commission.

These accessory structure(s) or building(s) shall not exceed, in the aggregate, one (1%) percent of the required open space area.

E. Lot Size Reduction.

1. The minimum width and area for lots or units in single-family detached residential developments, as prescribed in the Schedule of Area, Placement and Height Regulations, under Section 4.6 of the Zoning Ordinance, may be reduced by up to fifty (50%) percent when developed using the option provided under this section.
2. Notwithstanding 5.32.E.1, no lot area shall be reduced below 21,780 square feet, nor shall the lot width be reduced below seventy-five (75) feet. Larger lot area may be required to meet Washtenaw County Health Department requirements related to the use of on-site septic and wells, and/or for conformance with the requirements of P.A. 288 of 1967, the Subdivision Control Act.

- 3. Every square foot of lot area reduction proposed below the minimum lot area normally permitted for the district must be preserved as open space, and may be counted toward the minimum required open space described above under 5.32.A.
- F. Required yard setbacks shall not be reduced.
- G. Land shall not be developed using this option in a manner that would necessitate the extension of public sewer or water outside of the Township’s established utility district(s).

Section 5.33. Outdoor Sale Lots and Displays.

5.33.1. Outdoor sales for automobiles, trucks, trailers, boats, mobile homes, and similar uses shall be subject to the following provisions:

- A. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way. All regulations contained within Section 6.7, Artificial Lighting, Exterior Lighting and Glare, shall be met.
- B. There shall be no strings of flags, pennants or bare light bulbs permitted.
- C. No vehicles or merchandise for sale shall be displayed within the required front yard setback.
- D. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.

Section 5.34. Outdoor Storage of Recreational Vehicles.

5.34.1. A recreational vehicle may be parked or stored in the RC, AG-1, AG-2, RR, R-1A, R-1B, R-1C and R-1D districts. Storage of such vehicles in the R-2A district shall be permitted only on lots of at least (15,000) square feet in size, containing a single-family detached dwelling. The following regulations apply.

- A. Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the Zoning Administrator during construction of a single-family detached dwelling.
- B. Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in one of the following manners: The Zoning Administrator may allow the parking or storage of a recreational vehicle in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard,

only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle be parked or stored in a manner that obstructs pedestrian or vehicular visibility.

5.34.2. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors, not to exceed a continuous period of two (2) weeks in any ninety (90) day period.

5.34.3. No recreational vehicle shall be stored on a public street or right-of-way or private road easement.

5.34.4. A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function.

Section 5.35. Parking and Storage of Vehicles.

5.35.1. All automotive vehicles and all non-farm trailers without current license plates shall not be parked or stored in any district in Lima Township other than in completely enclosed structures, unless otherwise permitted herein. Recreational vehicles are regulated in Section 5.34.

Section 5.36. Recycling Bins.

- A. Recycling bins are recognized as an essential service as the only part of a solid waste management system or solid waste management service provided by or under contract with the Western Washtenaw County Recycling Authority, a Michigan Authority created under the provisions of Public Act 233, Public Acts of Michigan, 1955, as amended, to which the Township of Lima is a constituent municipality. Their location shall be in Commercial or Industrial districts.
- B. Notwithstanding any other provisions of this Ordinance, the lands, improvements, uses, activities, collection sites, and other properties of the Western Washtenaw County Recycling Authority, to which the Township of Lima is a constituent municipality under the provisions of Public Act 233, Public Acts of Michigan, 1955, as amended, shall be exempt from the provisions of the Ordinance which regulate the use of lands, buildings or structures or their placement only within Commercial or Industrial districts and any minimum lot size, minimum lot area, minimum coverage, parking, number of employees, hours of operation, noise, or the supplemental regulation of the Ordinance, provided, however, that all setbacks and minimum yard requirements of the Industrial or Commercial district shall apply.

Section 5.37. Regulation of Animals.

5.37.1. **Class I Animals** may be maintained in any zoning classification district, subject to specific restrictions herein. (Note: Class I Animal - Domesticated household pets weighing less than one hundred fifty (150) pounds.) (*See definition of Kennel.*)

5.37.2.1 **Class II Animals** may be maintained in the RC, AG-1 and AG-2 Districts only. While horses and equine type animals are considered Class II, commercial and private stables are regulated under Section 5.25.2, herein.

The following stocking densities are suggested by the Michigan State University Extension Service. These stocking densities are suggested without knowing anything about the agricultural management practice of any individual, adjacent land uses, soils, or agricultural productivity. For those individuals living on parcels of ten (10) acres or less in close proximity to their neighbors, these stocking densities are meant to be *suggestions for good neighbor practices.*

SUGGESTED STOCKING DENSITIES FOR CLASS II ANIMALS ON PARCELS OF 10 ACRES OR LESS IN THE RC, AG-1 AND AG-2 DISTRICTS

Animal	Number of Animals	Area
Beef Cattle	1	1-2 acres
*Beef Cattle with Calf	1	1-2 acres
Dairy Cow	1	1-2 acres
Pigs	2	1 acre
Sheep, Goats, Alpaca	5	1 acre
Llama	3	1 acre
Horses/Equine Type Animals	1	3 acres

* One beef cattle with calf is considered one animal until the calf is fully grown.

- A. There should be adequate fencing, or other restraining devices for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- B. Structures housing Class II animals should be located at least, no nearer than fifty (50) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- C. The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- D. All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act,

Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.

- E. It is highly recommended that property owner’s in the RC, AG-1 and AG-2 Districts who plan to raise Class II livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.

5.37.3. Class III Animals may be maintained in the RC, AG-1, and AG-2, Districts only. The following stocking densities are suggested by the Michigan State University Extension Service. These stocking densities are suggested without knowing anything about the agricultural management practice of any individual, adjacent land uses, soils or agricultural productivity. For those individuals living on parcels of ten (10) acres or less in close proximity to their neighbors, these stocking densities are meant to be suggestions for good neighbor practices.

SUGGESTED STOCKING DENSITIES FOR CLASS III ANIMALS ON PARCELS OF 10 ACRES OR LESS IN THE RC, AG-1 AND AG-2 DISTRICTS

Animal	Number of Animals	Area
Geese, Ducks, Turkeys	125	1 acre
Chickens (Broiler Hens, Layers)	250	1 acre
Rabbits	250	1 acre

- A. There should be adequate fencing, or other restraining devices, for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- B. Structures housing Class III animals should be located, at least, no nearer than fifty (50) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- C. The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities
- D. All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.

- E. It is highly recommended that property owner’s in the RC, AG-1 and AG-2 districts who plan to keep/raise Class III livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.

5.37.4 Regulation of Animals in Residential Districts. Class II and Class III animals are not permitted to be maintained in residential districts with the exception of the RR, Rural Residential District. The following stocking densities are permitted as a special use in the RR District, regulated under Section 3.3. The keeping of horses in the RR district is also permitted as a special use, regulated under Section 3.3 and Section 5.25.2, herein.

STOCKING DENSITIES FOR CLASS II AND III ANIMALS ON PARCELS OF 10 ACRES OR LESS IN THE RR, RURAL RESIDENTIAL DISTRICT

Class II Animals	Number of Animals Permitted	Area Required
Beef Cattle	1	1-2 acres
Beef Cattle with Calf	1	1-2 acres
Dairy Cow	1	1-2 acres
Pigs	2	1 acre
Sheep, Goats, Alpaca	5	1 acre
Llama	3	1 acre
Horses/Equine Type Animals	1	3 acres
Class III Animals		
Geese, Ducks, Turkeys	125	1 acre
Chickens (Broiler Hens, Layers)	250	1 acre
Rabbits	250	1 acre

Note: The raising of animals in the RR district is not permitted by right. Property owners shall apply for a special use permit. Special Uses are “discretionary uses” that may be granted by the Planning Commission. (Source: Township Zoning Act, 125.286b Special land uses, Section 16b. (3). Reasonable conditions may be placed upon all special uses that are granted by the Planning Commission).

The Planning Commission may choose to impose any reasonable conditions, including conditions on the following items:

- A. Adequate fencing.
- B. Set backs for structures housing animals from property lines.
- C. The refuse and wastes resulting from the maintenance of animals.
- D. The storage of feed and other substances on the premises for the maintenance of animals.

5.37.5 **Conformance to Law.** In reference to Sections 5.37.1, 5.37.2, 5.37.3, and 5.37.4 above, the following may apply: All federal, state and local laws and regulations to include, but not limited to the Michigan Right to Farm Act, all adopted Generally Accepted Agricultural Management Practices and all Michigan Department of Agriculture rules and regulations. All violations of Michigan Right to Farm Act are investigated and can be reported to the Michigan Department of Agriculture.

5.37.6 **Exotic/Wild Animals.** Except as authorized in a wildlife preserve or zoological exhibit approved by the Township, exotic and/or wild animals shall not be permitted to be maintained in the Township, temporarily or permanently. For purposes of this section, the term exotic and/or wild animal shall mean an animal not otherwise defined as a Class I, II, or III animal, and which is not customarily domesticated and customarily devoted to the service of mankind. Exotic and/or wild animal also means any animal that a person is prohibited from possessing by law. The characterization of an animal as being exotic and/or wild shall not be altered by virtue of the fact that one (1) or several generations of the animal in question have been maintained in captivity. It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within Lima Township, or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an exotic animal upon the property, residence or premises.

5.37.7 **Keeping of Chickens.** The regulation of chickens in this section does not apply to the keeping of up to six (6) female chickens when kept in such a manner that the following standards are complied with:

- A. The chickens must be kept on a Rural Residential, RR, zoned parcel(s).
- B. The chickens shall be provided with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens, designed to be easily accessed, cleaned and maintained by the owners and be at least two (2) square feet per chicken in size. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
- C. No chicken house shall be located closer than fifty (50) feet from any property line.
- D. The chickens shall be shut into the chicken house at night, from sunset to sunrise.
- E. A person shall not keep chickens in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines

- F. During daylight hours the adult chickens shall have access to the chicken house and, weather permitting, shall have access to an outdoor enclosure on the subject property.
- G. The area containing the chickens shall be adequately fenced to protect and contain the chickens and to prevent access to the chickens by dogs and other predators.
- H. Stored feed must be kept in a rodent- and predator-proof container.
- I. It is unlawful for the owner, custodian, or keeper of any chicken to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature. The Zoning Administrator will determine whether or not a nuisance exists on a case-by-case basis.

Section 5.38. Residential Cluster Development (CD Option)

5.38.1. This provision is designed to be a designation applied to a parcel of land within an RR, R-1A or MH district; it is not designed as a separate zoning district. The cluster development designation is offered as an alternative to conventional subdivision design under standard zoning district regulations.

- A. **Purpose:** The cluster development provision has the following purposes:
 - 1. To permit flexibility in the layout of subdivisions or site condominiums;
 - 2. To permit variety in the size and shape of residential lots;
 - 3. To permit flexibility in the location of residential buildings and grouping of same;
 - 4. To encourage creative approaches to the design and development of residential areas;
 - 5. To permit economy of the required improvements;
 - 6. To preserve significant natural features such as wooded areas, streams, marshes, ponds, and similar amenities by permitting concentration of building lots and improvements in more readily developable portions of the parcel of land; and

- 7. To permit provision of open space for the use of residents of the subdivision or to the township at large and to concentrate such open spaces in locations and of such size and shape as to be accessible, usable and maintainable.
- B. **General Regulations.** Cluster developments are permitted in the RR, R-1A and MH districts, subject to all of the regulations of each district in which located, except as specifically modified in this Section.
- C. **Minimum Area.** The minimum parcel area for a cluster development shall be forty (40) acres.
- D. **Density of Development.** The minimum lot area in each of the residential districts may be reduced as permitted in this Section. However, the number of dwelling units in the cluster subdivision shall be no greater than the number permitted if the parcel were to be subdivided in the minimum lot areas as set forth in the zoning district involved. The number of dwelling units shall be calculated on the basis of the following dwelling unit densities; these densities assume a, certain percentage of total area for roads.

Zoning District	Density
RR, Rural Residential	0.30 dwelling units per acre of total lot area
R-1A, Suburban Residential	0.89 dwelling units per acre of total lot area
MH, Mobile Home Subdivision	0.89 dwelling units per acre of total lot area

The land area used in the calculation shall include public and private road right-of-way, existing and proposed, that are located within the proposed subdivision but shall not include any existing rights-of-way of any boundary roads of the subdivision.

- E. **Area, Placement and Height Regulations.** The regulations for the RR, R-1A and MH districts, as provided in Section 4.6. Schedule of Regulations, may be modified as follows, for single-family dwellings, mobile homes and their accessory structures only:
 - 1. Minimum lot area – twenty-one thousand seven hundred and eighty (21,780) square feet in RR, R-1A, MH districts.
 - 2. Minimum lot width – twenty-five (25) feet at the existing or proposed street line.

3. Maximum ground floor coverage—none
 4. Maximum floor area ratio - none.
 5. Minimum yards:
 - a. Front yard, or frontage on any street or easement for ingress and egress, twenty-five (25) feet.
 - b. Side yards, none, except that adjacent dwelling structures shall be a minimum of ten (10) feet apart unless structurally attached.
 - c. Rear yard, fifteen (15) feet.
- F. **Common Open Spaces and Facilities.** For each square foot of excess land area resulting from the lot reductions provided in item E. preceding, the subdivision shall provide an equal amount of land dedicated to the common use of the owners in the subdivision or to the public. The Township Board shall approve the manner of dedication. The lands so dedicated shall be permanently retained as open space for parks, recreation and/or related uses.

These areas shall have a minimum area of four (4) acres and a minimum dimension of one hundred (100) feet. The location, size, suitability for the intended uses, and shape of the dedicated area shall be subject to approval by the Township Board. Such land areas shall not include as a part of the minimum acreage, bodies of water, wetlands, or areas of excessive grades that make the land unusable for recreation; however, the area may be in a flood plain. The land areas shall be graded and developed so as to have natural drainage, if such drainage does not exist in the unimproved condition. If the open space area is to consist of two (2) or more parcels, at least one (1) parcel shall have the minimum area of four (4) acres. The minimum dimension shall in all cases be one hundred (100) feet, and the location, size and shape of any parcel shall be subject to approval by the Township Board. A parcel divided by a drainage course, stream, or river shall be considered as one (1) parcel. Access shall be provided to areas dedicated for the common use of lot owners of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian walkways. Areas dedicated to the public shall have at least one (1) access point by a public street for each separate open space parcel. The Township Board shall have the discretion to require additional vehicular or pedestrian access points.

The developer or sub-divider shall dedicate all land areas to be used as common spaces in the subdivision as provided herein at the time of filing for final plat approval for the first phase of the subdivision. Each common open space shall have a legal description therefore, which shall include an accurate statement of land area, all of which shall be certified by a registered land surveyor.

- G. The Washtenaw County Department of Health Regulation shall approve all cluster subdivisions.
- H. **Procedures Without Zoning Amendment.** The applicant(s) for approval of a preliminary plat or a site condominium, shall at the same time, apply for a Cluster Development designation (here after referred to as a CD designation) if such designation is desired. The application shall consist of a completed form, fees, and all information needed for the review of a preliminary plat submitted for tentative approval or in the case of a site condominium a preliminary site plan. The Planning Commission shall review the preliminary plat as set forth in the Subdivision Ordinance and the site condominium as set forth in the Zoning Ordinance, and shall include its analysis and recommendations concerning the CD designation in its report to the Township Board on the preliminary plat or in the case of a site condominium the site plan. The Supervisor shall record, and the Township Clerk shall attest, the CD designation on the Official Zoning Map within three (3) Lima Township Hall working business days from the date of final approval of the final plat or the final site plan by the Township Board. The recording on the official zoning map shall consist of the CD notation, date of action, and an accurate outlining of the property included in the designation.
- I. **Procedures with Zoning Amendment.** If the property included in the CD designation request must also be rezoned to one (1) of the applicable residential districts, the petition to change the zoning district classification shall accompany the application for tentative approval of the preliminary plat. The application shall in this case include a waiver, signed by the applicant, that the ninety (90) day limit on review of a preliminary plat for tentative approval may be extended to accommodate the time required to process the zoning amendment. The Township Board shall not give tentative approval to the preliminary plat until after it has approved the zoning amendment or the site plan. With this exception the procedures set forth in item H, proceeding, shall apply.
- J. **Calculations.** All calculations and other information needed to review conformance of the plat with the zoning ordinance regulations shall be provided on the preliminary plat or in the case of a site condominium the site plan.
- K. **Authority.** The Township Board shall have the authority to approve or deny a request for a CD designation. The Board shall also have the authority to require changes in the size and shape of lots; in lot and street layout; location, size, and shape of open areas and in other features of the design and character of a CD subdivision as proposed in a preliminary plat or the site plan for a site condominium. The Board may exercise this authority when it determines that the proposed CD subdivision does not meet the intent of this Section or does not otherwise result in good site and subdivision planning.

- L. **Improvements.** Improvements or security in lieu thereof shall be provided as required in the Subdivision Ordinance. Improvements of open space areas to be dedicated to the Township, or security in lieu thereof, should be provided by the developer prior to approval of the final plat by the Township Board for the first stage of the subdivision. The Township shall not accept any such dedications that will require substantial upkeep or maintenance expenses. The developer and Township Board shall make agreement as to the required improvements for such open space areas prior to the Board's tentative approval of the preliminary plat. Requirements for improvements may be modified as set forth in the Subdivision Ordinance.

Section 5.39. Right to Farm

5.39.1 The right to farm is recognized to exist as a natural right, which is desirable to preserve, especially in the rural setting of Lima Township. This right specifically recognizes the need to move equipment, and/or the possibility of generating noise and odors, which may penetrate non-agricultural zoning districts.

5.39.2 Definitions.

- A. As used in this section, "farm" means the land, buildings, and machinery used in the commercial production of farm products.
- B. As used in this section, "farm operation" means a condition or activity which occurs in the community in connection with the commercial production or sale of farm products, and includes, but is not limited to: noise; odors; dust; fumes; operation of machinery and irrigation pumps; grazing by animals; ground and aerial seeding and spraying; the application of fertilizers, insecticides, and herbicides; and the employment of labor.
- C. As used in this section, "farm product" means, but not limited to the following, livestock, poultry, grains, grasses, fibers, fruits, wood, trees, plants, shrubs, flowers, seeds, and honey

5.39.3. A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted community agricultural practices. Said practices may occur on holidays, Sundays, and weekdays, at night and in the day. Further, the noises, odors, dust, and fumes that are caused by them are specifically permitted as part of this right.

5.39.4. A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation existed before a change in the land use or occupancy of land within one (1) mile of the boundaries of the farm land, and before the change in land use or occupancy, the farm or farm operation would not have been a nuisance.

5.39.5. It is expressly found that whatever inconvenience may be caused to others by a farm or farm operation activities, the inconvenience is more than offset by the benefits from farming to the community, and to society in general, by the preservation of open space, the beauty of the countryside, and by the preservation and continuance of farming operations as a source of agricultural products for this and future generations.

Section 5.40. Seasonal Sales. The sale of Christmas trees, pumpkins, firewood, and other seasonal items shall be considered temporary uses within any zoning district subject to the conditions contained herein.

All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties. Adequate parking and ingress and egress to the premises shall be provided. Upon discontinuance of the seasonal use, any temporary structures shall be removed. Signs shall conform to the provisions of Article 10, Signs, and the district in which the seasonal use is located. Uses approved under Section 4.5.2. and 4.5.3 as roadside stands or farm markets shall not be subject to this section.

Section 5.41. Self-Storage Facilities.

- A. **Requirements and Conditions.** Self Storage Facilities are permitted as a special use in the GC and HC Districts, and shall be subject to the following requirements and conditions of this section:
1. No activity other than the rental of storage units and the rental of outside storage space for recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
 2. Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.
 3. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.
 4. All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.

5. Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with Section 6.2, Landscaping, Greenbelts, Buffers, and Screening.
6. The exterior design of the storage units is subject to Planning Commission review and approval, and must be compatible with adjacent properties and the rural character of Lima Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.
7. All storage units must be accessible by safe circular drives clearly marked to distinguish direction (if one-way) and separate from parking lanes. Parking lanes a minimum of ten (10) feet wide shall be provided for loading and unloading adjacent to all storage units. A combination parking lane-driveways must meet the following minimum standards:
 - a. When storage units open onto one (1) side only, twenty-six (26) feet wide for one-way traffic, and thirty (30) feet for two-way traffic.
 - b. When storage units open onto both sides thirty-six (36) feet wide for one-way traffic and forty (40) feet for two-way traffic.
8. The local Fire Chief or designated representative is to review the site plan for all issues related to vehicle access and fire safety.
9. A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be imposed by the Planning Commission as well as the following:
 - a. The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinance's requirements for a single-family residence, not including the office space for the self storage facility.
 - b. Exterior design of the caretaker or watchman's residence is subject to the review and approval of the Planning Commission.
 - c. The caretaker or watchman's residence is subject to all area and setback requirements of the district that it is located in.

- d. The maximum height of the caretaker or watchman's residence shall be thirty-five (35) feet or two and a half (2 ½) stories.
- 10. Parking Requirements: One (1) space for every one hundred fifty (150) self-storage units with a minimum of three (3) spaces to be provided adjacent to the office.
- 11. Direct ingress and egress shall be from a paved public road.
- B. **Waiver:** Where the Planning Commission determines that compliance with all of the above standards of Section 5.41 are unreasonable, the standards shall be applied to the maximum extent possible. In such a situation, the Planning Commission may accept suitable alternatives that substantially achieve the purpose of this Section, provided that the applicant demonstrates that one of the following apply:
 - 1. That architectural or structural integrity and quality are not undermined.
 - 2. That any deviations from the standards in Section 5.41 will still provide for a harmonious development and serve to minimize any possible impacts to adjacent properties and residences.

Section 5.42. Single-Family Dwellings, Mobile Homes, Prefabricated Housing. No single-family dwelling (site built), mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

- A. **Square Footage.** Each such dwelling unit shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located. (Subject to Section 4.7.A.)
- B. **Dimensions.** Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty-four (24) feet and shall comply in all respects with applicable building codes, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then and in that event such federal or state standard or regulation shall apply.
- C. **Foundation.** Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the applicable building codes and shall have a wall of such dimensions to adequately support the dwelling. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.

- D. **Undercarriage.** Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- E. **Sewage Disposal or Water Supply.** Each such dwelling unit shall be connected to a public or private sewer and water supply or to such private facilities approved by the Washtenaw County Environmental Health Department.
- F. **Storage Area.** Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling. The storage area shall be a minimum of one hundred (100) square feet.
- G. **Architecture and Compatibility.** The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. All homes shall have a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than two (2) exterior doors with the second one (1) being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. Any determination of compatibility shall be based upon the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20%) percent of the lots situated within said area; or, where said area is not so developed, by the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- H. **Additions.** Each such dwelling unit shall contain no addition or room or other area that is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- I. **Code Compliance.** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as

from time to time such standards may be amended or superseded. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- J. **Building Permit.** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.
- K. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance and pertaining to such parks. Mobile homes that do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a manufactured home park or a manufactured home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

Section 5.43. Site Condominium Project Regulations.

5.43.1. **Intent.** Pursuant to the authority conferred by the Condominium Act, preliminary and final, site plans shall be regulated by the provisions of this Ordinance and approved by the Planning Commission.

5.43.2. General Requirements.

- A. No permits for erosion control, building construction, grading, or installation of public or private water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been recommended for approved by the Lima Township Planning Commission and approved by the Township Board and is in effect. However, the Township Board may, at its discretion, and with appropriate conditions attached, authorize the Building Official to issue permits for grading and foundation work on the basis of the approved preliminary site plan. This requirement shall include contractible, conversion, and expandable condominiums.
- B. **Preliminary Site Plans for Site Condominiums.** The Planning Commission shall have the authority to review and recommend approval or denial of preliminary site plans for site condominiums to the Township Board.
- C. **Final Site Plans for Site Condominiums.** Once the Township Board has approved the preliminary site plan for a site condominium the applicant may proceed to the final site plan stage and submit a final site plan to the Township Planning Commission. The Planning Commission shall have the authority to review and recommend approval or denial of final site plans to the Township

Board. The Township Board shall have authority to approve or deny final site plans for site condominiums.

- D. Preliminary and final site plans shall be submitted, reviewed, and approved or denied in accordance with Article 7, Site Plan Review, herein, provided however, that preliminary and final site plans shall not be combined for site condominiums. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and a second dimensionally stable copy shall be recorded by the developer with the Washtenaw County Register of Deeds.
- E. Each condominium unit shall be located within a zoning district that permits the proposed use.
- F. For the purposes of this Ordinance, each condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.
- G. Each condominium unit shall be connected to water and sanitary sewer facilities when available, or shall have a well, septic tank, and drain field approved by the County Environmental Health Division where water and sanitary sewer services are not available. The well, septic tank and drain field serving a condominium unit shall be located within that unit, as described in the master deed, except in a PUD district, in which case this requirement may be waived by the Township Board as a part of its approval of the PUD district rezoning petition.
- H. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which they are located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- I. Each condominium unit that results from a subdivision of another condominium unit, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which they are located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

- J. Until applicable certificates of zoning compliance have been issued, as provided in Section 3.4, Certificates of Zoning Compliance, all information required by this Ordinance shall be kept current and furnished to the Zoning Administrator.

5.43.3. **Site Plan Approval Requirements.** Preliminary approval of the site plan by the Township Board and final approval of the site plan and condominium documents by the Township Board shall be required as a condition to the right to construct, expand or convert a site condominium project. Preliminary and final approval shall not be combined.

A. **Preliminary Site Plan Requirements.**

1. A preliminary site plan shall be filed for approval at the time the notice of proposed action is filed with the Township.
2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
3. The preliminary site plan shall include all information required in Section 7.7, herein, except that, in the case of a development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots rather than individual buildings or other structures, and required yards shall be shown on the preliminary site plan.

B. **Final Site Plan Requirements.**

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.
2. A final site plan for any phase of development shall not be filed for review with the Planning Commission unless a preliminary site plan has been approved by the Township Board and is in effect.
3. A final site plan shall include all information required by Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in Section 7.13, herein, except in the case of a development that consists only of condominium lots rather than buildings or other structures at the time of plan review, the location and dimensions of condominium lots rather than individual buildings or other structures and required yards, shall be shown on the site plan.
4. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over improvements in the site condominium development, including but not limited to the County Road Commission, County Drain Commissioner, County Environmental Health Division, and the Michigan Department of Environmental Quality. The Township

Board shall not approve a final site plan until each County or State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

- C. **Revision of Condominium Subdivision Plan.** If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and recommendation for approval or denial by the Planning Commission to the Township Board. The Township Board shall approve the revised final site plan before a Zoning Compliance permit may be issued, where such permit is required.
- D. **Amendment of Master Deed or Bylaws.** Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and recommended for approval or denial to the Township Board by the Planning Commission. The Township Board shall approve any amendment of the Master Deeds and Bylaws before any Zoning Compliance permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
- E. **Relation to the Subdivision Control Ordinance.** The provisions of Articles 4 and 5 of the Township's Subdivision Control Ordinance shall apply to site condominiums and are incorporated herein by reference. In applying the design and development standards of Article 4 and the improvement requirements of Article 5, the standards and requirements that are intended to apply to lots in a subdivision shall apply instead to condominium lots. Nothing in this Section shall be construed as requiring a site condominium to obtain plat approval under the Subdivision Ordinance or the Subdivision Control Act.
- F. **Development Agreement.** The Planning Commission shall require, as a condition of approval, that the applicant enter into a development agreement with the Planning Commission and the Township Board, incorporating therein the terms and conditions of final site plan approval, and record the same in the office of the Register of Deeds for Washtenaw County.
- G. Any application for a building permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.
- H. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection, points of condominium lot lines.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

- I. Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the Township for all necessary public services.
- J. All improvements in a site condominium shall comply with the design specifications as adopted by the Township Board and any amendments thereto.
- K. **Information Required Prior to Occupancy.** Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Township Clerk:
 - 1. A copy of the recorded Condominium Documents (including exhibits).
 - 2. A copy of any recorded restrictive covenants.
 - 3. A copy of the site plan.
 - 4. Evidence of completion of improvements associated with the proposed use including two copies of an “as-built survey.”

Section 5.44. Storage of Materials.

5.44.1. The following provisions shall apply:

- A. Garbage, trash and similar refuse to be stored outside a building in the following districts shall be stored within containers which shall themselves be stored within a screened enclosure: GC, HC, VC, O, R-O, and LI. The enclosure shall be constructed of an opaque material, such as wood, concrete blocks, or bricks and shall be enclosed on at least three (3) sides. The fourth (4th) side shall have one

(1) or more gates to provide access. The storage area shall have a concrete floor at least four (4) inches thick.

B. The location or storage of materials not customarily associated with uses permitted in the district or of abandoned, discarded, unused, unusable or inoperative appliances, furniture, equipment, materials, or inoperative vehicles shall be regulated as follows, except for auto wrecking and junkyards, in which case the regulations set forth in Section 5.8, herein, shall apply.

1. On any lot or parcel in any agricultural (AG-1, AG-2) recreation conservation (RC), residential (RR, R-1A, R-1B, R-1C, R-1D, R-2A, commercial (GC, HC, VC), and office (O, R-O) district, the owner or tenant shall locate and store such materials within a completely enclosed building. Such storage shall not be for the purpose of hire or sale.

This provision shall not apply to that material or equipment which the owner or tenant utilizes as a part of an agricultural activity on a lot or parcel in an agricultural district.

2. On any lot or parcel in a light industrial district (LI), the owner or tenant shall locate and store such materials within an area surrounded by a solid, un-pierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements of said districts.

Section 5.45. Temporary Structures – Dwellings.

A. No temporary dwelling, whether of a fixed or movable nature, may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as permitted in the following situations:

1. A mobile home, travel trailer or motor home may be used as a temporary dwelling by a family constructing a new single-family residence on the same lot in the RC or AG-1 and AG-2 zoning districts.

2. If a permanent dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a mobile home, travel trailer or motor home may be occupied by the family so displaced during repair or replacement of the permanent dwelling for a period of up to six (6) months. The Zoning Administrator may renew the permit for the use of a temporary dwelling for such purposes for a second six (6) month period, however, in any case, the use of a temporary dwelling for such purposes shall not exceed one (1) year.

3. For temporary long term housing for aged parents Subject to Section 13.9.2, Intent With Respect to Temporary Housing For Aged Parents.
- B. Requirements and Procedures. A temporary dwelling, when permitted, shall conform to the following requirements and procedures. No permit shall be issued and no temporary dwelling occupied until requirements 1) through 4) listed below are met.
1. A certificate of zoning compliance and a permit indicating approval of the temporary dwelling as acceptable for human habitation shall be obtained from the Zoning Administrator. The Zoning Administrator shall refuse to issue the permit if the design or proposed construction of the structure shall be such as to indicate that it is intended to stand as a permanent dwelling, or will be adverse to the public health, safety, and welfare of the occupants or surrounding residents.
 2. A temporary dwelling shall be placed on the lot so as to conform to all yard requirements of the zoning district in which it is located.
 3. A temporary dwelling shall be connected to private water supply and sewage disposal systems approved by the Washtenaw County Environmental Health Department, or to a public water supply or sanitary sewer system.
 4. The Zoning Administrator shall establish a reasonable date for the vacation or removal of the temporary dwelling; whichever is applicable, said date not to exceed two (2) years from the date of the use permit. The temporary dwelling shall be vacated or removed from the lot, whichever is applicable, within two (2) weeks of the date of occupancy of the constructed, replaced, or repaired dwelling, with the date of occupancy to be as listed on the Certificate of Occupancy of the permanent dwelling. A performance bond, in an amount to be determined by resolution of the Township Board shall be provided to the Zoning Administrator to insure the vacation or removal of the temporary dwelling, whichever is applicable.
 5. The Zoning Administrator shall provide a written statement setting forth the conditions of the use permit to the residents of a temporary dwelling and shall retain a copy in the files of the Zoning Administrator. Upon receiving the permit the owner/occupant shall indicate by his/her signature that he/she has full knowledge of the terms of the permit and penalty pertaining thereto.
 6. Any permit issued under this section shall not be transferable to any other owner or occupant.

7. The Zoning Administrator shall promptly notify the Township Board and Planning Commission in writing of each approval granted and all conditions attached thereto under this section.

Section 5.46. Transient and Amusement Enterprises and Temporary Gatherings.

5.46.1. Transient and Amusement Enterprises.

- A. Circuses, carnivals, music festivals, other transient amusement enterprises and similar temporary public gatherings of people shall be permitted for a limited and specific period of time in accordance with the special land use provision of this Ordinance and the use classification pertaining to the particular district. In addition to the above required findings, the Planning Commission shall permit such enterprises only upon the finding that the location of such activities will not adversely affect adjoining properties or the public health, safety or general welfare. The Planning Commission may require posting of a bond or other security payable to the Township in an amount determined to hold the Township free and harmless of all cost or liabilities incident to the operation of such activities.
- B. The Planning Commission may also require police protection or the posting of a certificate of insurance in such amounts and limitations as the Township Board may determine for the purpose of indemnifying an adjoining land owner or a person using the premises, for any damage or injury resulting from the operation of such activity. The Planning Commission shall issue the special land use permit for a specific named purpose, and for a specific period of time. The permit shall be a temporary one only for that period of time and shall not be renewable or transferable.

5.46.2. Temporary Gatherings.

- A. **Purpose and Intent.** The public health, safety and welfare of the citizens of the Township require the regulation of assemblies of large numbers of people in the Township. Accordingly, special events involving temporary gatherings of more than 150 people may be permitted in the Township only upon compliance with this section.
- B. **Violations.**
 1. It shall be unlawful for any person to:
 - a. Promote, sell tickets to, or conduct an assembly without first obtaining a permit.

- b. Conduct an assembly in such a manner as to create a public or private nuisance.
 - c. Permit, within the assembly, any obscene display, exhibition, or entertainment.
 - d. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.
 - e. Permit any person to unlawfully use, sell, or possess any narcotics or other substances defined in Public Act No. 352 of 1982, MCL 333.7212 et seq., and Article 7 of the Public Health Code (MCL 333.7101 et seq.).
2. Each of the above violations is a separate offense and is a nuisance per se immediately enjoined in the circuit court.
- C. **Required.** A person shall not sponsor, conduct or promote an assembly in the township unless the person first obtains a permit for the assembly from the Zoning Administrator. Upon receipt of an application, the Zoning Administrator will determine if the event size warrants Planning Commission approval or administrative approval by the Zoning Administrator.
- D. **Application.**
1. *Form.* Application for a permit to conduct and assembly must be made in writing on the forms and in a manner prescribed by the Township Clerk.
 2. *Deadline.* An application must be made at least 60 days before the date of the proposed assembly.
 3. *Fee.* An application shall be accompanied by a nonrefundable fee in the amount set from time to time by resolution of the Township Board.
 4. *Contents.* The application shall include the following:
 - a. The name, residence, mailing address, and telephone number of the person making the application.
 - b. A statement describing the proposed assembly
 - c. The address or legal description and proof of ownership of the site at which the assembly is to be conducted. Where the applicant does not own the property, the applicant shall submit an affidavit from the owner showing the owner's consent to the use of the site.

- d. The dates and hours during which the assembly will be conducted.
- e. An estimate of the maximum number of persons expected at the assembly for each day it is conducted.
- f. A detailed explanation, including drawings where applicable, of the applicant's plan to provide the following:
 - i. Police and fire protection.
 - ii. Food and water supply and facilities.
 - iii. Health and sanitation facilities.
 - iv. Medical facilities and services, including emergency vehicles and equipment.
 - v. Vehicle access and parking.
 - vi. Camping and trailer facilities, if overnight stays are anticipated.
 - vii. Illumination facilities.
 - viii. Communication facilities.
 - ix. Facilities for cleanup and waste disposal.
 - x. Noise control and abatement.
 - xi. Insurance and bonding arrangements.

- 5. *Review and recommendation.* The Township Clerk shall forward copies of the application to such public officials as the Clerk deems necessary. Those officials shall review the application and report their recommendations to the Clerk.

E. Issuance or Denial of Permit; Appeal.

- 1. Within 30 days of filing an application, the Zoning Administrator (or a Township officer to whom the Township Board has delegated this responsibility) shall issue, set conditions prerequisite to the issuance of, or deny a permit.
- 2. When a decision on an application has been made by a Township officer to whom the Township Board has delegated such responsibility, an appeal

of the decision may be taken to the Township Board by filing a request for same with the Township Clerk within 5 days of receipt of notice of the permit denial.

- F. **Revocation for Failure to Comply with Article Provisions.** The Township may revoke a permit whenever the permittee fails to comply with any provision of this article, the permit, or State statute.

Section 5.47. Visibility at Intersections.

- A. **Corner Lot:** On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and ten (10) feet above the road grade in an area bounded points fifty (50) feet back from the corner along the street curb lines or road edge.
- B. **Interior Lot:** On any interior lot, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of three (3) feet and ten (10) feet measured a distance of twenty (20) feet back from the point where the driveway intersects the road. (See page 2-34 for illustration).

Section 5.48. Wireless Communication Facilities.

5.48.1. Purpose and Intent. The purpose of this article is to ensure that wireless communication facilities are located, constructed and maintained in the Township in a manner which will maintain the integrity, character, property values and aesthetic quality of the affected neighborhood and the Township at large. It is the further purpose of this section to:

- A. Establish predetermined districts or zones of the number, shape, and in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- B. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing populations, transportation systems, and other public services and facility needs.
- C. Promote the public health, safety and welfare.
- D. Provide for adequate information about plans for wireless communication facilities to permit the community to effectively plan for the location of such facilities.
- E. Minimize the adverse impact of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

- F. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This purpose contemplates the establishment of as few towers as reasonably feasible, and the use of towers which are designed for compatibility, including the use of existing towers.

5.48.2. Authorization for collocation on existing towers; special land uses; other districts.

- A. *Permitted accessory use of antennae and other equipment.* To encourage collocation and to minimize the number of towers within the Township, an antenna or other equipment shall be considered a permitted accessory use when all of the following are met:
1. The proposed collocation will be placed on or attached to a lawfully existing and approved tower, or within a lawfully existing and approved equipment compound.
 2. The proposed collocation will comply with the terms and conditions of any previous final approval of the tower or equipment compound by the Township.
 3. The proposed collocation will not do any of the following:
 - a. Increase the overall height of the existing tower by more than 20 feet or by more than 10% of the original tower height, whichever is greater;
 - b. Increase the existing tower width by more than the minimum necessary to permit collocation;
 - c. Increase the area of the existing equipment compound by more than an additional 2,500 square feet; and
 - d. Make any other modifications to the approved tower, including lights or guy wires or form, except as otherwise required by law.

The installation of an antenna and any other equipment that meets the conditions of this subsection (A) shall be subject to standards and conditions applicable to all facilities described in section 5.48.3, and the plan and application requirements of Section 5.48.5A, shall be reviewed on an administrative basis by the Zoning Administrator, and shall not require approval as a special land use.

- B. *Special land uses.* Except as provided in subsection (A) of this section, wireless communications facilities shall be special land uses within the following districts, subject to the requirements and standards set forth in Section 5.48.3 and 5.48.4, including, site plan review and special land use permit: HC – Highway Commercial, GC – General Commercial, LI – Limited Industrial, AG-1 and AG-2 – Agricultural, and RC – Recreation/Conservation.

- C. *Other districts.* Wireless communication facilities shall not be permitted uses or special land uses in other districts except as described in Subsections (A) and (B) of this Section.

Sec. 5.48.3. Plan and application requirements.

- A. *Collocation.* For a collocation that qualifies as a permitted accessory use under Section 5.48.2(A), the applicant shall submit the following to the Zoning Official for review on an administrative basis and approval or denial of a Zoning Compliance Certificate based on the standards set forth in this article:
1. *Plan requirement for collocation.* An application for Zoning Compliance Certificate shall be provided to the Zoning Official along with a scaled, dimensioned plan of the existing wireless communications facilities, the proposed collocation antennae and other equipment, and any other proposed modifications to the site. The plan shall be prepared by a professional engineer, architect, planner, landscape architect, or land surveyor registered in the State of Michigan, whose seal is affixed to the first sheet. The Zoning Administrator has the authority to require additional information to confirm that the proposed changes meet the requirements of subsection 5.48.2.A and the requirements and standards listed in Section 5.48.4.
 2. *Review standards.* The application shall be reviewed in accordance with the following standards:
 - a. The application contains all required information and all required fees have been paid.
 - b. All requirements of Section 5.48.2(A)(1)(2) and (3) and MCL 125.3514(1)(a), (b), (c) and (d) have been met.
 - c. The standard and conditions of Section 5.48.4 have been met.
 3. *Approval.* For a collocation project that meets the requirements of Section 5.48.2.A.1 through 3, the Zoning Administrator shall approve the application not more than 60 days after the application is considered complete, unless the applicant agrees to an extension of such time period.
- B. *New Wireless Communication Facilities.* Except for collocations that qualify as a permitted accessory use under Section 5.48.2.A, a Special Use review and approval is required for every wireless communications facility in accordance with section 3.3 of this ordinance, accept that the site plan shall fulfil the requirements for a combine preliminary and final site plan in accordance with Article 7 of this ordinance along with any additional information necessary to demonstrate compliance with Section 5.48.4. Such site plan review and special land use permit review procedures are modified as set forth below:

1. *Review procedures.*
 - a. Within 14 business days after receipt of an application for a special land use permit under this section, the Township shall notify the applicant in writing if the application is incomplete or if any fee is unpaid along with a statement of the information or fee needed. The application shall not be considered complete until (i) all of the requirements for a combined preliminary and final site plan have been submitted in accordance with Article 7 of this ordinance as determined by the Zoning Administrator after review by Township consultants, (ii) submission of all information required in order to determine compliance with section 5.48.4.
 - b. The Township Clerk is authorized to establish the date of the public hearing after receipt of the information set forth in (i) and (ii) above, notwithstanding Section 3.3.
 - c. The Planning Commission shall approve, approve with conditions, or deny the application not more than 90 days after the application is considered complete, unless the applicant agrees to an extension of such time period.

5.48.4. Requirements and Standards for review. All applications for wireless communications facilities shall be reviewed in accordance with the following standards and conditions and, if approved, shall be constructed and maintained in accordance with such standards and conditions. Upon compliance with this section, such facilities shall be exempt from other height regulations of the Township ordinances.

- A. The facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- B. The facilities shall be located and designed to be harmonious with the surrounding areas.
- C. The facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- D. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights.

- E. The accessory building contemplated to enclose switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- F. The applicant shall demonstrate that it is properly licensed as a provider.
- G. Setbacks.
 - 1. From existing or proposed public or private road the tower must be setback one hundred percent (100%) of the height of the tower, as measured from surrounding grade to the uppermost element of the antenna. The setback may be reduced to a distance not less than the fall zone. The fall zone shall be calculated as forty percent (40%) of the height of the tower. If the setback is less than one hundred (100) percent of height of the tower, the applicant must provide data showing that the facility is designed to keep any falling tower or other infrastructure within the fall zone according to section 5.48.4.
 - 2. From residentially-zoned or used property. The minimum setback from the adjoining property line shall be not less than 100 percent of the height of the tower and antenna.
 - 3. From non-residentially-zoned or used property. The minimum setback from the adjoining property line shall be not less than the fall zone as described in (G) 1. above.
- H. Fall zone. The plan submittal shall include certification signed by a state licensed professional engineer certifying the fall zone of the tower and the manner in which the tower will fall. This certification will be used along with other criteria such as applicable setback requirements for the district in determining the appropriate setback for the tower and other facilities as described in subsections Section 5.48.4(G)1 and 2, Setbacks.
- I. The wireless communication use may be located on the same property with a second principal use. When a tower is located on the same property as another principal use, it shall be separated from all structures associated with the other principal use by a distance no less than forty (40) percent of the height of the tower. Separation shall not be required for an antenna attached to an existing building, tower, pole or other structure. For purposes of access to public streets and dimensional requirements, the property shall be treated as a single site. If a tower ceases to be utilized, it shall be removed within 90 days, along with any building, fencing or other structural improvements.
- J. All transmission lines related to and serving any antenna tower or pole on the facility site shall be placed underground.
- K. There shall be unobstructed access drive to the facility for operation, maintenance, repair and inspection purposes that may be provided through or over

an easement. The minimum standards for such access road shall be a 14-foot width, gravel road with suitable drainage as approved by the Washtenaw County Road Commission.

- L. The division of property for the purpose of locating a wireless communication facility is prohibited unless all requirements of the Township ordinances are met.
- M. Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure shall be designed, constructed and maintained to be architecturally compatible with or enclosed within the principal building.
- N. The Planning Commission shall review and approve the color of the tower and all equipment buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant and owner to maintain the facility in a safe, neat and orderly condition per the approved maintenance plan.
- O. The facility including the tower, equipment, equipment compound and antenna shall be constructed in accordance with all applicable building codes, and shall include the submission of a soils report from a geotechnical engineer, licensed by the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed facility. The applicant shall provide proof of compliance with all requirements of the Federal Aviation Administration (FAA), FCC and state aeronautics commission for the facility.
- P. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonable, prudent standard, and maintain the site in accordance with the approved site plan.
- Q. A security rated fence designated to protect the facility and to provide security from unauthorized entry as appropriate at least six (6) feet in height shall be constructed an set away from the base of the tower at least ten (10) feet in all directions.
- R. The facility shall not be used for advertising purposes and shall contain no signs or lighting except to identify the provider and emergency telephone numbers and as may be required by the FAA.
- S. The site plan shall include a detailed landscaping plan to provide screening and aesthetic enhancement of the tower base, storage buildings and surrounding areas in accordance with Section 6.2.5 of this ordinance.
- T. Security. The plan submittal shall include a description of the security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer used, as provided in section 5.48.7, Removal. The security shall be in the form of: cash, surety bond,

or letter of credit, or an agreement in a form approved by the Township Attorney and recorded at the Office of the Register of Deeds establishing a promise of the applicant and owner of the property to remove in a timely manner, the facility as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal. The provider shall submit an estimate of the cost of removal of the facility, certified by a licensed engineer for the Township's use in determining the security to be posted.

- U. Map of existing, proposed and projected facilities. The plan submittal shall include a map showing existing, known proposed and projected potential wireless communication facilities within the Township for the next five years, and existing and known proposed facilities within areas surrounding the Township in order to determine potential collocation of facilities and to demonstrate the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality.
- V. Contact person. The site plan submittal shall include the name, address and telephone number of the person to contact for engineering, maintenance, and other notice purposes of the facility. The owner shall update this information annually during all times the facility is on the premises. Current contact information shall also be posted at the facility.
- W. Conditions. Conditions for approval of the application shall be consistent with applicable Township ordinances, and other applicable, state, federal and local laws and ordinances.

5.48.5. Standards and conditions Applicable to Wireless Communication Facilities Requiring a Special Land Use Permit. Wireless communication facilities that require a special land use permit must meet the standards and be approved under the procedures set forth in section 3.3 of this ordinance. In addition, the standards in this Section and Section 5.48.4 shall also apply to the review, approval, construction and maintenance of wireless communication facilities that require a special land use permit:

- A. The applicant shall demonstrate the need for the facility based on the following factors:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial, and/or other business centers.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees and other obstructions.

5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. Other specifically identified reasons creating a need for the facility.
 7. Effect on property values.
- B. The proposal shall be reviewed in conformity with the Collocation requirements of this section.
- C. The tower shall be a monopole design unless the applicant can demonstrate that such a design is not feasible for the proposed tower.

Sec. 5.48.6. – Demonstration of Availability for Collocation.

- A. *Statement of policy.* It is the policy of the Township to minimize the overall number of newly established wireless communications facilities, including towers within the Township and to encourage the use of existing towers and structures.
- B. *Feasibility.* Collocation shall be deemed to be “feasible” for purposes of this section where all of the following are met:
1. The wireless communication provider under consideration for Collocation will undertake to pay market rent or other market compensation for collocation.
 2. The tower can provide structural support for additional antennae, taking into consideration reasonable modification or replacement of a facility.
 3. The collocation is technologically reasonable, e.g. the Collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas and the like.
 4. The height of the tower necessary for Collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards set forth in this section.
- C. *Requirements for collocation.*
1. A permit for the construction and use of a new tower or facility shall not be granted unless the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
 2. All new and modified wireless communications facilities shall be designed and constructed so as to accommodate the maximum number of feasible providers for collocation.

3. If a provider fails or refuses to alter an existing wireless communications facility to accommodate a proposed and feasible collocation, such provider's facilities in the Township shall be deemed nonconforming uses and shall not be altered, expanded or extended in any respect.

Sec. 5.48.7. Removal.

- A. The Township reserves the right to request evidence of ongoing operation at any time after the construction of an approved wireless communication facility.
- B. *Conditions for removal.* A condition of approval of a wireless communications facility shall be adequate provision for removal of the facility upon the occurrence of one or more of the following events:
 1. Failure to use the facility for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 2. Six months (180 days) after new technology is available at reasonable cost as determined by the Township, which permits the operation of the facility without a tower. Each applicant shall certify its agreement to provide the Township with information on such new technology if and when it is available as part of the approval process.
- C. The situation in which removal of a facility is required may be applied and limited to portions of a facility.
- D. *Application for demolition or removal.* Upon the occurrence of one or more of the events requiring removal of a facility, the provider shall promptly apply for demolition or removal of the facility and proceed with removal of the facility and restoring the affected area to a condition reasonably acceptable by the Township, as determined by the Zoning Administrator.
- E. *Failure of provider to remove.* If a facility has not been removed within 60 days of the required removal date then after 30 days' written notice to the provider, the Township may remove or secure the removal of the facility, or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

Section 5.49 Community Wastewater Systems.

- A. Community wastewater systems shall require a special use permit from the Township Board in accordance with the procedures and standards set forth in Section 3.3 Special Uses. Community wastewater utility system shall be strictly prohibited in areas of the Township served by public sanitary sewers.

- B. In addition to the requirements established by the State of Michigan and/or Washtenaw County, the following site development and use requirements shall apply:
1. Required standards and findings set forth in Section 3.3.6 shall be met.
 2. All operations and structures shall be surrounded on all sides by a setback of at least two hundred (200) feet from the nearest property boundary, unless a greater or lesser distance has been agreed to through the Planned Unit Development process or a development agreement. Landscape buffering in accordance with Section 6.2 shall be placed to minimize the appearance of the installation and to help confine the odors therein.
 3. The point of discharge of a community wastewater utility system shall be located at a minimum of:
 - a. Five hundred (500) feet from another approved community wastewater utility system.
 - b. Ground Water Discharge: Groundwater discharge shall be permitted in accordance with the Michigan Department of Environmental Quality (MDEQ), Part 22, Groundwater Quality standards.
 - c. Surface Water Discharge: Surface water discharge shall be permitted in accordance with the State of Michigan, Department of Environmental Quality (MDEQ), Part 4 Water Quality standards.
- C. Community wastewater utility systems shall also be subject to the Township Community Wastewater Utility Systems Ordinance. Therefore, a special land use approval by the Township Board for a community wastewater system shall be conditioned upon and subject to Township Board approval under the Community Wastewater Utility Systems Ordinance. (Amended, effective date: January 25, 2007)

Section 5.50 Small Wind Energy Systems.

5.50.1 **Height:** Maximum small wind energy system height shall be one hundred (100') feet including the wind turbine or blades at their maximum height.

5.50.2 **Location:** Small Wind Energy Systems shall only be permitted in the AG-1, AG-2, GC, HC, O, and LI District as an accessory use only if in compliance with the zoning district height restrictions, see section 4.6 Schedule of Area, height, and Placement Regulations. Small wind energy systems shall be permitted as a Special use in the AG-1, AG-2, GC, HC, O, and LI

Districts and as a an accessory use when the height is greater than the zoning district regulations, see Section 4.6 Schedule of Area, height, and Placement Regulations.

5.50.3 **Site Plan:** A site plan shall be submitted to the Zoning Administrator that is in compliance with Section 7.7, Preliminary Site Plan Review.

5.50.4 **Set-back:** The distance between a small wind energy system and the nearest property line shall be at least equal to one and one-half (1 ½) the height of the small wind energy system including the top of the blade in its vertical position. No part of the wind system structure, including guy wire anchors, may extend within the required setbacks.

5.50.5 **Utility Notification:** No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

5.50.6 **Compliance with National Electric Code:** Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

5.50.7 **Signage and Color:** No wind energy systems shall display visible signage, such as advertisements, on its face. All wind energy systems should be painted a neutral grey, white or light blue. Other neutral colors may be approved by the Zoning Administrator.

5.50.8 **Safety Controls and Brakes:** All wind energy systems shall have controls to limit rotation of blades to a speed not to exceed the designed limits of the system.

5.50.9 **Blade Clearance:** All wind energy systems using rotating blades, shall maintain a blade clearance of twenty (20) feet from ground level.

5.50.10 **Design Changes:** No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.

5.50.11 **Shadow Flicker:** A copy of shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and it shall also identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken too eliminate or mitigate the problems.

5.50.12 **Performance Guarantee Required:** In the interest of insuring compliance with these provisions the applicant shall deposit a performance guarantee for a Special Use small wind energy systems as set forth in Section 3.7.1.

5.50.13 **Guy Wire Safety:** If a small wind energy system is supported by guy wires, the wires shall be clearly visible to a height of a least six (6) feet above the guy wire anchors.

5.50.14 **Lightening Protection:** All wind energy towers shall have lightning protection.

5.50.15 **Lighting:** All small wind energy systems shall not have artificial unless required by the Federal Aviation Administration.

5.50.16 **Abandonment and Removal:** In the event a small wind energy system which has been granted Special Use Permit is abandoned or unused for a period of one hundred and eighty (180) days, or damaged, the owner of the small wind energy system or land shall promptly remove the small wind energy system and all related equipment. Failure to remove the small wind energy system and related equipment in accordance with the foregoing shall subject the small wind energy system and land owners to fines established by the Township Board. In addition, by accepting a Special Use Permit for the small wind energy system the applicant and the land owner agree that in the event the tower and equipment is not removed as required after thirty (30) days notice from the Township, the Township shall undertake such removal and bill the costs to the applicant and the land owner plus administrative fees of fifteen (15%) percent which, if not paid within thirty (30) days shall be assessed against the land on which the small wind energy system and related equipment is located and collected in the same manner as delinquent taxes.

Section 5.51 Village Commercial General Design Standards.

5.51.1 **Purpose and Intent.** The Village Commercial, (VC), district is designed to complement and blend with the rural character of Lima Township while providing residents with services and the opportunity to establish and grow small businesses. The VC district encourages and facilitates the development of traditional, pedestrian-oriented nodes which may include mixed-use buildings containing residential, retail and service uses.

General Design Standards are established to ensure that development within VC districts promotes the purpose and intent of the VC district.

5.51.2. **General Design Standards.** To advance the goals and objectives of the VC district, the following design standards shall apply to all development within VC districts. The township shall maintain a Village Commercial Design Guide Book as a supplement to this section for the purposes of illustrating and detailing the General Design Standards.

Within these General Design Standards, some variability of materials and design will be allowed if a proposal demonstrates exceptional design and the result is in keeping with the intent of the district.

- A. **Landscaping.** In addition to complying with the Lima Township Zoning Ordinance, **Article 6.2 Landscaping, Greenbelts, Buffering and Screening**, landscaping within the VC district shall be designed to enhance pedestrian circulation and reinforce the village character of the district.
- B. **Circulation.** Site circulation shall be designed with the pedestrian in mind. While automobile access and parking shall be safe and convenient, development should be pedestrian in scale and orientation. The site shall be designed with lighting, walkways and benches to encourage pedestrian traffic. Bike paths, shared driveways and cross connection between adjacent sites are encouraged.
- C. **Lighting.** In addition to complying with the Lima Township Zoning Ordinance Article 6.7, Artificial Lighting, Exterior Lighting, and Glare, all site lighting in the VC zoning district should be designed to promote the objectives of this district. Lighting shall be consistent with lighting standards as represented in the Lima Township Village Commercial Design Guide Book.
- D. **Utilities.**
 - 1. There shall be underground installation of all utilities, including electricity and telephone, as found necessary by the Township Planning Commission.
 - 2. All heating and cooling equipment must be concealed or screened with landscaping or architectural elements consistent in design, materials and quality with the development.

- E. **Signs.** In addition to meeting the requirements of the Lima Township Zoning Ordinance Article 10, Signs, signage within the VC district shall be consistent with township standards as represented in the Lima Township Village Commercial Design Guide Book.
- F. **Architectural Design.** Architectural design should be consistent with township standards as represented in the Lima Township Village Commercial Design Guide Book. All exterior designs and materials are subject to review and approval by the Township Planning Commission.
1. Buildings shall generally correspond in height, width, proportion, relationship to street, roof forms, composition, proportion of openings, materials and color to the other buildings in the vicinity.
 2. Building materials shall be selected to present a traditional atmosphere with high quality and durability. Siding materials such as traditional brick, wood and local stone are desirable.
 3. Tinted glass transparency shall be no less than 40%. Visible spectrum reflective glass is not permitted.
 4. Elevation drawings shall include structures to either side of the proposed structure, to demonstrate compatibility.
- G. **Roofs.**
1. Desirable roofing materials include shingles, standing seam metal or cedar shake.
 2. Roof slopes and overhangs should be consistent with traditional local architectural styles as represented in the Lima Township Village Commercial Design Guide Book.
 3. Long rooflines should be broken up by dormers, complex roofs or other architectural elements.
 4. Covered entrances and covered walkways are recommended to enhance the pedestrian nature of a VC district.

5.51.3. Procedure for Application and Review.

- A. **Pre-Application Conference.** Prior to applying for either preliminary, or combined preliminary and final site plan approval the applicant must attend one or more pre-application conferences. The purpose of pre-application conferences is to help the applicant focus resources on a development which is consistent with the Township's vision for this district. It is also intended to facilitate

communication between the applicant and Township representatives. At the pre-application conference the applicant shall meet with the Township Supervisor or her/his designee(s), Township Planning Commission Chair or her/his designee(s) together with any staff and consultants the Planning Commission Chair deems appropriate. The applicant shall present at such conference, or conferences, a plan of the proposed development, including the following information:

1. Location and size of the property to be developed.
2. Schematic elevations including building style, massing, materials, colors and rooflines.
3. Schematic site plan showing:
 - a. General size, location and type of residential and nonresidential structures.
 - b. General size and location of parking areas.
 - c. Site circulation, including driveways, pedestrian walkways and possible cross connection to adjacent sites.
 - d. General size and location of open space and/or recreational areas.
 - e. Type, size and location of natural features to be preserved.

- B. Preliminary or Combined Preliminary and Final Site Plan Approval.** After one or more pre-application conferences, the applicant may apply for Preliminary or Combined Preliminary and final site plan approval. See Article 7. Site Plan Review. Applications for site plan approval within the VC zoning district require additional information. See Section 7.7.2 Additional Information Required in the Village Commercial Zoning District. Standards for review of site plan applications within the VC zoning district include compliance with this Section 5.51 Village Commercial Zoning District.

Section 5.52 Agricultural Commercial/Tourism Business

5.52.1 Intent. It is the intent of the Township to allow, through a special land use permit, uses of a commercial/tourism nature that are complementary and accessory to the primary agricultural land use in the AG-1 and AG-2 Zoning Districts. It is also the intent to:

- Promote and maintain local farming and the provision of open space within the Township.
- Maintain both an agricultural heritage and rural character.
- Encourage new agriculturally based businesses that contribute to the general economic conditions of the Township and surrounding region.

5.52.2 **Purpose.** The purpose of this designation is to provide a clear understanding of the expectations for agricultural commercial/tourism businesses for operators, local residents, other businesses, and local officials.

5.52.3 The following Agricultural Commercial/Tourism Businesses may be permitted after special land use review, pursuant to Section 3.3 of this Ordinance.

- A. Cider mills or wineries selling product, in a tasting room, containing at least 50% of crops or produce grown on-site.
- B. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
- C. The processing, storage, and retail or wholesale marketing of agricultural products into a value-added agricultural product in a farming operation if at least fifty percent (50%) of the stored, processed, or merchandised products are produced by the farm operator.
- D. Community Supported Agricultural or CSA.
- E. Uses A through D listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than fifty percent (50%) of the gross receipts from the farm.

Value-added agricultural products or activities such as educational tours of processing facilities, etc.

- 1. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
- 2. Petting farms, animal display, and pony rides.
- 3. Wagon, sleigh, and hayrides.
- 4. Nature trails.
- 5. Open air or covered picnic area with restrooms.
- 6. Educational classes, lectures, seminars.
- 7. Historical agricultural exhibits.
- 8. Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least 50% produce grown on site.

9. Gift shops for the sale of agricultural products and agriculturally related products. Gift shops for the sale of non-agriculturally related products such as antiques or crafts, are limited to twenty-five percent (25%) of gross sales.

5.52.4 **Supplemental Regulations.**

- A. Minimum lot area of ten (10) acres.
- B. All uses permitted by this section may be accessed on any public road within the Township with the condition that the increase in traffic shall not create a nuisance, as defined in this Zoning Ordinance, to nearby residents by way of traffic or noise or increase the public cost in maintaining the roadway.
- C. A two hundred (200)-foot open buffer shall be provided on all sides between the nearest location of the activity to the nearest adjacent residential building. Agricultural Commercial/Tourism Business activities shall not be allowed within this buffer area. Where possible, crops shall remain within this buffer area to help maintain the agricultural character of the site.
- D. Buffer plantings shall be provided along the property line where there is an abutting residence. Greenbelt plantings are intended to screen views of the proposed operation from the adjacent home or property. Buffer plantings shall meet the standards of Section 6.2.5.
- E. Must provide off-street parking to accommodate use as outlined in Section 5.52.3.
 1. Parking facilities may be located on a grass or gravel area for seasonal uses such as roadside stands, u-pick operations, and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.
 2. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
 3. Paved or unpaved parking areas shall not be located in required setback or buffer areas. Paved parking areas must meet all design and landscape screening requirements as set forth in this Zoning Ordinance.
- E. The following additional operation information must also be provided as applicable:
 1. Ownership of the property.
 2. Months (season) of operation.

3. Hours of operation.
 4. Anticipated number of customers.
 5. Maintenance plan for disposal, etc.
 6. Any proposed signs.
 7. Any proposed lighting.
 8. Maximum number of employees at any one (1) time.
 9. Restroom facilities.
 10. Verification that all outside agency permits have been granted, i.e. federal, state and local permits.
- F. All areas of the property to be used including all structures on site must be clearly identified.
- G. To insure that the special land use or activity authorized shall continue to:
1. be compatible with adjacent uses of land, the natural environment, the capacities of public services and facilities affected by the land use, and
 2. be consistent with the public health, safety, and welfare of the local unit of government,

The Township Board has the authority to require that a special land use permit granted for an agricultural commercial or tourism business may be reviewed annually by the Township Board at a regularly-scheduled meeting. The evaluation will review any violations of the special use permit, other zoning violations, whether the violations have been resolved or are recurring, and complaints by neighboring property owners. Revocation of the permit shall follow provisions of Section 3.3.6 of this Ordinance.

Section 5.53 Dog Parks

5.53.1 **Intent.** The intent is to allow for dog parks in certain areas where there is a demonstrated need.

5.53.2 **Purpose.** This section provides the appropriate regulatory controls and guidelines for evaluating individual proposals.

5.53.3 **Approvals.** A dog park may not be established unless a Special Use permit has been granted in accordance with Section 3.3 and a site plan has been submitted and approved in accordance with Article 7.

5.53.4 **Development standards.**

- A. The minimum lot size for a dog park shall be 10 acres.
- B. All off-leash areas must be fenced in with a 6-foot fence.
- C. Setbacks:
 - 1. Areas on the site designated for dogs must be set back a minimum of 100 feet from property lines.
 - 2. Where a dog park is established next to an existing or planned residential district, or residential use, the minimum setback shall be 200 feet.
 - 3. Areas designated for dogs shall be a minimum of 100 feet from bodies of water, rivers, streams, or county drains.
- D. Where a dog park abuts an existing or planned residential, commercial or business district, a visual screen must be provided in accordance with Section 6.2.5 of this Ordinance.
- E. Where a dog park abuts an existing or planned residential, commercial or business district, a noise barrier in the form of a sound wall or earth berm must be installed between the area designated for dogs and the property line at a minimum height of six feet.
- F. As part of the site plan a stormwater management plan must be developed. For the area designated for dogs, all stormwater must be directed through a dedicated vegetated swale to a pretreatment fore bay before entering any detention or retention pond.

5.53.5 **Additional Standards.**

- A. A plan and budget for an appropriate maintenance and cleaning schedule, developed by the organization managing the dog park must be submitted for review. This plan and budget should address issues such as the frequency of the collection and removal of debris, restocking plastic waste disposal bags, repairing signs, filling holes, repairing fences, irrigation, and maintenance of the surfacing.

- B. A set of rules for park users must be submitted to the Township for review. At a minimum these rules should include:
1. Dogs must be legally licensed and vaccinated against distemper, rabies, and parvovirus and regularly examined for parasites and treated as necessary.
 2. User/dog owner responsibility, especially regarding clean-up.
 3. Limit the number of dogs per adult allowed in the park to no more than 3 per adult user.
 4. The park users must have their dog under voice control.
 5. Unsupervised children under the age of 16 should not be allowed into the park for safety reasons.
 6. Dogs that are/or exhibit aggressive behavior to other dogs or people are not allowed into the park. At the first sign of aggressive behavior the dog must be removed from the premises.
 7. All dog owners/handlers must have a leash in hand at all times.
 8. Dogs must be on a leash when entering and exiting the dog park.
 9. Dogs shall not be left unattended.
 10. Excessive barking will not be permitted in the park.
 11. Dogs have collar and ID tags at all times
 12. Violators will be subject to removal from the park and suspension of park privileges.
 13. No dogs in heat
- C. Signs stating the rules must be placed at the entrance(s) to the park, as well as within the park, profiling the rule that owners must pick up the feces of their dogs.
- D. Adequate stations providing disposable bags, or other means of removing feces, and refuse cans with lids for feces cleanup must be located through the facility.
- E. The operator must monitor the sanitation of the park.

- F. Enforce leash laws in areas surrounding the dog park.
- G. The owners of the park must develop a hold harmless agreement that names the Township as exempt from any liability associated with any aspect of the development or operation of the dog park.
- H. Hours of operation shall be established by the Planning Commission.
- I. Site plan shall provide for amenities such as shade and water; also benches and/or tables for people to sit.
- J. Grassy area must be regularly mowed and maintained.
- K. Consider separate areas for small dogs and large dogs.
- L. Double gated entry to help keep dogs from escaping.
- M. The owner must maintain appropriate insurance. Proof of insurance shall provide to the Township. (Amended: Effective Date: April 23, 2016)

Section 5.54. Off Premises Business. All Off Premises Businesses shall be on a parcel with the principle use as a single-family residential, subject to the following requirements:

- A. Off Premises Businesses will only be allowed in the AG-1 Agricultural District, or AG-2 Agricultural District, and only as a special use.
- B. An Off Premises Business must be clearly incidental and secondary to the primary use of a parcel for residential dwelling purposes. The occupant of such residential dwelling shall be the property owner or have a vested interest in the business.
- C. No customers or client shall be permitted on the premise.
- D. No services shall be rendered on the premises and no article shall be sold on the premises.
- E. Employees shall be permitted to access the site to pick up and drop off vehicles and equipment. Additionally, minor routine maintenance of equipment may take place on site.
- F. Parking for employees for the off premises business shall be provided on the premises. Off street parking is subject to all regulations in Article 11, Off Street Parking and Loading. Parking spaces for employees shall not be located in the required front yard and shall be screened from view from neighboring properties which are planned or used for residential purposes.

- G. Equipment and vehicles related to the Off Premises Business may be stored on the property, but shall be stored within a completely enclosed building, or as specified in the special use permit by the Planning Commission
- H. No more than two (2) accessory structures to house vehicles and equipment related to Off Premises Businesses shall be permitted on the site. Such structures are subject to the requirements in section 5.2.
- I. A site plan, subject to the requirements of Article 7, shall be required for any new construction related to an Off Premises Business such as buildings, driveways, and requisite parking.
- J. An Off Premises Business shall not change the character or appearance of the structure or the premises. There shall be no visible evidence of conduct of such business. There shall be no external or internal alterations not customary in residential areas or structures.
- K. An Off Premises Business shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like, involved in, or resulting from such business. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- L. An Off Premises Business shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
- M. There shall be no outside display of any kind, or other external or visible evidence of the business.
- N. No signs shall be permitted for an off premises business. (Amended: Effective Date: January 2, 2017)

Section 5.55. Housing for Seasonal Agricultural Workers. Housing for seasonal agricultural workers shall be subject to the following regulations:

- A. The parcel on which the housing is located shall be at least 40 contiguous acres.
- B. The occupants must use the same driveway as the farm operation or principal residence on the property.
- C. The overall density shall not exceed one unit of seasonal housing per 10 acres. Requests for more than one seasonal farm labor housing unit for a single commercial farm will only be approved if the farm operator demonstrates a need supported by a business plan.

- D. Housing units for seasonal agricultural workers shall be set back at least 150 feet from adjacent properties or provide an adequate buffer between the housing and preexisting non-farm residential uses.
- E. Housing units for seasonal agricultural workers shall be sited near the farm infrastructure if it exists;
- F. Housing units for seasonal agricultural workers without a permanent foundation shall be removed from the property within six months if the property no longer qualifies for farmland assessment. (Added: Effective Date: October 20, 2017)

(Amended: Effective Date: October 27, 2017)

Section 5.56. Mobile Food Vending. All mobile food vending shall be considered a temporary use and must be permitted by the Zoning Administrator on private or public property when said vending is intended to be located on such property on a one time or temporary basis. Approval is subject to review and approval of a sketch plan and any other information needed to determine compliance with this section by the Zoning Administrator.

5.56.1 Use Restrictions. All mobile food vending units shall be subject to the following requirements:

- A. Appropriate waste receptacles must be provided at the site of the unit and all litter, debris and other waste attributable to the vendor must be removed on a daily basis.
- B. No more than one external table, not to exceed a 10 foot by 10 foot dimension, may be used in conjunction with a mobile food vending unit.
- C. If parked on public streets, vendors shall conform to all applicable parking regulations.
- D. No flashing or blinking lights or strobe lights shall be permitted; all exterior lights over 60 watts shall have opaque, hood shields to direct the illumination downward.
- E. The use must comply with the Township Noise Ordinance, Sign Ordinance and all other township ordinances.
- F. No playing of loud music nor any amplified announcements shall be permitted.
- G. Signs attached to the vending unit shall be permitted.
- H. Hours of operation may be restricted by the Zoning Administrator to ensure such use is not disturbing or disruptive to neighboring uses.

- I. Electricity or power may not be used without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any road, alley, or sidewalk except in a safe manner.
- J. The use must comply with all applicable federal, state and county regulations.

(Added: Effective Date: June 27, 2018)

ARTICLE 6

ENVIRONMENTAL PROVISIONS

Section 6.1. Purpose.

Environmental standards are established in order to preserve the short and long-term environmental health, safety, and quality of the Township. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy, and operation. These standards are established as minimum requirements to be maintained.

Section 6.2. Landscaping, Greenbelts, Buffering, and Screening.

6.2.1. **Intent.** The intent of this section is to promote the public health, safety, and welfare and improve the visual appearance of the Township by requiring landscaping for each development for which site plan, site condominium and subdivision plat review is required.

It is further the intent of this section to achieve the following through out all zoning districts:

- A. Minimize noise, air, and visual pollution.
- B. Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
- C. Require buffering of residential areas from more intense land uses and public and private road rights-of-ways and easements for ingress and egress.
- D. Prevent soil erosion and soil depletion and promote sub-surface water retention.
- E. Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
- F. Encourage the integration of existing woodlands in landscape plans.
- G. Protect and preserve the appearance, character, and value of the community.

6.2.2. **Application of Requirements.** These requirements shall apply to all uses for which site plan review is required under Article 7.0, Site Plan Review, of this Ordinance, including site condominium and subdivision plats reviewed as required under the Subdivision Control Ordinance.

No site plan, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

6.2.3. **Landscape Plan Requirements.** A separate detailed landscape plan shall be required to be submitted to the Planning Commission as part of the site plan review, site condominium review and subdivision plat review process. The landscape plan shall demonstrate that all requirements of this Section are met and shall include, but not necessarily be limited to, the following items:

- A. Location, spacing, size, and root type bare root (BR) or balled and burlapped (BB) and descriptions for each plant type proposed for use within the required landscape area.
- B. Minimum scale: 1" = 50' for property less than three acres or 1" = 100' for property three (3) acres or larger.
- C. On parcels of more than one (1) acre, existing and proposed contours on-site and fifty (50) feet beyond the site at intervals not to exceed two (2) feet.
- D. Typical straight cross section including slope, height, and width of berms and type of ground cover, or height and type of construction of walls, including footings.
- E. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- F. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- G. Identification of existing trees and vegetative cover to be preserved.
- H. Identification of grass and other ground cover and method of planting.
- I. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance.

6.2.4. **Landscape Standards.**

A. Installation. All landscaping shall be installed in a manner consistent with accepted planting procedures and the approved landscape development plan. This shall include quantity, size, type and location of plantings proposed. In general, major deviations as to quality, type, size and location of plant materials from the original approved landscape development plan shall require submission and approval in the same manner as provided in this article for the original submission.

B. Material.

1. All plant material shall:

- a. Conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurseryman, Inc., and approved by the American National Standards Institute, Inc.
- b. Be typical of their species or variety, have normal habit of growth, well branched and densely foliated when in leaf.
- c. Be of sound health and vigorous in appearance, free from disease, insect pests, eggs or larvae and shall have healthy, well developed root systems.
- d. Be freshly dug and nursery grown.
- e. Be chosen according to soil, climatic conditions and environmental factors for the proposed development.

2. Trees shall have straight trunks with leaders intact, undamaged and uncut.

3. The following trees, because of various problems, shall not be considered as being of a desirable quality, and therefore shall, in most cases, not be permitted. This does not preclude the use of existing trees if it can be shown that the removal of the tree would result in a substantial loss of screening and/or buffering of adjacent lands or public rights-of-way.

- a. Acer negundo-Box Elder
- b. American Elm
- c. Aesculus varieties-Horse Chestnut
- d. Populus varieties-Poplar Varieties
- e. Salix varieties - Willow Varieties
- f. Catalpa varieties - Catalpa Varieties
- g. Ailanthus altissima - Tree of Heaven
- h. Fraxinus - Ash

4. Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
 5. Ground covers used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance and reasonably complete after one complete growing season.
 6. Hedges, where provided, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within one full planting season. Where plants are to be used as a hedge for screening purposes, the maximum spacing will have to be determined by the plant proposed.
 7. Minimum sizes of plant material:
 - a. Deciduous shade trees. Deciduous trees shall have a minimum caliper of two and one-half (2 1/2) inches diameter at breast height, at the time of planting.
 - b. Deciduous small ornamental trees. Small ornamental trees shall be a minimum of seven (7) feet in height at time of planting.
 - c. Evergreen trees. Evergreen trees shall be a minimum of seven (7) feet in height at time of planting.
 - d. Shrubs. Shrubs shall be a minimum of two (2) feet in height at the time of planting or two (2) feet in spread if plants are low spreading evergreens.
 - e. Vines. Vines shall be a minimum of thirty (30) inches in length after one (1) growing season and may be used in conjunction with fences, screens, or walls to meet buffer requirements.
 8. Artificial plant material shall be prohibited.
- C. Maintenance. The owner of the property shall be responsible for all maintenance thereon. Landscaping shall be kept in neat and orderly manner, free from debris and refuse. All dead plant material shall be removed and replaced within one (1) year after it dies.

The approved landscape development plan shall be considered a permanent record and integral part of the Site Plan Approval. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to, or removal of,

plant materials will place the parcel in non-conformity with the originally approved landscape development plan and shall be viewed as a violation of this Ordinance and the agreed upon terms of the Final Site Plan Approval.

The developer, at the time of submission of the Final Site Plan Approval, shall demonstrate to the Planning Commission that adequate provisions have been made to supply water to all landscape areas. This may be accomplished by installation of an irrigation system or outside hose bibs of sufficient quantity and location to provide water for the landscape areas where specified.

The Township may require a contract for the maintenance of all landscape areas.

6.2.5. Screening Between Land Uses.

- A. For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a parcel that that is in residential use, or a zoning district that permits residential uses, an obscuring wall, screening fence or landscape barrier, at the discretion of the Planning Commission, having a minimum height, as required below unless a greater or lesser height is specified elsewhere in this Ordinance.

USE	REQUIREMENTS (MIN. VERTICAL HEIGHT)
Commercial, Office, and Research-Office (GC, HC, VC, O, R-O) use districts adjacent to the RC, AG-1, AG-2, RR, R-1A, R-1B, R-1C, R-1D, and R-2A districts, or any parcel in residential use.	6 feet
Light Industrial (LI) use districts adjacent to the RC, AG-1, AG-2, RR, R-1A, R-1B, R-1C, R-1D and R-2A districts, or any parcel in residential use.	6 feet
Other institutional, non-residential, park, school, library, municipal facility, or utility buildings, sub-stations and the like adjacent to the RC, AG-1, AG-2, RR, R-1A, R-1B, R-1C, R-1D and R-2A districts, or any parcel in residential use.	6 feet

- B. Required walls or fences shall be located at the lot line, except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Landscape screen barriers shall be located ten (10) feet from the lot line (Subject to Section 4.3.9), except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts.

- C. Such walls, fence or landscape barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission. Landscape barriers shall maintain a minimum opacity of at least eighty (80%) percent year round. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above established grade of the area to be concealed and the top or the highest point of the required screen. Opacity shall be achieved within three (3) years of the time of planting. The applicant shall agree in writing to install additional plantings after the expiration of three (3) years, in the event that the landscaping has not screened the view of areas as required.
- D. All walls and screen barriers herein required shall be constructed in one (1) of the following manners, however the Planning Commission will determine when, in its opinion, a wall, screening fence, planting strip, and/or landscape berm as distinct from a wall will be required.
1. A solid wall shall be constructed of brick or poured concrete panels using a brick pattern form. The solid wall shall be located at the property line with a planting strip six (6) to eight (8) feet wide abutting the base and on the interior side of the wall. The planting strip shall have a minimum of two and a half (2 1/2) inches caliper deciduous shade trees planted thirty (30) feet on center.
 2. A screening mound or berm shall consist of the minimum specified height with a side slope no steeper than 3:1 (three (3) foot horizontal to one (1) foot vertical). The top of all berms shall have a level horizontal area of at least three (3) feet in width.

The mound or berm shall be graded in a manner that will blend with existing topography, shall be graded smooth, and shall be appropriately sodded, seeded, and mulched, or planted. Included, as part of the mound or berm shall be deciduous shade trees, small deciduous ornamental trees and/or evergreen trees planted along the berm area.
 3. Evergreen screens shall consist of seven (7) foot spruce, fir or pine trees planted ten (10) to fifteen (15) feet on center in two (2) staggered rows ten (10) feet apart. Arborvitae shall be planted no more than five (5) feet apart in staggered rows. Other evergreen plant material may be considered providing that it will provide, in the opinion of the Planning Commission, the same screening effect.
- E. The Planning Commission may waive or modify the foregoing requirements, with the permission of the Township Board, where cause can be shown that no good purpose would be served and that the waiver or modification would neither be injurious to the surrounding neighborhood nor contrary to the spirit and purpose of this section.

6.2.6. Parking Lot Landscaping Requirements.

- A. **Required Landscaping Within Parking Lots.** Separate landscape areas shall be provided within parking lots in accordance with the following requirement. There shall be a minimum of one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the back side of curb or edge of pavement or curb blocks.
- B. Separate landscape islands shall be required within parking lots of twenty four (24) spaces or greater. No more than a row of twenty-four (24) spaces is permitted without an island. Where size configuration of parking lot would prevent maintenance or impede traffic flow as a result of requiring landscaped areas within parking lots, the Planning Commission may approve alternative landscaping along the parking lots perimeter.
- B. **Required Landscaping at the Perimeter of Parking Lots.** Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:
1. Parking lots that are considered to be a conflicting land use as defined by this Section shall meet the screening requirements set forth in Section 6.2.5.
 2. Parking lots, which are visible from a public road, shall be screened from view with a landscaped berm varied in height from between two (2) and three (3) feet along the perimeter of those sides, which are visible. The berm shall be planted with one (1) deciduous or evergreen tree and six (6) deciduous or evergreen shrubs for every thirty (30) feet, or major portion thereof. The Planning Commission, at its discretion, may approve alternative landscaping plantings, such as a solid hedge, or a solid wall in lieu of a landscape berm.
 3. Minimum of three (3) foot wide landscape strips (not including vehicle overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted clear of the vehicle overhang area.

6.2.7. Greenbelts. A greenbelt shall be provided, and is an area established at a depth of the required front yard setback, within a zoning district and landscaped in accordance with the following requirements:

- A. The greenbelt shall be landscaped with a minimum of one (1) deciduous or one (1) evergreen tree, plus six (6) deciduous and/or evergreen shrubs for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-

way. Non-ornamental deciduous shade trees within a greenbelt shall be a minimum caliper of two and one-half (2 1/2) inches or greater. Evergreen trees (spruce, fir, and pine) within a greenbelt shall be a minimum height of seven (7) feet. Shrubs shall be a minimum of two (2) feet in height at the time of planting or two (2) feet in spread if plants are low spreading evergreens.

- B. If ornamental deciduous trees are substituted for either non-ornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two and one-half (2 1/2) inches or greater.
- C. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
- D. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

6.2.8. **Foundation Landscaping.** Foundation plantings shall be provided along the front or sides of any building, which faces a public road or is adjacent to a parking lot or other areas, which provides access to the building(s) by the general public. Foundation planting areas shall be integrated into the sidewalk system (between the front and sides of the building, and the parking area and associated driveways adjacent to the building. Foundation planting areas shall contain at a minimum, one (1) ornamental tree and six (6) shrubs per thirty (30) lineal feet of applicable building frontage. Individual planting areas shall be a minimum of six (6) feet in width.

6.2.9. **General Site Landscaping.** In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, grass areas and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas.

6.2.10. **Subdivision and Site Condominium Landscaping.** Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements:

- A. **Street Trees.** The frontage of all internal public or private streets shall be landscaped with a minimum of two (2) trees for every subdivision lot or condominium unit (lot) or at a maximum distance of sixty (60) feet apart. Such street trees shall meet the minimum size and spacing requirements set forth in subsection 6.2.4, Landscape Standards, B. 8, a through e.
- B. **Other Site Improvements.** A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement, which would be enhanced through the addition of landscaping.

6.2.11. Screening of Trash Containers.

- A. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural materials used in the site development.
- B. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
- C. Containers and enclosures shall be located away from public view insofar as possible.
- D. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- E. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) thirty (30) gallon cans or more. Aprons shall be provided for loading of bins with a capacity of one and a half (1 1/2) cubic yards or more.
- F. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
- G. Screening and gates shall be of a durable construction.

Section 6.3. Airborne Emissions.

6.3.1. **Smoke and Air Contaminants.** It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the Michigan Department of Environmental Quality according to Act 348 of

1965, either of which act may be amended or superseded from time to time. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger comfort, repose, health, or safety of persons or which cause injury or damage to business or property.

6.3.2. **Odors.** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. Certain agricultural operations may be regulated under the State of Michigan, Department of Agriculture's Generally Accepted Agricultural Management Practices (GAAMPS).

6.3.3. **Gases.** The escape or emission of any gas that is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

Section 6.4. Vibration.

6.4.1. No use shall generate any ground transmitted vibration in excess of the limits set forth in Section 6.4.4. below. Vibration shall be measured at the nearest adjacent lot line.

6.4.2. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

6.4.3. The vibration maximums set forth in Section 6.4.6. below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three (3) components recorded.

6.4.4.

Table of Maximum Ground-Transmitted Vibration	
Particle Velocity, Inches-Per Second	
Along Non-Residential	Along Residential
District Boundaries	District Boundaries
0.10	0.02

6.4.5. The values stated in Section 6.4.6. may be multiplied by two (2) for impact vibrations, i.e. non-cyclic vibration pulsation's not exceeding one (1) second in duration and having a pause of at least two (2) seconds between pulses.

6.4.6. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

Section 6.5. Use, Storage and Handling Of Hazardous Substance, Storage and Disposal of Solid, Liquid, and Sanitary Wastes.

6.5.1. It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the Township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.

6.5.2. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the appropriate permits or approval from the Michigan Department of Environmental Quality, Michigan Fire Marshal Division, Washtenaw County, or other designated enforcing agencies.

6.5.3. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a Hazardous Chemicals Survey to the Township in conjunction with the following: HAZARDOUS SUBSTANCE REPORTING FORM or MATERIAL SAFETY DATA SHEET (MSDS).

- A. Upon submission of a site plan.

- B. Upon any changes of use or occupancy of a structure or premise.
- C. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.

6.5.4. All business and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to or greater than twenty-five (25) gallons or two hundred twenty (220) pounds) shall comply with the following standards:

- A. Above-Ground Storage and Use Areas for Hazardous Substances.
 - 1. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - 2. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage, accidental damage and vandalism.
 - 3. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains.
 - 4. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used shall be designed and constructed to prevent discharge or runoff.
- B. Underground Storage Tanks.
 - 1. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency, the State Police and State Fire Marshal Division, and/or any other Federal, State or local authority having jurisdiction.
 - 2. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the State Police, State Fire Marshal Division and Lima Township. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
 - 3. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State

Police and State Fire Marshal Division, the Michigan Department of Environmental Quality, and/or any other Federal, State or local authority having jurisdiction.

- C. Loading and Unloading Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

6.5.5. All site plans for business or facilities which use, store or generate hazardous substances shall be reviewed by the local Fire Chief, Township Engineer and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

Section 6.6. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall:

- A. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.
- B. Cause, creates, or contributes to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

Section 6.7. Artificial Lighting, Exterior Lighting, and Glare.

6.7.1. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section.

Canopy Structure. Any overhead protective structure, which is either extended from a building or free-standing, including an awning.

Foot-candle. A standard unit, established as a reference, and used when measuring the quantity of light. A foot-candle equals the total intensity of light that falls upon a one square foot surface that is placed one (1) foot away from one (1) lit candle.

Glare. Light that is misdirected into the eye of potential observers or passer-by, potentially impairing their ability to see clearly and compromising public safety and welfare.

Lamp. The component of the luminaire that produces the actual light including luminous tube lighting.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

Light Pollution. Electric light which may impact the safety and welfare of travelers by impairing their ability to see potential hazards effectively, reduces the enjoyment of the night sky, causes undesirable glare, unnecessary illumination of adjacent properties or causes a detrimental effect on the environment, .

Light Trespass. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Luminaire. The complete lighting system including the lamp and light fixture.

Luminous Tube Lighting. Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

Shielded Fixture. An outdoor light fixture shielded or constructed in a manner such that its light does not project beyond a certain limit. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this ordinance. Shielded fixtures shall be specified and installed properly to restrict light spillage past the property line.

Spill Light. Light that is misdirected and illuminates an object or area that is not intended to be illuminated.

Useful Light. Light that is directed to illuminate an object or area for a useful purpose.

6.7.2. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

6.7.3. The design and/or screening of any development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.

6.7.4. Exterior lighting shall be of the type designed with a shielded/downwardly directed light source, and located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting.

6.7.5. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

6.7.6. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

6.7.7. On-site lighting, i.e. parking, building lights, etc. shall conform to the following regulations:

It is the goal of the Township to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote "dark skies" in keeping with the rural character of Lima Township.

- A. When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site and off-site effects.
- B. Only non-glare, color-corrected (white) lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground. Wall-Pack type lighting shall be prohibited.
- C. Lighting for uses adjacent to residentially zoned or property used for residential purposes, shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.
- D. Where lighting is required, maximum light levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The Township Board, after receiving a recommendation from the Planning Commission may allow for an increased level of lighting above maximum permissible levels when the Board determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes.

- E. For the purposes of this ordinance, all lighting measurements shall be taken at ground level.
- F. For parking lots of less than one hundred (100) parking spaces lighting fixtures shall not exceed a height of sixteen (16) feet measured from the ground level to the centerline of the light source. For parking lots of more than one hundred (100) spaces lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source.
- G. Signs shall be illuminated only in accordance with the regulations set forth in Section 10.3.3 of this Ordinance. In addition, signs within or abutting residential districts shall not be illuminated between the hours of 10:00 PM and 6:00 AM.
- H. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.

Section 6.8. Fire Hazard.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved.

Section 6.9. Safety.

Existing hazards or potential hazards and nuisances, such as construction sites, auto wrecking yards, junk yards, land fills, sanitary land fills, demolition sites, unused basements, sand, gravel, and stone pits or stone piles are to be enclosed by suitable fencing or barriers, as determined by the Zoning Administrator, so as not to endanger public health, safety and welfare. Abandoned wells and cistern are to be capped or filled in to the satisfaction of the Zoning Administrator.

Section 6.10. Stormwater Management.

6.10.1. Stormwater Management. All developments and earth changes subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site. Storm water management shall comply with the following standards:

- A. The design of storm sewers, detention/retention facilities, and other storm water management facilities shall comply with the standards of the Washtenaw County Drain Commissioner's Office.
- B. Storm water management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to storm water runoff and soil erosion from the proposed development.
- C. The use of swales and vegetated buffer strips are encouraged in cases where the Planning Commission deems to be safe and otherwise appropriate as a method of storm water conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
- D. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent upstream or downstream property owners.
- E. Discharge of runoff from any site, which may contain oil, grease, toxic chemicals, or other polluting materials, is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the Michigan Department of Environmental Quality and the Township, based upon professionally accepted principles; such a proposal shall be submitted and reviewed by the Township Engineer, with consultation of appropriate experts.
- F. Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.

6.10.2. On-Site Stormwater Detention/Retention. For the purpose of controlling drainage to off-site properties and drainage ways, all properties with the exception of single-family residences and agricultural operations, which are developed under this zoning ordinance, whether new or improved shall provide for on-site detention/retention storage of storm water in accordance with the current Washtenaw County Drain Commissioner's standards.

Section 6.11. Floodplains.

6.11.1. Development Prohibited. Any development requiring site plan review under any section of this Ordinance shall be prohibited within the one hundred (100) year floodplain of any existing watercourse and/or wetland.

6.11.2. Delineation of Floodplain. It shall be the petitioner's responsibility to delineate the one hundred (100) year floodplain boundaries. Where there is any uncertainty, contradiction or conflict as to the location of the floodplain boundaries, the final determination of the boundaries shall be made by the Township's Engineering Consultant after referral from the Planning Commission.

Section 6.12. Building Grades.

6.12.1. Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water run-off damage does not occur to adjoining properties prior to, during, and after construction.

6.12.2. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Building Official shall use the existing established finished grade or the minimum established grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude normal run-off of surface water to flow onto the adjacent property.

6.12.3. Final grades shall be approved by the Building Official who may require a grading plan that has been duly completed and certified by a registered engineer or land surveyor.

Section 6.13. Tree Protection. Mature trees serve to stabilize the soil, prevent erosion, provide oxygen, shade and shelter from the wind, and are aesthetically pleasing; therefore, the following provisions are intended to preserve such trees if possible:

- A. No tree greater than four (4) inches in diameter at breast height in any residential, commercial or industrial district shall be cut without first obtaining a permit from the Township Board. Agricultural operations in the AG-1 and AG-2 district are exempt from this section.
- B. Application for a permit to cut trees shall contain the following information:
 - 1. A map, showing the location, number and size of any four (4) inch or larger, caliper trees; which trees the applicant wishes to cut; the location of any buildings or structures which are, or will be constructed on the lot; and designation of trees to be preserved.
 - 2. The applicant shall submit a written statement as to why the trees need to be cut.
 - 3. If development is to occur on a parcel, existing trees shall be preserved wherever possible. The protection of mature trees shall be a factor in determining the location of buildings, underground services, walks, paved areas, playgrounds, parking areas, driveways, and finished grade levels.

Section 6.14. Sewage Treatment and Disposal. In addition to the requirements established by the Michigan Department of Health, or the Michigan Department of Environmental Quality, the following site development and use requirements shall apply to all public and private sewage treatment and disposal plants for multiple or single-family residences.

- A. All treatment buildings, lagoons or ground application areas shall be completely enclosed by a fence not less than six (6) feet high.
- B. All operations and structures shall be surrounded on all sides by a buffer strip of at least two hundred (200) feet wide within which grass, trees and shrubs, and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The Township Planning Commission shall have the authority to review and approve the design and treatment of all buffer strips.
- C. No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without approval of the Washtenaw County Environmental Health Department, and the Lima Township Planning Commission, or when development occurs within a sewer service area, the appropriate utility department.
- D. All surface water discharge sewage treatment plants must achieve the minimum MDEQ phosphorous removal requirements.

ARTICLE 7

SITE PLAN REVIEW

Section 7.1. Authority for Site Plan Review. The Lima Township Planning Commission shall have the authority to review and approve or reject preliminary and final site plans as required in this Article.

Section 7.2. Site Plan Review Required. Prior to the issuance of the zoning compliance permit, building permits or commencement of any construction, Site Plan Review and Approval is required in the situations and under the procedures contained in this section. The intent of this section is to provide for consultation and cooperation between the developer and the Township. Through application of these provisions and compliance with the Master Plan of the Township the Township will develop in an orderly fashion consistent with its health, safety and welfare.

Section 7.3. Developments and Uses Requiring Site Plan Review. The construction, alteration, addition, expansion, change or conversion of the following buildings, structures and uses require Site Plan Review and approval:

- A. Mobile Home Parks.
- B. Any principal non-residential structure permitted in residential districts; and any principal structure (except single-family residences and all farm structures) permitted in RC, Recreation-Conservation and AG-1 and AG-2, Agricultural districts.
- C. Any building or additions thereto, in any commercial (GC, HC, VC), office (O, R-O) or industrial (LI) district.
- D. More than one (1) building or structure on a lot or parcel, or combination of lots under single ownership in any of the districts named in C. above.
- F. Any principal use of a lot in any commercial (GC, HC, VC), office (O, R-O), or industrial (LI) district, which does not involve a building, such as, but not limited to outdoor sales, outdoor displays and storage of vehicles, etc.
- G. Public utility buildings and structures, but not including poles and towers, unless specified otherwise herein.
- H. Any parking lot or addition thereto containing five (5) or more parking spaces when not a part of a development, or use, for which site plan review and approval is required elsewhere in this section.

- I. All special land uses unless otherwise specified.
- J. Toxic waste disposal sites.
- K. Multiple family developments under the provisions of the R-2A district.
- L. Other uses as required elsewhere herein.

Section 7.4. Issuance of Zoning Compliance Permit. The Zoning Administrator shall not issue a Zoning Compliance Permit for construction of or addition to, any one (1) of the above listed buildings structures or uses until a final site plan has been approved and is in effect. A use not involving a building or structure, as above listed, shall not be commenced or expanded, nor shall the Zoning Administrator issue a certificate of Zoning Compliance, for such use until a final site plan has been approved and is in effect.

Section 7.5. Commencement of Activity. No grading, removal of trees, or other vegetation, land filling or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect, except as otherwise provided in this Article.

Section 7.6. Preliminary Site Plan Application. Any person with a legal interest in a lot may apply for preliminary site plan approval. All site plans shall be submitted to the Township Clerk and must contain the following to be accepted:

- A. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is not the applicant, the applicant must provide a statement from the owner that the applicant has permission to proceed.
- B. The application and review fees.
- C. Fourteen (14) copies of the preliminary site plan drawing(s).
- D. All items as required by Section 7.7, Information Required for a Preliminary Site Plan.

7.6.1. Upon receipt of a completed application and site plan by the Township Clerk:

- A. The Zoning Administrator reviews the application for completeness.

- B. After it is determined that the application is complete, the Clerk puts the application on the next Planning Commission meeting agenda and forwards a copy to the Township Planning Consultant for review.
- C. At the discretion of the Planning Commission, the application is forwarded to any other township consultants.

Section 7.7 Information Required for a Preliminary Site Plan.

7.7.1. A Preliminary Site Plan submitted for review and approval shall contain all of the following data prior to its submission to the Planning Commission for review. Site Plans shall consist of an overall plan for the entire development. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet, nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan. Included on the preliminary site plan shall be all dimensions and the following:

- A. Location (vicinity map) and description of site; dimensions and area.
- B. General topography; soil information.
- C. Name, address, and phone number of the property owner; applicant's name, address, and phone number, and interest in property, owner's signed consent for preliminary site plan approval, if the applicant is not the owner.
- D. Name and address of designer. A detailed site plan shall be prepared and sealed by an architect, landscape architect, engineer, or land surveyor, unless waived by the Planning Commission.
- E. Scale, north arrow, dates of plan, dates of revisions.
- F. Proposed buildings/structures: location, outline, general dimensions, distances between, floor area, number of floors, height, floor plans and elevations, number and type of dwelling units (where applicable).
- G. Location and size of open areas, recreation areas.
- H. Proposed streets/drives: general alignment, right-of-way, (where applicable), surface type, and width.
- I. Proposed parking: location and dimension of lots, dimensions of spaces and aisles, angle of spaces, surface type, barrier free spaces and number of spaces.
- J. Existing zoning classification of property; required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot

coverage (percent) and floor area ratio; location and size of required transition and landscape strips, if applicable.

- K. Proposed grading and drainage patterns; outline of existing building/structures and drives; existing natural and man-made features to be retained or removed.
- L. Adjacent land uses and zoning; location of adjacent buildings; drives/streets.
- M. Location, area of development phases; building program for each phase; projected schedule of development, by phase.
- N. Location and width of easements on site. Indicate the future width of right-of-ways as provided by the Washtenaw County Road Commission.
- O. General description of proposed water, sanitary sewer, and storm water catchment and drainage systems.
- P. All adjacent property owned or controlled by the applicant, or owner of the subject property.

7.7.2 Additional Information Required in the Village Commercial Zoning District. An application for site plan approval for development on property zoned VC requires the following additional information:

- 1. Building elevations including building style, massing, materials, colors, fenestration and rooflines.
- 2. Easements for access to adjacent properties.
- 3. A statement of the proposed design's consistency with the Village Commercial Design Guide Book.

Section 7.8. Standards For Review. In reviewing a preliminary site plan the Planning Commission shall consider the following standards:

- A. That all required information has been provided.
- B. That the proposed development as shown in the preliminary site plan conforms to all regulations of the zoning ordinance for the district(s) in which it is located.
- C. That the applicant may legally apply for the site plan review.
- D. That the movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.

- E. That the proposed development described by the site plan will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
- F. That natural resources will be preserved to a maximum feasible extent, and that the development as proposed will not cause soil erosion or sedimentation.
- G. That the proposed development is adequately coordinated with improvements serving the subject property and other neighboring or adjacent developments.
- H. That the proposed development respects natural topography to the maximum feasible extent, and minimizes the amount of cutting and filling required.
- I. That organic, wet, or other soils that are not suitable for development, will be undisturbed, or will be modified in an acceptable manner.
- J. That the proposed development properly respects floodways and flood plains on or in the vicinity of the subject property.
- K. That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

Section 7.9. Planning Commission Action. The Planning Commission shall study the plan and shall, within a reasonable amount of time approve or reject the preliminary site plan. The Planning Commission may require changes in the plan, and may attach conditions to its approval. The Planning Commission shall advise the applicant in writing of its actions on a preliminary site plan.

Section 7.10. Effect of Approval. Approval of a preliminary site plan by the Township Planning Commission shall indicate its acceptance of the general character of the proposed development, and of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas. The Township Planning Commission may, at its discretion, and with appropriate conditions attached, authorize issuance of permits by the Zoning Administrator and Building Official for grading and foundation work on the basis of an approved preliminary site plan. The conditions to be attached to such permit issued for grading and foundation work shall include, but are not limited to, provisions for control of possible erosion, for exempting the Township from any liability if a final site plan is not approved, and for furnishing a bond for restoration of the site if work does not proceed to completion.

Section 7.11. Expiration of Approval. Approval of a preliminary site plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in

the approved preliminary site plan is filed with the Township Clerk within that time period. The Planning Commission Secretary, shall, within ten (10) days of the date of approval of the preliminary site plan, transmit a written certification of such approval to the applicant. If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no longer than two (2) years from the date of approval of the previously approved final site plan. If such period is exceeded, the Township Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site. In such case the Township Planning Commission may require a new preliminary site plan be submitted, unless good cause can be shown for the delay.

Upon written application from the original applicant or legal representative, the Township may in its discretion, extend the expiration of approval of a preliminary site plan as provided in this Section by an additional one hundred eighty (180) days for good cause shown, but shall not extend the expiration of approval for more than two (2) extensions. The Planning Commission shall be responsible for approval of extensions of preliminary site plans under this Section, except that the Township Board shall make such determinations with respect to special use site plans. (Amendment: Ordinance 22-N, Adopted 7-22-08; Publication: 8-7-08; Effective: 9-6-08)

Section 7.12. Final Site Plan Application.

7.12.1. Following approval of a preliminary site plan, the applicant shall submit to the Township Clerk the following:

- A. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is/are not the applicant(s), the applicant(s) must provide a statement from the owner(s) that the applicant(s) has/have permission to proceed.
- B. The application and review fees.
- C. Fourteen (14) copies of the final site plan drawing(s) and other data and exhibits hereinafter required.

7.12.2. Upon receipt of a completed application and site plan, by the Township Clerk:

- A. The Zoning Administrator reviews the application for completeness.
- B. After it is determined that the application is complete, the Clerk puts the application on the next Planning Commission meeting agenda and forwards a copy to the Township Planning Consultant for their review.
- C. At the discretion of the Planning Commission, the application is forwarded to any other townships consultants.

Section 7.13. Information Required for a Final Site Plan.

7.13.1. Each final site plan submitted for review shall provide the following information and shall meet the following specifications, where applicable:

- A. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such detail that the Planning Commission can readily interpret the plan. More than one (1) drawing shall be included as part of a final site plan where required by the Planning Commission for clarity.
- B. Scale, north arrow, name and date of plan; date of any revisions thereto.
- C. Name, address, and phone number of the property owner and applicant; interest of applicant in property, name, address, and phone number of the developer.
- D. Name, address, and phone number of the designer. A detailed site plan shall be prepared and sealed by an architect, landscape architect, engineer, or land surveyor, unless waived by the Township Planning Commission.
- E. A vicinity map; legal description of site; dimensions and lot area. Where a metes and bound description is used, lot line angles or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor, and shall correlate with the legal description.
- F. Existing topography (contour interval of two (2) feet); all existing natural features, including but not limited to trees, wooded areas, streams, marshes, ponds and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy, individual deciduous trees of six (6) inch diameter or larger and individual evergreen trees six (6) feet in height or higher, not a part of a group of trees, are to be accurately located on the plan. (Subject to Section 6.13, Tree Protection)
- G. Existing buildings, structures, and other improvements, including drives, utility poles and towers, light fixtures/lighting plan, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed; deed restrictions, if any.
- H. Owner, use, and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots, other improvements on adjacent properties.

- I. Name of existing streets, on or adjacent to the property, and associated rights-of-way as designated by Lima Township's adopted right-of-way requirements, surface type and width; spot elevations of street surface, including elevations at intersections with streets and drives of the proposed development.
- J. Zoning classification of the subject property; location of required yards; total site area and floor area; total ground floor area and lot coverage (percent); floor area ratio.
- K. Grading plan, showing finished contours at two (2) foot intervals and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.
- L. Location and exterior dimensions of all proposed buildings and structures, location to be referenced to property lines or to a common base point; distances between buildings; height in feet, and number of stories; finished floor elevations and contact grade elevations.
- M. Location and alignment of all proposed streets and drives; rights-of-way where applicable; surface type and width, and typical cross section of same showing surface, base, and sub-base materials, dimensions, and slopes; location and typical details of curbing; turning lanes (where applicable) with details; location, width, surface elevations and grades of all entries and exits; curve-radii.
- N. Location and dimensions of proposed parking lots; number of spaces in each lot; barrier free spaces; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-base materials; angle of spaces.
- O. Location, width, and surface of proposed sidewalks and pedestrian ways.
- P. Location, use, size and proposed improvements of open spaces and recreation areas; maintenance provisions for such areas.
- Q. Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions. (Subject to Sections 5.17 and 6.2)
- R. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosure, showing materials and dimensions.
- S. Location, type, size, area, height, and sketch of proposed signs.
- T. At the discretion of the Planning Commission, final engineering drawings for all site improvements such as but not limited to, water, sanitary sewer and storm

sewer systems; streets, drives, and parking lots, retention ponds and other ponds or lakes; retaining walls; shall be submitted to and approved by the Engineering Consultant prior to Planning Commission approval of the final site plan. A letter of approval for on-site water and sewer facilities by the Washtenaw County Environmental Health Department shall be submitted prior to Planning Commission approval of the final site plan.

For all existing and proposed features listed above, indicate: Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed utilities; location and size of retention ponds and degrees of pond side slope, calculations for sizing of storm drainage facilities; location of electric and telephone poles and wires; location and size of surface mounted equipment for electric and telephone services; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields, if on-site facilities are to be used.

- U. Landscape plan showing location and size of plant materials.
- V. Description of measures to control soil erosion and sedimentation during grading and construction operations, until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service.
- W. Location of proposed retaining walls, and dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
- X. Location, type, direction, and intensity of outside lighting.
- Y. Right-of-way expansion(s) where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same, prior to approval of the final site plan by the Planning Commission.
- Z. Construction Schedule.
- AA. All items as required by Section 7. 7.
- BB. Additional Requirements for Residential Developments.
 - 1. Density calculations by type of unit by bedroom counts.
 - 2. A complete schedule of the number, site, lot area per dwelling unit and type of dwelling units.
 - 3. Carport and/or garage locations and details where proposed.

4. Specific amount and location of recreation spaces.
 5. Type of recreation facilities to be provided in recreation space.
 6. Details of Community Building and fencing of swimming pool if proposed.
- CC. Additional Requirements for Commercial and Industrial Developments.
1. Loading/unloading areas.
 2. Total and usable floor area.
 3. Number of employees at peak usage.

Section 7.14. Standards for Review. In reviewing the final site plan, the Planning Commission shall determine whether the plan meets the following specifications and standards.

- A. That the final site plan conforms to the preliminary site plan, as approved.
- B. That all required information is provided.
- C. That the plan complies with all applicable zoning ordinance regulations.
- D. That the plan, including all engineering drawings, meets specifications of the Township for fire and police protection, water supply, sewage disposal, storm drainage, and other public facilities and services.
- E. That the plan meets all specifications of this Article.
- F. That the proposed development will not cause soil erosion or sedimentation problems.
- G. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area.
- H. That the proposed development is coordinated with improvements serving the subject property and with the other developments in the general vicinity.
- I. That outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.

- J. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- K. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
- L. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets.
- M. That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.
- N. That the plan provides for the proper expansion of existing public streets serving the site, where applicable.

Section 7.15. Planning Commission Action.

7.15.1. The Planning Commission shall study the final site plan and shall within a reasonable time of the filing date, if the submitted application is complete, approve, conditionally approve, or reject the final site plan. The Commission may specify reasonable conditions, changes, or modifications to the proposed site plan as needed. The Planning Commission shall include in its study of the site plan, at its discretion, consultation with any of the following: the Township Zoning Administrator, the local Fire Chief, the Engineering Consultant and Planning Consultant, and other government officials and departments and public utility companies that might have an interest in or be affected by the proposed development. At the discretion of the Planning Commission, the Engineering Consultant shall approve all engineering drawings and plans, before a final site plan shall be approved.

7.15.2. Upon Planning Commission approval of a final site plan, the applicant and owner(s) of record, or a legal representative thereof, and the Planning Commission Secretary shall each sign five (5) copies of the approved site plan. The Planning Commission Secretary shall transmit two (2) such signed copies of the approved final site plan, and any conditions attached to such approval, to the Zoning Administrator and one (1) signed copy each to the Township Clerk, and to the applicant. The Planning Commission Secretary shall attach a certificate of approval to the copy to be sent to the applicant. One (1) signed copy shall be retained in the Planning Commission's files. If the final site plan is rejected, the Planning Commission shall notify the applicant in writing of such action and reasons therefore, within ten (10) days following such action.

Section 7.16. Effect of Approval. Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.

Section 7.17. Expiration of Approval. The approval of the final site plan shall expire and be of no effect unless a building permit shall have been taken out within one hundred eighty (180) days of the date of approval of the final site plan. Approval of a final site plan shall expire and be of no effect five hundred forty-five (545) days following the date of approval unless construction has begun on the property and is diligently pursued in conformance with the approved final site plan and construction schedule.

Upon written application from the original applicant or legal representative, the Township may, in its discretion, extend the expiration of a final site plan by an additional one hundred eighty (180) days for good cause shown, but shall not extend the expiration of approval for more than two (2) extensions of the final site plan. The Planning Commission shall be responsible for approval of extensions of final site plans under this Section, except that the Township Board shall make such determinations with respect to special use site plans. (Amendment: Ordinance 22-N, Adopted 7-22-08; Publication: 8-7-08; Effective: 9-6-08)

Section 7.18. Combining Preliminary and Final Site Plans. An applicant may, at the applicant's discretion and risk with approval of the Township Planning Commission, combine a preliminary and final site plan in the application for approval. The Township Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrants. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

Section 7.19. Minor Amendment of Approved Site Plan.

7.19.1. Amendments to an approved Preliminary or Final Site Plan may occur only under the following circumstances:

- A. An applicant or property owner who has been granted approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design, compliance with the standards of Article 7, nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:

1. For residential buildings, the size of structures may be reduced, provided that the overall density of units does not increase.
2. Square footage of non-residential buildings may be increased by up to one thousand (1,000) square feet or twenty (20%) percent of the existing square footage, which ever is less. **(Amended: Board Resolution #2008-05, Published June 19, 2008, Effective July 19, 2008)**
3. Change of building height may be altered by up to five (5%) percent, but in no case exceed height limitations.
4. Movement of a building or buildings by no more than five (5) feet provided required setbacks are met.
5. Designated "Areas not to be disturbed" may be increased.
6. Plantings approved in the Final Site Plan landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one (1) to one (1) or greater basis.
7. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
8. Changes in floor plans, which do not alter the character of the use.
9. Slight modification of sign placement or reduction of size.
10. Relocation of sidewalks and/or refuse storage stations.
11. Internal rearrangement of a parking lot, which does not affect the number of parking spaces or alter access locations or design. This shall assume that all parking regulations are met.
12. Changes required or requested by the Sheriff or local fire department for safety reasons, which do not affect site layout, shall be considered a minor change.
13. The total impervious surface will not increase by more than 3,000 square feet. **(Amended: Board Resolution #2008-05, Published June 19, 2008, Effective July 19, 2008)**
14. A minor building site modification, including non-habitable structures, will not have a significant impact upon adjoining land uses. **(Amended: Board Resolution #2008-05, Published June 19, 2008, Effective July 19, 2008)**

15. Permitted use changed to another permitted use, where the change is *not* considered a Change in Use, as defined herein, and no external changes are made to the site.

7.19.2. Should the Zoning Administrator determine that the requested modification to an approved plan is not minor, the Planning Commission shall be notified in writing that the site plan has been suspended, and, if construction has been initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the final site plan; and submit it to the Zoning Administrator for re-submission to the Planning Commission.

7.19.3. Should the Planning Commission determine that the modifications to the site plan significantly alter the intent of the site plan, a new submittal shall be required in accordance with final site plan review, Sections 7.12 and 7.13.

7.19.4. Minor changes to a Planned Unit Development (PUD), may be approved by the Township Board.

Section 7.20. As-Built Drawings.

7.20.1. The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines or detention and/or retention areas and all appurtenances, which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the building official, and shall be approved by the Engineering Consultant prior to the release of any performance guarantee or part thereof covering such installation.

7.20.2. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses, depth and slopes of retention basins; and location and type of other utility installations. If required by the Township's Engineering Consultant the drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.

7.20.3. If required by the Township's Engineering Consultant, the as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

Section 7.21. Phasing of Development. The applicant may divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A final site plan shall be submitted for review and approval for each phase.

Section 7.22. Inspection.

7.22.1. The Zoning Administrator and/or Building Official shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspection.

7.22.2. The Zoning Administrator and/or Building Official shall obtain inspection assistance from the local Fire Chief, the Building Official and the Engineering Consultant, where applicable. The Zoning Administrator and/or Building Official shall notify the Planning Commission, in writing, when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan. The Zoning Administrator shall notify the Township Board and the Planning Commission, and the Building Official in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the Township Board, Planning Commission, and Building Official of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township Board, Planning Commission and Building Official of progress towards compliance with the approved final site plan and when compliance is achieved.

Section 7.23. Performance Guarantees.

7.23.1. Performance bonds, irrevocable bank letters of credit, certificate of deposit, cash deposits, or other forms of security payable to the Township shall be provided by the applicant to the Township Clerk. The guarantee shall be provided after a final site plan is approved but prior to issuance of a certificate of occupancy for any building covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan, which will not be completed prior to issuance of the certificate of occupancy. Site improvements shall mean streets and drives, parking lots, sidewalks, grading, required landscaping, required screens, storm drainage, exterior lighting and utilities.

7.23.2. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and the Township Engineer shall verify such estimate as to amount. The Township Attorney shall approve the form of the guarantee.

7.23.3. If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township Board shall have the authority to have such work completed. The Township Board may reimburse itself for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.

7.23.4. If a cash deposit is used, the applicant and Zoning Administrator and/or Building Official shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.

7.23.5. The Building Official may refuse to sign a certificate of occupancy in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of occupancy shall be signed by the Building Official upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

ARTICLE 8

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

Section 8.1. Purpose and Intent. Planned Unit Development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall; encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the Township; and bring about a greater compatibility of design and use. The provisions of this Article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

Section 8.2. PUD Regulations. A Planned Unit Development (PUD) may be applied for in any zoning district. The grant of a planned unit development application shall require a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the Township Board.

8.2.1. **Concurrent Re-zoning.** If the development proposed for the PUD designation is not compatible with the current underlying zoning, a concurrent re-zoning to the desired zoning district can proceed along with the PUD request on one (1) application at the discretion of the Planning Commission. The requested re-zoning for the underlying zoning must be consistent with the Lima Township Master Plan.

8.2.2. Any land use authorized in this Ordinance may be included in a Planned Unit Development. Land uses included in the planned unit development are subject to adequate public health, safety, and welfare protection mechanisms. These mechanisms shall be designed into the development to ensure the compatibility of varied land uses both within and outside the development.

8.2.3. The applicant for a planned unit development must demonstrate all of the following criteria as a condition to being entitled to planned unit development treatment:

- A. Granting of the planned unit development will result in one (1) of the following:
 - 1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or

2. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 3. A non-conforming use will, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
- B. The proposed type and density of use will not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities.
 - C. The proposed development will be consistent with the public health, safety and welfare of the Township.
 - D. The proposed development will not result in an unreasonable negative environmental impact on the subject site or surrounding land.
 - E. The proposed development will not result in an unreasonable negative economic impact upon surrounding properties.
 - F. The proposed development will be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
 - G. The proposed development will be consistent with the Goals and Policies of the Lima Township Master Plan.

Section 8.3. Project Design Standards.

8.3.1. Residential Design Standards. Residential uses shall be permitted with the following maximum densities, based upon the zoning district in which the property is situated immediately prior to classification under this Article. Land area under water, public road rights-of-way and easements for private road right-of-ways shall not be included in the gross density calculation.

	Maximum Density Permitted
District	(Dwelling Unit/Gross Acres/Square Feet)
RC	1.0 unit per 40 acres
AG-1	1.0 unit per 5 acres
AG-2	1.0 unit per 5 acres
RR	1.0 unit per 3 acres
R-1A	1.0 unit per 1 acre
R-1B	1.0 unit per 20,000 square feet
R-1C	1.0 unit per 10,000 square feet
R-1D	1.0 unit per 7,200 square feet
R-2A	Single-family detached dwelling: 1.0 units per 15,000 square feet Multiple-family dwellings: 8.0 units per 1 acre
MH	1.0 units per 1 acre, mobile home subdivision without sewer.

8.3.2. Non-Residential Design Standards.

- A. Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses.
- B. The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units and adjacent land uses in a manner consistent with good land use and community planning principles. (Subject to Section 6.2 Landscaping, Greenbelts, Buffering, and Screening).

8.3.3. General Design Standards.

- A. All regulations applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply.
- B. Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the Township Board upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Article.

- C. To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features. The benefit that would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of natural resources or features and the following criteria:
1. The availability of feasible and prudent alternative methods of accomplishing any development.
 2. The extent and permanence of the beneficial or detrimental effects of the proposed activity.
 3. The size, quality and rarity of the natural resources or natural features that would be impaired or destroyed.
- D. There shall be a perimeter setback and berming, as found to be necessary by the Township Planning Commission and/or the Township Board, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet at the discretion of the Township Planning Commission and/or the Township Board, taking into consideration the use or uses in and adjacent to the development. At the discretion of the Planning Commission or Township Board, the setback distance need not be uniform at all points on the perimeter of the development.
- E. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- F. There shall be underground installation of all utilities, including electricity and telephone, as found necessary by the Township Planning Commission or the Township Board.
- G. The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways, as found necessary by the Township Planning Commission or the Township Board.
- H. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

- I. Where non-residential uses adjoin off-site residentially zoned or used property, noise reduction and visual screening mechanisms such as berms and/or decorative walls, shall be employed. At the discretion of the Township Planning Commission and Township Board they shall review and approve the design and location of such screening. (Subject to Section 6.2, Landscaping, Greenbelts, Buffering and Screening).
- J. The Township Board upon the recommendation of the Planning Commission shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, Master Plan, and other Township standards or policies as a guide.

Section 8.4. Procedure for Review.

8.4.1. **Pre-application Conference.** Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Township Supervisor, Township Planning Commission Chair or her/his designee(s) together with any staff and consultants the Planning Commission Chair deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information:

- A. Total number of acres in the project.
- B. The number of residential units.
- C. The number and type of nonresidential uses.
- D. The number of acres to be occupied by each type of use.
- E. The known deviations from ordinance regulations to be sought.
- F. The number of acres to be preserved as open or recreational space.
- G. All known natural resources and natural features to be preserved.

8.4.2. **Preliminary Plan.** Following the Pre-application Conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in Section 8.2.3 have been met.

- A. **Information Required.** The preliminary site plan for a PUD shall be in conformance with and contain all information in Section 8.2.3, herein at a minimum, plus the following information set forth below.

1. Evidence of ownership, location and description of site dimensions and areas.
 2. General topography; soil information.
 3. Scale, north arrow, date of plan.
 4. Existing zoning of site; existing land use and zoning of adjacent parcels; location of existing buildings, drives, and streets on the site and within five hundred (500) feet of the site.
 5. Location, type, and land area of each proposed land use; dwelling unit density (dwelling units per acre).
 6. Location, size, and uses of open space.
 7. General description of the organization that will maintain common areas and facilities.
 8. General landscape concept showing tree masses to be preserved or added, trees to be removed, buffer areas, and similar features.
 9. General descriptions of proposed water, sanitary, and storm drainage systems with calculations for sizing retention and detention basins.
 10. Existing natural and man-made features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements.
 11. General location, function, surface width, surface material, and right-of-way of proposed public and private streets.
 12. General location of proposed parking areas, type of surface material, and approximate number of spaces to be provided in each area.
 13. Location and area of each development phase.
 14. Include all information in Section 7.7, Information Required for a Preliminary Site Plan.
- B. Preliminary Site Plan - Planning Commission Public Hearing and Review. The preliminary site plan shall be noticed for public hearing before the Planning Commission. Notice for the public hearing shall meet the following requirements:

1. The notice of the request shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date the application will be considered by the Planning Commission.
 2. The notice shall also be sent not less than fifteen (15) days before the date the application will be considered by the Planning Commission to all persons to whom real property is assessed within three hundred (300) feet of the property and to occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term “occupant” may be used in making notification.
 3. Each electric, gas, pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Planning Commission shall receive a notice.
 4. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request.
 - c. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property.
 - d. If there are no street addresses, other means of identification may be used.
 - e. State when and where the request will be considered.
 - f. Indicate when and where written comments will be received concerning the request.
 - g. Indicate the place(s) and time at which the request may be examined.
(Amended, effective date: September 28, 2006 and December 7, 2006)
- C. Planning Commission Action. Following the hearing, the Planning Commission shall review the preliminary site plan and make a recommendation to the Township Board.

- D. **Township Board Action.** Upon receiving the recommendation of the Planning Commission, the Township Board may review the preliminary site plan and take one of the following actions:
1. **Approval.** Upon finding that the preliminary site plan meets the criteria set forth in Section 8.4.2.A, the Township Board shall grant preliminary approval.
 2. **Effect of Approval.** Approval shall constitute approval of the uses and design concept as shown on the preliminary site plan and may confer upon the applicant the right to proceed to preparation of the final PUD site Plan.
 3. **Tabling.** Upon finding that the preliminary site plan does not meet the criteria set forth in Section 8.4.2.A, but could meet such criteria if revised, the Township Board may table action until a revised preliminary plan is resubmitted. The Township Board may refer a tabled preliminary plan back to the Planning Commission for additional review. Upon the tabling of the site plan the applicant has one hundred eighty (180) days to submit a revised site plan. If a revised preliminary site is not submitted on or before one hundred eighty (180) days the site plan expires. The applicant must then re-apply for preliminary site plan review and approval in accordance with Section 8.4, Procedure for Review.
 4. **Denial.** Upon finding that the preliminary plan does not meet the criteria set forth in Section 8.4.2 the Township Board may deny preliminary approval.
 5. **Effect of Denial.** Only the PUD site plan constitutes an application to amend the ordinance. Therefore, if the Township Board denies the preliminary site plan the process is terminated. (Amended, effective date: December 7, 2006)

8.4.3 **Final PUD Site Plan.** Once the preliminary site plan has been approved the applicant has one hundred eighty days (180) days to submit a final site plan and supporting materials conforming to this Section. If a final site plan is not submitted by the applicant for final approval within one hundred eighty (180) days of the approval of the preliminary plan approval becomes null and void. At the sole discretion of the Planning Commission an extension of ninety (90) days may be granted, however such extensions shall not exceed two (2) ninety (90) day periods.

- A. **Information Required.** A final site plan and application for a PUD shall contain the following information:
1. The final site plan shall meet all requirements of Article 7.0. Site Plan Review, Section 7.13, Information Required for a Final Site Plan.

2. A separately delineated specification of all deviations from this ordinance, which would otherwise be applicable to the uses and development, proposed in the absence of this planned unit development article.
 3. A specific schedule of the intended development and construction details, including phasing or timing.
 4. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 5. A specification of the exterior building materials with respect to the structures proposed in the project and pertinent construction details.
 6. Signatures of all parties having an interest in the property.
- B. Planning Commission Review and Recommendation – Final PUD Site Plan and Rezoning. After receiving approval of the preliminary site plan from the Township Board, the Planning Commission shall review the final PUD site plan and rezoning application and shall recommend to the Township Board either approval, denial, or approval with conditions.

The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project including, without limitation, recommendations with respect to matters on which the Township Board must exercise discretion.

- C. Township Board – Public Hearing. Since the Township Board is the final approving body for a rezoning, it shall hold a public hearing in accordance with Section 8.4.2. B, above. Prior to setting the public hearing, the applicant shall submit all required and requested information to the Township Zoning Administrator. Once the application is complete, the Zoning Administrator shall transmit the complete application to the Township Board with the Planning Commission’s recommendation and comments.
- D. Township Board Review and Determination – Final PUD Plan and Rezoning. After receiving the recommendation of the Planning Commission and considering the comments from the public hearing, the Township Board shall take the following action:

Upon finding that the Planning Commission has issued a recommendation on the final PUD site plan and rezoning, the Township Board may approve, approve with conditions, or deny said final PUD plan and rezoning. The Notice of Amendment Adoption described in Section 15.2 shall also apply.

- E. Effect of Approval – Final PUD Site Plan and Rezoning. The final PUD site plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the final PUD site plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Washtenaw County Register of Deeds, which shall contain the following:
1. Date of approval of the final PUD site plan by the Township Board.
 2. Legal description of the property.
 3. Legal description of the required open space along with a plan stating how this open space is to be maintained.
 4. A statement that the property will be developed in accordance with the approved final PUD site plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns. This statement shall also include the duration of approval and action for non-compliance. (Amended, effective date: December 7, 2007)

Section 8.5. Conditions.

8.5.1. Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law. This is to ensure that public or private services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

8.5.2. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

Section 8.6. Phasing and Commencement of Construction.

8.6.1. **Phasing.** Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission.

8.6.2. **Commencement and Completion of Construction.** Construction shall be commenced within one (1) year following final approval of a planned unit development and shall proceed substantially in conformance with the construction schedule set forth by the applicant as required by Section 7.13. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown, if such request is made to the Township Board prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

ARTICLE 9

DEVELOPMENT ALTERNATIVES IN THE AG-1 AND AG-2, AGRICULTURE DISTRICTS

Section 9.1. Intent. It is the intent of this Article to promote and to permit, with the provisions specified in Section 4.6, Schedule of Regulations, the development of single-family dwellings in the AG-1 and AG-2 Districts, in patterns which will:

- A. Protect the agricultural lands and rural features of the Township.
- B. Minimize demand for public services.
- C. Encourage a more creative approach to rural residential development and allow greater flexibility in the siting of units.
- D. Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, water bodies, agricultural land, open space, and other natural assets.
- E. Reduce the number of driveways accessing county primary and local roads.
- F. Encourage the preservation of open space.

Section 9.2. Eligibility Criteria.

- A. **Location:** To be eligible the property must be zoned AG-1, Agriculture or AG-2, Agriculture.
- B. **Permitted Uses.** Uses are restricted to those uses permitted within the AG-1 and AG-2 zoning districts, depending on which district the land is located in. Special uses are not permitted. For further information on uses of encumbered land see Section 9.4.B. paragraph 5. and Sections 9.5.1 and 9.5.2.

Section 9.3. Project Design Standards. All alternatives as described in Section 9.4 shall comply with the following project design standards unless otherwise specified, herein:

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- A. **Conformance to Statutes/Ordinances.** All land divisions/splits shall comply with the State Land Division Act 288 of 1967 as amended and the Lima Township Land Division Ordinance. In the case of a subdivision plat or a site condominium the following regulations shall apply: The Land Division Act (as amended), the Lima Township Subdivision Control Ordinance, and the Lima Township Zoning Ordinance, Section 5.43, Site Condominium Project Regulations.
- B. **Lot Area Defined.** The area within the described lot lines excluding public and private road rights-of-ways or road access easements for lots of less than five (5) acres, and including the public and private road right-of-ways or easements and road access easements, for lots of five (5) or more acres.
- C. **Lot Width Defined.** The horizontal distance between the side lot lines, measured at the two (2) points where the required front yard setback line intersects the side lot lines. For lots fronting on the turn around of a cul-de-sac street the minimum straight line distance between the side lot lines may be reduced to eighty (80%) percent of the required lot width.
- D. **Private Road.** A private road built to the specifications contained within the Lima Township Private Road Ordinance and located in a sixty six (66) foot wide dedicated road access easement, shall be used to access more than two (2) residences.
- E. **Shared Drive.** A shared drive in a sixty six (66) foot wide dedicated road access easement shall be used to serve not more than two (2) residences, if permitted by the Lima Township Private Road Ordinance.
- F. **Maximum Number of Curb Cuts.** One (1) curb cut per parcel or every three hundred thirty (330) feet of road frontage.
- G. **Maximum Density.** No parcel existing at the time of adoption of the Ordinance shall be developed for residential purposes under any development alternative in this Article, either as a single phase or incrementally, so as to exceed a density of one (1) dwelling unit per five (5) acres constituting the parcel existing at the time of adoption of this Ordinance.

Section 9.4 Development Alternatives. The minimum lot size in the AG-1 and AG-2 Districts is five (5) acres with a three hundred thirty (330) foot lot width. In both districts the following alternatives are offered if all applicable rules and regulations can be met. The alternatives below illustrate the theoretical optimums for the number of parcels that may occur on any given parcel. Depending on a parcels natural condition, state land division requirements, or the infrastructure needed to develop it, the number of parcels based on the plans below may be less.

A. Alternative 1

1. **Parcels Permitted Less Than Five (5) Acres.** The number of parcels that may be created less than five (5) acres but equal to or greater than three (3) acres is equal to the parent parcel/tract divided by ten (10).
- 2.
3. **Lot Width/Depth to Width Ratio.** The minimum lot width shall be a minimum of three hundred thirty (330) feet. The maximum depth to width ratio shall be 4:1.
3. **Reduction of Lot Width/New Roads.** Because of the establishment of one (1) or more new roads (public or private) and none of the parcels created has direct access, curb cuts or driveways, connecting to an existing public road; the minimum lot width may be two hundred (200) feet on the newly created road. Frontage along the existing road shall be a minimum of three hundred thirty (330) feet for all lots.

The Township Board in its sole discretion may permit the use of an existing private road if the private road has been built to the Township's Private Road Standards, or will be improved to meet them.

4. **Existing Homestead Parcel.** A single existing homestead with an existing driveway on the parent parcel shall be allowed without negating the benefits of paragraph 3 herein. However, once the new road is established, no further road cuts will be allowed, on any of the created parcels, which are less than forty (40) acres.

(Amended, effective date: January 25, 2007)

B. Alternative 2

1. **Parcels Permitted Less Than Five (5) Acres.** The number of parcels that may be created less than five (5) acres in size but equal to or greater than three (3) acres, is equal to the parent parcel/tract divided by five (5).
2. **Lot Width/Depth to Width Ratio.** The minimum lot width shall be three hundred thirty (330) feet. The maximum depth to width ration shall be 4:1.

If development occurs on a new road (public or private) as described in paragraph 3 below, the lot width may be a minimum of two hundred (200) feet if the applicant meets all requirements. (Amended, effective date: January 25, 2007; removal of Alternative 3)

To receive the benefits of paragraph 1. and 2. above, the following conditions under paragraphs 3. through 6. shall be met.

3. **Reduction of Lot Width/New Roads.** Because of the establishment of one (1) or more new roads (public or private) and none of the parcels created has direct access, curb cuts or driveways, connecting to an existing public road; the minimum lot width may be two hundred (200) feet on the newly created road. Frontage along the existing road shall be a minimum of three hundred thirty (330) feet for all lots. **(Amended, effective date: January 25, 2007)**

The Township Board in its sole discretion may permit the use of an existing private road if the private road has been built to the Township's Private Road Standards, or will be improved to meet them.

4. **Existing Homestead Parcel.** A single existing homestead with an existing driveway on the parent parcel shall be allowed without negating the benefits of paragraph 3 herein. However, once the new road is established, no further road cuts will be allowed, on any of the created parcels, which are less than forty (40) acres. **(Amended, effective date: January 25, 2007)**
5. **Encumbered Land Requirement.** Establish an encumbered land area equal to fifty (50%) percent of the total acres of the newly divided parcels in a manner as described herein. No more than fifty (50%) percent of the encumbered land area may be in wetlands. Encumbered land areas must be in one contiguous parcel and be a minimum of three (3) acres in size, excluding right-of-ways and easements. See paragraph 6. Use of Encumbered Land below. **(Amended, effective date: January 25, 2007)**

Following the required waiting period, as specified in the State Land Division Act 288 of 1967 as amended, the required encumbered land area may be deeded or conveyed to any entity that is willing to comply with the recorded deed restrictions. Land divisions or splits resulting from re-divisions calculated from the total of the encumbered land and any additional land remaining after the specified waiting period, shall have a minimum lot size of three (3) to five (5) acres in compliance with the density and parcel limitations herein.

The encumbered land shall be described with a metes and bounds description.

6. **Use of Encumbered Land.** The encumbered land area may be specified to be used for any uses permitted in the agricultural district (AG-1 or AG-2) in which the encumbered land area is located, including one (1) single-family home. Special uses are not permitted. The uses as specified must be indicated on the site plan and in one (1) of the instruments as listed in Section 9.5.3, herein. See Section 9.5.2, Continuing Obligation.

7. **Site Plan Required.** A site plan in accordance with Article 7, Site Plan Review shall be submitted for review and approval by the Planning Commission. The instrument of protection as described in Section 9.5.3 shall be submitted with the final site plan and shall be approved by the Township Board.
7. **Protection in Perpetuity.** Encumbered land area created by the method as described in paragraph four (4) above shall be protected by one of the instruments listed in Section 9.5.3, Instrument of Protection.

Section 9.5 Maintenance and Prohibition. The Planning Commission or Township Board may impose certain requirements for the use and maintenance of the encumbered land area, in addition to certain prohibitions. Maintenance and prohibitions are to be part of the public record of the site plan process. In addition, maintenance may be undertaken by Lima Township at the Township's option, in the event that the encumbered land area is inadequately maintained or is determined by the Township to be a public nuisance. Assessment of costs for maintenance by the Township will be upon the property owners. Maintenance and prohibitions including the Township's option to undertake maintenance shall be contained in the instrument of protection as recorded with the Washtenaw County Register of Deeds.

9.5.1. **Areas Not Considered for Encumbered Land.** The following land areas are not to be included as a dedicated encumbered land area for the purposes of this Article: road right-of-ways of public or private roads and dedicated access easements for driveways.

9.5.2. **Continuing Obligation.** The encumbered land area shall forever remain subject to development with only those uses approved by the Township on the approved site plan and listed in one of the instruments listed in Section 9.5.3, such as: open space, recreation-conservation land, agricultural land, or one (1) single-family home.

9.5.3 **Instrument of Protection.** The dedicated encumbered land area shall be set aside by the applicant through an irrevocable conveyance that is acceptable to the Township Board, such as:

- A. Agricultural conservation easement, in which, subject to permitted uses, the owner relinquishes to the public in perpetuity his or her development rights.
- B. Recorded deed restriction.
- C. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
- D. Transfer of Development Rights at the sole discretion of the Township Board.

E. Ownership by the Township.

Such conveyance shall assure that the encumbered land area shall be protected from all forms of development, except as may be indicated/shown on an approved site plan and described in one (1) of the instruments listed above, and shall never be changed to another use. For a newly created parcel to be eligible for division or conveyance it must be a minimum of ten (10) years old.

Section 9.6. Standards. In considering any application for approval of an alternative as described in Section 9.4, the Planning Commission shall make determinations on the basis of the standards contained in Section 3.3, Special Use and/or Article 7, Site Plan Review, depending on which alternative is chosen, as well as on the basis of the following standards and requirements:

- A. **Consistency with Intent.** The overall design and land uses proposed in connection with any alternative described in Section 9.4 shall be consistent with the intent of this article, as well as with specific design standards set forth herein.
- B. **Compatibility with Adjacent Uses.** Any alternative plan chosen, as described in Section 9.4 shall set forth in detail all specifications with respect to setbacks, density, use of encumbered land and other design features. Such specifications and design features shall exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the proposed land uses. In determining whether this requirement has been met, consideration shall be given to:
1. The placement of proposed structures, as well as lot layout and lot design.
 2. Circulation and road configuration.
 3. The location of agricultural operations.
 4. The preservation of natural resources, including protection of woodlands, wetlands and flood plains.
 5. Uses proposed for the encumbered land area.
- C. **Environmental Regulations.** The proposed alternative plan shall be protective of the natural environment and shall comply with all applicable environmental protection laws and regulations.
- D. **Compliance with Applicable Regulations.** The proposed alternative plan shall comply with all applicable Federal, State, and local regulations.

Section 9.7. Requirements.

9.7.1. **General Application Requirements.** The application for an alternative plan, as described in Section 9.4 shall be made according to procedures and guidelines contained in Section 3.3, Special Uses and/or Article 7, Site Plan Review, depending on which alternative is chosen. The required materials shall be submitted to the Township Clerk's office, with all required fees.

9.7.2. **Recording of Action.** The applicant shall record an affidavit with the Washtenaw County Register of Deeds office containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved alternative plan, as described in Section 9.4, unless a subsequent amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the Washtenaw County Register of Deeds office and copies of recorded documents presented to the Township.

9.7.3. **Zoning Compliance Permit.** Following final approval of the alternative plan and presentation of evidence of the required recording in Section 9.7.2 above, a zoning compliance permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable township, county, state or federal permits.

9.7.4. **Continuing Adherence to Plan.** Any property owner who fails to maintain the approved site design shall be deemed in violation of the use provisions of the Zoning Ordinance and shall be subject to the penalties for same.

9.7.5. **Performance Guarantee.** The Township Board may require that a performance guarantee, in accordance with Section 3.7 Performance Guarantee Required herein, be deposited with the Township to insure completion of applicable proposed improvements.

Section 9.8 Plan Revisions. Approved plans may be revised in accordance with the procedures set forth in Section 9.6, herein and would require new site plan approval.

Section 9.9 Minor Changes. Notwithstanding Section 9.8, minor changes to an approved alternative plan may be permitted by the Planning Commission following normal site plan review procedures outlined in Article 7, Site Plan Review, Section 7.19, Minor Amendment of Approved Site Plan, subject to the finding of all of the following:

- A. Such changes will not adversely affect the initial basis for granting approval.

- B. Such minor change will not adversely affect the overall design, in light of the intent and purpose of such development as set forth in this Article.
- C. Such changes shall not result in the reduction of the required encumbered land area.

ARTICLE 10

SIGNS

Section 10.1. Intent and Purpose.

The intent of this Ordinance is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this Ordinance recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this Article has the following objectives:

- A. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;
- B. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products,
- C. To keep signs within a reasonable scale with respect to the buildings they identify,
- D. To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- E. To promote a quality manner of display that enhances the character of the Township;
- F. To prevent the proliferation of temporary signs which may promote visual blight.

Section 10.2. Definitions.

The following terms, phrases, words and their derivatives shall have the meaning given herein, unless the context otherwise requires:

Abandoned Sign. A sign which, for ninety (90) consecutive days, fails to direct a person to or advertise a bona fide business, tenant, owner, product, or activity conducted, or product available on the premises where such a sign is displayed.

Animated Sign (See Flashing Sign). Any sign that uses moving, blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance of movement to create a special effect of any kind including writing or printing.

Awning Sign (See Canopy Sign). A sign that is printed or otherwise affixed to an awning that may be rolled or folded up against the wall to which it is attached.

Balloon Sign. Any air or gas-filled object used as a temporary sign to direct attention to any business or profession, or to a commodity or service sold, offered or manufactured, or to any festival or entertainment.

Banner Sign. Temporary signs produced on cloth, paper, fabric or other combustible material of any other kind, with or without frames. National, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Billboard. A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted (an off-site sign) and is regulated in accordance with regulations governed by the Highway Advertising Act, P.A. 106 of 1972 as amended.

Building Sign. Any sign attached to any part of a building, as contrasted to a freestanding sign. For purposes of this ordinance, building signs shall include: awning/canopy signs, identification signs, integral signs, marquee signs, projecting signs, roof and integral roof signs, wall sign, window sign, and suspended signs.

Business Center. A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determining the maximum number of freestanding or ground signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available.

Business Sign. An accessory sign related to the business, activity or service conducted on the premises upon which the sign is placed.

Canopy Sign (See Awning Sign). Any sign that is a part of or attached to awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the structural integrity of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

Construction Sign. A temporary sign that bears the names and addresses of the project, contractors, architects, developers, planners, financial institutions, or engineers engaged in the construction project.

Copy, Sign. The words printed on a sign.

Direction Sign. A freestanding sign located at the entry and/or exit or within the grounds of a business or commercial establishment that indicates traffic flow or provides direction to certain areas such as a loading area.

Electronic message signs. A sign with the capability of a variable message that utilizes computer-generated messages or some other electronic or mechanical means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

Festoon Sign. A single poled, temporary sign, with a banner or pendent attached.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flashing Sign (See Animated Sign). Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

Freestanding or Ground Sign. A sign supported directly by the ground or with support provided by a foundation, uprights, braces, pylons or poles anchored in the ground that are independent from any building or other structure. For purposes of this ordinance, freestanding or ground signs shall include: billboards, incidental signs, monolith, subdivision entranceway, and business signs.

Highway Oriented Sign. A freestanding sign for a business whose services are directly related to the needs of travelers on the highway, such as gas, lodging, or convenience food. Such business shall not be construed to include those selling products that draw consumers from a larger region.

Identification Sign. A sign that displays the name and/or address of a person or firm.

Illuminated Sign. A sign illuminated in any manner by an artificial light source.

Incidental Sign. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Integral Sign. A sign that may contain the name of the building, date of erection, or take the form of a monumental citation or commemorative tablet. The sign is often carved into stone,

concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee Sign. Any sign attached to, in any manner, or made a part of a marquee.

Menu Board. A sign that is intended to service patrons using a drive--through facility.

Nameplate. Contains the name of the occupant, address of the premises, and sometimes, in the case of a home occupation the "occupation."

Neon Sign. A sign consisting of glass tubing, filled with neon gas, which glows when electric current is sent through it.

Non-Conforming Sign. Signs that are prohibited under the terms of this Ordinance but were in use and lawful at the date of enactment of this Ordinance.

Off-Premise Commercial Sign. A sign, including billboards, on which the written or pictorial information is intended to advertise a use located on other premises, and which is intended primarily for advertising purposes.

Pennant Sign. A sign or display consisting of long, narrow, usually triangular flags of lightweight plastic, fabric, or other materials, that may or may not contain a message, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Political Sign. A temporary sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.

Portable Sign. A temporary sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one (1) location to another. Portable signs include, but are not limited to: signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting Sign. Any sign affixed to a building or wall in such a manner that its leading edge extends beyond the surface of such building or wall.

Real Estate Sign. A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

Real Estate Development Sign. A sign informing when a subdivision or other real estate development will commence construction or will be available for occupancy or use on the premises upon which it is located.

Roof Sign. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof Sign, Integral. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Sandwich Sign. A temporary, portable sign consisting of two (2) advertising boards laid back-to-back and at least partially supported by each other.

Setback, sign. The distance from the property line to the nearest part of and part of a sign, or the sign structure, measured perpendicularly to the property line or right-of-way line.

Signable Area. A continuous surface or wall unobstructed by windows, doors, or other major architectural details.

Sign. The display of any words, numerals, figures, devices, designs or trademarks to make known an individual, firm, profession, business, product or message and which is visible to the general public.

Sign Surface. That part of the sign upon, against, or through which the message is displayed or illustrated.

Subdivision Entranceway Sign. A sign, depicting the name of a residential, office/service, commercial or industrial subdivision, located at the entrance to such subdivision.

Suspended Sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign. A sign that is used only temporarily and advertises a private or public seasonal or special event, function or sale. Temporary signs are not permanently mounted. For purposes of this ordinance, temporary signs shall include: balloon, banner, pendants, yard signs, A frame signs, festoon signs, banners, pennants, ribbons, streamers, spinners, or other similar temporary features which are hung or strung overhead and which are not an integral, physical part of the building or structure.

Wall Sign. A sign fastened to or painted on the wall area of a building that is confined within the limits of the wall with the exposed face of the sign in a plane approximately parallel to the plane of such wall. If such sign does not project more than 6 inches from the wall it shall not be considered a projecting sign.

Window Sign. Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Section 10.3. General Sign Regulations.

10.3.1 **General.** All signs shall be designed, constructed and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the essential character of such area. All signs require a permit unless specifically listed in Section 10.3.9, Exemptions. Also Subject to Section 10.12, Permits Required.

10.3.2. **Location.** All signs must advertise a business or service on the premises upon which the sign is located and to which the sign is accessory, unless otherwise specified herein. Wall signs shall only be placed in the signable area

10.3.3 Illuminated Signs.

- A. Residential Districts. Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property. Indirectly illuminated signs shall be shielded and designed to prevent light rays from shining or reflecting into or onto any residential structure, onto a roadway, or into the sky.
- B. Commercial, Office, Research-Office, and Industrial Districts. Indirectly or internally illuminated signs are permitted provided such signs are so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.
- C. No illuminated sign shall be an animated sign or a flashing sign,.

10.3.4. Safety.

- A. All signs shall be erected and maintained in compliance with all applicable building codes, and other applicable ordinances governing construction within the Township. In the event of conflict between this Ordinance and other laws, the most restrictive shall govern.
- B. All signs shall be placed so as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
- C. No sign shall be erected, relocated or maintained so as to obstruct fire fighting or prevent free access to any door, window or fire escape.

10.3.5 **Measurement of Signs.** The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of sign area. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back to back, parallel to one another, and are twelve (12) inches or less apart, in which case the area of the sign shall be the area of one face.

10.3.6 **Setback Requirements for Signs.** Notwithstanding all other setback provisions of this ordinance, the following setback requirements shall apply to all ground signs. All signs shall maintain a minimum setback of fifteen (15) feet from all property lines, and public and private right-of-ways and road easements for ingress and egress, whichever is greater, unless otherwise specified by the Ordinance. No sign shall be located within the clear vision area.

10.3.7 **Landscape Quality and Preservation.** In the application of this Ordinance, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

- A. Do not interfere with scenic views.
- B. Do not create a nuisance to persons using the public right-of-way.
- C. Do not constitute a nuisance to the occupancy of adjacent property by their brightness, size, height, or movement.
- D. Are not detrimental to land or property values.
- E. Contribute to the special character of particular areas or districts in the Township.

10.3.8 **Signs Prohibited in All Districts.**

- A. Signs not expressly permitted are prohibited.
- B. Roof signs and Integral Roof Signs.
- C. Animated Signs or Flashing Signs. This provision is not intended to exclude those signs that give the time or temperature, provided no other animated messages are displayed.
- D. Search lights shall not be permitted as a sign for advertising purposes.
- E. Signs affixed to trees, rocks, shrubs or similar natural features, except addresses for single family residence, signs denoting a site of historic significance, or when such elements are incorporated into the design of an identification sign that meets the requirements of this Article.

- F. Signs that imitate or obscure traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words such as “Stop”, “Look”, “Danger”, or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
- G. Temporary signs mounted upon trucks, vans, or other wheeled devices and parked in a location for advertising purposes, . Signs permanently painted on, or, otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, and appropriate for that type of business, shall be permitted, provided that said vehicle is removed from the property every week.
- H. All signs, other than those erected by a public agency that are located within or overhang the public right-of-way or on public property are explicitly not permitted.
- I. Any sign or sign structure that:
 - 1. Is structurally unsafe.
 - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
 - 3. Is not kept in good repair.
 - 4. Is capable of causing electrical shocks to persons likely to come in contact with it.
- J. Any sign unlawfully installed, erected or maintained.
- K. Portable signs unless otherwise provided for in this Ordinance.
- L. Temporary signs except as permitted in Section 10.7
- M. Signs that are pasted or attached to utility poles, trees, or other signs.

10.3.9 **Exemptions.** The following types of signs shall not be illuminated and are exempt from the provisions of this Ordinance except for construction and safety regulations

- A. Nameplates containing only name, and address not exceeding two (2) square feet in size.
- B. Political campaign signs announcing candidates seeking public office and other signs pertinent thereto. Political signs shall be erected on private property only and be no less than one hundred (100) feet from any entrance to a building in

which a polling place is located and shall be removed within ten days after the date of said election. See Citation/Title 1983-1984 Mich. Op. Atty. Gen 411, 2244, 1983-1984 Mich. OAG No. 6258, November 26, 1984.

- C. Directional signs that indicate the direction of pedestrian and vehicular traffic flow on private property. Directional signs shall not exceed eight (8) square feet in size, shall contain no advertising, and may be illuminated. Horizontal directional signs, on and flush with paved areas, are exempt from these standards.
- D. Street numbers.
- E. No hunting, no fishing, no trespassing signs. Such signs may be attached to trees and fence post. No such sign shall exceed a size of one (1) foot by two (2) feet.
- F. Agricultural test plot signs.
- G. Historical Markers.
- H. Signs in the interior of a building, with the exception of window signs.
- I. Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as directional signs, regulatory signs, and information signs.
- J. Names of buildings, dates of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.
- K. Newspaper delivery box.
- L. Temporary on premise farm product signs only in the AG-1 and AG-2 districts.
 - 1. Not to exceed thirty two (2) square feet.
 - 2. Not to exceed sixty (60) days in any one (1) year period.

10.3.10 **Signs for Home Occupations.** Signs not customarily found in residential areas shall be prohibited, provided however that one non-illuminated name plate, not more than six (6) square feet in area may be attached to the building and which sign shall contain only the name, occupation, and address of the premises. The Zoning Administrator may determine that if the building cannot be seen from the road right-of-way, a sign such as described above may be located no less than fifteen (15) feet from the front property line and/or the road right-of-way whichever is greater. Exact location of the sign to be determined by the Zoning Administrator. See Home Occupations Section 5.22, paragraph I.

Section 10.4 Signs Permitted in the RC, Recreation Conservation and AG-1 and AG-2 Agricultural Districts.

- A. Agricultural Products For Sale Sign. One (1) sign is allowed on the premises not to exceed a total of thirty-two (32) square feet. Set back from the public road right-of-way or road easement shall not be less than fifteen (15) feet.
- B. One (1) identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance, for a school, church building, park, municipal buildings, civic organizations, quasi public uses, or other authorized use or lawful nonconforming use. Each sign shall not exceed eighteen (18) square feet in area. Signs are not to exceed five (5) feet in height. Set back from the public road right-of-way or road easement shall not be less than fifteen (15) feet.
- C. **Identification Signs for Subdivisions or Other Residential Developments.** Signs are not to exceed a total of eighteen (18) square feet in area. Signs are not to exceed five (5) feet in height. Set back from the public road right-of-way or road easement shall not be less than fifteen (15) feet.

Section 10.5 Signs Permitted in Residential Districts: RR, R-1A, R-1B, R-1C, R-1D, and R-2A.

- A. One (1) ground identification sign shall be permitted for each public street frontage of a subdivision, multiple-family building development, or a mobile home park. Each sign shall not exceed eighteen (18) square feet in area. One (1) additional sign advertising "For Rent" or "Vacancy" may be placed on each public street frontage of a rental residential development, provided that such sign shall not exceed three (3) square feet in area and is incorporated into the identification sign. Signs are not to exceed five (5) feet in height.
- B. One (1) ground identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance, for a school, church building, park, municipal buildings, civic organizations, quasi public uses, or other authorized use or lawful nonconforming use. Each sign shall not exceed eighteen (18) square feet in area. Signs shall not to exceed five (5) feet in height.

Section 10.6 Signs Permitted in Commercial, Office, Research Office and Industrial Districts: GC, HC, VC, O, R-O, and LI.

On-site canopy or marquee signs, wall signs, and free-standing signs are permitted in all commercial, office, research office, and industrial districts subject to the following conditions:

- A. **Single Building:** Signs permitted for single buildings on developed lots or group of lots developed as one lot.

1. **AREA –**
Wall signs: The area of an exterior wall sign permitted for each lot shall be determined as one (1) square foot of sign area for each one (1) linear foot of building length on which the sign is mounted. The maximum area for all exterior wall signs for each developed lot shall be two hundred (200) square feet. A business without ground floor frontage shall be allowed an exterior wall sign not to exceed twenty-four (24) square feet in area.
Ground signs: No free-standing sign shall exceed eighty (80) square feet in area.
 2. **NUMBER -** Each developed lot shall be permitted one (1) exterior wall sign and one (1) on-site free-standing sign. All businesses without ground floor frontage shall be permitted one (1) exterior attached wall sign.
 3. **HEIGHT –** No free-standing sign shall exceed a height of fifteen (15) feet.
- B. Business Center:** Signs permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings or industrial buildings, not subject to Section 10.6 A.
1. **FREE-STANDING SIGNS -** Each business center shall be permitted one (1) free-standing identification sign. Each sign shall state only the name of the business center and the major tenants located therein. The maximum permitted sign area shall be determined as one (1) square foot for each (1) linear foot of building, which faces one (1) public street. The maximum area for each free-standing sign shall be two hundred (200) square feet. **HEIGHT –** No free-standing sign shall exceed a height of fifteen (15) feet. Individual tenants in a business center shall not be permitted individual free-standing identification signs.
 2. **WALL SIGNS -** Each business in a business center with ground floor frontage shall be permitted one exterior wall sign. The sign area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one combined exterior wall sign not more than twenty-four (24) square feet in area.
 - 3) **PARK SIGNS -** A free-standing sign, identifying the primary tenants in an office park or an industrial park, may be installed at the entrance(s) to a park. Each parcel in a park will be allowed one (1) available space on a park sign. Each space shall be no larger than eight (8) inches by forty-eight (48) inches. Park signs shall be no higher than six (6) feet above the height of the public road at the point of the centerline most closely adjacent to the sign. No park sign shall be greater than eight (8) feet long. All park signs shall be constructed of anodized aluminum with white reflectorized letters. All park signs shall be located exactly thirty-three (33)

feet from the centerline of the minor intersecting road and at least sixty (60) feet from the centerline of the major intersecting road.

- C. **Window Signs:** Signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25%) percent of the total window area of the floor level on which displayed or exceed a total of two hundred (200) square feet for any one building. If window signs occupy more than twenty-five (25%) percent of said window area or exceed a total of two hundred (200) square feet of any one building, they shall be treated as exterior signs and shall conform to Section 10.6 A.1 and 10.6 B.2.
- D. A time and temperature sign shall be permitted in addition to the above permitted signs, provided that ownership identification or advertising copy does not exceed ten (10%) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet
- E. No canopy or marquee sign shall extend into a public right-of-way except by variance granted by the Zoning Board of Appeals. In granting such a variance the Board of Appeals shall assure that the requirements of Section 13.10 of this ordinance are complied with; that the minimum clearance of such sign is eight (8) feet measured from the sidewalk surface to the bottom edge of the sign; that the sign does not obstruct pedestrian or vehicular view; and that the sign does not create a hazard for pedestrian or vehicular traffic.
- F. In addition to the provisions of Section 10.6. A and B preceding, an automobile service station may have one additional sign for each public street frontage having a curb cut for a vehicle entrance, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear views of street traffic by motorists or pedestrians are not obstructed. Said sign shall not exceed eight (8) square feet in area. The total sign height may not exceed fifteen (15) feet.
- G. **Service Station Signs:** Notwithstanding any of the provisions of this Article, no signs shall be located on fuel pump islands, except those constituting an integral part of the pump or those required by State law or regulation. An additional two (2) signs attached to fuel pump canopies shall be permitted per canopy. Each sign shall not exceed the maximum size of six (6) square feet.
- H. **Highway Oriented Businesses Signs:** The maximum height for the permitted free standing signs shall be 40 feet and the maximum area shall be 200 square feet for businesses located in the HC zoning district that provide goods or services which are oriented towards travelers on the interstate such as gas stations, convenience foods, lodging or similar businesses. This is not to be construed as destination commercial locations that draw from a regional customer area.

Section 10.7. Permitted Temporary Signs.

The following temporary signs shall be permitted in accordance with the regulations herein. All temporary signs that are located within or that overhang the public right-of-way or on public property are explicitly prohibited.

10.7.1.

- A. Residential Real Estate. One (1) non-illuminated sign used for advertising land or buildings for rent, lease, or sale shall be permitted in the RC, AG-1, AG-2, RR and R-1A, R-1B, R-1C, R-1D, R-2A districts provided, such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet. If the lot or parcel has a multiple frontages, one (1) additional sign not exceeding six (6) square feet in area shall be permitted on the property on each frontage. Under no circumstance shall more than two (2) such signs be permitted on a lot or parcel. Such sign (s) shall be removed within seven (7) days after sale, rent, or lease.
- B. Non-Residential Real Estate. One (1) non-illuminated sign used for advertising land or buildings for rent, lease, or sale shall be permitted in the GC, HC, VC, O, R-O, and LI districts provided such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of twenty (20) square feet and a height of twelve (12) feet. If the lot or parcel has multiple frontages, one (1) additional sign not exceeding twenty (20) square feet in area shall be permitted on the property on each frontage. Under no circumstance shall more than two (2) such signs be permitted on a lot or parcel. Such sign(s) shall be removed within seven (7) days after sale, rent, or lease.
- C. Real Estate Directional Signs for Property Within The Township. Temporary real estate directional signs, not exceeding six (6) square feet in area and four (4) in number, showing a directional arrow and placed in back of public right-of-way or road easement, shall be permitted on approach routes to an open house. The top of such signs shall not exceed three (3) feet in height.
- D. Community Special Event. Community special event signs approved by the Zoning Administrator: Signs announcing any community, public, charitable, educational, or religious event or function, located entirely on the premises of that institution, and setback not less than fifteen (15) feet from the public right-of-way or road easement shall be permitted. Maximum sign area shall be thirty-two (32) square feet. Such signs shall be allowed no more than twenty-one (21) days prior to the event or function and shall be removed within seven (7) days after the event or function. If building mounted, these signs shall be flat wall signs and shall not project above the roofline. If ground mounted, the top shall be no more than six (6) feet above ground level.

- E. Street Banners Etc. Street banners only advertising a public entertainment or event, if such banners are approved by the Zoning Administrator and in locations designated by the Zoning Administrator, may be displayed fourteen (14) days prior to and seven (7) days after the public entertainment or event. The applicant must adhere to all rules and regulations of the Washtenaw County Road Commission and the Michigan Department of Transportation. Any permits required from these agencies must be obtained prior to applying for a permit from Lima Township.
- F. Contractors Sign(s). One (1) sign shall be permitted for all building contractors, one (1) for all professional design firms and one (1) for all lending institutions on sites under construction, each sign not to exceed six (6) square feet overall, with not more than a total of three (3) such signs permitted on one site. The sign shall be confined to the site of construction, construction shed or construction trailer and shall be removed within fourteen (14) days of issuance of a certificate of occupancy.
- G. Grand Opening Signs. Banners, pennants, balloons, or other gas filled figures shall be permitted at the opening of a new business in a commercial or industrial district, for a period not to exceed fourteen (14) consecutive days, if a temporary sign permit is approved by the Zoning Administrator. Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe traffic flow. Paragraph E. above shall apply as to all rules, regulation and permits.
- H. Festoon signs may be displayed during regular business hours. Such signs shall be removed when the associated business is not open. Such signs shall be located on the property for which they are advertising and shall only be permitted in a number not to exceed one (1) sign per one hundred feet of frontage.

10.7.2. **Seasonal Off-premise Farm Product Directional Signs.** Seasonal Off-premise Farm Product Directional Signs may be permitted in all districts subject to the review of the Zoning Administrator and the following standards:

- A. No more than four (4) signs per use shall be permitted.
- B. The size of an off-premise farm product directional sign shall not exceed six (6) square feet in size.
- C. The height of an off-premise farm product directional sign shall not exceed five (5) feet. However, variations in height may be granted by the Zoning Board of Appeals to accommodate vehicular visibility to avoid obstruction to visibility.
- D. Illumination shall not be permitted.

- E. Proof shall be supplied by the applicant that all appropriate standards of the Washtenaw County Road Commission are met. Written permission of the property owner where the proposed sign is to be located must be provided.
- F. Seasonal Off-premise Farm Product Directional Signs may be displayed sixty (60) consecutive days twice a year.

Section 10.8. Billboards (Off-Premise Commercial Signs).

The following regulations shall apply to billboards.

10.8.1. Where Permitted. Billboards shall be permitted only in the HC and LI Districts, only on unimproved lots as the principle use, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.

10.8.2 Spacing.

- A. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
- B. No billboard shall be located within one thousand (1,000) feet of a ramp at an interchange.
- C. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, the required distance from a residential zoning district and/or an existing residence shall be three hundred (300) feet.
- D. No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any side or rear property lines of the premises on which the billboard is located.
- E. Tandem, stacked, double faces, or "V" shaped billboards are not permitted.

10.8.3. **Height.** The height of a billboard shall not exceed twenty (20) feet above the ground level, provided, however, that the permitted height may be increased up to forty (40) feet by the Zoning Board of Appeals, if it can be shown that excessive grades, building interference, bridge obstruction, and the like exist.

10.8.4. **Surface Area.** The surface display area of any side of a billboard may not exceed three hundred (300) square feet.

10.8.5 **Illumination.** A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any

portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. All lighting shall be aimed downward. In no event shall any billboard be animated or flashing, nor shall the lights be permitted to rotate or oscillate.

10.8.6. Construction and Maintenance.

- A. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- B. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
- C. A billboard shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area; and
- D. Not be hazardous or disturbing to existing projected future uses.

Section 10.9. Miscellaneous Permitted Signs.

10.9.1. Menu Board. One (1) menu board for a drive-in or drive-through restaurant shall be permitted in addition to other signs permitted under these regulations, provided such sign does not exceed sixteen (16) square feet in area or six (6) feet in height from finished grade.

10.9.2 Electronic message signs. Electronic Message Signs shall be permitted only within the highway commercial zoning districts, as either a monument sign, wallmounted sign, or window sign. This shall exclude electronic menu boards for drive-through restaurants if such sign is not visible from the roadway or neighboring properties. Electronic Message Signs shall be allowed subject to the sign regulations for the zoning district and subject to the following additional regulations:

- a) The electronic display shall not be animated, flashing, multi-colored, or scrolling.
- b) The frequency of the message change shall be restricted to no more than once every eight (8) seconds.
- c) The maximum area of an electronic message board shall be considered a part of a wall or ground sign and shall not exceed twenty percent (20%) of the total sign area as allowed per zoning district and sign regulations of this article.
- d) The maximum height of an electronic message sign shall conform to the height regulations for signs allowed in each zoning district.
- e) The electronic message sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. An electronic message sign shall possess automatic dimming capabilities so that the maximum luminescence level is not more than fifteen (15) foot-candles measured four

(4) feet perpendicular to any surface. This shall exclude billboards, which are subject to Section 10.8.

- f) Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password-protected software or other method satisfactory to Lima Township.

10.9.2. **Changeable Copy Signs.** Manual changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign provided that the area devoted to changeable copy does not exceed twenty (20%) percent of the permissible sign area.

- A. Lettering used on manual changeable copy signs directed to local or collector streets shall be no greater than three (3) inches in height.
- B. Lettering used on manual changeable copy signs directed to secondary or major arterial streets shall be no greater than six (6) inches in height.
- C. Lettering used on manual changeable copy signs directed to pedestrians shall be no greater than two (2) inches in height.

10.9.3. **Off-premise Directional Signs.** Off-premise directional signs directing vehicular traffic to a church, governmental building, or educational institution may be permitted in all districts subject to the review and approval of Zoning Administrator and the following standards:

- A. No more than two (2) signs per use shall be permitted.
- B. The size of an off-premise directional sign shall not exceed six (6) square feet in size.
- C. The height of an off-premise directional sign shall be no less than three (3) feet and shall not exceed six (6) feet. However, variations in height may be granted by the Zoning Administrator to accommodate vehicular visibility to avoid obstruction to visibility.
- D. Illumination shall not be permitted.
- E. Proof shall be supplied by the applicant that all appropriate standards of the Washtenaw County Road Commission are met. Permission of the property owner where the proposed sign is to be located must be provided.

Section 10.10. Removal of Signs

10.10.1. The Township Zoning Administrator shall order the removal of any sign erected or maintained in violation of this ordinance, found unsafe or determined to be abandoned.

10.10.2. Removed.

10.10.3. Removed.

10.10.4. **Violation.** The Township Zoning Administrator shall order the removal of any sign erected or maintained in violation of this ordinance. Ten (10) days notice in writing shall be given to the owner of the premises on which such sign is located, to remove the sign or to bring it into compliance with this ordinance. Upon failure, of the owner to remove the sign or to comply with this notice in good faith, and upon the Zoning Administrator finding that the sign is still in violation after the ten (10) day notice period, the Township will undertake to remove and dispose of the sign or shall institute legal proceedings, if warranted, pursuant to Section 10.10 herein. All cost associated with the removal of said sign including staff time or legal fee will be assessed to the property owner.

10.10.5. **Unsafe.** The Township shall remove any sign immediately and without notice if it reasonably appears that the condition of the sign is such condition as to present an immediate threat to the safety of the public.

10.10.6. **Abandoned.** If the business or activity to which the sign pertains is determined to be abandoned, the Township Zoning Administrator shall exercise all reasonable means at his disposal to determine whether the abandonment actually has occurred. If, after completion of his investigation he determines that the business or activity has been abandoned for a period of ninety (90) days or more, the Township will undertake to remove and dispose of the sign or institute legal proceedings, if warranted, pursuant to Section 10.10 herein.

Section 10.11. Non-Conforming Signs. Where a lawful sign or sign structure exists at the effective date of adoption of this Ordinance that could not otherwise be built under the terms of this Ordinance by reason of height, size, setback, or other characteristics, such sign or sign structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such sign or sign structure may be enlarged or altered in a way which increases its non-conformity.
- B. A change solely in the wording of the copy will not be considered an increase in non-conformity.
- C. Any proposed modification to the sign structure, except as noted in paragraph B. above, will require reconstruction or relocation in conformity with the provisions of this Ordinance.
- D. Should such sign be destroyed by any means to an extent of more than fifty (50%) percent of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

- F. All non-conforming signs shall be registered with the township. The Zoning Administrator shall register and keep a list of all non-conforming signs and their location.

Section 10.12. Permits Required.

10.12.1 All signs, unless specifically listed in Section 10.3.9, Exemptions, must have a sign permit, issued by the Zoning Administrator. In addition all fees shall be paid. The Township Board shall set all fees by resolution.

10.12.2. It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, unless specified otherwise in the Ordinance.

10.12.3. A permit for a temporary sign shall be issued by the Zoning Administrator only if the proposed sign meets all requirements of the Ordinance. A permit is not required if an alteration of an existing sign is limited to the information communicated on the sign without increasing its size, and structural modification of the sign is not required.

10.12.4. Once a sign permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Zoning Administrator. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Township.

10.12.5. The application for a sign permit shall be made by the owner or tenant of the property, on which the sign is to be located, or his authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the Township and shall be signed by the applicant. If the applicant is not the property owner, a written statement of permission from the property owner must be provided with the application for a sign permit.

10.12.6. The application for a sign permit shall be accompanied by the following plans and other information:

- A. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
- B. The location by street address and parcel identification number of the proposed sign structure.
- C. Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application as determined by the Zoning Administrator.
- D. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.

- E. Application for and required information for such application, an electrical permit for all electrical signs if the person building the sign is to make the electrical connection.
- F. A statement of valuation.

Section 10.13. Responsibility for Signs. The following regulations apply to all signs:

- A. The owner of the property on which a sign is located is hereby made responsible for copy, structure, lighting, and all other parts of a sign.
- B. Signs shall be constructed and erected only by individuals or companies licensed in the State of Michigan for such purpose.
- C. All signs requiring permits shall display, in a conspicuous place, evidence of the permit containing such data as might be required by the Zoning Administrator, including the name of the individual or company erecting the sign.

Section 10.14. Registry. The Zoning Administrator shall maintain an up-to-date registry of each off-premise commercial sign or each sign over thirty two (32) square feet erected in Lima Township after the effective date of this ordinance. The registry shall contain the following information: location of the sign, name and address of the property owner, advertiser, and individual or company erecting the sign, the height, dimensions and face area, and date of placement on the site.

Section 10.15 Removal of Sign Without Notice. The Township Zoning Administrator may without notice remove or order the removal of any sign in violation of this Ordinance, if any one of the following conditions occur:

- A. When the sign owner or location of the responsible party is not known.
- B. Sign is placed in the public right-of-way.
- C. Sign is placed on private property without the consent of the landowner.
- D. The sign is determined to be unsafe.

(Amended, effective date: June 27, 2018)

ARTICLE 11

OFF-STREET PARKING AND LOADING

Section 11.1. Intent and Purpose. The purpose of this section is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the Township or with land uses allowed by this Ordinance.

Section 11.2. General Provisions.

11.2.1. **Where Required.** In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

11.2.2. Plans and specifications showing required off-street parking spaces, including the means of access, ingress, egress, and circulation shall be submitted to the Zoning Administrator for review at the time of application for a zoning permit for the erection or enlargement of a building or at the time spaces are added or altered, unless a site plan is required under Article 7, Site Plan Review herein, in which case this requirement shall not apply.

11.2.3. **Existing Off-Street Parking at Effective Date of Ordinance.** Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.

11.2.4. **Required Greenbelt and Setbacks.** Off-street parking, including maneuvering lanes, shall not be located within the required front yard or front greenbelt in accordance with the requirements found in Section 6.2, Landscaping, Greenbelts, Buffers, and, Screening. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum ten (10) foot setback is maintained between off-street parking and the side and rear lot lines abutting residentially zoned or used property and a minimum five (5) foot setback is maintained between off-street parking and the side and rear lot lines of all other properties. Except that the above minimum distances, walls screens, or compact plant strips are not required for single-family residences in the RC, AG-1, AG-2, RR, R-1A, R-1B, R-1C, R-1D and R-2A districts.

11.2.5. **Parking Duration.** Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district wrecked or junked cars, or for creating a junk yard or a nuisance in such areas.

11.2.6. Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of light delivery type, not to exceed three quarter (3/4) ton, shall be permitted for each dwelling unit. The parking of any other type of commercial vehicle, except those belonging to a church or school and parked on church or school property, is prohibited in any residential district. Parking of recreation vehicles shall be regulated as provided in Section 5.34, herein. Parking spaces for dwelling units may be provided in garages, carports, or parking areas, or combinations thereof, and shall be located on the premises of the principal building(s).

11.2.7. **Units and Methods of Measurement.** For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- A. **Floor Area.** Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area's within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.
- B. **Employees.** For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- C. **Places of Assembly.** In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- D. **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) parking space.

11.2.8. Location of Parking.

- A. **One (1) and Two (2) Family Dwellings.** The off-street parking facilities required for one (1) and two (2) family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Article.
- B. **Multiple-Family Residential.** The off-street parking facilities for multi-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as set forth in this Article. In no event shall any parking space be located nearer than ten (10) feet to any main building.
- C. **Other Land Uses.** The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
- D. **Restriction on Parking on Private Property.** It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property without the authorization of the owner or agent of such property.

11.2.9. Storage of merchandise or vehicle parts in any uncovered parking area in any district is prohibited.

Section 11.3. Off Street Parking Requirements.

11.3.1. The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the schedule set forth in Section 11.4. Parking requirements listed in Section 11.4 shall not include off-street stacking spaces for drive-through facilities set forth in Section 11.7.

11.3.2. **Similar Uses and Requirements.** When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.

11.3.3. **Collective Provisions.** Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with Section 11.4 of this Article.

11.3.4. Flexibility in Application of Parking Requirements.

- A. The Township recognizes that due to the specific requirements of any given development, inflexible application of the parking standards set forth in Section 11.4. may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space, which could be left as open space.
- B. The Planning Commission may permit deviations from the requirements of Section 11.4. and may require more, or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.
- C. The Planning Commission may attach conditions to the approval of a deviation from the requirement of Section 11.4 that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions, which ensure that adequate reserve area, is set aside for future parking, if needed.

Section 11.4 Table of Off-Street Parking Requirements.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table:

Use	Required Number of Parking Spaces Per Each Unit of Measure as Follows:	
A. Residential Uses.		
1) Dwelling - Mobile Home Park	2	Per each dwelling unit, plus
	1	Per each two (2) employees
2) Single- or Two-Family Dwelling	2	Per each dwelling unit
3) Multiple-Family Dwelling	2	Per each dwelling, plus
	1	Per each ten (10) dwelling units
4) Senior Citizen Housing	1	Per each dwelling unit, plus
	1	Per each ten (10) dwelling units
	1	Per each employee

B. Institutional Uses.

1) Churches	1	Per each three (3) seats based on maximum seating capacity in the main place of assembly therein. In the absence of seats, pews or chairs. The Fire Marshall shall set the capacity of the building. Parking will be based on 1 space for every three (3) people up to maximum number set by the Fire Marshall.
2) Private Clubs & Lodges	1	Per each three (3) individual members allowed within the maximum occupancy load as established by fire and/or building codes
3) General or Specialty Hospitals	1 1 1	Per each four (4) beds, plus Per staff doctor, plus Per each employee
4) Convalescent Homes, Homes for the aged, Nursing Homes, Children's Homes, Sanitariums	1 1 1	Per each five (5) beds, plus Per each staff doctor, plus Per each employee
5) High Schools, Trade Schools, Colleges & Universities	1 1 1	Per each teacher, plus Per each ten (10) students, plus Per each employee
6) Elementary & Junior High Schools plus	1 1 1	Per each teacher, plus Per each twenty-five (25) students, Per each employee
7) Child Care Center, Day Nurseries, or Nursery Schools	1 1	Per each five (5) students, plus Per each employee
8) Stadiums, Sports Arenas, and Auditoriums	1	Per each four (4) seats based on maximum seating capacity
9) Libraries, & Museums	1	Per each five hundred (500) sq. ft. of floor area

C. Commercial Uses.

1)	Retail Stores, not elsewhere classified	1	Per each one hundred (100) sq. ft. of floor area specified herein
2)	Supermarkets, drugstores, and other floor self-serve retail establishments	1	Per one hundred fifty (150) sq. ft. of area
3)	Convenience Stores and Video Stores	1	Per one hundred (100) sq. ft. of floor area
4)	Planned shopping center	1	Per one hundred (100) sq. ft. of floor area for the first 15,000 sq. ft., plus
		1	Per one hundred fifty (150) sq. ft. of floor area in excess of 15,000 sq. ft.
5)	Furniture, Appliances, Hardware, Household Equipment Sales and Repair shops.	1	Per each four hundred (400) sq. ft. of floor area, plus
		1	Per each employee
6)	Motels and Hotels	1	Per each guest bedroom, plus
		1	Per employee, plus amount required for accessory uses, such as a restaurant or cocktail lounge
7)	Fast Food Restaurants	1	Per each one hundred twenty-five (125) sq. ft. of floor area, plus
		1	Per each employee
8)	Sit-Down Restaurants	1	Per each three (3) seats, based on maximum seating capacity, plus
		1	Per each employee
9)	Taverns and cocktail lounges	1	Per each three (3) persons allowed within the (other than fast food restaurants) maximum occupancy load as established by fire and/or building codes, plus
		1	Per each employee
10)	Garden Stores, Building Material Sales	1	Per each eight hundred (800) sq. ft. of lot area used for said business provided for herein

11) Movie Theaters	1	Per each four (4) seats based on the maximum seating capacity, plus
	1	Per each employee.
12) Self-serve laundry or dry cleaning stores	1	Per each two (2) washing, drying, or dry cleaning machines.
13) Wholesale Stores, Machinery Sales, of and other similar uses	1	Per each one thousand (1,000) sq. ft. floor area, plus
	1	Per each employee
14) Mini-Self Storage Facilities	1	Per every one hundred 150 storage spaces or fraction thereof shall be located adjacent to the office. A minimum of three (3) spaces shall be provided.

D. Automotive Uses

1) Auto Sales	1	Per each two hundred (200) sq. ft. of showroom floor area, plus
	1	Per each employee, plus
	1	Per each service stall
2) Automotive Repair Facilities	2	Per each service stall, plus
	1	Per each employee, plus
	1	Per each service vehicle
3) Auto Service Stations without Convenience Store	1	Per each pump unit, plus
	2	Per each service stall, plus
	1	Per each employee
4) Auto Service Stations with Convenience Store	1	Per each pump unit, plus
	2	Per each service stall, plus
	1	Per each employee, plus
	1	Per each one hundred (100) sq. ft. of floor area devoted to retail sales and customer service
5) Car Washes (self-serve)	1	Per each wash stall, plus
	1	Per each vacuum station, plus
	1	Per each employee

6)	Car Washes (Automatic)	1	Per two hundred (200) sq. ft. of floor area of customer waiting and service areas, plus
		1	Per each vacuum station, plus
		1	Per each employee
7)	Collision or Bump Shops, and other similar uses	2	Per each stall or service area, plus
		1	Per each employee

E. Office and Service Uses

1)	Medical & Dental Office	1	Per each one hundred fifty (150) sq. ft. of floor area
2)	Business & Professional Offices	1	Per each two hundred (200) sq. ft. of floor area
3)	Banks	1	Per each two hundred (200) sq. ft. of floor area
4)	Barber & Beauty Shops	3	Per each chair
5)	Funeral Homes	4	Per each parlor, or
		1	Space for each fifty (50) square feet of floor area in parlors, whichever is greater, plus
		1	Per each fleet vehicle.

F. Recreational Uses

1)	Bowling Alleys	4	Per bowling lane, plus
		1	per employee, plus, amount required for accessory uses such as a restaurant or cocktail lounge
2)	Private Tennis, Swim or Golf Clubs, or other similar uses	1	Per each two (2) memberships, plus Amount required for accessory uses such as a restaurant or cocktail lounge
3)	Golf Course, open to the general public	5	Per each hole, plus
		1	Per each employee, plus Amount required for accessory uses such as a restaurant or cocktail lounge. See Commercial Use #9.

G. Industrial Uses

1)	Manufacturing, Fabricating, Processing, Research and Testing Establishments.	1 1	Per each employee, or Per each eight hundred (800) sq. ft. of floor area (whichever is greater)
2)	Warehouses and Storage Buildings	1 1	Per each employee, or Per each two thousand (2,000) sq. ft. of floor area (whichever is greater)
3)	Contractors Office/Establishment	1 1	Per each employee, plus For each vehicle stored on the premises.
4)	Utility Substations	1	Per each employee.
5)	Auto Wrecking and Junk Yards	1 1 2	Per each employee, plus space for each operating vehicle stored on the premises, plus spaces for each acre of land in the yard.

Section 11.5. Off-Street Parking Lot Construction and Operation.

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator and the Township Engineer before actual use of the property as a parking lot and before a Certificate of Occupancy is issued. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot.

11.5.1. All such parking lots, driveways, or loading areas required for uses other than single- or two-family residential shall be hard-surfaced with asphalt or concrete pavement, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a Certificate of Occupancy being issued. Drainage for parking lots shall conform to the standards set forth in Section 6.10, Stormwater Management.

The Planning Commission may; in its discretion, waive the requirements of this section provided the following conditions are met:

- A. Where driveways, loading, turn-around, or storage areas receive only limited use and are not used for employee parking, customer parking, or primary access.
- B. Where gravel surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties.
- C. Where hard surfacing will significantly increase storm water run-off and create a potential for flooding and/or soil erosion, and where it can be demonstrated that certain site restraints prohibit the development of on-site retention/detention facilities to accommodate the increase in stormwater run-off from such hard surfacing.

11.5.2. All illumination for all such parking lots shall meet the standards set forth in Section 6.7, Artificial Lighting, Exterior Lighting and Glare. The source of illumination in all parking lots abutting a residential area shall not be more than sixteen (16) feet above the parking lot surface.

11.5.3. Parking lot landscaping and buffering requirements set forth in Section 6.2, Landscaping, Greenbelts, Buffers, and Screening shall be met.

11.5.4. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives shall be provided for all vehicles.

11.5.5. Where necessary to prevent encroaching upon pedestrian walkway or damaging required landscaping, wheel stops shall be provided.

11.5.6. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations.

Maneuvering Lane Width		Parking		
One-way	Two-way	Parking Pattern	Parking Space Width	Parking Space Length
12 ft	20 ft	0 degrees Parallel	9 ft	25 ft
12 ft	20 ft	30 - 53 degrees	9 ft	20 ft
15 ft	24 ft	54 - 74 degrees	9 ft	20 ft
15 ft	24 ft	75 – 90 degrees	10 ft.	20 ft

Section 11.6. Off-Street Loading Requirements.

On the same premises with every building or part thereof, erected, and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading services in order to avoid undue interference with street or parking areas. Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area (Sq. Ft.)	Loading & Unloading Spaces Required in Terms of Sq. Ft. Gross Floor Area
0-1,999	None
2,000-20,000	One (1) space
20,000 - 100,000	One (1) space plus one (1) space for each 20,000 sq. ft in excess of 20,000 sq. ft
100,000 - 500,000	Five (5) spaces plus one (1) space for each 40,000 sq. ft in excess of 100,000 sq. ft
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 sq. ft in excess of 500,000 sq. ft

11.6.2. Double Count. Off-Street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

Section 11.7. Off-Street Stacking Space for Drive-Through Facilities. All businesses, which provide drive-through facilities for serving customers within their automobile, shall provide adequate off-street stacking space and lanes, which meets the following requirements:

- A. Each stacking space shall be computed on the basis of ten (10) feet in width and twenty (20) feet in length. Each stacking lane shall be a minimum of twelve (12) feet in width.

- B. Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner, which promotes pedestrian and vehicular safety.
- C. For all drive-through facilities, which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be serviced.
- D. The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

Use	Stacking Spaces Per Service Lane Minimums*
Banks	4
Photo Service	4
Dry-Cleaning	4
Fast-Food Restaurants	6
Car Washes (self-service)	
Entry	3
Exit	1
Car Washes (Automatic)	
Entry	6
Exit	2

*Additional stacking spaces may be required at the discretion of the Planning Commission.

Section 11.8. Requirements for Barrier Free/Accessible Parking Spaces

11.8.1 Where parking is provided the following number of barrier free/accessible parking spaces will be provided.

Total Parking Spaces Provided	Required Minimum Number Of Accessible Spaces
1-25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus 1 for each 100 over 1,000

VAN SPACES: For every fraction of eight (8) accessible parking spaces, at least one (1) shall be a van-accessible parking space.

Source: 2000 Michigan Building Code, Section 1106, Parking and Passenger Loading Facilities.

11.8.2. Barrier Free/Accessible Parking Spaces–Width/Length. Accessible parking spaces are required to be a minimum width of ninety-six (96) inches with an adjacent access aisle of a minimum of sixty (60) inches in width. Total length to be twenty (20) feet at passenger loading zones, and be parallel to the vehicle pull up space. Van-accessible parking spaces require a minimum clear height of ninety-eight (98) inches, as well as an access aisle with a minimum width of ninety-six (96) inches for clearance of operation of van-mounted wheelchair lifting devices and vans with raised roofs.

11.8.3. For other requirements on Barrier Free Design refer to the most recent Michigan Building Code.

ARTICLE 12

NON-CONFORMING USES, STRUCTURES AND LOTS

Section 12.1. **Intent.** Certain existing lots, structures and uses of lots and structures were lawful before this Ordinance was adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such non-conformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various Districts.

Section 12.2. **Non-Conforming Lots.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance and no portion of said parcel or lot shall be used or sold which does not meet the minimum lot width and area regulations established by this ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the minimum regulations in this ordinance.

Notwithstanding the above, if any portion of a non-conforming lot of record or any portion of two (2) or more lots or combination of lots or portions of lots with continuous frontage in single ownership, which are of record at the time of passage or amendment of the Ordinance and where all or a. part of the lots do not meet requirements for lot width area as established by the Ordinance, are conveyed so that any residual portion does not conform with all requirements of this Ordinance, then the remaining or residual lot or portion of a lot shall lose any benefit or exemption which it enjoys under this section. The remaining or residual lot or portions of lots shall not be entitled to any building permits, additional use, new structures or replacements except by application to the Board of Zoning Appeals as a variance under the provisions of Article 13.

In the application of this Ordinance a substandard or non-conforming lot, created by conveyance, division, subdivision, or residual shall be considered merged with any adjacent land or lots in the same ownership to produce a lot which conforms to the requirements of this Zoning Ordinance or brings non-conforming lots into greater conformance to this Ordinance. Such merger is automatic and no action of any municipal official is necessary to effect the merger. Such merger shall occur when said adjoining lots are in the same common ownership and have the same frontage. For purposes of this regulation:

- A. Common Ownership whether that is designated as "single ownership" or "separate ownership" throughout this Ordinance shall be construed and applied where the individual estates in the land have common economic, beneficial, or equitable legal interests in common between them.
- B. These regulations shall be construed so that the purposes of the Ordinance are accomplished.
- C. Boundaries established by survey, plats, and tax descriptions shall be disregarded in the application of the Ordinance.
- D. It is the obligation of the owner of land to maintain conformance, as nearly as possible with the lot area and lot width requirements of the Ordinance.

Section 12.3. Non-Conforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of the Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. In such non-conforming use of land ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by the Ordinance for the district in which such land is located.

Section 12.4. Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way, which increases its non-conformity.
- B. Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 12.5. Non-Conforming Uses of Structures and Land. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject of the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the non-conforming use may not thereafter be resumed. Section 12.4 of this section shall apply to any non-conformity relating to the structure(s).
- D. If such non-conforming use of land and structures ceases *for any reason* for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be exempted from this provision only so long as seasonal uses shall continue.

- E. Where non-conforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land.
- F. If no structural alterations are made, any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

Section 12.6. Repairs and Maintenance. On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50%) percent of the replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Section 12.7. Uses Allowed As Special Approval Uses, Not Non-Conforming Uses. Any use for which a general exception, condition approval, or special approval is permitted as provided in this Ordinance, shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

Section 12.8. Change of Tenancy or Ownership. There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures, and premises provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

ARTICLE 13

ZONING BOARD OF APPEALS

Section 13.1. Board Established. The Zoning Board of Appeals, hereinafter referred to as the Board of Appeals, is hereby established, in accordance with Act 110 of the Public Acts of 2006. (Amended, effective date: September 28, 2006)

Section 13.2 Membership and Terms.

13.2.1. The Board of Appeals shall consist of not fewer than five (5) members if the Township has a population of five thousand (5,000) or more and not fewer than three (3) members if the Township has a population of less than five thousand (5,000). The number of members shall be set by resolution of the Township Board. The Township Board shall appoint all members. (Amended, effective date: September 28, 2006)

13.2.2. The first member of the Board of Appeals shall be a member of the Township Planning Commission.

13.2.3. The remaining regular and any alternate members of the Board of Appeals shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. (Amended, effective date: September 28, 2006)

13.2.4. One (1) regular member may be a member of the Township Board but shall not serve as chairperson of the Board of Appeals. (Amended, effective date: September 28, 2006)

13.2.5. The term of office of each member shall be for three (3) years except for members serving because of their membership on the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Planning Commission, or Township Board respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

13.2.6. An employee or contractor of the Township Board shall not serve as a member or an employee of the Board of Appeals.

13.2.7 Removal of Members/Conflict of Interest:

- A. The Township Board shall provide for the removal of a member of the Zoning Board of Appeals for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing.
- B. A member of the Zoning Board of Appeals shall disqualify herself or himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify herself or himself from a vote in which the member has a conflict of interest constitutes malfeasance in office. (Amended, effective date: September 28, 2006)

13.2.8. **Alternate Members.** The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member, if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. (Amended, effective date: September 28, 2006)

Section 13.3. General Procedures of the Board of Appeals.

13.3.1. **Rules.** The Board of Appeals shall adopt rules and regulations to govern its procedures. The Board of Appeals shall elect a Chair, Vice-Chair, and Secretary from its membership. An elected officer of the township shall not serve as Chair of the Board of Appeals.

13.3.2. **Votes.** A concurring vote of a majority of the members of the Board of Appeals shall be necessary for any decision. The Board of Appeals shall not conduct business unless a majority of its members is present.

13.3.3. **Representation.** Any person(s) may appear on their own behalf at a hearing, or may be represented by an agent or attorney.

13.3.4. **Timeliness.** The Board of Appeals shall decide upon all matters within a reasonable time from the filing date. The decision of the Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case.

13.3.5. **Meetings.** Meetings of the Board of Appeals shall be held at the call of the Chair and at such times as the Board in its rules and regulations might specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

13.3.6. **Oaths.** The Chair of the Board of Appeals, or in the Chairman's absence, the acting chair, may administer oaths and compel the attendance of witnesses.

Section 13.4. Powers and Duties of the Board of Appeals.

13.4.1. The Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006 as amended, so that the objectives of this ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Board of Appeals shall: **(Amended, effective date: September 28, 2006)**

- A. Hear and decide appeals of any administrative decision of any official or body on any requirement of this ordinance.
- B. Grant or deny requests for variances.
- C. Grant or deny requests for the expansion or alteration of non-conforming buildings and structures.
- D. Grant or deny requests for substitutions of non-conforming uses. The use being considered as a substitute must be equal to or less intense than the non-conforming use being replaced.

13.4.2. The Board of Appeals shall not alter or change the zoning district classification of any property, or make any change in the terms of this ordinance, and shall not take any action which would have as a result the making of legislative changes in this ordinance.

Section 13.5. Fees. A schedule of fees of the Zoning Board of Appeals shall be established by resolution of the Township Board.

Section 13.6. Hearings. Following receipt of a written request concerning a request for a variance, the Board of Appeals shall hold a public hearing on each question submitted to it for decision. The Chair of the Board of Appeals shall fix a reasonable time and date for the hearing. The Board of Appeals shall also give a notice of the hearing in accordance with Article 3, Section 3.3.3, Procedures, herein. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Board of Appeals prior to the public hearing. **(Amended, effective date: September 28, 2006)**

Upon receipt of a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision the Board of Appeals shall give notice of a public hearing in accordance with Article 3, Section 3.3.3, Procedures, herein. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, the written notice shall also state the nature of the interpretation request and shall be sent by first-class mail or personal delivery to all persons as described in Section 3.3.3. (Amended, effective date: September 28, 2006)

Section 13.7 Appeals (General Rules). All questions concerning interpretation and application of the provisions of this ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Board of Appeals shall be to the courts as provided by law.

Section 13.8. Appeals (Procedures).

13.8.1. Appeals shall be filed within thirty (30) days of the decision in question. The appeal shall be filed with the Township Clerk. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The Zoning Administrator shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken, within seven (7) days of the filing date. The appellant may be required by the Board of Appeals to submit additional information to clarify the appeal.

13.8.2. Appeals may be taken from any person aggrieved or by any officer, department, board, agency, or bureau of the Township, County, State or Federal government.

13.8.3. A non-refundable fee shall be paid to the Township Clerk at the time of filing the notice of appeal and shall be deposited in the Township's General Fund.

13.8.4. An appeal stops all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Appeals after the notice is filed that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by order of the Board of Appeals, or by a court of record (with notice to the Zoning Administrator from whom the appeal is taken), and if reasonable cause is shown.

13.8.5. During the appeal process, the appellant shall discontinue the alleged illegal action or condition unless expressly permitted by the Board of Appeals, or a court of record, due to imminent peril to life or property.

13.8.6. The Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made or may issue or direct the issuance of a permit, and to that end shall have the powers of the public official from whom the appeal is taken. (Amended, effective date: September 28, 2006)

Section 13.9. Variances (Intent).

13.9.1. The Board of Appeals shall have all powers and duties provided by statute and this ordinance, including the power to effect any variation in this ordinance. Where there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, the Board of Appeals may vary or modify any of the ordinance rules, or provisions so that the spirit of the ordinance is observed, public safety is secured, and substantial justice is done. Reasonable conditions may be required with the granting of any variance. The conditions may include conditions necessary to insure that public or private services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads, caused by the land use or activity; to protect the natural environment and conserve natural resources and energy; to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land-use or activity under consideration; residents and land owners immediately adjacent to the proposed land use or activity; and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of this Zoning Ordinance; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to insure compliance with these standards.

13.9.2. Intent With Respect to Temporary Housing For Aged Parents. The Board of Appeals may find that there are practical difficulties or necessary hardships in carrying out the strict letter of this Zoning Ordinance, where there is an existing or proposed temporary use of one (1) mobile home as an additional dwelling space to an existing principal dwelling, all located on one (1) lot, solely occupied by a retired parent or step-parent and spouse, one of whom is at least seventy (70) years of age or older, or unable to care for him or herself, for the purpose of enabling the retired parents to live in a secure environment, where their well-being or security requires housing proximate to the principal dwelling occupied by the family of the aged parent.

Section 13.10. Variances (Procedures).

13.10.1. **Filing.** An application for a variance shall be filed with the Township Clerk by the record owner of the lot in question or by a person(s) authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the information required in this Section. The Clerk shall transmit the application and information to each member of the Board of Appeals and to the Zoning Administrator within seven (7) days of the filing date.

13.10.2. **Information Required.** Each application for a variance shall contain the following information:

- A. Legal description, address, and tax parcel number of the subject lot.
- B. An accurate, scaled drawing of the lot, showing all property lines, dimensions, and bearings or angles, correlated with the legal description; all existing and proposed structures and uses on the lot; actual measurements of structure dimensions and locations on the drawing; lot area; and all calculations necessary to show compliance with regulations of the zoning ordinance.
- C. Name and address and phone numbers of the applicant, and property owner(s), and the interest of the applicant in the property.

13.10.3. **Standards For Review.** The Board of Appeals shall not grant a variance unless and until all of the following standards are met:

- A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district.
- B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- C. That the special conditions and circumstances do not result from the actions of the applicant.
- D. That granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- E. Any non-conforming use of neighboring lands, structures or buildings in the same district, any permitted or non-conforming uses of lands, structures or buildings in

other districts; or any non-conforming structures shall not be considered grounds for the issuance of a variance.

- F. A variance granted shall be the minimum variance that will make possible the reasonable use of the land, building or structure.
- G. The variance granted shall be in harmony with the intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- H. In granting any variance, the Board of Appeals may establish appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance, and punishable under Section 3.12, herein.
- I. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permitted under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in the district.

Section 13.11. Variances (Expiration). Each variance granted under the provisions of this ordinance shall become null and void unless the construction authorized by such variance has been commenced within one hundred eighty (180) days after granting of such variance and pursued diligently to completion, or the occupancy of land or buildings authorized by such variance and pursued diligently to completion, or the occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance. The Board of Appeals may, upon evidence of extenuating circumstances, grant not more than one (1) extension of up to one hundred eighty (180) days to the expiration date of a variance.

Section 13.12. Re-application for Variance. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

Section 13.13. Site Plan Requirements. If an application or appeal to the Board of Appeals involves the construction, alteration or expansion of a building, structure or use which requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary and final site plan approval as set forth in Article 7, Site Plan Review. The following sequence for submission shall be followed:

- A. The Planning Commission shall review said plan and shall determine the layout and other features required to obtain approval of the preliminary site plan, contingent on the variances granted by the Zoning Board of Appeals (ZBA).
- B. The Planning Commission transmits the approved preliminary site plan and the Commission's findings therein to the ZBA. The ZBA shall upon deciding on the application for appeal returns the plan and its decision and its recommendations therein to the Planning Commission for action.
- C. The applicant after making changes to the preliminary site plan relating to the recommendations of the ZBA shall submit the final site plan to the Planning Commission for final site plan approval.

Section 13.14. Appeals to Courts. Any person having an interest affected by the decision may appeal any decision of the Board of Appeals. He shall have the right to appeal to the circuit court on questions of law and fact, as provided in Act 110 of 2006, as amended. (Amended, effective date: September 28, 2006)

(Amended, effective date: September 28, 2006)

ARTICLE 14

AMENDMENTS

Section 14.1. Initiating Amendments. The Township Board may, from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this ordinance. Amendments may be initiated by the Township Board, the Township Planning Commission, or by petition of one (1) or more property owners of Lima Township, or by one or more persons acting on behalf of, and with the written consent of, a property owner(s) of Lima Township. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation before action may be taken thereon by the Township Board.

Section 14.2. Fees. The Township Board shall establish, by resolution, fees for zoning amendment petitions. The fee shall be paid in full at the time of filing of the petition, and no part of the fee shall be returnable to the petitioner. Fees shall not be required for amendments proposed or requested by any government agency or body.

Section 14.3. Amendment Procedures.

14.3.1. The procedure for amending this ordinance shall be in accordance with Act 110 of the Public Acts of 2006. (Amended, effective date: September 28, 2006)

14.3.2. The original petition and fourteen (14) copies thereof shall be filed with the Township Clerk. The Clerk shall transmit the petition and ten (10) copies thereof to the Township Planning Commission for review and report to the Township Board. The Planning Commission shall conduct at least one (1) public hearing on the petition. Notice of the public hearing shall be given in the following manner:

- A. The notice of the request shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date the application will be considered by the Planning Commission.
- B. The notice shall also be sent not less than fifteen (15) days before the date the application will be considered by the Planning Commission to all persons to whom real property is assessed within three hundred (300) feet of the property and to occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term “occupant” may be used in making notification.

- C. Each electric, gas, pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Planning Commission shall receive a notice.
- D The notice shall do all of the following:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request.
 3. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property.
 4. If there are no street addresses, other means of identification may be used.
 5. State when and where the request will be considered.
 6. Indicate when and where written comments will be received concerning the request.
 7. Indicate the place(s) and time at which the request may be examined.

14.3.3. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning the Township shall provide written notice in accordance with the requirements of Section 14.3.2. above.

14.3.4 If eleven (11) or more adjacent properties are proposed for rezoning, the Township may exempt individuals identified in Section 14.3.2.B, herein. In addition, The notice does not require the information provided in Section 14.3.2.D.3, herein. **(Amended, effective date: September 28, 2006)**

14.3.5. Criteria for Amendment of the Official Zoning Map (Rezoning). In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission and the Township Board shall consider the following criteria in making its findings, recommendations and decision.

- A. Consistency with the goals, policies and Future Land Use Map of the Lima Township Master Plan, including all applicable sub-area and/or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township;
- F. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.
- G. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district. **(Amended: Effective Date: July 2, 2009)**

14.3.6. Criteria for Amendment of the Official Zoning Ordinance Text. The Planning Commission and Township Board shall, at minimum, consider the following before taking action on any proposed amendment.

- A. Compatibility with the basic intent and purpose of the Zoning Ordinance.
- B. Consistency with the goals and objectives and Future Land Use map of the Lima Township Master Plan, including any sub-area and/or corridor studies.
- C. The requested amendment will correct an error in current appropriate documentation.
- D. The requested amendment will resolve an inequitable situation created by the Zoning Ordinance and does not grant special privileges.
- E. The requested amendment will not result in unlawful exclusionary zoning.
- F. There is documentation from Township staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.

- G. The requested amendment will address changes in state legislation, other Township ordinances, or federal regulations.
- H. The requested amendment will resolve potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan. **(Amended: Effective Date: July 2, 2009)**

14.3.7. The Planning Commission shall, following the public hearing and action on the petition, transmit the petition and a summary of comments received at the public hearing and recommendation to the Township Board.

14.3.8. The Planning Commission shall report its findings, a summary of comments from the public hearing, and its recommendations for disposition of the petition to the Township Board following the public hearing within a reasonable amount of time from the filing date. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed amendment, it shall refer it to the Planning Commission for a report thereon within a time specified by the Board. Thereafter, the Board may act upon the petition.

Section 14.4. Information Required.

14.4.1. When the petition involves an amendment to the official zoning map, the petitioner shall submit the following information:

- A. A legal description of the property, including a street address and the tax code number(s).
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The name, address and phone number of the petitioner.
- D. The petitioner's interest in the property; if the petitioner is not the record owner, the name and address and phone number of the record owner(s), and that owner(s) signed consent to the petition.
- E. Signature(s) of petitioner(s) and owner(s), certifying the accuracy of the information. In the event that a petition for a zoning amendment is initiated by the Township Board or the Planning Commission, the certification of information and certification signature by the owner(s) shall not be required.
- F. Identification of zoning classification requested, existing zoning classification of subject property.

- G. Vicinity map showing location of property, and adjacent land uses and zoning classification.

14.4.2. When a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information:

- A. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including, all changes in the zoning ordinance necessary to accommodate the proposed amendment. Additions shall be indicated by the use of all capital letters, deletions by strike through (e.g. of the text to be eliminated or changed).
- B. Name, address and phone number of the petitioner.
- C. Reasons for the proposed amendment.

Section 14.5. Publication.

14.5.1. Following Township Board approval of a petition to amend the zoning ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within Lima Township. The notice of adoption shall include the following information:

- A. Summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- B. The effective date of the amendment.
- C. The place and time where a copy of the ordinance may be purchased or inspected.

A copy of the notice shall be mailed to the airport manager as noted in Section 14.3.2. C., herein. (Amended, effective date: September 28, 2006)

Section. 14.6. Referendum. Within seven (7) days following the adoption of an amendment to the zoning ordinance, a registered elector of the Township may file with the Township Clerk a notice of intent to file a petition for a referendum on an ordinance, part of an ordinance or amendment, requesting therein for the submission of the ordinance, part of the ordinance or amendment to the electors residing in the unincorporated portion of Lima Township for their approval. If a note of intent is filed, then within thirty (30) days following the publication of said amendment or ordinance, a petition signed by a number of registered electors residing in the portion of the Township outside the limits of cities and villages equal to not less than fifteen (15%) percent of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, in the Township may be filed with

the Township Clerk requesting the submission of an ordinance, part of an ordinance or amendment to the electors residing in the portion of the Township outside the limits of cities and villages for their approval. Upon the filing of the notice of intent, the ordinance, part of the ordinance or amendment adopted by the Township Board shall not take effect until one of the following occurs:

- A. The expiration of thirty (30) days after publication of the ordinance, or part of the ordinance, if a petition is not filed within that time.
- B. If a petition is filed within thirty (30) days after publication of the ordinance, or part of the ordinance, the Township Clerk determines that the petition is inadequate.
- C. If a petition is filed within thirty (30) days after publication of the ordinance the Township Clerk determines that the petition is adequate and the ordinance, part of the ordinance or amendment is approved by a majority of the of the registered electors residing in the portion of the Township outside the limits of cities and villages voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The Township Board shall provide the manner of submitting an ordinance, part of an ordinance, or amendment to the electors for their approval or rejection, and determining the result of the election.

Section 14.7 Conditional Rezoning. As an alternative to a rezoning amendment as described in Section 14.3 of this Ordinance, the Township may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Act No. 110 of Public Acts of Michigan of 2006 as amended. It is recognized that, in certain instances, it would be an advantage to both the Township and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Township, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

14.7.1 The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Section 14.3.

14.7.2 In addition to the procedures as noted in Section 14.3, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.

- A. A conditional rezoning request must be voluntarily offered by an owner of land within the Township. All offers must be made in writing and must provide the specific conditions to be considered by the Township as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the Township and property owner, incorporating the conditional rezoning site plan

and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.

- B. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
- C. Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Article 13, Zoning Board of Appeals.
- D. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Section 3.3, Special Land Uses.
- E. All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.
- F. In addition to the informational requirements provided for in Section 14.4 of this Ordinance, the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Township. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.

14.7.3 Time Limits and Reversion of Land to Previous District.

- A. If the proposed conditions of rezoning are acceptable to the Township, the Township may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in Section 14.3 of the Zoning Ordinance.
- B. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.

- C. Upon approval of a conditional zoning, a copy of the written agreement between the property owner and Township shall be filed with the Washtenaw County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the Township.
- D. The Township may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
- E. The time limits specified and approved by the Township may be extended upon the application of the landowner and approval of the Township.

14.7.4 Review Procedures. The factors found in Section 14.3.5 of this Ordinance must be considered in any conditional rezoning request.

14.7.5 Amendments Required to Conform to Court Decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing. **(Amendment: Effective Date: July 2, 2009)**

Section 14.8. Conformance to Court Decree. Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

ARTICLE 15

REPEAL OF EXISTING ZONING ORDINANCE EFFECTIVE DATE OF NEW ORDINANCE

Section 15.1. Repeal.

The existing zoning regulations of the Township of Lima being the Lima Township Zoning Ordinance adopted May 16, 1984 as amended, are hereby repealed. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the aforementioned Ordinance, adopted May 16, 1984, as amended, if the use so in violation is in violation of the provisions of this Ordinance.

Section 15.2. Effective Date.

This Ordinance was adopted by the Lima Township Board on March 1, 2005, and notice of adoption published in the Chelsea Standard and Dexter Leader on March 10, 2005. Copies of this Ordinance may be examined at the office of the Township Clerk or Zoning Administrator by appointment. This Ordinance shall be effective March 17, 2005.

Date:

Honorable Kenneth B. Unterbrink
Supervisor

Date:

Honorable Arlene R. Bareis
Township Clerk

ARTICLE 16

INTERPRETATION AND VESTED RIGHT

Section 16.1. Interpretation and Conflict.

In the interpretation and application of the provisions of this Ordinance, the minimum requirements shall be upheld for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is also not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance. It is also not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces, or larger lot areas than are imposed or required by such other ordinance or agreements, the provisions of this Ordinance shall control.

Section 16.2. Vested Right.

It is hereby expressly declared that nothing in this Ordinance be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege or permit.

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