

Chapter 36 ZONING¹

ARTICLE I. TITLE, PURPOSES AND LEGAL CLAUSES

Sec. 36-1. Title.

This chapter shall be known as the "Zoning Ordinance of the Township of Northfield."
(Ord. of 7-22-2013, § 1.01)

Sec. 36-2. Purposes.

- (a) *General purposes.* This chapter has been established for the purpose of implementing the township land use development plan and for the purposes of:
- (1) Promoting and protecting the public health, safety and general welfare.
 - (2) Maintaining the rural, natural, and scenic qualities of the township by preserving farmland and significant open lands and promoting healthful surroundings for family life, while also providing for the needs of recreation, residence, commerce, and industry in future growth.
 - (3) Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, privacy, convenience of access to property, and lessening, and avoiding congestion on the public highways and streets.
 - (4) Fixing reasonable standards to which buildings and structures shall conform and maintaining their taxable value by regulating the use, bulk, and concentration of buildings in relation to the land surrounding them, prohibiting uses, additions, alterations or remodeling of buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
 - (5) Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare.
 - (6) Designating and defining the powers and duties of the officials in charge of the administration and enforcement of this chapter, including creating a board of appeals and defining the powers and duties thereof; providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses; providing for the payment of fees; and providing penalties for the violation of this chapter.
- (b) *Natural resource orientation purposes.* The purposes of the natural resource orientation are:

¹State law reference(s)—Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.

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- (1) To maintain the rural, natural and scenic qualities of the township. Toward this end, potential development shall be regulated to promote the preservation of natural features. Significant wildlife habitats, sensitive environmental lands and scenic vistas are to be protected.
 - (2) To incorporate and integrate the township's wooded areas, streams, wetlands, varied topography and groundwater recharge areas and habitat for plant and wildlife into appropriate development patterns so they will be preserved, where possible, and properly protected where some encroachment from development is inevitable.
 - (3) To provide regulation for the preservation and management of natural features and creation of new natural features, including:
 - a. Protection of the quality of surface water.
 - b. Protection of woodlands, upland brush, and landmark trees.
 - c. Protection of strategic open space areas for nature conservation and/or recreational use.
 - (4) To provide for the protection, preservation, proper maintenance and use of the township watercourses and wetlands in order to minimize or eliminate disturbance to them and to prevent damage from erosion, turbidity or siltation, and to prevent a loss of fish or other beneficial aquatic organisms, a loss of wildlife and vegetation or the destruction of the natural habitat thereof.
 - (5) To provide for the protection of the township's potable fresh water supplies from the dangers of drought, overdraft, contamination or mismanagement.
 - (6) To provide controls and regulations to secure safety from floods; to prevent loss of life, property damage and other losses and risks associated with flood conditions; to reduce the financial burdens imposed upon the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; to protect individual and community riparian rights; and to preserve the location, character and extent of natural drainage courses.
 - (7) To provide for the control and preservation of wetlands and buffer areas adjacent to wetlands within the township and to protect the wetlands of the township from sedimentation, destruction, and misuse.
 - a. The protection, preservation, replacement, proper maintenance, restoration, and use in accordance with the character, adaptability, and stability of the township's wetlands, wetland buffers, and wetland values in order to prevent their pollution or contamination; minimize their disturbance and disturbance to the natural habitat therein; and prevent damage from erosion, siltation, and flooding.
 - b. The encouragement of proper and reasonable economic use of wetlands and wetland buffers, the discouragement and limitation of improper use, the reduction of financial burdens improper uses impose on the community, the maintenance of harmonious and compatible land use balance within the township, and the prevention of nuisance conditions that would arise with the indiscriminate development of existing wetlands and wetland buffers.
 - (8) To provide regulations to control soil erosion and the resulting sedimentation and to protect the waters of the township by requiring adequate provisions for water disposal and protection of soil surfaces in order to promote the safety, public health, convenience and general welfare of the community.
- (c) *Agricultural orientation purposes.* To ensure that land areas within the township which, due to soils, climate and topography, are well-suited for production of food, feed or fiber, are retained for such production unimpeded by the establishment of incompatible uses which would hinder farm and forestry operations and irretrievably deplete agricultural and forest lands.

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- (d) *Residential orientation purposes.* The purposes of the residential orientation are:
- (1) To provide regulations to permit residential development that results in an enhanced living environment through the preservation of agriculture, environment, and rural landscapes.
 - (2) To provide a more environmentally sensitive residential environment by preserving the natural character of open fields, stands of trees, ponds, streams, hills and similar natural features.
 - (3) To preserve the rural landscape and protect environmentally sensitive lands from the disruptive effects of over development and inappropriate development.
 - (4) To provide a method for more efficient and aesthetic use of open space by allowing developers to reduce lot sizes while maintaining the residential density required in the underlying zoning district.
 - (5) To offer regulations as a guide for alternatives to traditional subdivisions through the use of planned community development concepts for the purpose of:
 - a. Encouraging the use of township land in accordance with its character and adaptability;
 - b. Ensuring the permanent preservation of open space, agricultural lands, and other natural resources;
 - c. Allowing innovation and greater flexibility in the design of residential developments;
 - d. Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
 - e. Ensuring compatibility of design and use between neighboring properties; and
 - f. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land.
 - (6) To provide for a variety of housing types, located within desirable residential settings, to ensure a maximum choice of dwelling units and a mix of population within the township to meet housing needs for varied population groups.
- (e) *Commercial/employment center purposes.* The purposes of the commercial/employment center are:
- (1) To protect existing public investment in infrastructure.
 - (2) To provide for commercial and employment centers integrated with surrounding land uses to serve the demonstrated needs of township residents, without creating hazards for the township's environment or creating adverse impacts on existing or proposed residential or agricultural uses.

(Ord. of 7-22-2013, § 1.03)

Sec. 36-3. Validity and severability clause.

- (a) If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in said ruling.
- (b) If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

(Ord. of 7-22-2013, § 1.04)

Sec. 36-4. Conflict with other laws.

- (a) Where any condition imposed by any provision of this chapter 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 chapter 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.
- (b) This chapter is not intended to abrogate or annul any easement, covenant or other private agreement; provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this chapter shall govern.

(Ord. of 7-22-2013, § 1.05)

Secs. 36-5—36-26. Reserved.

ARTICLE II. DEFINITIONS

Sec. 36-27. Purpose.

For the purpose of this chapter, certain terms are herewith defined.

(Ord. of 7-22-2013, § 2.01)

Sec. 36-28. Rules of construction.

The following rules of construction apply to the text of this chapter.

- (1) All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such, as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- (2) The particular shall control the general.
- (3) All measurements shall be to the nearest integer, unless otherwise specified herein.
- (4) The term "used for" includes the terms "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
- (5) The term "building" includes the term "structure." The term "build" includes the terms "erect" and "construct." A building or structure includes any part thereof.
- (6) The term "dwelling" includes the term "residence," and the term "lot" includes the term "plot" or "parcel."
- (7) The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- (8) Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as defined herein. Any term not defined herein shall have the meaning of common or standard use.

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- (9) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either/or," the conjunction shall be interpreted as follows:
 - a. *And* indicates that all the connected items, conditions provisions, or events shall apply.
 - b. *Or* indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. *Either/or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
 - (10) Words or phrases in headings shall in no way by their presence or absence limit or affect the meaning of this chapter.
 - (11) Where an illustration accompanies any item within this chapter, the written text shall have precedence over said illustrations.

(Ord. of 7-22-2013, § 2.02)

Sec. 36-29. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use, building or structure means a use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related. An accessory structure shall not include dwellings, or be used for residential or lodging purposes or sleeping quarters for human beings.

Adult regulated uses; controlled uses. The following are definitions for those uses defined as controlled uses herein:

- (1) *Adult drive-in motion picture theater* means an open space, area or premises from which persons may view motion picture films, videos or performances which are characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas.
- (2) *Adult motion picture theater* means 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.
- (3) *Adult physical culture establishment* means 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 an 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 martial or performing arts or in organized athletic activities;
 - d. Hospitals, nursing homes, medical clinics or medical offices; and

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- e. Barber shops or beauty parlors and/or salons which offer massages to the scalp, the face, the neck or shoulders only.
- (4) *Adult supply store* means premises used for the sale, distribution, display or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia or similar materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- (5) *Arcade* means any place, premises, establishment, or room within a structure within which are located three or more amusement devices. For purposes of this chapter, the term "amusement devices" means any device, machine or apparatus operated by a patron which plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term "arcade" does not include vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddie rides, juke boxes, bowling alleys, or pool tables.
- (6) *Cabaret* means 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 defined in this section) for observation by persons or patrons therein.
- (7) *Specially designated distributor's establishment* means a retail establishment, consisting of less than 15,000 gross square feet of usable retail space, or any retail establishment where more than ten percent of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to distribute alcoholic liquor, other than wine under 20 percent alcohol by volume, and beer, in the original package for consumption off the premises.
- (8) *Specially designated merchant's establishment* means a retail establishment consisting of less than 15,000 gross square feet of usable retail space, or any retail establishment where more than ten 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.

Agricultural land means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops, and field crops; dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities, but excluding concentrated animal feed operations.

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage, nurseries, orchards, poultry farms and bona fide greenhouses operated on contiguous, neighboring or associated land as a single unit carried on by the owner-operator, manager or tenant farmer by his own labor or with assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a parcel of five acres or more in area.

Alley means a dedicated public vehicular way not more than 30 feet in width which affords a secondary means of access to abutting property but is not intended for general traffic circulation or for parking, standing, or loading.

Alterations means any change, addition or modification to a structure or type of occupancy, or any change in the structural members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the interior walls or any changes in size or location of any window or door.

Animal hospital. See *Clinic, veterinary.*

Apartment means an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by

the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats. See *Dwelling, multiple-family*.

Area plan means a plan that is submitted with and is part of either a PUD request or OSPRD request. An area plan shall conform to the requirements provided in article XXIII of this chapter. For the purposes of a PUD or OSPRD, the area plan is in addition to and subject to the requirements for a subdivision plat or a site condominium review.

Automobile, unless specifically indicated otherwise, means any vehicle, including, by way of example, cars, trucks, vans, motorcycles, and the like.

Automobile car wash establishment means a building or portion thereof where automobiles are washed.

Automobile or vehicle dealership means a building or premises used primarily for the sale of new and used automobiles and other motor vehicles.

Automobile or vehicle repair garage means an enclosed building where the following services may be carried out: general repairs, engine rebuilding, reconditioning of motor vehicles; collision services, such as frame or fender straightening and repair; painting and undercoating of automobiles; and similar vehicle repair activities. In addition, the repair station provides vehicle rescue service and emergency road service.

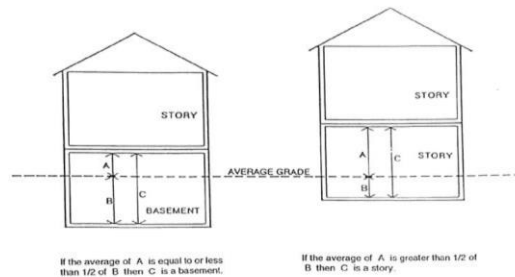
Automobile service station.

- (1) The term "automobile service station" means buildings 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 do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operable 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 is not a repair station or body shop. Automobile filling stations may also incorporate a convenience store operation as an accessory use, and which is clearly incidental to the filling station use. Parking requirements for filling station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.
- (2) The primary intent of an automobile service station, as defined herein, is to serve the needs of motor vehicles of an automobile scale and character. An automobile service station does not include an operation, commonly referred to as a truck stop or truck plaza, whose designated purpose, orientation, size, and intent is to service large semi-type trucks and offer accessory uses designed for this purpose.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Basement means that portion of a building which is wholly or partly below the average grade of the ground level, but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story.

ILLUSTRATIONS OF ZONING TERMS
BASEMENT AND STORY



Bed and breakfast inn means a dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

Bedroom means a room designed or used, in whole or in part, for sleeping purposes.

Berm means a continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this chapter. A berm may serve as a screen or buffer for noise containment or visual enhancement.

Block means the property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the township, or any other barrier to the continuity of development.

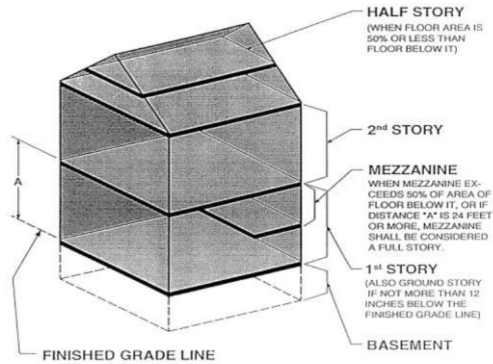
Board means the township board of trustees.

Board of appeals means the township zoning board of appeals, created pursuant to the provisions of Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

Boarding or rooming house means a building, other than a hotel, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons.

Building means any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property of any kind. A building shall include tents, awnings, semitrailers, or vehicles situated on a parcel and used for the purposes of a building.

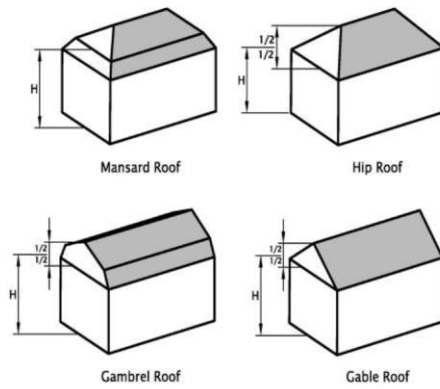
BASIC STRUCTURAL TERMS



Building, accessory. See *Accessory use, building, or structure.*

Building height.

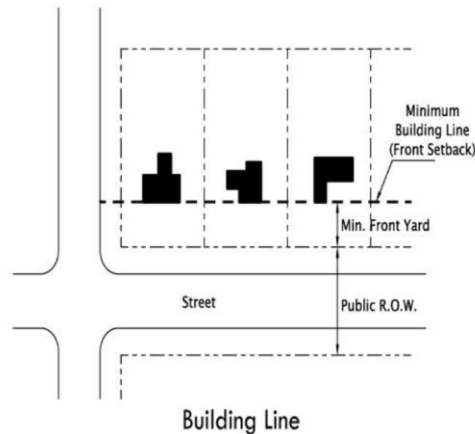
(1) The term "building height" means the vertical distance measured from the established grade to:



Building Height

- a. The highest point of the building, excluding mechanical equipment.
 - b. The highest ridge line of sloping roofs.
- (2) Where a building is located on sloping terrain, the height shall be measured from the average ground level at the building wall.

Building line means the minimum distance which any structure must be located from a property line, an easement line, a private or public street right-of-way line, or a high-water line.



Building, principal, means a building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the parcel.

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

Bulk means the size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line, and includes the following:

- (1) The size and height of a building or structure;
- (2) The location of the exterior wall of a building in relation to a lot line, street or other building;
- (3) The floor area of a building in relation to the area of the lot on which it is located;
- (4) The open spaces allocated to and surrounding a building; and
- (5) The amount of lot area per dwelling unit.

Business means any use engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services.

Business center means two or more buildings containing stores, or two or more buildings containing a combination of stores and offices, usually on separate lots and sharing a common drive or street and/or off-street parking facilities, and/or identified by a name for the center.

Caretaker living quarters means a single independent residential dwelling unit designed for those employed to look after goods, buildings, or property on a commercial or industrial parcel on which the living quarters are located.

Carport means a partially open shelter for housing of vehicles. Such structure shall comply with all yard requirements applicable to private garages.

Cemetery means land used for the burial of the dead, including columbiums, crematories, and mausoleums.

Child care center. See *Day care facilities*.

Church, synagogue, temple, mosque, or similar religious facility means any structure wherein persons regularly assemble for religious activity.

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

Clinic, veterinary, means a place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages enclosed within the walls of the clinic building. The term "veterinary clinic" excludes facilities primarily used for the boarding of animals.

Club or fraternal organization means an organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this chapter.

Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

Commercial vehicle means motor vehicles that are:

- (1) Used for the transportation of passengers for hire;
- (2) Constructed or used for the transportation of goods, wares or merchandise for hire; or
- (3) Designed and used for carrying, towing, or pulling other vehicles.

Commission means the planning commission of the township.

Community supported agriculture or CSA means 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.

Conditional land use means uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land uses may be permitted following review and approval by the planning commission, subject to the terms of this chapter.

Condominium act means Public Act No. 59 of 1978 (MCL 559.101 et seq.).

Condominium development. See *Site condominium.*

Congregate housing. See *Housing for the elderly.*

Convalescent home. See *Nursing home, convalescent home, or rest home.*

Convenience store means a one-story retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). Convenience stores are designed to attract stop-and-go traffic shopping.

Co-op (cooperative) housing means a multiple-dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

Court means an open space on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. A court shall be unoccupied.

Curb cut means the entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Day care facilities. As used in this chapter, the following definitions shall apply to day care facilities:

- (1) *Child care center* means a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The term "child care center" or "day care center" includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. The term "child care center" or "day care center" does not include any of the following:
 - a. A Sunday school, a vacation Bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
 - b. A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.
 - c. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
 - d. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
- (2) *Family child care home* means a private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "family child care home" includes a home that gives care to an unrelated child for more than four weeks during a calendar year. Family child care homes shall be specifically exempt from regulations by this chapter but are otherwise subject to applicable state law. The operator of the child family day care home business must be a bona fide resident of the private home.
- (3) *Group child care home* means private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "group child care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. The operator of the child group day care home business must be a bona fide resident of the private home.
- (4) *Private home* means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency.

Foster care facility, adult. Adult foster care facility means a governmental or nongovernmental establishment that provides foster care to adults. It include facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult

foster care facility by the Michigan adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et seq.). The types of licensed adult foster care facilities include the following:

- (1) *Small group home* means a facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- (2) *Large group home* means a facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- (3) *Family home* means a private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (4) *Congregate facility* means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

Foster family homes. Foster family homes shall include the following:

- (1) *Foster family home* means private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, Public Act No. 288 of 1939 (MCL 710.21 et seq.), are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (2) *Foster family group home* means a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, Public Act No. 288 of 1939 (MCL 710.21 et seq.), are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

Dedicated open space means open land that is permanently set aside to remain in an undeveloped state.

Developable envelope means the area of a lot which is defined by the minimum setback requirements, within which building construction can occur.

Development means the construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

Distribution center means a use which typically involves both warehouse and office/administrative functions, where short- and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

District, zoning, means a portion of the township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

Dog kennel. See *Kennel*.

Domestic help means those persons hired by the householder for the purpose of performing domestic services and maintenance of the household.

Drive-in means an open space, area or premises from which persons may view motion picture films, videos or performances so developed that its retail or service character is primarily dependent on providing a driveway

approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building or structure.

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

Dwelling means any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this chapter.

Dwelling, accessory apartment, means a dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by:

- (1) Persons related to the occupant of the principal residence by blood, marriage or legal adoption; or
- (2) Domestic servants or gratuitous guests.

Dwelling area. The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, and family and living rooms.

Dwelling, manufactured, means a building or portion of a building designed for long-term residential use and characterized by the following:

- (1) The structure is produced in a factory in accordance with the national manufactured housing construction and safety standards act, as amended;
- (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

A mobile home is a type of manufactured housing. See *Dwelling, mobile home*.

Dwelling, mobile home, means a structure, transportable in one or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered mobile homes for the purposes of this chapter.

Dwelling, multiple-family, means a building designed for and occupied by two or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwelling units include those commonly known as apartments. See *Apartment*.

Dwelling, one-family or single-family, means an independent, detached residential dwelling designed for and used or held ready for use by one family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

Dwelling, townhouse, means a dwelling unit located within a townhouse building, with each dwelling unit having separate front and rear or front and side entrances from the outside, and with each unit having individual front and rear yards located and designed as an integral part of each dwelling unit. Each dwelling unit shall be separated from the adjoining dwelling unit by a party wall, the length of which shall be at least 20 percent of the length of the common wall joining the two dwelling units.

Dwelling, two-family or duplex, means a detached building designed exclusively for and occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Also known as a duplex dwelling.

Dwelling unit means one or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

Dwelling unit, single-family attached, means an attached single-family dwelling unit with party walls, designed as part of a series of three or more dwellings, with its own front door which opens to the outdoors at ground level, may have its own basement, and, typically, with its own utility connections and front and rear yards.

Dwelling unit, single-family detached, means a detached residential building, other than a mobile home, designed for and containing one dwelling unit only.

Earth-sheltered home means a complete building partially below grade that is designed to conserve energy and is intended to be used for residential purposes.

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

Efficiency unit means a type of multiple-family or apartment unit consisting of one principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

Enforcement official means the person designated by the township as being responsible for enforcing and administering requirements of this chapter. Throughout this chapter the enforcement official may be referred to as the building official, planning official, public safety official, engineering official, or their agents. Such titles do not necessarily refer to a specific individual, but rather indicate generally the office or department most commonly associated with the administration of the regulation being referenced.

Entrance ramp means a roadway connecting a feeder road with a limited access highway and used for access onto such limited access highway.

Equipment services means any commercial or industrial entity that provides installation, maintenance, and repair services for utilities and machinery; including but not limited to HVAC equipment, cable servicing, radio, television, and household appliances. This category shall exclude any commercial or industrial operation that involves warehousing, manufacturing, or assembly of such products.

Erected means any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of erection.

Essential services means the erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments or township-certified cable television companies. Included in this definition are towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar equipment which are necessary for safeguarding the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities.

Excavation means any act by which an amount in excess of 50 cubic yards of any soil or rock which is cut into, dug, quarried, uncovered, removed, displaced or relocated in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or as authorized within public highway rights-of-way.

Exception. Certain uses, such as essential services as defined herein, considered by the planning commission to be essential or desirable for the welfare of the community, and which are appropriate and not incompatible with the other uses in the zoning district, but not at every or any location or without conditions being imposed due to special considerations related to the character of the use.

Exotic animals includes a specific animal or breed of animal that has been introduced within an area that is not common or communal to existing species in an area and can be considered alien to animals normally adapted to an area. Animals of this nature that can or may be hazardous to human health are prohibited.

Family means one or more persons related by blood, bonds of marriage, or legal adoption, occupying a dwelling unit and living as a single, nonprofit housekeeping unit, or a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. The term "family" does not include any society, club, fraternity, sorority, association, lodge, group, coterie, or organization which is not a recognized religious order, or a group of individuals whose association is temporary or resort or seasonal in character or nature.

Farm means that as defined in the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).

Farm animals means that as defined under the term "farm product" in the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).

Farm buildings means any building or structure, other than a dwelling, used on a farm in a farm operation.

Farm market means a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. The term "farm market" does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent 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 state 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 product means that as defined in the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).

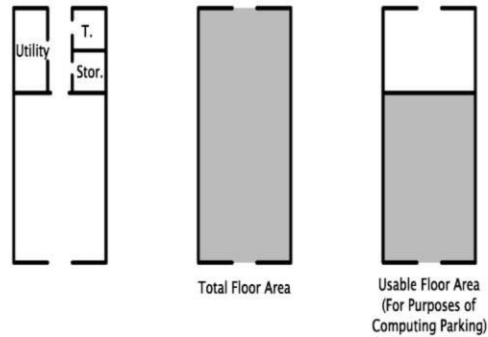
Fence means a permanent or temporary barrier enclosing or bordering a plot of land, or portion thereof, composed of suitable materials for the purpose of preventing or controlling entrance or to confine within or to mark boundary.

Floodplain means any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. The established floodplain is an area inundated by floodwater that has a one percent chance of occurrence in any given year, which is equivalent to a flood frequency of once in 100 years. Determinants of a floodplain can consist of:

- (1) The area which typically is adjacent to a river, stream, or other body of water, and is designated as subject to flooding from the 100-year base flood indicated on the flood boundary and floodway map prepared by the Federal Emergency Management Agency, a copy of which is on file in the township offices.
- (2) Principal estuary courses of wetland areas that are part of the river flow system.
- (3) Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

Floodway means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge floodwaters without cumulatively increasing the water surface elevation more than one foot. As used in this chapter, the term "floodway" refers to that area designated as a floodway on the flood boundary and floodway map prepared by the Federal Emergency Management Agency, a copy of which is on file in the township offices.

Floor area means 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 stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage area, recreational rooms, boiler rooms, and other areas within or contiguous to the structure; and the measurement shall include the floor space of all accessory buildings measured similarly.



Floor Area

Floor area ratio means the ratio of the floor area of a building to the area of the lot on which it is located, calculated by dividing the floor area by the lot area and expressing it as a percentage. For example, if a floor area ratio of 80 percent is specified and the lot area is 10,000 square feet, the maximum permitted floor area on the lot is 8,000 square feet. The number of stories subject to this chapter, the building area may be 4,000 square feet for each of two stories, 2,000 square feet for each of four stories, or 1,000 square feet for each of eight stories.

Food cart vendor means a licensed vendor selling food, non-alcoholic drink or accessory merchandise from a portable/temporary structure or device which is on wheels and of sufficiently lightweight construction that can be moved from place to place without auxiliary power. The device shall not be motorized so as to move on its own power.

Garage, private, means an accessory building or structure used principally for storage of automobiles and for other incidental storage purpose only.

Golf course or country club means the premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club. See also *Par-3 golf course*.

Grade means the ground elevation established for the purpose of regulating the number of stories or height of a building. The building grade shall be the level of the ground adjacent to the walls of the building, if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

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

Guest house means an accessory building intended for temporary or periodic use as an auxiliary sleeping facility, but which does not have kitchen facilities, and is not intended to be used as a permanent residence. See also *Bed and breakfast inn* and *Boarding or rooming house*.

Hazardous uses means all uses which involve the storage, sale, manufacture or processing of materials which are dangerous, risky and combustible and are likely to burn with moderate rapidity and with a considerable

volume of smoke, but from which neither poisonous fumes nor explosions are to be anticipated in the event of fire, and as listed by the township fire code and the state construction code.

Highway means a public thoroughfare or street, except alleys, but includes federal, interstate, state and county roads, including those appearing on plats recorded in the office of the register of deeds and accepted for public maintenance.

Home occupation means an occupation that is carried on within a dwelling unit by resident members of the family and which is clearly incidental and secondary to the principal residential use. The term "home occupation" does not include clinics, hospitals, barber shops, beauty parlors, tea rooms, tourist homes, animal hospitals, kennels, millinery shops, music studios, antique shops, dance studios, child care centers, repair or storage of vehicles, and similar uses. The use by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence shall be permitted.

Hospital means an institution which is licensed by the state department of health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, pharmacies, medical testing services, central service facilities, and staff offices.

Hotel means a building occupied as a temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one bedroom and a bath, occupied for hire, in which access to at least 50 percent of the lodging units is through a common entrance, in which provision is not made for cooking in the individual units, which shall provide customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room accommodating at least 20 guests which provides dining service for a minimum of two meals during the day, a general kitchen, and a minimum of one meeting room accommodating at least 50 persons.

Housing for the elderly means a facility other than a hospital, hotel, or nursing home which provides room and board to nontransient persons primarily 60 years of age or older. Housing for the elderly may include the following:

- (1) *Senior apartments* means multiple-family dwelling units occupied by persons 55 years of age or older.
- (2) *Elderly housing complex* means a building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older, or couples where either spouse is 60 years of age or older.
- (3) *Congregate housing* means a type of semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- (4) *Dependent housing facilities* means facilities which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Ice cream parlor means a retail establishment whose business is limited to the sale of ice cream, frozen desserts, dessert items, candies and confections, and beverages in a ready-to-eat state. Businesses serving hot dogs, hamburgers, salads, pizza, hot or cold sandwiches, or similar entree items are not considered ice cream parlors for the purposes of this chapter.

Indoor recreation center means an establishment which provides indoor exercise facilities and indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purposes of this chapter, a bowling establishment shall be considered a type of indoor recreation center.

Industrial means any use in which the major activity is the treatment, processing, rebuilding, repairing, or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises.

Industrial park means a group of two or more buildings, usually on separate lots, for industrial, research, or warehousing uses, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

Ingress and egress are used in this chapter in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

Interstate highway means a highway officially designated as a part of the national system of interstate and defense highways by the department of transportation and approved by the appropriate authority of the federal government (Public Act No. 106 of 1972 (MCL 252.301 et seq.)).

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

Junkyard means a place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials, such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, and containers, are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. Included in the term "junkyard" are auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials and equipment, as well as establishments for the sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any 30 consecutive days.

Kennel, commercial, means any building and/or land used, designed, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl, or other domestic animals for profit, but shall not include those animals raised for agricultural purposes. (Also see section 36-714.)

Kennel, private, means any building and/or land used, designed, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl, 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; provided that no more than three such animals six 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 purposes of remuneration or sale. (Also see section 36-714.)

Laboratory means a building or group of buildings in which are located facilities for research, investigation, testing, or experimentation.

Land use development plan means the plan, adopted by the township planning commission, including graphics and written policies indicating general areas for physical resource management and containing development standards and general location of streets, parks, schools, and all physical development of the township. The term "land use development plan" includes any unit or part of such plan and any amendment to such plan or parts thereof.

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

- (1) *Berm* means a continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this chapter. A berm may serve as a screen or buffer for noise containment or visual enhancement.

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- (2) *Grass* means any of a family of plants with narrow leaves normally grown as permanent lawns in the county.
 - (3) *Greenbelt* means a strip of land of definite width and location reserved for the planting of a combination of shrubs, trees and ground cover. A greenbelt may serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this chapter.
 - (4) *Ground cover* means low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
 - (5) *Hedge* means a row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
 - (6) *Interior landscaping area* means a landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
 - (7) *Nurse grass* means any of a variety of rapidly growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
 - (8) *Screen or screening* means a wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such materials shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
 - (9) *Shrub* means a self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
 - (10) *Sod* means an area of grass-covered surface soil held together by matted roots. Types of sod are defined as follows:
 - a. *Mineral sod* means a piece from the surface of grassland containing the grass, support soil, and the healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. The sod is grown on mineral soil, commonly referred to as topsoil, and must be a minimum of two years old. The grasses permitted for use in sod for landscaped lawns should be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions.
 - b. *Peat sod* means a piece from the surface of grassland containing the grass, support soil, and the healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. The sod is grown on peat and must be a minimum of two years old. The grasses permitted for use in sod for landscaping lawns should be a blend that reflects current standards in the industry and has been demonstrated to prosper under local conditions.
 - (11) *Tree* means a self-supporting woody, deciduous or evergreen plant with a well-defined central stem which normally grows to a mature height of 15 feet or more in the county. Types of trees are defined as follows:
 - a. *Deciduous tree* means a variety of tree that has foliage that is shed at the end of the growing season.
 - b. *Evergreen tree* means a variety of tree that has foliage that persists and remains green throughout the year.
 - c. *Ornamental tree* means a deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about 25 feet or less.

- d. *Shade tree* means a deciduous tree which has a mature crown spread of 15 feet or greater in the county, having a trunk with at least five feet of clear stem at maturity.
- e. *Vine* means a plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

Livestock means horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm.

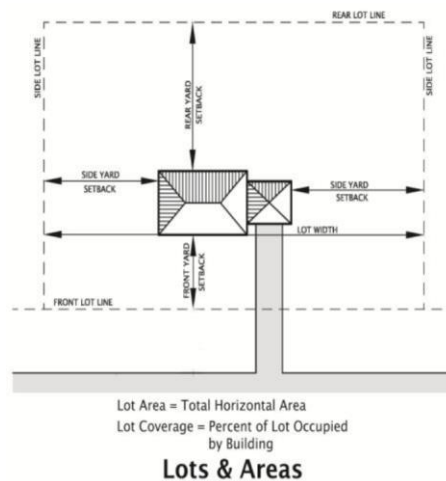
Loading space, off-street, means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot.

- (1) The term "lot" means a parcel of land, excluding any street or other right-of-way and any easement area for a private street, with at least sufficient size to meet the minimum requirements for use, coverage, and lot area providing such yards and open spaces as herein required. Parcels three acres or greater in area shall include rights-of-way or easements in determining lot area. Such lot shall have frontage on a public street or on a private street as specified in the township private road ordinance and approved by the township board and may consist of:
 - a. A single lot of record;
 - b. A portion of a lot of record;
 - c. Any combination of complete and/or portion of lots of record if contiguous; and
 - d. A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any lot or parcel created, including residuals, be less than that required by this chapter.

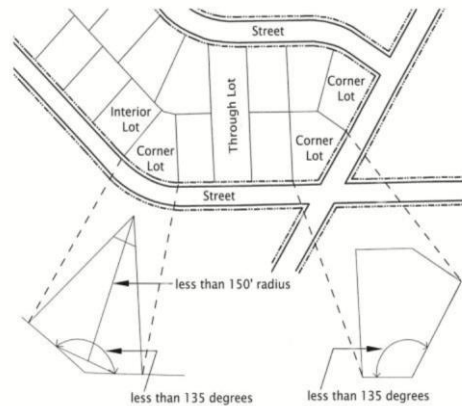
- (2) In addition to the land required to meet the regulations herein, the lot shall include all other land shown in a request for a building permit or a certificate of occupancy, occupied by a principal building or use, and any accessory building or use.



Lot area means the area within the lot lines, but excluding that portion in a road or street right-of-way, other right-of-way, and any easement for a private street, for parcels less than three acres in area. Parcels three acres or greater in area shall include rights-of-way or easements in determining lot area.

Lot, corner, means a lot of which at least two adjacent sides abut for their full length upon a street.

Lot coverage means that part or percentage of the lot occupied by buildings or structures, including accessory building or structures. See section 36-98(f) and (g) for additional regulations.



Interior, Through & Corner Lots

Lot, double frontage, means any interior lot having frontage on two streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

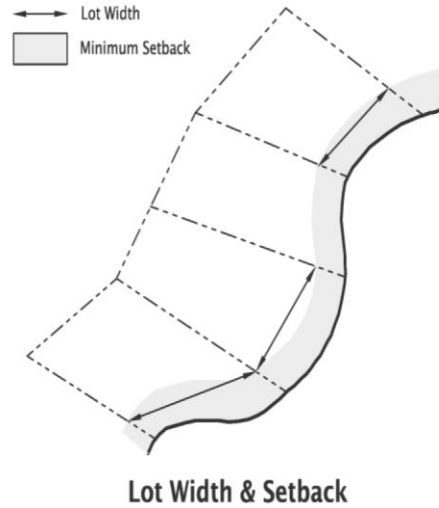
Lot, interior, means any lot other than a corner lot with only one lot line fronting on a street.

Lot line.

- (1) *Front lot line*, in the case of a lot not located on a corner, means the line separating said lot from the street right-of-way. In the case of a corner lot or double frontage lot, the front lot line shall be that line that separates said lot from that street which is designated as the front street on the plat, or which is designated as the front street on the site plan review application or required for a building permit.
- (2) *Rear lot line* ordinarily means that lot line which is opposite and most distant from the front lot line. In the case of lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet in length, lying farthest from the front lot line and wholly within the lot.
- (3) *Side lot line* means any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot measurements.

- (1) *Depth* means the straight line distance between the front street line and rear lot line, measured along the median between the side lot lines.
- (2) *Width* means the horizontal straight-line distance between the side lot lines, measured between the two points where the required minimum front yard setback line (set forth in the regulations and standards of each use district) intersects the side lot lines. Said front lot line shall in every instance abut a public or private street by being contiguous with the public street right-of-way line or the private street easement line. In the case of lots fronting onto the turning circle of cul-de-sac streets, the minimum distance shall be 20 feet.



Lot of record means a parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the county register of deeds and/or township treasurer, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a land surveyor registered and licensed in the state and likewise so recorded with the county register of deeds and/or township treasurer.

Lot split and consolidation means the dividing or uniting of lots of record by virtue of changes in deeds and/or legal descriptions in the office of the county register of deeds and township treasurer.

Main access drive means any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

Main use means the principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major thoroughfare means an arterial street which is intended to serve as a large volume trafficway for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of 120 feet shall be considered a major thoroughfare.

Manufacturing means the process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

Marginal access road means a service roadway parallel to a feeder road; and which provides access to abutting properties and protection from through traffic.

Marihuana establishments and facilities. The term marihuana facilities, shall encompass all use classes specifically defined and authorized by the State of Michigan Medical Marihuana Act, MCL 333.26421, et seq; the Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., and all other applicable rules promulgated by the State of Michigan as may be amended. Marihuana establishments and facilities include the following use classes:

- (1) *Marihuana grower* means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. Growers shall be subdivided into six classes based on state licensing standards.
 - a. Medical Class A—500 marihuana plants.

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- b. Medical Class B—1,000 marihuana plants.
 - c. Medical Class C—1,500 marihuana plants.
 - d. Recreational Class A—100 marihuana plants.
 - e. Recreational Class B—500 marihuana plants.
 - f. Recreational Class C—2,000 marihuana plants.
- (2) *Marihuana microbusiness* means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- (3) *Marihuana processor* means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- (4) *Marihuana retailer* means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- (5) *Marihuana secure transporter* means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- (6) *Marihuana safety compliance facility* means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- (7) *Provisioning center* means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this Act.
- (8) *Registered primary caregiver* means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act.

Master deed. See *Site condominium*.

Master plan. See *Land use development plan*.

Mezzanine means an intermediate level between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the floor area of the story in which the level is located. See section 36-98 for additional regulations.

Mini-warehouse means 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. Mini-warehouses are typically contained within a fenced, controlled-access compound.

Mobile home. See *Dwelling, mobile home*.

Mobile home park means any parcel of land intended and designed to accommodate more than one mobile home on a continual nonrecreational basis and which is offered to the public for that purpose, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a

mobile home and subject to conditions set forth in the Mobile Home Commission Rules and Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

Mobile home site means a plot of ground within a mobile home park designed for accommodation of a mobile home.

Mobile home stand means that part of a mobile home site designed for the placement of a mobile home, appurtenant structures, or additions, including expandable rooms, enclosed patios, garages or structural additions.

Motel means any establishment in which individual cabins, courts, or similar structures or units are let or rented to transients for periods of less than 30 days. The term "motel" includes tourist cabins and homes and motor courts. A motor court or motel shall not be considered or construed to be either a multiple-dwelling, a hotel, or a trailer coach park.

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Natural features.

- (1) The term "natural features" includes the following:
 - a. Wetlands.
 - b. Watercourses.
 - c. Floodplains.
 - d. Woodlands.
 - e. Landmark trees.
 - f. Steep slopes.
 - g. Habitat of threatened or endangered species.
 - h. Groundwater recharging areas.
- (2) Federal, state and local governments have laws, rules and regulations governing natural features which often require licenses, permits, or approvals for development in (or affecting) these natural features, which may change from time-to-time. Licenses, permits or approvals required by, and obtained from, the township shall not relieve a person of the need to obtain applicable licenses, permits or approvals from other applicable jurisdictions; nor shall the issuance of licenses, permits or approvals from applicable jurisdictions relieve a person of the need to obtain licenses, permits or approvals required by the township.

Nonconforming building or structure means a structure, building, or portion thereof that was lawfully in existence at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and which does not now conform to the provisions of the chapter in the zoning district in which it is located.



Nonconforming Building & Use



Nonconforming Use

Nonconforming lot means a lot which was lawfully in existence at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and which does not now conform to the lot size, lot width, or other regulations pertaining to lots in the zoning district in which it is located.

Nonconforming use means a use which was lawfully in existence at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and which does not now conform to the use regulations of the zoning district in which it is now located.

Nuisance means any offensive, annoying, or disturbing practice or object which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health.

Nursery, day nursery, nursery school. See *Day care facilities*.

Nursery, plant material, means a space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises.

Nursing home, convalescent home, orrest home means a home for the care of the aged, infirmed, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care which is licensed in accordance with part 213 of Public Act No. 368 of 1978 (MCL 333.21301 et seq.), or part 217 of Public Act No. 368 of 1978 (MCL 333.21701 et seq.).

Occupied means used in any way at the time in question.

Off-street parking area means a land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

Office park means a group of two or more buildings, on individual lots or one undivided parcel, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

Open air business means any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- (1) Retail sales of garden supplies and equipment, including, but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- (2) Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.

-
- (3) Various outdoor recreation uses, including, but not limited to, tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and children's amusement parks.
 - (4) Outdoor display and sale of garages, swimming pools, playground equipment, and similar uses.

Such open air business shall not include outdoor sales display of recreational vehicles, new or used vehicles, boats, farm implements and similar uses.

Open space, common, means space left open or reserved for aesthetic, ecological, or recreational purposes by owners of lots or recreational use set aside for the use of the owners of lots participating in a unit development of residential lots. Such space may include private recreational facilities such as golf courses or swimming pools, historic building sites, parks, parkway areas, ornamental parks, extensive areas with tree cover, low land along streams or areas of rough terrain which have natural features worthy of scenic preservation.

Open space development means a development created in accordance with section 36-718 that allows for the perpetual protection of open space and agricultural lands by providing flexibility in minimum lot dimensions and greater density under certain specified circumstances.

Outlot means a parcel of land designated as such on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

Par-3 golf course means a golf course consisting of shortened fairways, typically no longer than 200 yards. Par-3, 18-hole golf courses typically occupy 50 to 60 acres.

Parallel plan means a plan for residential development that would meet the requirements of the specific zoning district in which it is located and the requirements of any and all state, county and township regulations. The parallel design plan would be able to be physically constructed and meet all current regulations. The parallel plan is used to determine residential density upon which the OSPRD would be based.

Parcel. See Lot.

Park. See Recreational land.

Parking lot, off-street, means an area on private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide safe and convenient access for entrance and exit and for parking of more than four vehicles.

Parking space means one unit of a parking area provided for the parking of one automobile. This space shall have an area of not less than 200 square feet and shall be exclusive of curbs, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Pavement means:

- (1) A created surface, such as brick, stone, concrete, or asphalt, placed on the land to facilitate passage;
- (2) That part of a street or parking lot having an improved surface.

Person means an individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Personal fitness center means a facility which provides exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, the term "personal fitness center" does not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Pet means a domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other animal that is commonly available and is kept for pleasure or companionship.

Planned community development may include such concepts as planned unit development, community unit development, planned community, planned residential development, and other terminology denoting special

zoning requirement and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility so as to accomplish the objectives of this chapter using innovative and effective planning approaches.

Planned unit development (PUD) means a zoning district to be planned, developed, operated, and maintained as a single entity which permits integrated and coordinated development of various types of residential dwellings and certain nonresidential uses, all to be developed according to approved area and site plans as provided in this chapter.

Planning commission means the planning commission of the township, reestablished under Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

Planting strip means a combination of natural plant materials, such as ground cover, deciduous and/or evergreen shrubs, deciduous and/or evergreen trees, and/or deciduous small ornamental trees.

Plat means a map or chart of a subdivision of land.

Pool or billiard hall means an establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

Primary conservation area means all area in watercourses or wetlands, any area devoted to natural or improved flood control channels, or those areas encumbered by floodway or county drain easements. Land in a primary conservation area is not used in computing the net residential density.

Primary highway means a highway, other than an interstate highway or freeway, officially designated as a part of the federal aid primary system as defined in section 103 of title 23 of the United States Code, as amended by the department of transportation approved by the appropriate authority of the federal government (Public Act No. 106 of 1972 (MCL 252.301 et seq.)).

Principal use. See *Use, principal.*

Private road means a street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon.

Privately owned community sewage system (POCSS) means 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 dwelling unit or structure. The system shall include any individual septic tanks, pumps, lines, and appurtenances serving each dwelling unit or structure in addition to facilities, sewers, and appurtenances that serve more than one dwelling unit or structure.

Property line means the line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See *Lot line.*

Public use means a use operated by a public body, said use having the purpose of serving the public health, safety, or general welfare and including public schools, parks, playgrounds, hospitals and administrative and service facilities.

Public utility means any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing, under federal, state or municipal regulations, to the public: electricity, gas, steam, communications, telegraph, transportation, water, or sanitary or storm sewage facilities.

Quarry means any pit, excavation, or mining operation for the purpose of searching for or removing, for commercial use, any earth, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of 50 cubic yards in any calendar year, but shall not include an oil well or excavation preparatory to the construction of a building or structure.

Recreational land means any public or privately owned lot or land that is utilized for recreation activities, such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

Recreational vehicle includes the following:

- (1) *Travel trailer* means a portable non-motorized vehicle on a chassis, not exceeding 36 feet in length or nine feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a travel trailer by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.
- (2) *Pickup camper* means a structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (3) *Motor home* means a recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- (4) *Folding tent trailer* means a canvas folding structure mounted on wheels and designed for travel and vacation use.
- (5) *Boats and boat trailers* includes boats, floats, and rafts, canoes, plus the normal equipment to transport them on the highway.
- (6) *Other recreational equipment* includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

Riding academy means any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

Roadside stand means a temporary building or structure operated for the purpose of selling only produce raised or produced on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

Sanitarium means an establishment for the treatment of the chronically ill which commonly provides therapy combined with a regimen for treatment or rehabilitation through diet, exercise, rest and recuperation.

Sawmill means a plant at which logs are processed, by utilizing a saw blade, into salable products.

Scientific means any use in which the major activity is the pursuit, discovery, production, documentation, verification, or dissemination of knowledge.

Screen means a structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be a nonstructure consisting of shrubs or other growing materials.

Secondary access drive means any private street that is generally parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Secondary conservation area means all areas with sensitive natural features, such as lands with slopes exceeding 12 percent or highly erodible soils and all areas within natural features setbacks as defined in section 36-723. In an OSPRD, such areas are generally to be included in dedicated open space and may be used in computing the net residential density.

Semitrailer means a trailer, which may be enclosed or not enclosed, exceeding 18 feet in length, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

Service truck means a pickup truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

Setback means the distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. Setbacks on waterfront lots shall be measured from the established high lake level as currently defined by the office of the water resources commissioner. The minimum required setback is the minimum distance between a front, side, or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this chapter. See *Yard*.

Shopping center means a group of commercial establishments, primarily retail uses, that are compatible with each other and are mutually supportive, in one or more buildings, on a site that is planned, developed, and managed as one operating unit with common driveways, parking areas, identification signs and other common facilities and services.

Site condominium means 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 structures may be constructed, herein defined as a condominium unit, as described in the master deed. Following are definitions pertaining to site condominiums:

- (1) *Condominium act* means Public Act No. 59 of 1978 (MCL 559.101 et seq.).
- (2) *Condominium documents* means the master deed, recorded pursuant to the condominium act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- (3) *Condominium lot* means the land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
- (4) *Condominium subdivision plan* means the drawings and information prepared in accordance with section 66 of the condominium act (MCL 559.166).
- (5) *Condominium unit* means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
- (6) *Consolidating master deed* means the final amended master deed for a contractible or expandable condominium project or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- (7) *Contractible condominium* means a condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this chapter and the condominium act.
- (8) *Conversion condominium* means a condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the condominium act (MCL 559.171).
- (9) *Expandable condominium* means a condominium project to which additional land may be added in accordance with this chapter and the condominium act.
- (10) *Master deed* means 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.
- (11) *Notice of proposed action* means the notice required by section 71 of the condominium act (MCL 559.171), to be filed with the township and other agencies.

Site plan means a plan showing all salient features of a proposed development, as required in article XXVIII of this chapter, so that it may be evaluated to determine whether it meets the provisions of this chapter.

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

Specially designated distributor/merchant's establishment. See *Adult regulated uses*.

Special land use. See *Conditional land use*.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic region;
 - b. Buttock; and
 - c. Female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stable, commercial, means an enclosed building for the keeping of horses or other large domestic animals, in which any such animals are kept for remuneration, hire, or sale.

Stable, private, means an enclosed building intended for the keeping of horses or other large domestic animals, for the noncommercial use of the residents of the principal residential use on the site.

State-licensed residential facility means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et seq.), or Public Act No. 116 of 1973 (MCL 722.111 et seq.), and provides residential services for six or fewer individuals under 24-hour supervision or care. These acts provide for the following types of residential structures:

Adult foster care. There are four types of adult foster care:

- (1) *Adult foster care family home* means a private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
- (2) *Adult foster care small group home* means an adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.
- (3) *Adult foster care large group home* means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
- (4) *Adult foster care congregate facility* means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

Adult foster care facility means a governmental or nongovernmental establishment that provides foster care to adults. Subject to MCL 400.726(1), the term "adult foster care facility" includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include any of the following:

- (1) A nursing home licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
- (2) A home for the aged licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
- (3) A hospital licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
- (4) A hospital for the mentally ill or a facility for the developmentally disabled operated by the state department of community health under the mental health code, Public Act No. 258 of 1974 (MCL 330.1001 et seq.).
- (5) A county infirmary operated by a county department of social services or family independence agency under section 55 of the social welfare act, Public Act No. 280 of 1939 (MCL 400.55).
- (6) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Public Act No. 116 of 1973 (MCL 722.111 et seq.), if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two, if the total number of residents is ten or fewer.
 - b. Three, if the total number of residents is not less than 11 and not more than 14.
 - c. Four, if the total number of residents is not less than 15 and not more than 20.
 - d. Five, if the total number of residents is 21 or more.
- (7) A foster family home licensed or approved under Public Act No. 116 of 1973 (MCL 722.111 et seq.), that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Public Act No. 116 of 1973 (MCL 722.115(7)).
- (8) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
- (9) A facility created by Public Act No. 152 of 1885 (MCL 36.1 et seq.).

Family child care home means a private home in which one but fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "family child care home" includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. The term "family child care home" does not include an individual providing babysitting services for another individual. As used in this subsection, the term "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would, according to the internal revenue code of 1986, obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services.

Foster family group home means a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the state adoption code, chapter X of the probate code of 1939, Public Act

No. 288 of 1939 (MCL 710.21 et seq.), are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

Foster family home means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the state adoption code, chapter X of the probate code of 1939, Public Act No. 288 of 1939 (MCL 710.21 et seq.), are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

Group child care home means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group child care home" includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

Story.

- (1) The term "story" means that portion of a building, other than a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.
- (2) A mezzanine shall cease to be considered a mezzanine and will be deemed a full story when it covers more than one-third of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below the mezzanine to the floor next above it is 24 feet or more.
- (3) A basement shall cease to be considered a basement and will be deemed a full story when the vertical distance from the average grade at the lot where the structure is located, to the floor below is less than the vertical distance from the average grade to the ceiling (see illustration). However, in the event that a basement does qualify as a story, only 50 percent of the floor area of this story may qualify in computing minimum floor area for a zoning district.

Story, half, means the uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of one-half story shall be at least 160 square feet with a minimum clear height of seven feet, six inches.

Street means a public thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than 66 feet in width. Various types of streets are defined as follows:

- (1) *Arterial street* means a major street with limited access that carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the township.
- (2) *Collector street* means a street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but may also provide direct access to abutting properties.
- (3) *Cul-de-sac* means a street that terminates in a vehicular turnaround.
- (4) *Local or minor street* means a street whose sole function is to provide access to abutting properties.
- (5) *Private street or road.* See *Private road.*
- (6) *Public street or road* means a street or road accepted and under the jurisdiction of the county road commission for the purposes of providing access to adjoining property, and open to the public so that persons other than the occupants of adjoining property may travel thereon.

Street line means the dividing line between the street right-of-way and the lot. When such right-of-way is not defined, a line shall be defined as 33 feet on either side of the center of the street.

Street vendor. See *Food cart vendor.*

Structure means anything constructed, erected, or placed with a fixed location on the surface of the ground or water, or affixed to something having a fixed location, including, but not limited to, buildings, bulkheads, piers, docks, landings, dams, waterway obstructions, paving and roadways, poles, towers, cables, pipelines, drainage tiles, and other underground installations. See section 36-98 for additional regulations.

Subdivision plat means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns, for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of Public Act No. 288 of 1967 (MCL 560.101 et seq.), by sections 108 and 109 (MCL 560.108 and 560.109). The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this land division act or the requirements of an applicable local ordinance.

Temporary holiday sales means sales temporary in nature, lasting for less than 30 calendar days, corresponding to a recognized day of festivity or recreation in which by custom or by law normal activities, especially business or work including school, are suspended or reduced.

Temporary structure or use means a building or use permitted to exist during periods of construction of the principal building or use, or for special events.

Theater means a building, room, or outdoor structure for the presentation of performances or motion pictures. For the purposes of this chapter, the following distinctions between various types of theaters shall apply:

- (1) *Motion picture theater* means an enclosed building used for presenting motion pictures which are observed by paying patrons from seats situated within the building.
- (2) *Outdoor theater* means a site on which a motion picture screen is constructed for presenting motion pictures which are observed by paying patrons from their own cars situated on the site.
- (3) *Live theater* means the performance of dramatic literature by live actors or performers.

Total buildable area means area calculated by subtracting from the gross site acreage, the areas comprised of rights-of-way for public and private roads, submerged land areas, and wastewater treatment areas.

Total developable area (density calculation area) means area calculated by subtracting from the gross site acreage, the areas comprised of rights-of-way for public and private roads, submerged land areas, wastewater treatment areas and the primary conservation areas. The total developed area is the area used to compute the allowable maximum density.

Toxic or hazardous waste means waste, or a combination of waste and other discarded material, including solid, liquid, semisolid, or contained gaseous material, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- (1) Increase in mortality;
- (2) Increase in serious irreversible illness;
- (3) Serious incapacitating, but reversible, illness; or
- (4) Substantial present or potential hazard to human health or the environment.

Truck terminal means a structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

U-pick operation means 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.

Undeveloped state means a natural state preserving natural resources, natural features, or scenic or wooded conditions, agricultural land use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include land that is actively farmed or a community garden, a greenway, recreational trail, pedestrian, bicycle and/or bridle path, or similar passive recreational facility that provides a feature of communitywide significance and enhances residential development. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

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

- (1) *Use, permitted*, means a use which may be lawfully established in a particular district provided it conforms with all requirements, regulations, and standards of such district.
- (2) *Use, principal*, means the main use of land and buildings and the main purpose for which land and buildings exist.
- (3) *Use, accessory*. See *Accessory use, building, or structure*.
- (4) *Use, special land*. See *Conditional land use*.
- (5) *Use, public*, means a use operated by a public body having the purpose of serving the public health, safety, or general welfare and including public schools, parks, playgrounds, hospitals and administrative and service facilities.

Utility trailer means a small trailer that is designed to be pulled by an automobile, van, or pickup truck.

Variance means a relaxation of the terms of the chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the chapter would result in unnecessary hardship or practical difficulty.

Vehicle, new dealer, means a vehicle dealer which buys and sells new vehicles under a franchise agreement or a contract with the vehicle's manufacturer.

Vehicle, new motor, means a motor vehicle which is not and has not been a demonstrator, executive or manufacturer's vehicle, leased vehicle, or a used or secondhand vehicle.

Vehicle repair, major, means engine overhauling or rebuilding, valve and piston repair, transmission repair, axle and universal joint repair, body repair, painting and refinishing.

Vehicle repair, minor, means engine tuneups, electrical systems, suspension systems, brakes, exhaust systems, cooling systems and heating and air conditioning systems repair; rust proofing; tire replacement; wheel balancing and alignment and diagnostic services.

Vehicle, salvage, means a vehicle for which a salvage certificate has been issued by the secretary of state.

Vehicle, used dealer, means a vehicle dealer which buys and sells used vehicles, either at wholesale or retail.

Vehicle, used parts dealer, means a vehicle dealer which buys or otherwise acquires late model major component parts for resale, either at wholesale or at retail, or dismantles any vehicles for the resale of the parts and selling the remains as scrap.

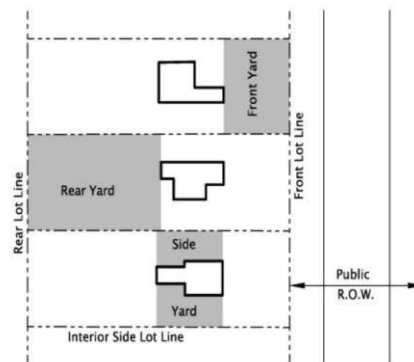
Veterinary hospital. See *Clinic, veterinary*.

Warehouse means a building used for short- and/or long-term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing. See also *Distribution center*.

Wetland means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh. Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have two or more of the following three attributes:

- (1) At least periodically, the land supports predominantly hydrophytic plants;
- (2) The substrate is predominantly undrained hydric soil; and
- (3) The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

Yard means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this chapter. The minimum required setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this chapter (see illustration). When the rear yard or side yard abuts water, the yard shall be measured from the high lake level, as currently defined by the office of the water resources commissioner, to the structure (see setback).



Yards

- (1) *Yard, front*, means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.
- (2) *Yard, rear*, means an open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line on the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- (3) *Yard, side*, means an open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building.

Zero lot line development means a development approach in which a building is sited on one or more lot lines with no yard on that side.

Zoning board of appeals means the township zoning board of appeals, created pursuant to the provisions of Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. of 7-22-2013, § 2.03; Ord. of 6-4-2014, § 2.0, 2.03; Ord. No. 16-49, § 1, 5-10-2016; Ord. No. 18-57, § 1, 6-26-2018; Ord. No. 18-58, §§ 1, 2, 7-24-2018; Ord. No. 19-63, § 1, 4-9-2019; Ord. No. 19-66, § A, 11-12-2019)

Sec. 36-30. Undefined terms.

Any term not defined herein shall have the meaning of common or standard use in planning and land use nomenclature.

(Ord. of 7-22-2013, § 2.04)

Secs. 36-31—36-48. Reserved.

ARTICLE III. GENERAL PROVISIONS

Sec. 36-49. Establishment of districts.

The township is hereby divided into the following zoning districts as shown on the official zoning map, which, together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this chapter.

- (1) RC—Recreation Conservation District.
- (2) AR—Agriculture District.
- (3) LR—Low Density Residential District.
- (4) SR-1—Single-Family Residential District One.
- (5) SR-2—Single-Family Residential District Two.
- (6) MR—Multiple-Family Residential District.
- (7) MHP—Mobile Home Park District.
- (8) WLD—Whitmore Lake District.
- (9) LC—Local Commercial District.
- (10) GC—General Commercial District.
- (11) RO—Residential/Office District.
- (12) LI—Limited Industrial District.
- (13) GI—General Industrial District.
- (14) PSC—Planned Shopping Center District.
- (15) RTM—Research/Technology/Manufacturing District.
- (16) PUD—Planned Unit Development District.

(Ord. of 7-22-2013, § 3.01; Ord. No. 17-53, § 9, 2-14-2017)

Sec. 36-50. Provision for official zoning map.

For the purpose of this chapter, the zoning districts as provided herein are bounded and defined as shown on a map entitled "Official Zoning Map of Northfield Township." The official zoning map, with all explanatory matter thereon, is hereby made a part of this chapter.

(Ord. of 7-22-2013, § 3.02)

Sec. 36-51. Identification of official zoning map.

The official zoning map shall be identified by the signature of the township supervisor, attested by the township clerk, and bear the seal of the township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Northfield Township," together with the effective date of the ordinance from which this chapter is derived.

(Ord. of 7-22-2013, § 3.03)

Sec. 36-52. Changes to official zoning map.

If in accordance with the procedures of this chapter and of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), a change is made in a zoning district boundary, such change shall be made by the zoning administrator promptly after the ordinance authorizing such change shall have been adopted and published, with an entry on the official zoning map as follows: "On (date) by official action of the Township Board, the following (change) changes were made in the Official Zoning Map: (brief description of change)," which entry shall be signed by the township supervisor and attested by the township clerk. No change of any other nature shall be made unless authorized by the zoning board of appeals and then entered only by the township supervisor. No change of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any persons shall be considered a violation of this chapter and punishable as provided in section 36-979. Any changes in corporate boundaries within the township shall be recorded within seven days on the official zoning map by the township supervisor with his signature and date and attestation by the township clerk attached thereto.

(Ord. of 7-22-2013, § 3.04)

Sec. 36-53. Authority of official zoning map.

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the township. The official zoning map shall be located in the township offices located in the township hall and shall be open to public inspection.

(Ord. of 7-22-2013, § 3.05)

Sec. 36-54. Replacement of official zoning map.

- (a) In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the township board may, by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such corrections shall have the effect of amending the chapter or the prior official zoning map. The new official zoning map shall be identified by the signature of the township supervisor, attested by the township clerk, and bear the seal of the township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Northfield Township adopted on (date) which replaces and supersedes the Official Zoning Map which was adopted on (date)."

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- (b) Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

(Ord. of 7-22-2013, § 3.06)

Sec. 36-55. Rules for interpretation.

- (a) Where, due to scale, lack of detail, or illegibility of the official zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the zoning administrator shall interpret the map upon request of any person. Any person aggrieved by such interpretation may appeal it to the zoning board of appeals. The zoning administrator and the zoning board of appeals, in interpreting the zoning map or deciding an appeal, shall apply the following standards.
- (1) A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such centerline.
 - (2) A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - (3) A boundary indicated as approximately following the municipal boundary of a city, village, or township shall be construed as following such line.
 - (4) A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.
 - (5) A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
 - (6) A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
 - (7) A boundary indicated as a parallel to or an extension of a feature indicated in subsections (a)(1) through (a)(6) of this section shall be so construed.
 - (8) A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
 - (9) Where a physical or cultural feature existing on the ground is at variance with that shown on the official zoning map, or in any other circumstances not covered by subsections (a)(1) through (a)(8) of this section, the zoning administrator shall interpret the zoning district boundary, whose decision may be appealed to the zoning board of appeals.
 - (10) Where a district boundary line divides a lot which is in single ownership at the time of adoption of this chapter, the zoning board of appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed 50 feet beyond the district line into the remaining portion of the lot.
- (b) If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in the township as well as other relevant facts.

(Ord. of 7-22-2013, § 3.07)

Sec. 36-56. Administrative standards.

Whenever, in the course of administration and enforcement of this chapter, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this chapter, the decision shall be made so that the result will not be contrary to the spirit and purpose of this chapter or injurious to the surrounding neighborhood.

(Ord. of 7-22-2013, § 3.08)

Sec. 36-57. Scope of provisions.

- (a) Except as may otherwise be provided in article XXIX of this chapter, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building and structure occurring after the effective date of the ordinance from which this chapter is derived shall be subject to all regulations of this chapter which are applicable in the zoning district in which such use, building or structure shall be located.
- (b) Where a building permit for a building or structure, use of building or structure, or use of lot or parcel, has been issued in accordance with the law prior to effective date of the ordinance from which this chapter is derived and provided that construction is begun within 365 days of such effective date and diligently pursued to completion, said building or structure, use of building or structure, or use of lot or parcel, may be completed in accordance with the approved plans on the basis of which the building permit has been used, and further, may, upon completion, be occupied by the use for which originally designated, subject thereafter to the provisions of article XXIX of this chapter.
- (c) Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of the ordinance from which this chapter is derived shall not be used as a dwelling for more than 12 months following said date, unless said structure has been completed in conformance with the regulations of the district in which located.

(Ord. of 7-22-2013, § 3.09)

Sec. 36-58. Unlawful buildings, structures, site designs, lot, and uses.

A building, structure, lot, or use which was not lawfully existing at the time of adoption of the ordinance from which this chapter is derived shall not become or be made lawful solely by reason of the adoption of the ordinance from which this chapter is derived. In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this chapter, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this chapter. Public expenditures toward abating any such nuisance shall become a lien upon the land.

(Ord. of 7-22-2013, § 3.10)

Sec. 36-59. Division and consolidation of land.

The division and consolidation of land shall be in accordance with chapter 14. No lot shall hereafter be divided into two or more lots and no portion of any lot shall be sold unless all lots resulting from each such division or sale conform with all applicable regulations of the zoning district in which the property is located.

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(Ord. of 7-22-2013, § 3.11)

State law reference(s)—Land division act, MCL 560.101 et seq.

Sec. 36-60. Voting place.

Nothing in this chapter shall interfere with the temporary use of any property as a voting place for any public election.

(Ord. of 7-22-2013, § 3.12)

Sec. 36-61. Number of buildings on a lot.

Not more than one 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 or structure use, except as permitted under articles XXI and XXIII of this chapter, or except as permitted on farms for tenants or seasonal agricultural workers.

(Ord. of 7-22-2013, § 3.13)

Sec. 36-62. Temporary structures.

- (a) *Temporary dwelling.* A mobile home may be used as a temporary dwelling by a family while repairing or replacing its single-family residence rendered uninhabitable by a disaster such as fire, flood, or windstorm. Such temporary dwelling shall be permitted only in RC or AR zoning districts. Only a mobile home may be used as a temporary dwelling; a camper, travel trailer, motor home, recreation vehicle, cabin, tent, basement, garage or similar unit shall not be used as a temporary dwelling in any zoning district.
- (b) *Nonresidential temporary structure.*
 - (1) A nonresidential temporary structure designed as a general sales office, sales/rental office or financial institution may be used exclusively for such purposes during construction of a permanent structure designed for any such purpose. Such temporary structure shall be permitted only in a commercial, office, or industrial zoning district, and only if such permanent structure and use is permitted in said zoning district.
 - (2) A nonresidential temporary structure designed as a sales/rental office may be used in a residential development exclusively for the purpose of selling, leasing or renting new dwelling units within said residential development.
- (c) *Required approval.* A temporary structure shall not be occupied until a certificate of occupancy has been issued by the township building inspector. The building inspector shall notify the township board and planning commission in writing of each such permission granted under this section. A performance guarantee may be required.
- (d) *Application.* An application for such a permit shall be filed with the building inspector including the following information:
 - (1) Name and address of the applicant and property owner.
 - (2) Accurate legal description of the lot which the temporary structure is to be located.
 - (3) Information showing the necessity of use of the temporary structure in meeting the construction schedule of the permanent structures on the lot.

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- (4) An estimate, with supporting information, of the reasonable cost of removal of the temporary structure and temporary site improvements, and of site cleanup, upon expiration of the permit.

(e) *Regulations.*

- (1) A temporary structure shall comply with all use, yard, and parking requirements of the zoning district in which located. A certificate of zoning compliance shall be obtained from the zoning administrator.
- (2) A temporary structure shall be connected to public water and sanitary sewer lines, where available, in which case a connection permit shall be obtained from the township utilities department. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and septic tank, in which case the applicant shall obtain a permit therefor from the county health department.
- (3) A temporary structure shall be permitted only on the same lot as the permanent structure, except that a temporary sales/rental office in a residential development may be located within the boundary lines of said residential development.
- (4) The term of the permit shall not exceed one year; however, the term may be extended for one period not exceeding six months. Extension shall only be made on written application filed with the township clerk 20 days or more prior to such expiration, setting forth facts showing due diligence in construction of the permanent structure. An extension shall not be approved unless construction of the permanent building has commenced within 180 days of the date of approval of the conditional use permit, and diligently pursued.
- (5) A driveway permit shall be obtained from the county road commission or the state department of transportation, whichever is applicable.
- (6) The permittee shall cause the temporary structure to be removed within 14 days of the date of issuance of a certificate of occupancy for the permanent structure, or of the date of expiration of the temporary structure permit, whichever is the earlier.
- (7) A temporary structure permit and the certificate of occupancy issued thereon shall not be transferable to any other person, company, use, structure or lot.

(Ord. of 7-22-2013, § 3.14)

Sec. 36-63. Conditional uses.

Any use lawfully existing at the effective date of adoption or amendment of the ordinance from which this chapter is derived, and which is permitted as a conditional use in a district under the terms of this chapter, shall be deemed a conforming use and shall, without further action, application, or review, be considered a conforming use. Expansion of such uses or change to another conditional use after the effective date of the ordinance from which this chapter is derived shall require a conditional use permit as provided in article XXVII of this chapter.

(Ord. of 7-22-2013, § 3.15)

Sec. 36-64. Home occupation.

The term "home occupation" means an occupation or profession carried on in the home by resident members of the household where such use is clearly incidental and secondary to the principal use of the dwelling as a residence.

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- (1) *General standards for all home occupations.* A home occupation as allowed within this chapter shall require a certificate of zoning compliance pursuant to section 36-972. The issuance of such certificate shall be based upon the following criteria:
- a. That such home occupation shall be carried on within the dwelling or within a building accessory thereto.
 - b. That the character or appearance of the residence shall not change and that the home occupation shall not generate excessive traffic from cars or trucks than normally associated with a residential dwelling. Traffic generated by the home occupation exceeding 20 trips per day shall be considered excessive. A trip is considered a single entry to or exit from the subject home.
 - c. That no article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
 - d. The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation.
 - e. That the home occupation does not require equipment other than what would commonly be found on residential premises.
 - f. That there shall be no exterior storage of materials or equipment.
 - g. That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, chemicals or matter at any time; and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purpose, will be utilized in the home occupation.
 - h. That no hazard of fire, explosion or radioactivity shall exist at any time.
 - i. That there may be a sign, not to exceed two square feet in area, as approved by the zoning administrator.
 - j. That not more than two persons, other than members of the household occupying the dwelling, shall be employed in the dwelling or accessory building.
- (2) *Medical licensed caregivers.* In addition to the general standards as specified in subsection (a) of this section, medical marihuana, cultivation, use and distribution shall meet the following specific standards:
- a. Conformance with section 36-729.
 - b. In recognition of the confidential nature of this use, a licensed caregiver shall submit a zoning compliance application pursuant to section 36-729(c) to obtain a zoning compliance certificate.

(Ord. of 7-22-2013, § 3.16; Ord. No. 19-66, § B, 11-12-2019)

Sec. 36-65. Essential services.

It is the intent of this chapter to place essential services and property owned, leased or operated by public agencies, including local, state, federal or any other public or governmental body or agency, under the provision of this chapter, as follows:

- (1) Where such uses are specifically listed they shall be governed as indicated.
- (2) Where such uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar nature.

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- (3) Property owned, leased, or operated by the state or the United States shall be exempt from the provisions of this chapter only to the extent that said property may not be constitutionally regulated by the township.
 - (4) Although exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review, and shall comply with all applicable regulations that do not affect the basic design or nature of operation of said services. It is the intention of the township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands.

(Ord. of 7-22-2013, § 3.17)

Sec. 36-66. Public utilities.

Lines, poles, and appurtenances for electricity, telephone, and cable television, and natural gas lines and appurtenances, for service to one principal building on a single lot, shall be exempt from the provisions of this chapter. All other lines, structures, buildings, and uses or public utilities shall be permitted only as set forth in this chapter.

(Ord. of 7-22-2013, § 3.18)

Sec. 36-67. Water and sewage facilities.

- (a) Every principal building shall be connected to a water supply well and a sewage disposal system approved by the Washtenaw County Health Department (WCHD), Michigan Department of Environmental Quality (MDEQ), or the township sanitary sewer system, where available. The approval of the WCHD, MDEQE, or township shall be obtained before a building permit or a certificate of occupancy, whichever is applicable, may be issued.
- (b) Privately owned community sewage systems (POCSS) may be permitted in areas of the township that are not served by the central wastewater treatment system, subject to the approval of the township board of trustees and the state and/or county as noted below.
- (c) Privately owned community sewage system (POCSS) shall be regulated by the following county and state standards:
 - (1) County regulation for privately owned community sewage systems.
 - (2) Michigan Department of Environmental Quality (MDEQ) privately owned, publicly used sewage systems permit approval.
- (d) Privately owned or operated community water supply systems shall be prohibited in any part of the township.
- (e) POCSS shall require a conditional use permit from the township board in accordance with the procedures and standards set forth in article XXVII of this chapter, pertaining to conditional uses. POCSS shall be strictly prohibited in areas of the township served by public sanitary sewers unless it is determined, in the sole discretion of the township board, the proposed project to be served by the system provides a recognizable and material benefit to the community and/or provides long-term protection of natural resources and environmental features. In addition to the requirements established by the township, the state and/or the county, the following site development and use requirements shall apply:
 - (1) Required standards and findings set forth in section 36-838 shall be met.
 - (2) All structures shall be completely enclosed by a fence not less than six feet high.

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- (3) All operations and structures shall be surrounded on all sides by a setback of at least 200 feet in width from the nearest dwelling located within a development project served by a POCSS and at least 200 feet from a property line shared with an adjacent property. Landscape buffering in accordance with section 36-722 shall be placed to minimize the appearance of the installation and to help confine the odors therein. The township planning commission and township board shall have the authority to review the design and treatment of all buffer strips.
 - (4) The point of discharge of a POCSS shall be located a minimum:
 - a. Of 1,500 feet from another approved POCSS.
 - b. Of 2,000 feet from an established public well head protection area.
 - c. Of 100 feet from a wetland.
 - d. Of 100 feet from the ordinary high water mark of any body of water.
 - (5) A POCSS should be restricted to a single development project and shall not provide service to other properties and/or development projects.
 - (6) The area devoted to a POCSS shall not be used to satisfy open space required by any other provisions of this chapter.
 - (7) The number of units served by the POCSS shall not exceed the allowable density of the zoning district in which the project is situated and be in conformance with the township master plan.

(Ord. of 7-22-2013, § 3.19; Ord. of 6-4-2014, § 3.19)

State law reference(s)—Sewage disposal and waterworks systems, MCL 324.4101 et seq.

Sec. 36-68. Minimum width of dwelling units.

Each single-family dwelling unit shall have a minimum exterior width, as distinguished from length, prior to any additions or expansions, of 20 feet for at least one side, as distinguished from front or rear.

(Ord. of 7-22-2013, § 3.20)

Sec. 36-69. Minimum residential floor area.

No single-family dwelling or any dwelling unit in a two-family structure shall hereafter be erected or altered which shall have a total floor area of less than 1,000 square feet for dwelling units with two or less bedrooms, plus 200 square feet for each additional bedroom. No multiple family structure shall hereafter be erected or altered unless each dwelling unit therein shall contain at least 500 square feet where no bedrooms are provided, 600 square feet with one bedroom, 800 square feet with two bedrooms and 200 square feet for each bedroom in excess of two, except in the case of a structure designed to house elderly people, in which case each dwelling unit shall contain at least 350 square feet if no bedrooms are provided, and 500 square feet if one or more bedrooms are provided.

(Ord. of 7-22-2013, § 3.21)

Sec. 36-70. Storage buildings in residential districts.

Storage buildings in residential districts shall be clearly accessory to the dwelling units they serve. The floor area of a storage building shall be included in the floor area used to calculate ground floor coverage and floor area ratio. Such storage building shall not be located in a required front or side yard on the lot on which located.

(Ord. of 7-22-2013, § 3.22)

Sec. 36-71. Transient and amusement enterprises.

Circuses, carnivals, other transient amusement enterprises, music festivals, and similar temporary gatherings of people may be permitted in any zoning district upon approval by the township board. Such enterprises may be permitted only on the finding by the township board that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare. The township board may require posting of a bond or other acceptable security payable to the township in an amount sufficient to hold the township free of all liabilities incidental to the operation of such activity, and indemnify any adjoining land owners for any damage resulting from the operation of such activity, and which damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and payable through such court.

(Ord. of 7-22-2013, § 3.23)

Sec. 36-72. Access to streets.

- (a) In any zoning district, every use, building or structure established after the effective date of the ordinance from which this chapter is derived shall be on a lot or parcel that adjoins a public road or private road that complies with the private road regulations provided in section 36-719. The area of a private road easement shall not be included in the minimum required area of the lot.
- (b) When a proposed building structure is not serviced by an approved driveway or private road as provided for in the township private road regulation, or is not serviced by a dedicated public road, the township zoning administrator shall not issue a zoning compliance permit for the proposed structure.
- (c) Two or more contiguous parcels of commercially zoned land that are developed as a shopping center may share a driveway easement, said easement being a minimum of 24 feet wide and paved with asphalt or cement concrete. When such driveway easements are shared, such easement shall be included in determining and computing lot width as such is defined herein.

(Ord. of 7-22-2013, § 3.24)

Sec. 36-73. Mobile homes.

This section is designed to establish regulations under which mobile homes may be used as single-family dwellings on lots outside mobile home parks. It is hereby recognized that other forms of manufactured housing, commonly referred to as prefabricated, modular or sectional housing among other names, are and have been permitted in the township, on individual lots, in any zoning district in which single-family dwellings are permitted, provided such units comply with the township's codes and zoning requirements. This section intends to treat mobile homes in a similar fashion, while recognizing the unique feature of their construction. The regulations contained in this section are specifically designed to:

- (1) Ensure compliance of mobile homes on individual lots with all zoning regulations applicable to all other single-family dwellings permitted in the township.
- (2) Ensure compliance with all township codes, in addition to the zoning ordinance, for the protection of the public health, safety and welfare.
- (3) Be aesthetically compatible with other single-family dwellings in the community.
- (4) The lot shall be located in a zoning district which permits single-family dwellings.

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- (5) The lot and the mobile home shall comply with all regulations of the zoning district in which located.
 - (6) The mobile home shall meet all requirements of the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280), as amended, and the R 125.1102 of the state administrative code.
 - (7) The mobile home shall be placed on a permanent foundation wall. The wall shall meet all requirements of the state construction code and shall completely enclose the area under the mobile home. The area so enclosed shall not be less than the ground floor area of the mobile home. The mobile home shall be secured to the premises by an anchoring system which meets all state requirements.
 - (8) The wheels, tongue and hitch, or other towing appurtenances, shall be removed before anchoring the mobile home to the premises.
 - (9) The mobile home shall be connected to public water and sanitary sewer lines, where applicable, according to the township standards and specifications, or to a well and septic tank approved by the county health department.
 - (10) The mobile home shall be aesthetically compatible in design and appearance with conventional on-site constructed housing, and other types of approved manufactured housing. Compatibility shall be determined by the following standards:
 - a. The roof shall be finished with shingles or similar materials and shall have a minimum pitch of three on 12.
 - b. Exterior walls shall be finished with natural or simulated natural materials, common to single-family dwellings, such as, but not limited to, beveled siding, vertical siding, board and batten siding, or brick.
 - c. The mobile home shall have front and rear or front and side exterior doors.
 - d. A roof drainage system which will collect and concentrate the discharge of roof drainage and will avoid drainage along the sides of the dwelling.
 - (11) A building permit shall be required for construction of the foundation wall, for placement of the mobile home on the lot, and for any addition to the mobile home. A building permit shall not be issued until a health permit has been issued by the county health department, where applicable, and until a certificate of zoning compliance has been issued in accordance with article XXXI of this chapter and is in effect. The mobile home shall not be occupied until a certificate of occupancy has been issued as provided in article XXXI of this chapter and is in effect. Any addition to a mobile home shall meet all requirements of the state construction code.
 - (12) The mobile home, prior to any additions, shall have a minimum floor area of 1,000 square feet, a minimum exterior width of 24 feet for at least one side elevation, and a minimum floor-to-ceiling height of 7.5 feet.
 - (13) Not more than one mobile home shall be used as a single-family dwelling on a lot, nor shall a mobile home be placed on any lot which another single-family dwelling is located. A mobile home shall not be used as an accessory building in any residential district.
 - (14) A mobile home shall not be removed from a foundation until a permit therefor has been issued by the building official in accordance with the state construction code.

(Ord. of 7-22-2013, § 3.25)

Sec. 36-74. Performance guarantee.

- (a) To ensure compliance with the provisions of this chapter and any conditions imposed thereunder, the planning commission or township board may require that a performance guarantee be deposited with the township to ensure faithful completion of improvements, in accordance with the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (b) The performance guarantee shall meet the following requirements:
 - (1) The performance guarantee shall be in the form of a cash bond, irrevocable letter of credit, certified check, or similar instrument acceptable to the clerk, which names the property owner as the obligor and the township as the obligee.
 - (2) The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate, based on the type of performance guarantee submitted, the township shall deposit the funds in an interest-bearing account in a financial institution with which the township regularly conducts business.
 - (3) The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements, or portion thereof, associated with a project for which site plan approval is being sought or has been obtained. In accordance with these guidelines, the exact amount of the performance guarantee shall be determined by the clerk.
 - (4) An amount not less than ten percent of the total performance guarantee may be retained for a period of at least one year after installation of landscape materials to ensure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the clerk that all landscape materials are being maintained in good condition.
 - (5) The entire performance guarantee, including interest accrued, shall be returned to the applicant upon satisfactory completion of the required improvements.

(Ord. of 7-22-2013, § 3.26)

State law reference(s)—Performance guarantee, MCL 125.3505.

Sec. 36-75. Unsatisfactory completion of improvements.

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this chapter, the township may complete the necessary improvements itself or by contract to an independent developer and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

(Ord. of 7-22-2013, § 3.27)

Sec. 36-76. Minimum requirements.

The regulations established by this chapter shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare in the township.

(Ord. of 7-22-2013, § 3.28)

Sec. 36-77. Relationship to other ordinances or agreements.

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

(Ord. of 7-22-2013, § 3.29)

Secs. 36-78—36-97. Reserved.

ARTICLE IV. SCHEDULE OF DISTRICT REGULATIONS

Sec. 36-98. General provisions.

- (a) *Minimum requirements.* 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, structures, or uses throughout each district. Wherever the requirements of this chapter are at variance with the requirements of any other adopted rules or regulations, ordinances, deed restrictions, or covenants, the most restrictive or those imposing the higher standards shall govern.
- (b) *Scope of regulations.*
 - (1) Except as otherwise may be provided in article XXX of this chapter, every building or structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of the ordinance from which this chapter is derived shall comply with all regulations which are applicable in the zoning district in which such use, building, or structure shall be located.
 - (2) No part of a yard or other open space, off-street parking or loading space required about or connected with any use, building, or structure for the purpose of complying with this ordinance shall be included in the yard, open space, off-street parking or loading space similarly required for any other use, building, or structure.
 - (3) No yard or lot existing on the date of adoption of the ordinance from which this chapter is derived shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the ordinance from which this chapter is derived shall meet the minimum requirements established herein. No off-street parking or loading areas shall be reduced below the required size or number of spaces.
 - (4) Nonconforming lots of record may be utilized as set forth in section 36-900.
- (c) *Permitted uses.* Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts. All other uses shall be prohibited.
- (d) *Accessory uses and buildings.* Where a lot is devoted to a permitted principal use or a permitted conditional use, accessory uses are permitted as listed in the applicable zoning district. Accessory uses and buildings shall be subject to the following regulations:

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- (1) Where the accessory building is attached to the principal building, it shall be subject to all regulations of the district in which located.
 - (2) In any SR-1, SR-2, or MR district, accessory uses and buildings not attached to the principal building shall:
 - a. Not be located in front of the rear line of the principal building or, in the case of a corner lot, in the required side yard;
 - b. Not be located less than five feet from an interior side or rear property line;
 - c. Not exceed 15 feet in height.
 - (3) In any LR, SR-1, SR-2, or MR district, not more than 35 percent of the minimum required rear yard may be occupied by accessory structures.
 - (4) In any AR or LR district, accessory structures may not be located in any required setback.
 - (5) In any business or industrial district, any accessory use or building not attached to the principal building shall comply with all area, placement, and height regulations of the district in which located.
 - (6) In any business or industrial district, except the AR agricultural district where buildings may be constructed for agricultural purposes, the ground floor area of an accessory building shall not exceed the ground floor area of the principal building.
 - (7) In any zoning district, a detached accessory building shall be located at least ten feet from any other principal or accessory building.
 - (8) No accessory building shall be used prior to the principal building or use, except as a construction facility for the principal building. An accessory building attached to the principal building of a lot shall be made a structural part thereof and shall comply with the provisions of this chapter.
 - (9) Accessory structures that are intended to be made a structural part of an existing or proposed principal building shall meet the following requirements:
 - a. Continuous foundations shall be required for habitable and occupiable space.
 - b. Porches with roofs structurally attached to the principal building shall have continuous footings.
 - (10) A Little Free Library Book Stand is a permitted accessory use in any zoning district, provided all such Little Free Book Stands meet the following requirements:
 - a. *Location.* The Little Free Library Book Stand structure may be placed anywhere on a lot, except as follows:
 1. The Little Free Library Book Stand structure shall not be located within or overhang the public street right-of-way or any other easement.
 2. The Little Free Library Book Stand structure must meet the clear vision standards of Section 36-98(h).
 - b. *Maximum number.* Not more than one Little Free Library Book Stand is permitted for each lot.
 - c. *Obstruction prohibited.* The Little Free Library Book Stand structure shall not obstruct vehicular, bicycle, or pedestrian traffic, either physically, or by a person utilizing the Little Free Library. It shall also not obstruct barrier free access.
 - d. *Enclosure requirements and maximum dimensions.* The Little Free Library Book Stand box enclosure shall be mounted on a post that shall be secured in the ground. The box enclosure of the Little Free Library Book Stand shall not exceed 24 inches in width, 24 inches in height, and 16

inches in depth. The box enclosure must have a door that will fasten close to prevent rain, snow, or animals from getting into the enclosure.

- e. *Maximum height.* The maximum height of the Little Free Library Book Stand structure, measured from the finished grade to the top of the box enclosure, is five feet.
 - f. *Identification signage.* The Little Free Library Book Stand box enclosure may have non-commercial sign content anywhere on the structure enclosure.
- (e) *Conditional uses.* Conditional uses are permitted as listed in the various zoning districts and if the required conditions are met. The required conditions are set forth in article XXVII of this chapter. Additional requirements for certain conditional uses are set forth in article XXIV of this chapter.
- (f) *Yard measurements.* Yards shall be measured from the exterior faces of a structure to lot lines. The outer edge of a roof overhang or cornice may not extend more than two feet into a required yard. Front and corner side yards shall be measured from existing right-of-way lines. All required yards shall be located parallel and adjacent to property lines. All required yards shall be measured from the right-of-way line of a public street, or from the right-of-way or easement line of a private street.
- (g) *Exemptions from area, placement, and height regulations.*
- (1) The following structures may be located anywhere on any lot: steps; flag poles; hydrants; laundry drying equipment; trellises; recreation equipment; outdoor cooking equipment; at grade sidewalks and private driveways; trees, plants, shrubs, and hedges; fences complying with standards within section 36-715; mailboxes; and light poles. Anything constructed, erected, placed, or planted, or allowed to grow, shall conform to the provisions of section 36-98(h).
 - (2) The following structures and appurtenances shall be exempt from the height regulations of this chapter: spires, belfries, penthouses and domes, chimneys, ventilators, skylights, water tanks, bulkheads, public utility transmission and distribution lines and related structures, radio and television broadcasting and receiving antennae, silos, parapets, and other appurtenances usually required to be placed above roof level and not intended for human occupancy.
 - (3) Entrance structures.
 - a. Entrance structures may be provided for residential areas, shopping centers, industrial parks, and similar developments. The structures may consist of wall, columns, gates, and may be located within required yards. The location and design of an entrance structure shall not interfere with pedestrian, bicycle or vehicular traffic movement and shall not create a safety hazard.
 - b. An entrance structure shall not be constructed until a building permit has been issued. The planning commission shall have approved the location, design, and maintenance provisions for an entrance structure before the building permit may be issued.
 - c. All entrance structures shall be regularly maintained in good and safe condition. A mechanism shall be established for ensuring the required maintenance.
 - d. The application for approval shall provide the following information:
 - 1. Precise location of the structure.
 - 2. Plan and elevation drawings of the structure, including dimensions.
 - 3. Location of electrical wiring and fixtures, if applicable.
 - 4. Provisions to maintain the structure.
 - e. An identification sign permitted in the district in which the entrance structure is to be located may be mounted on an entrance structure, or made a structural part thereof. Such signs shall

conform to all sign regulations, except yard requirements. No sign containing advertising material shall be mounted on or made a structural part of an entrance structure.

- (h) *Visibility at intersections.* On a corner lot in any zoning district, no fence, wall, hedge, screen, structure, or planting shall be placed in such manner as to materially impede the vision between a height of 2.5 and ten feet above the centerline grades of the intersection streets in the area bounded by the street right-of-way lines of such corner lots and the line joining points along said street lines 50 feet from their point of intersection as measured along the street right-of-way lines.
- (i) *Transition strip.* Where a transition strip is required, it shall not be included as part of the required yards, and shall not be included in the area used in calculating lot coverage or floor area ratio.
- (j) *Lot width measurements.* The minimum required width of any lot shall consist of the horizontal straight-line distance between the side lot lines, measured between the two points where the required minimum front yard setback line (set forth in the regulations and standards of each use district) intersects the side lot lines. Said front lot line shall in every instance abut a public or private street by being contiguous with the public street right-of-way line or the private street easement line. In the case of lots fronting onto the turning circle of cul-de-sac streets, the minimum distance shall be 20 feet.

(Ord. of 7-22-2013, § 10.01; Ord. of 6-4-2014, § 10.01; Ord. No. 17-55, § 3, 7-11-2017; Ord. No. 18-56, § 1, 1-9-2018; Ord. No. 18-59, § 1, 7-24-2018; Ord. No. 18-60, § 1, 7-24-2018)

Secs. 36-99—36-124. Reserved.

ARTICLE V. RC—RECREATION CONSERVATION DISTRICT

Sec. 36-125. Purpose.

It is recognized that the township has an abundance of significant natural resources and features. The RC—Resource Conservation District is intended to provide for those uses of land that are compatible with the need to protect and enhance vital township natural resources and amenities, fish and wildlife habitat, woodlands, wetlands and water resources, and to encourage agricultural and other resource-based production.

(Ord. of 7-22-2013, § 11.01; Ord. of 6-4-2014, § 11.01)

Sec. 36-126. Permitted uses.

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district:

- (1) Single-family dwelling and any use, building or structure accessory thereto.
- (2) Family child care homes.
- (3) Adult foster care family homes, foster family homes, and foster family group homes.
- (4) Public or private forest preserve, game refuge, park, or similar recreation areas of low density and which utilize the natural features of the land.
- (5) Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- (6) Farms and farming operations, including a riding academy or stable.

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- (7) A parcel may be used for the maintenance of animals, not as part of a farm or farm operation and not for the purpose of commercial production of farm products, but incidental to the use of a parcel principally for single-family residential purposes, and further subject to the following standards:
 - a. The following standards establish the number of non-farm animals permitted:
 1. One horse (equine) or cow (bovine), or three pigs or hogs (swine), or six sheep or goats (ovine) or similar animal shall be permitted for each one acre.
 2. Poultry, rabbits, and similar animals may be kept in addition to the animals noted above. All setback, fencing, and maintenance standards found below apply.
 - b. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals. Fencing for animal pens, including chicken coops, shall meet the required setbacks of this district.
 - c. Structures housing animals shall meet all required setbacks of this district.
 - d. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
 - e. All feed and other substances and materials on the premises for the maintenance of animals shall be stored so as to not attract rats, mice, or other vermin.
 - (8) Pick your own agricultural products including berries and similar products.
 - (9) Farm market/roadside stand.
 - (10) The raising or growing of plants, trees, shrubs, and nursery stock.
 - (11) The growing, stripping and removal therefrom of sod provided that said lot or portion thereof shall be reseeded after stripping by fall of the year in which it was stripped as to reduce the actual or potential erosion of soil by water or wind.
 - (12) A sign, only in accordance with the regulations specified in article XXVI of this chapter.
 - (13) Distribution lines and structures, not including buildings, of essential services, when located within an existing public or utility right-of-way, and repeater buildings of a telephone utility company when location is approved by the township planning commission.
 - (14) Home occupation.

(Ord. of 7-22-2013, § 11.02; Ord. of 6-4-2014, § 11.02)

Sec. 36-127. Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in article XXVII of this chapter:

- (1) Public and private camping ground.
- (2) Club, golf course and country club house, swimming pool, golf driving range, and sale of food, beverages, and recreation equipment which is incidental to a permitted principal recreation use.
- (3) Marinas, boat launching facilities, and related sales and services, and similar water-related uses and structures; public beaches, swimming pools, and bathhouses for gain.
- (4) Public utility structures.

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- (5) Transmission lines and structures, not including buildings, of essential services, where located in rights-of-way not a part of public or utility rights-of-way existing at the time of adoption of the ordinance from which this article is derived.
 - (6) Essential services, except as provided for elsewhere in this district, provided that no storage of materials, equipment, vehicles, or supplies shall be located on the premises; that no personnel shall be quartered or employed on the premises; and that the structures shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.
 - (7) All buildings and structures accessory and incidental to permitted uses in this district.
 - (8) Radio and television broadcasting and receiving antennae and related buildings and structures.
 - (9) Bed and breakfast operations.
 - (10) Commercial communications apparatus, if located on existing commercial communications or electrical towers, or other existing appropriate structure, and subject to the provisions of section 36-720, in addition to the requirements of article XXVII (conditional uses) of this chapter.
 - (11) Agricultural commercial/tourism business, subject to the provisions of section 36-730.
 - (12) Child care and group child care homes, subject to the provisions of section 36-732.

(Ord. of 7-22-2013, § 11.03; Ord. of 6-4-2014, § 11.03)

Sec. 36-128. Regulations and standards.

The following regulations shall apply in all RC—Recreation Conservation Districts:

- (1) *Lot area.* The minimum lot area shall be ten acres in area.
- (2) *Lot width.* The minimum lot width shall be 300 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed ten percent.
- (4) *Yard and setback requirements.*
 - a. Front yard. Not less than 60 feet from the right-of-way line.
 - b. Side yards. Least width of either yard shall not be less than 30 feet; except in the case of a corner lot where the side yard on the road or street side shall not be less than 60 feet.
 - c. Rear yard. Not less than 50 feet.

The requirements of this subsection (4) shall apply to every lot, building, or structure.

- (5) *Height.* Except as otherwise provided in article IV of this chapter, the following height requirements shall apply to this district for all buildings and structures: No building or structure shall exceed three stories or 40 feet.
- (6) *Required off-street parking.* As required in article XXV of this chapter.
- (7) *Performance standards.* As required in article XXIV of this chapter.
- (8) *Preservation of environmental quality.* Specified in section 36-704.

(Ord. of 7-22-2013, § 11.04; Ord. of 6-4-2014, § 11.04)

Secs. 36-129—36-154. Reserved.

ARTICLE VI. AR—AGRICULTURE DISTRICT²

Sec. 36-155. Purpose.

This district is composed of those areas of the township whose principal use is and ought to be rural density single-family residential and/or farming. The regulations of this district are designed to allow low density residential land use as well as to conserve, stabilize, enhance, and develop farming and related resource utilization activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings, and structures which require streets, drainage, and other public facilities, and services of a different type and quantity than those normally required by these activities. The district, in preserving areas for agricultural uses, is also designed to prevent proliferation of residential subdivision and urban sprawl.

(Ord. of 7-22-2013, § 12.01; Ord. of 6-4-2014, § 12.01)

Sec. 36-156. Permitted uses.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district:

- (1) A single-family dwelling.
- (2) An open space development where a minimum of 50 percent of the total buildable area is permanently preserved as dedicated open space in accordance with sections 36-718 and 36-726 and density does not exceed the standards set forth in section 36-718(e)(1).
- (3) Farms and farming operations including a riding academy or stable.
- (4) A parcel may be used for the maintenance of animals, not as part of a farm or farm operation and not for the purpose of commercial production of farm products, but incidental to the use of a parcel principally for single-family residential purposes and further subject to the following standards:
 - a. The following standards establish the number of non-farm animals permitted.
 1. One horse (equine) or cow (bovine), or three pigs or hogs (swine), or six sheep or goats (ovine) or similar animal shall be permitted for each one acre.
 2. Poultry, rabbits, and similar animals may be kept in addition to the animals noted above. All setback, fencing, and maintenance standards found below apply.
 - b. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals. Fencing for animal pens including fencing for chicken coops shall meet the required setbacks of this district.
 - c. Structures housing animals shall meet all required setbacks of this district.

²State law reference(s)—Right to farm act, MCL 286.471 et seq.

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- d. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
 - e. All feed and other substances and materials on the premises for the maintenance of animals shall be stored so as to not attract rats, mice or other vermin.
- (5) A parcel may be used for the raising or growing of plants, trees, shrubs and nursery stock. Any building or structure located on a parcel used for such purpose shall be secondary and incidental for such raising or growing of such products and may be used only for the storage of equipment and materials necessary for such raising or growing on such site or on parcels under the same ownership used for the same purpose. Unless in conformance with section 36-157(18); no retail sales of products shall take place on the site. Landscape supply yards and/or contracting facilities and storage yards shall not be allowed as part of such operation. Trucks, trailers, or other equipment not used for such on site operation shall not be allowed.
 - (6) Pick your own agricultural products including berries and similar products.
 - (7) Farm market/roadside stand.
 - (8) Public and private recreation areas, such as forest preserves, game refuges, recreation parks and reservations, and similar public and private use of low intensity use.
 - (9) Public and private conservation areas and structures for the development, protection, and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
 - (10) A parcel may be used for the growing, stripping, and removal there from of sod provided that said lot or portion thereof shall be reseeded after stripping by Fall of the year in which it was stripped so as to prevent actual or potential erosion by water or wind.
 - (11) Distribution lines and structures of essential services, not including buildings, when located within an existing public or utility right-of-way and repeater buildings of a telephone utility company when location is approved by the township planning commission.
 - (12) A sign, only in accordance with the regulations specified in article XXVI of this chapter.
 - (13) An accessory use, building, or structure.
 - (14) A two-family dwelling.
 - (15) Home occupation.
 - (16) Family child care homes, adult foster care family homes, foster family homes and foster family group homes.

(Ord. of 7-22-2013, § 12.02; Ord. of 5-14-2014(1); Ord. of 6-4-2014, § 12.02)

Sec. 36-157. Conditional uses.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in article XXVII of this chapter:

- (1) An open space development where less than 50 percent of the total buildable area is permanently preserved as dedicated open space in accordance with sections 36-718 and 36-726 or density exceeds the standards set forth in section 36-718(e)(1).
- (2) The removal of soil, sand, gravel, and other materials. See section 36-700.

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- (3) A public or private park, camping ground, golf course, golf driving range, club, hunting lodge, garden nursery, commercial greenhouse, and livestock auction yard subject to the following:
 - a. No building shall be located within 100 feet of any property line.
 - b. Facilities such as licensed restaurants and bars may be permitted when occupying an integral part of the main structure.
 - c. Golf fairways, swimming pools, tennis courts, and similar uses shall be located not less than 35 feet from any property line.
 - (4) A community or governmental building.
 - (5) An airport.
 - (6) A sanitary land fill site.
 - (7) A public or private nursery school, primary or secondary school, business school, college, and university.
 - (8) A hospital, nursing home, or sanitarium.
 - (9) A church, synagogue, cathedral, mosque, temple, or other building used for public worship or a cemetery.
 - (10) A veterinarian or animal clinic and kennels.
 - (11) Essential services, as provided for in section 36-65.
 - (12) Farm labor housing as an accessory use to a farm comply with all state, county, and local health, building, and zoning regulations.
 - (13) A public utility structure and rights-of-way or easement.
 - (14) A radio and television broadcasting and receiving antenna.
 - (15) A woodworking shop involved in the making of cabinets, furniture, and similar products from wood, but not including a sawmill.
 - (16) Landscape nurseries, greenhouses, and landscaping businesses with retail facilities may be permitted where the nature of the business will not negatively impact adjacent nonagricultural uses, and provided the business does not pose an environmental hazard. Landscaping businesses may include operations necessary to install and maintain plant materials off site, including storage of trucks for transportation of plants, soils, and other landscaping materials. Such equipment may consist of trucks not exceeding 12 yards capacity, flatbed trailers only for hauling small equipment and necessary landscape products, and other necessary equipment such as tractors, skid loaders small front end loaders, and tree moving equipment. In addition, a landscaping/nursery operation may include other decorative manmade materials such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, garden pools, statues, and benches shall also be considered part of a landscaping operation, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Construction equipment or road maintenance equipment is not considered to be a part of nursery and/or landscaping operations. The following regulations shall apply to all landscape nurseries and landscape businesses the AR district:
 - a. The following yard and setback requirements shall apply:
 1. Lot area. Not less than ten acres in area.
 2. Lot width. Not less than 300 feet in width.

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3. Front yard setback. 85 feet.
 4. Side yard setback. Each side yard setback shall not be less than 50 feet, except in the case of a corner lot, where the side yard on the road or street side shall not be less than 60 feet.
 5. Rear yard setback. Not less than 50 feet.
- b. A permanent vegetative buffer with a minimum width of 20 feet shall be established around the periphery of the landscaping operation. Such vegetative buffer shall be completed before the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. See section 36-706 for planting materials.
- (17) Gun clubs, subject to the following:
- a. Individual ranges, areas containing more than one range, or the entire property shall be enclosed with a minimum six-foot chainlink fence with two strands of barbed wire stretched on arms sloping inward from the top of the fence. Range fencing shall enclose the range proper, backstop, side walls, or greenbelt, shotfall area for shotgun ranges, firing line, ready areas, and any other area in which a person might unwittingly subject himself to reasonable hazard.
 - b. No-trespassing or danger signs designating the hazard, not less than two square feet nor more than four square feet in area and spaced not more than 200 feet apart, shall be posted on the upper portion of the fence enclosing the range. The sign shall also be posted at each gate and other entry.
 - c. Trap, skeet or other shotgun ranges shall be placed such that the firing positions are not less than 900 feet from the nearest property line in the direction of fire. No backstop is required for such shotgun ranges.
 - d. All outdoor pistol and rifle ranges shall be provided with a secondary backstop and a primary bulletstop immediately behind the target line. The primary bulletstop shall consist of inclined steel plates with sand pits, or heavy timbers backed with earth. The steel plates shall be backed with sand or other sound deadening material. The secondary backstop shall be constructed of earth and shall be of sufficient height to subtend an angle of not less than six degrees above the horizontal when viewed from the firing line, and shall be equal to or greater than its distance from the firing line plus the width of the firing line. This backstop may be a natural rise of ground if free of stone and exposed rock and lying entirely within the fenced area. Alternative construction affording equivalent protection and noise reduction may be allowed on petition to the planning commission.
 - e. In addition to the primary and secondary backstops, all outdoor pistol and rifle ranges shall be enclosed on the remaining three sides by a dense greenbelt of bushes, brush or trees not less than ten feet in height and not less than 200 feet in width. As an alternative to the greenbelt, an earthwork may be constructed such that the top of the earthwork subtends an angle on not less than six degrees from the horizontal when viewed from any point on the firing line, or not less than ten feet in height, whichever is greater. In case of the earthwork, the 200 feet distance between the firing line and the property line shall be maintained. Alternative construction affording equivalent protection and noise reduction may be allowed on petition to the planning commission.
 - f. Indoor firing ranges shall be constructed in such a manner as to provide sound reduction and to prevent stray shots from leaving the range area in hazardous directions. In this interest all construction plans for initial construction, major alteration and subsequent new construction shall be approved by the planning commission and building inspection department.

- (18) Bulk feed and fertilizer outlets.

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- (19) Bed and breakfast operations.
 - (20) Sawmills.
 - (21) Commercial communications apparatus subject to the provisions of section 36-720.
 - (22) Agriculture/tourism business, subject to the provisions of section 36-730.
 - (23) Group child care homes.
 - (24) Marihuana establishments and facilities, subject to the standards of section 36-738, including:
 - a. Growers, excluding Medical Class C, Recreational Class C, and Medical Class B.

(Ord. of 7-22-2013, § 12.03; Ord. of 5-14-2014(1); Ord. of 6-4-2014, § 12.03; Ord. No. 19-66, § C, 11-12-2019)

Sec. 36-158. Regulations and standards.

The following regulations shall apply in all AR—Agriculture Districts:

- (1) *Lot area.* No building or structure shall be established on any lot less than five acres in area.
- (2) *Lot width.* The minimum lot width shall be 150 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed ten percent.
- (4) *Yard and setback requirements.*
 - a. Front yard. Not less than 50 feet from the right-of-way line.
 - b. Side yards. Least width of either yard shall not be less than 30 feet; except in the case of a corner lot where the side yard on the road or street side shall not be less than 60 feet.
 - c. Rear yard. Not less than 50 feet.

The requirements of this subsection (4) shall apply to every lot, building, or structure.

- (5) *Height.* Except as otherwise provided in article IV of this chapter, the following height requirements shall apply in this district:
 - a. No dwelling or non-farm building or structure shall exceed a height of three stories or 40 feet.
 - b. No general and specialized farm buildings and structures shall exceed a height of 75 feet.
- (6) *Required off-street parking.* As required in article XXV of this chapter.
- (7) *Performance standards.* As required in article XXIV of this chapter.
- (8) *Preservation of environmental quality.* As specified in section 36-704.
- (9) *Supplemental regulations.* As required in article XXIV of this chapter.

(Ord. of 7-22-2013, § 12.04; Ord. of 6-4-2014, § 12.04)

Secs. 36-159—36-184. Reserved.

ARTICLE VII. LR—LOW DENSITY RESIDENTIAL DISTRICT

Sec. 36-185. Purpose.

This district is composed of those areas of the township intended to accommodate single-family residential development at a density of one dwelling unit per two acres in areas not intended to be serviced with sanitary sewer or water facilities. The regulations of this district are designed to preserve a predominantly rural character, including agricultural operations. In addition to the dwellings permitted in this zoning district, there are permitted certain residential and public uses which have been strictly regulated to make them compatible with the principal use of this district.

(Ord. of 7-22-2013, § 20.01; Ord. of 6-4-2014, § 20.01)

Sec. 36-186. Permitted uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- (1) A single-family dwelling.
- (2) Family child care homes.
- (3) Adult foster care family homes, foster family homes, and foster family group homes.
- (4) An open space development where a minimum of 50 percent of the total buildable area is permanently preserved as dedicated open space in accordance with sections 36-718 and 36-726 and density does not exceed the standards set forth in section 36-718(e)(1).
- (5) Farms and farming operations, including a riding academy or stable.
- (6) A parcel may be used for the maintenance of animals, not as part of a farm or farm operation and not for the purpose of commercial production of farm products, but incidental to the use of a parcel principally for single-family residential purposes, and further subject to the following standards:
 - a. The following standards establish the number of non-farm animals permitted:
 1. One horse (equine) or cow (bovine), or three pigs or hogs (swine), or six sheep or goats (ovine) or similar animal shall be permitted for each one acre.
 2. Poultry, rabbits, and similar animals may be kept in addition to the animals noted above. All setback, fencing, and maintenance standards found below apply.
 - b. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals. Fencing for animal pens, including chicken coops, shall meet the required setbacks of this district.
 - c. Structures housing animals shall meet all required setbacks of this district.
 - d. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
 - e. All feed and other substances and materials on the premises for the maintenance of animals shall be stored so as to not attract rats, mice, or other vermin.
- (7) Pick your own agricultural products including berries and similar products.
- (8) Farm market/roadside stand.

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- (9) Public and private recreation areas, such as forest preserves, game refuges, recreation parks and reservations, and similar public and private use of low intensity use.
 - (10) Public and private conservation areas and structures of the development, protection, and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
 - (11) Distribution lines and structures of essential services, not including buildings, when located within an existing public or utility right-of-way and repeater buildings of a telephone utility company when location is approved by the township planning commission.
 - (12) A sign, only in accordance with the regulations specified in article XXVI of this chapter.
 - (13) An accessory use, building, or structure.
 - (14) Home occupation.

(Ord. of 7-22-2013, § 20.02; Ord. of 5-14-2014(1); Ord. of 6-4-2014, § 20.02)

Sec. 36-187. Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in article XXVII of this chapter:

- (1) Child care centers and group child care homes.
- (2) An open space development where less than 50 percent of the total buildable area is permanently preserved as dedicated open space in accordance with sections 36-718 and 36-726 or density exceeds the standards set forth in section 36-718(e)(1).
- (3) Bed and breakfast operations.
- (4) Farm labor housing as an accessory use to a farm. Farm labor housing must comply with all state, county, and local health, building, and zoning regulations.
- (5) Golf course with golf driving range.
- (6) Country club, public swimming pool, and recreation club, public and private park and playground.
- (7) A church, synagogue, cathedral, mosque, temple or other building used for public worship, or a cemetery; public building.
- (8) Public and private nursery school, primary and secondary school.
- (9) Public utility structure.
- (10) Essential services, as provided in section 36-65.
- (11) Commercial communications apparatus, subject to the provisions of section 36-720.

(Ord. of 7-22-2013, § 20.03; Ord. of 5-14-2014(1); Ord. of 6-4-2014, § 20.03)

Sec. 36-188. Regulations and standards.

The following regulations shall apply in all LR—Low Density Residential Districts:

- (1) *Lot area.*

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- a. The minimum lot area in this district shall be two acres for single-family dwellings and accessory structures thereto without application of the residential cluster option regulations set forth in section 36-718.
 - b. The minimum lot area shall be reduced to one acre for single-family dwellings located in areas which are not served by public sewers and 33,000 square feet for single-family dwellings located in areas which are served by public sewers for the purposes of determining allowable density with application of the residential cluster option regulations, set forth in section 36-718. The number of dwelling units permitted under the residential cluster option regulations shall be determined in the manner set forth in section 36-718(e), pertaining to density calculations.
- (2) *Lot width.* The minimum lot width shall be 150 feet. Furthermore, the minimum lot width shall be 125 feet in areas which are served by public sewers.
 - (3) *Lot coverage.* The maximum lot coverage shall not exceed 20 percent.
 - (4) *Floor area ratio.* The maximum floor area shall not exceed 20 percent of the lot area.
 - (5) *Yard and setback requirements.*
 - a. Front yard. Not less than 35 feet, except as modified by the application of the residential cluster option regulations set forth in section 36-718.
 - b. Side yards. Least width of either yard shall not be less than 20 feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than 35 feet.
 - c. Rear yard. Not less than 35 feet.The requirements in this subsection (5) shall apply to every lot, building, or structure.
 - (6) *Height.* Except as otherwise provided in article IV of this chapter, no structure shall exceed a height of two stories or 35 feet.

(Ord. of 7-22-2013, § 20.04; Ord. of 6-4-2014, § 20.04)

Secs. 36-189—36-214. Reserved.

ARTICLE VIII. SR-1—SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 36-215. Purpose.

This district is composed of those areas of the township whose principal use is and ought to be single-family dwellings on moderately small-sized lots. The regulations of this district are designed to create predominately suburban character in those areas which are served by a central sanitary sewer system. In addition to the dwellings permitted in this zoning district, certain residential and public uses are permitted which have been strictly regulated to make them compatible with the principal use of this district.

(Ord. of 7-22-2013, § 21.01; Ord. of 6-4-2014, § 21.01)

Sec. 36-216. Permitted uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

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- (1) Single-family dwelling and any use, building or structure accessory thereto.
 - (2) Two-family dwelling and any use, building or structure accessory thereto.
 - (3) Family child care homes, adult foster care family homes, foster family homes and foster family group homes.
 - (4) A sign, only in accordance with the regulations specified in article XXVI of this chapter.
 - (5) Home occupations.
 - (6) An open space development where a minimum of 50 percent of the total buildable area is permanently preserved as dedicated open space in accordance with sections 36-718 and 36-726 and density does not exceed the standards set forth in section 36-718(e)(1).

(Ord. of 7-22-2013, § 21.02; Ord. of 5-14-2014(1); Ord. of 6-4-2014, § 21.02)

Sec. 36-217. Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in article XXVII of this chapter:

- (1) Golf course with golf driving range.
- (2) Country club, public swimming pool, and recreation club, public/private park and playground.
- (3) A church, synagogue, cathedral, mosque, temple or other building used for public worship, or a cemetery; public building.
- (4) Primary and secondary school.
- (5) Essential services, as provided in section 36-65.
- (6) Public utility structure located on the surface of the ground including but not limited to transformer sub-stations, pumping stations, communications relay stations, gas and steam regulating valves and stations; provided that storage of materials, inoperative equipment, vehicles, or supplies shall be located in a building, that no personnel shall be quartered or employed on the premises, and that structure shall be designed, erected, and landscaped in such a manner as to conform as much as possible with the character of this district.
- (7) Commercial communications apparatus, if located on existing commercial communications or electrical towers, or other existing appropriate structure, and subject to the provisions of section 36-720, in addition to the requirements of article XXVII (conditional uses) of this chapter.
- (8) An open space development where less than 50 percent of the total buildable area is permanently preserved as dedicated open space in accordance with sections 36-718 and 36-726 or density exceeds the standards set forth in section 36-718(e)(1).
- (9) Bed and breakfast operations, as provided in section 36-711.
- (10) Child care and group child care homes, subject to the provisions of section 36-732.

(Ord. of 7-22-2013, § 21.03; Ord. of 5-14-2014(1); Ord. of 6-4-2014, § 21.03)

Sec. 36-218. Regulations and standards.

The following regulations shall apply in all SR-1—Single-Family Residential Districts:

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- (1) *Lot area.* Where a lot is served with a central sanitary sewerage system there shall be provided a minimum of one-fourth acre of lot area for each single-family dwelling unit and one-half acre of lot area for each two-family dwelling. Where a lot is not so served, there shall be provided a minimum of one acre of lot area for each single-family dwelling unit and two acres of lot area for each two-family dwelling. The minimum lot area for all other principal buildings and structures listed in section 36-217 shall be one acre where central services are provided and three acres where a lot is not so served.
 - (2) *Lot width.*
 - a. The minimum lot width for a single-family dwelling for lots served with a central sanitary sewerage system shall be 80 feet. Where a lot is not so served, the minimum lot width shall be 150 feet.
 - b. The minimum lot width for two-family dwellings served with a central sanitary sewerage system shall be 120 feet. Where a lot is not so served, the minimum lot width shall be 150 feet.
 - (3) *Lot coverage.* The maximum lot coverage shall not exceed 30 percent.
 - (4) *Yard and setback requirements.*
 - a. Front yard. Not less than 35 feet.
 - b. Side yards. Least width of either yard shall not be less than ten feet, but the sum of the two side yards shall not be less than 25 feet; except in the case where the side yard on the road or street side shall not be less than 35 feet.
 - c. Rear yard. Not less than 20 feet.

The requirements of this subsection (4) shall apply to every lot, principle building or structure, and attached accessory building or structure. Accessory uses and buildings not attached to the principal building shall not be located less than five feet from an interior side or rear property line per section 36-98(d)(2).
 - (5) *Height requirements.*
 - a. Except as otherwise provided in article IV of this chapter, the following height requirements shall apply in this district:
 - b. For buildings and structures. No building and no structure shall exceed a height of 2½ stories, but not exceeding 35 feet.
 - (6) *Required off-street parking.* As required in article XXV of this chapter.
 - (7) *Supplemental regulations.* As required in article XXIV of this chapter.
 - (8) *Performance standards.* As required in article XXIV of this chapter.

(Ord. of 7-22-2013, § 21.04; Ord. of 6-4-2014, § 21.04; Ord. No. 18-60, § 2, 7-24-2018)

Secs. 36-219—36-244. Reserved.

ARTICLE IX. SR-2—SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 36-245. Purpose.

This district is composed of those areas of the township whose principal use is and ought to be single-family dwellings on small sized lots. Land within this district is found primarily within the proximity of Whitmore Lake and Horseshoe Lake. There is no intent to rezone any additional lands of the township into this zoning district than are currently recognized by this district on the zoning map. The regulations of this district are designed to establish adequate minimum standards for further development or redevelopment of these areas, and to maintain a predominantly suburban character in those areas which are served by central sanitary sewer. In addition to dwellings permitted in this zoning district, certain residential and public uses are permitted which have been strictly regulated to make them compatible with the principal use of the district.

(Ord. of 7-22-2013, § 22.01; Ord. of 6-4-2014, § 22.01)

Sec. 36-246. Permitted uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- (1) Single-family dwelling and any use, building or structure accessory thereto.
- (2) Family child care homes, adult foster care family homes, foster family homes and foster family group homes.
- (3) Home occupations.
- (4) An open space development where a minimum of 50 percent of the total buildable area is permanently preserved as dedicated open space in accordance with sections 36-718 and 36-726 and density does not exceed the standards set forth in section 36-718(e)(1).

(Ord. of 7-22-2013, § 22.02; Ord. of 5-14-2014(1); Ord. of 6-4-2014, § 22.02)

Sec. 36-247. Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in article XXVII of this chapter:

- (1) Two-family dwelling and any use, building or structure accessory thereto.
- (2) Public utility structure located on the surface of the ground including but not limited to transformer substations, pumping stations, communications relay stations, gas and steam regulation valves and stations; provided that storage of materials, inoperative equipment, vehicles, or supplies shall be located in a building, that no personnel shall be quartered or employed on the premises, and that structure shall be designed, erected, and landscaped in such a manner as to conform as much as possible with the character of this district.
- (3) Commercial communications apparatus, if located on existing commercial communications or electrical towers, or other existing appropriate structure, and subject to the provisions of section 36-720, in addition to the requirements of article XXVII (conditional uses) in this chapter.
- (4) An open space development where less than 50 percent of the total buildable area is permanently preserved as dedicated open space in accordance with sections 36-718 and 36-726 or density exceeds the standards set forth in section 36-718(e)(1).
- (5) Bed and breakfast operations, as provided in section 36-711.

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- (6) Child care and group child care homes, subject to the provisions of section 36-732.
 - (7) A church, synagogue, cathedral mosque, temple or other building used for public worship.
 - (8) A cemetery.

(Ord. of 7-22-2013, § 22.03; Ord. of 5-14-2014(1); Ord. of 6-4-2014, § 22.03; Ord. No. 16-48, § 1, 4-12-2016)

Sec. 36-248. Regulations and standards.

The following regulations shall apply in all SR-2—Single-Family Residential Districts:

- (1) *Lot area.* Where a lot is served with a central sanitary sewerage system there shall be provided a minimum of 7,500 square feet of lot area for each single-family dwelling unit and 12,500 square feet of lot area for each two-family dwelling unit. Where a lot is not so served, there shall be provided a minimum of one acre of lot area for each single-family dwelling and two acres of lot area for each two-family dwelling unit. The minimum lot area for all other principal buildings and structures listed in section 36-247 shall be one acre where central services are provided and three acres where a lot is not so served.
- (2) *Lot width.*
 - a. The minimum lot width for single-family lots served with a central sanitary sewerage system shall be a minimum of 60 feet. Where a single-family lot is not so served, the minimum lot width shall be 150 feet.
 - b. The minimum lot width for two-family dwellings served with a central sanitary sewerage system shall be 120 feet. Where a lot is not so served, the minimum lot width shall be 150 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 30 percent.
- (4) *Yard and setback requirements.*
 - a. Front yard. Not less than 30 feet.
 - b. Side yards. Least width of either yard shall not be less than ten feet, except in the case where the side yard on the road or street side shall not be less than 30 feet.
 - c. Rear yard. Not less than 20 feet.
 - d. In the case of a through lot, the frontages along streets shall be considered front yards and all buildings and structures shall meet the minimum front yard requirements.

The requirements of this subsection (4) shall apply to every lot, principle building or structure, and attached accessory building or structure. Accessory uses and buildings not attached to the principal building shall not be located less than five feet from an interior side or rear property line per section 36-98(d)(2).

- (5) *Height requirements.* The following height requirements shall apply in this district for buildings and structures: No building and no structure shall exceed a height of 2½ stories, but not exceeding 35 feet.
- (6) *Required off-street parking.* As required in article XXV of this chapter.
- (7) *Performance standards.* As required in article XXIV of this chapter.
- (8) *Supplemental regulations.* As required in article XXIV of this chapter.

(Ord. of 7-22-2013, § 22.04; Ord. of 6-4-2014, § 22.04; Ord. No. 18-60, § 3, 7-24-2018)

Secs. 36-249—36-274. Reserved.

ARTICLE X. MR—MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 36-275. Purpose.

This district is composed of those areas of the township whose principal use is or ought to be multiple-family dwellings. The regulations of this district are designed to permit a moderate density of population and a moderate intensity of land use in those areas which are served by a central sanitary sewerage system, and which abut or are adjacent to such other uses, buildings, structures, or amenities which support, complement or serve such a density and intensity. In addition to the dwellings permitted in this zoning district, there are permitted certain residential and public uses which have been strictly regulated to make them compatible with the principle use of this district.

(Ord. of 7-22-2013, § 25.01; Ord. of 6-4-2014, § 25.01)

Sec. 36-276. Permitted uses.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district:

- (1) Single-family dwelling and any use, building or structure accessory thereto.
- (2) Two-family dwellings and any use, building or structure accessory thereto.
- (3) Multiple-family dwelling and any use, building or structure accessory thereto.
- (4) Group child care homes, adult foster care family homes, foster family homes and foster family group homes.
- (5) A sign, only in accordance with the regulations specified in article XXVI of this chapter.
- (6) A planned unit residential development, only in accordance with the procedures and regulations specified in article XXIII of this chapter.
- (7) Home occupation may be located on a lot with a single-family dwelling.

(Ord. of 7-22-2013, § 25.02; Ord. of 6-4-2014, § 25.02)

Sec. 36-277. Conditional uses.

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in article XXVII of this chapter:

- (1) Golf course including golf driving range.
- (2) Country club, public swimming pool and recreation club, public/private park and playground.
- (3) A church, synagogue, cathedral, mosque, temple or other building used for public worship, or a cemetery; public building.
- (4) Primary and secondary school, college and university.
- (5) Medical and dental clinic, when associated with a hospital, nursing home or sanitarium.
- (6) Funeral establishment.

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- (7) Hospitals, nursing homes, sanitariums.
 - (8) Essential services as provided in section 36-65.
 - (9) Commercial communications apparatus, if located on existing commercial communications or electrical towers, or other existing appropriate structure, and subject to the provisions of section 36-720, in addition to the requirements of article XXVII (conditional uses) of this chapter.
 - (10) Child care and group child care homes, subject to the provisions of section 36-732.

(Ord. of 7-22-2013, § 25.03; Ord. of 6-4-2014, § 25.03)

Sec. 36-278. Regulations and standards.

The following regulations shall apply in all MR—Multiple-Family Residential Districts:

- (1) *Lot area.* Every lot or parcel of land occupied by a single-family dwelling shall contain an area of 10,000 square feet. Every lot or parcel of land occupied by a two-family dwelling shall contain an area of not less than 17,500 square feet. Every lot or parcel of land occupied by a multiple-family dwelling structure which has three or more dwelling units shall contain an area of not less than the following:
 - a. For each dwelling unit having no bedroom unit, 1,900 square feet.
 - b. For each dwelling unit having one bedroom unit, 2,300 square feet.
 - c. For each dwelling unit having two bedroom units, 3,000 square feet.
 - d. For each dwelling unit having more than two bedroom units, 3,000 square feet plus 700 square feet for each bedroom unit in excess of two bedroom units.

Provided further than every lot which has multiple dwelling structures which has three or more dwelling units shall contain not less than one acre of lot area.
- (2) *Lot width.*
 - a. For a single-family dwelling, the minimum lot width shall be 80 feet.
 - b. For a two-family dwelling, the minimum lot width shall be 120 feet.
 - c. For a multiple-family dwelling structure, the minimum lot width shall be 150 feet.
- (3) *Lot coverage.*
 - a. For one-family and two-family dwellings, the maximum lot coverage shall not exceed 30 percent.
 - b. For multiple-family buildings, the maximum lot coverage shall not exceed 35 percent.
 - c. For multiple-family buildings, the maximum floor area shall not exceed 35 percent of the lot area.
- (4) *Yard requirements.*
 - a. Front yard. Not less than 50 feet.
 - b. Side yards. Least width of either yard shall not be less than 15 feet, but the sum of the two side yards shall not be less than 35 feet except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 50 feet.
 - c. Rear yard. Not less than 35 feet.
 - d. Accessory structures shall meet the same yard requirements.

The regulations in this subsection (4) shall apply to every lot, principle building or structure, and attached accessory building or structure. Accessory uses and buildings not attached to the principal building shall not be located less than five feet from an interior side or rear property line per section 36-98(d)(2).

- (5) *Height requirements.* Except as is otherwise provided in article IV of this chapter, no building or structure shall exceed 2½ stories above finished grade or 35 feet whichever is the lesser.
- (6) *Distance between grouped buildings.* In addition to the required setback lines provided elsewhere in this chapter, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between each dwelling:
 - a. Where buildings are front to front or front to rear, three times the height of the taller building, but not less than 70 feet.
 - b. Where buildings are side to side, 1½ times the height of the taller building but not less than 20 feet.
 - c. Where buildings are front to side, rear to side, or rear to rear, two times the height of the taller building but not less than 45 feet.

In applying the above standards, the front of the building shall mean that face of the building having the greatest length; the rear is that face opposite the front. The side is the face having the smallest dimension.

- (7) *Required off-street parking.* As required in article XXV of this chapter.
- (8) *Performance standards.* As required in article XXIV of this chapter.
- (9) *Supplemental regulations.* As required in article XXIV of this chapter.

(Ord. of 7-22-2013, § 25.04; Ord. of 6-4-2014, § 25.04; Ord. No. 18-60, § 4, 7-24-2018)

Secs. 36-279—36-304. Reserved.

ARTICLE XI. MHC—MANUFACTURED HOUSING COMMUNITY DISTRICT³

Sec. 36-305. Purpose.

The purpose of this district is to provide for manufactured housing communities, and to promote manufactured housing communities with the character of residential neighborhoods. It is the intent of this article that manufactured housing communities locate in areas which are served adequately by essential public facilities and services such as access streets, police and fire protection, and public sanitary sewer and storm drainage facilities. It is further the intent of this article that manufactured homes be considered and regulated only in those areas which are designated for manufactured home use within the township's adopted master plan. It is further the intent of this article that manufactured homes in manufactured housing communities deserve and require locations, services, and facilities similar to any other "single-family and multiple family" dwelling units which are developed at higher densities. It is further the intent of this article that various supporting uses common to higher density residential areas, and also those which are unique to manufactured housing communities, be permitted in this district.

³State law reference(s)—Mobile home commission act, MCL 125.2301 et seq.

(Ord. of 7-22-2013, § 26.01; Ord. No. 15-37, 3-10-2015)

Sec. 36-306. Permitted principal uses.

The following buildings and structures and uses of lots, buildings, and structures are permitted in this district.

- (a) Manufactured home dwelling units.
- (b) Single-family dwellings and any use, building, or structure [accessory] thereto.
- (c) Signs, in accordance with the following regulations:
 - (1) Not more than one identification sign, not exceeding 18 square feet in area, at each principal vehicular entrance to the manufactured housing community.
 - (2) One identification sign, not exceeding 18 square feet in area, for each principal building for a non-residential use permitted in this district as a permitted or conditional use.
- (d) Home occupations.

(Ord. of 7-22-2013, § 26.02; Ord. No. 15-37, 3-10-2015)

Sec. 36-307. Accessory uses and structures.

Permitted accessory uses.

- (a) One carport or garage and one storage building on each manufactured home site.
- (b) Swimming pools, bathhouses, recreation facilities, and community centers for use of park residents only.
- (c) Management office and storage area.
- (d) Central laundry facilities for use by park residents only.

(Ord. of 7-22-2013, § 26.03; Ord. No. 15-37, 3-10-2015)

Sec. 36-308. Conditional uses.

The following buildings and structures and uses are permitted, subject to obtaining a conditional use permit as provided in article XXVII, herein, and subject to the following requirements.

- (a) Commercial and service establishments, provided:
 - (1) The manufactured housing community contains at least 100 dwelling units.
 - (2) The establishments are of such nature, size, and location within the manufactured housing community so as to serve only residents within the manufactured housing community.
 - (3) The establishments are designed, improved, and located to protect the character of the manufactured housing community and the surrounding neighborhood.
 - (4) The establishments shall occupy, including parking loading areas, not more than five percent of the total ground area of the manufactured housing community.
 - (5) Similar facilities and services are not conveniently available in the neighboring area.
- (b) Church, fire station, police station, government office building, and similar government buildings.

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- (c) Public or private nursery, primary, and secondary school, or day care center.
 - (d) Commercial communications apparatus, if located on existing commercial communications or electrical towers, or other existing appropriate structure, and subject to the provisions of section 36-720 herein, in addition to the requirements of article XXVII ("Conditional Uses") herein.

(Ord. of 7-22-2013, § 26.04; Ord. No. 15-37, 3-10-2015)

Sec. 36-309. Regulations and standards.

The following regulations shall apply in all manufactured housing communities.

- (a) *Lot area.* The minimum area for a manufactured housing community shall be 20 acres. The tract of land shall comprise a single lot, except where the lot is divided by public streets or where the total property includes parcels for necessary utility plants, maintenance or storage facilities and the like, with appropriate access from the manufactured housing community, provided that all lands involved shall be so dimensioned as to facilitate efficient design and management.
- (b) *Lot and site width.*
 - (1) The minimum width of a lot for a manufactured housing community shall be 80 feet and shall be measured along any public street on which the manufactured housing community abuts. The minimum width of any other part of the lot, which contains dwellings and buildings open generally to occupants of the manufactured housing community shall be 200 feet.
 - (2) The minimum frontage of a manufactured home site on a street within the manufactured housing community shall be 20 feet.
- (c) *Lot size, acreage and density.* A manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. The average 5,500 square feet area may be reduced by 20 percent, provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be devoted to open space. This open space shall be in addition to that required under the State of Michigan Mobile Home Commission Act (Act 96 of 1987), as amended. The minimum site shall not include land area within rights-of-way of public streets; surface area of lakes, ponds or wetlands; land within a 100 year flood plain; or land within easements more than 20 feet wide.
- (d) *Lot coverage.*
 - (1) A manufactured home and its accessory buildings shall not occupy more than 35 percent of the area of the site on which it is located.
 - (2) Any non-residential building and its accessory buildings shall not occupy more than 35 percent of the area of the lot on which such building is located.
- (e) *Yard and separation requirements.*
 - (1) If homes, permanent buildings, and other structures abut a public right-of-way, they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, than the 50 feet shall be measured from the road right-of-way line. This section does not apply to internal roads dedicated for public use.
 - (2) Homes, permanent buildings and other structures shall not be located closer than 20 feet from the property boundary line of the community.

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- (3) The following minimum distances shall be provided and maintained from a manufactured home unit and shall be measured from the face, side, or back of the manufactured home unit. If the manufactured home has an attached or add-on structure or other attached structure which is enclosed for more than 50 percent of its perimeter, the applicable distances shall be measured from the face, side, or back of the attached structure.
- a. Twenty feet between manufactured home units.
 - b. Ten feet from an on-site parking space on an adjacent site.
 - c. Ten feet from a detached accessory structure.
 - d. Ten feet from an attached accessory structure which is enclosed for 50 percent or less of its perimeter.
 - e. Fifty feet from any principal building which is not a manufactured home such as the following:
 - i. Club houses.
 - ii. Maintenance and storage facilities.
 - f. Twenty-five feet from the fence of a swimming pool.
 - g. One hundred feet from a baseball or softball field.
 - h. Any part of a home or an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:
 - i. Seven feet from the edge of an internal road.
 - ii. Seven feet from a parking bay.
 - iii. Seven feet from a common pedestrian walkway.
- (4) Notwithstanding the requirements of section 36-309(e)(3) preceding, two or more manufactured home units may be attached along common walls if these walls contain no windows, doors or other openings; are constructed or safeguarded to provide at least one hour fire protection when attached to other dwelling units; and are constructed to meet the minimum property standards for acoustic control for living unit sound transmission limitations for multi-family housing, U.S. Department of Housing and Urban Development.
- (5) Notwithstanding the requirement of section 36-309(e)(3) preceding, carports, recreation shelters, storage buildings, and similar accessory structures on adjacent sites may be attached across site lines, provided they do not impede desirable views, including visibility at intersections of streets or of driveways with streets, or increase fire hazards.
- (6) Requirements for principal non-residential buildings:
- a. Front yard. A minimum setback of 30 feet.
 - b. Side yard. For interior side yards, the minimum setback shall be ten feet. The side yard on a corner lot, facing a street, shall have a minimum setback of 30 feet.
 - c. Rear yard. The minimum rear yard shall be 20 feet.
- (7) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:

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- a. Support pillars that are installed adjacent to the edge of an internal road shall be set back at least four feet from the edge of the internal road and two feet or more from the closest edge of a common sidewalk.
 - b. Roof overhangs shall be set back two feet from the edge of an internal road.
 - (8) Steps and their attachments shall not encroach more than three and one-half feet into parking areas.
 - (f) *Maximum height of structures.*
 - (1) Principal structures. The maximum permitted height shall be 35 feet.
 - (2) Accessory structures. The maximum permitted height shall be 15 feet, except that storage buildings on individual manufactured home sites shall not exceed eight feet in height.
 - (g) *Parking requirements.*
 - (1) A minimum of two hard-surfaced parking spaces shall be provided for each manufactured home site. Parking may be on-site or off-site.
 - (2) If the two resident vehicle parking spaces required by this section are provided off-site, then the parking spaces shall be adjacent to the home site, and each parking space shall be a parking width of ten feet and a length of 20 feet.
 - (3) If vehicle parking is provided on-site, it shall comply with both of the following provisions:
 - a. The parking spaces shall be constructed of concrete, bituminous asphalt, and supported by a suitable subgrade compliant with the standards of AASHTO (American Association of State Highway and Transportation Officials).
 - b. The parking spaces may be either in tandem or side-by-side. If spaces are in tandem, then the width shall not be less than ten feet, and the combined length shall not be less than 40 feet. If spaces are side-by-side, then the combined width of the two parking spaces shall not be less than 20 feet and the length shall not be less than 20 feet.
 - (4) A minimum of one parking space for every three home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk. Visitor parking spaces shall be a width of ten feet and a length of 20 feet.
 - (h) *Streets.*
 - (1) A manufactured housing community shall have direct vehicular access to at least one paved public road. An additional access shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall satisfy this requirement.
 - (2) Each manufactured home site shall have vehicular access only by streets within the manufactured housing community. No manufactured home site within the community shall have direct vehicular access to a street which borders the manufactured housing community.
 - (3) All internal roads shall be two-way and have driving surfaces that are not less than the following widths:
 - a. Two-way, no parking: 21 feet.
 - b. Two-way, one-side parallel parking: 31 feet.
 - c. Two-way, two-sides parallel parking: 41 feet.

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- (4) All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with AASHTO standards. Roads shall be maintained in a reasonably sound condition as required by the Manufactured Housing General Rules R125.1924 and 1925(2)(b).
 - (5) An internal road that has no exit at one end (dead end) shall terminate with a minimum turning radius of 50 feet. Parking shall not be permitted within the turning area.
 - (6) A safe-site distance of 250 feet shall be provided at all intersections. Offsets at intersections or intersections with more than two internal roads are prohibited.
 - (7) All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as indicated below in subsections a. through c.:
 - a. All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth, measured from the edge of pavement of the public road into the community.
 - b. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
 - c. The ingress and right egress turning lanes of the community entrance road shall connect to the public road and shall have a radius determined by Washtenaw County Road Commission. The intersection of the public road and entrance road shall not have squared corners.
 - (8) Appropriate speed and traffic control signs shall be provided on all internal roads and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.
 - (9) School bus stops, if provided, shall be located in an area that is approved by the school district.
 - (10) Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials, and elsewhere as needed. The minimum width of driveways shall be ten feet. The entrance to the driveway shall have the flare or radii and horizontal alignment for safe and convenient ingress and egress.
- (i) *Sidewalks.* Common sidewalks shall be installed along one side of all internal collector roads within the community to the public right-of-way and to all service facilities including central laundry, central parking, and recreation areas. Common sidewalks shall be constructed in compliance with all of the following requirements:
- (1) Sidewalks shall have a minimum width of three feet and shall be constructed in compliance with ADA standards.
 - (2) All sidewalks shall meet the standards established in the Manufactured Housing General Rules R125.1928.
 - (3) An individual site sidewalk with a minimum width of three feet shall be constructed to connect to at least one entrance to the home, patio, or deck and the parking spaces serving the home or a common sidewalk.
- (j) *Open space and recreational facilities.*
- (1) A manufactured housing community that contains 50 or more sites shall not have less than two percent of the community's gross acreage dedicated to designated open space, but in no case

less than 25,000 square feet. It is recommended that pocket parks or tot lots be considered as part of the community's open space and recreational facilities.

- (2) Required boundary setbacks may not be used in the calculation of open space area.
 - (3) Optional improvements shall comply with state codes and applicable laws and ordinance pertinent to construction, including obtaining appropriate state or local permits for the facility or structure being built.
- (k) *Screening, fencing, and landscaping.* If equal or greater standards are imposed on other residential developments, manufactured housing communities shall be landscaped as follows:
- (1) If a manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development.
 - (2) If the manufactured housing community abuts a non-residential development, screening is not required.
 - (3) In all cases, a manufactured housing community shall provide screening along the boundary abutting a public right-of-way.
 - (4) Screening will consist of evergreen trees or shrubs at least three feet in height at time of planting which are spaced so that they provide a continuous screen at maturity. Alternative screening devices may be utilized if they buffer the manufactured housing community as effectively as the required landscaping described above.
 - (5) Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.
- (l) *Sanitary sewer service.* Each manufactured home unit and each non-residential building which has plumbing facilities within a manufactured housing community shall be connected to sanitary sewer lines which connect to a Northfield Township sanitary sewer line.
- (m) *Outdoor storage.* Common storage areas are permitted for the storage of, including but not limited to, class A, B, and C motor homes, fifth wheel travel trailers, travel trailers, folding tent campers, trailered boats, trailered all-terrain vehicles, trailered personal watercraft, historic vehicles, and seasonal equipment. The storage areas shall be adequately locked, fenced, and permanently screened, using the same standards of screening provided at the property's perimeter, and surfaced in accordance with the State of Michigan Mobile Home Commission Act (Act 96 of 1987), as amended. The storage area shall be limited to use only by residents and management of the manufactured housing community.
- (n) *Accessory buildings.* Each individual home site is allowed one storage shed for the storage of personal property, if permitted by management. Storage sheds shall be constructed with durable weather and rust-resistant materials and shall be maintained to reasonably preserve their original appearance. Accessory buildings must be located at least ten feet from all adjacent homes.
- (o) *Site constructed buildings.* All buildings constructed on site within a manufactured housing community shall be constructed in compliance with the Michigan State Construction Code. Any addition to a mobile home unit which is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for mobile homes shall comply with the Michigan State Construction Code.
- (p) *Lighting.* All internal street and sidewalk systems within a manufactured housing community shall be illuminated as follows:
- (1) Access points shall be lighted. If the public thoroughfare is lighted, the illumination level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.

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- (2) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than 0.15 foot-candles.
 - (3) Internal roads, parking bays, and sidewalks shall be illuminated at not less than 0.05 foot-candles.
 - (4) Lighting fixtures for site-built buildings and structures shall comply with the state electrical code.
- (q) *Placement of a manufactured home unit.*
- (1) It shall be unlawful to park a manufactured home unit so that any part of such unit will obstruct any road or sidewalk within a manufactured housing community.
 - (2) A building permit shall be issued by the Township Building Inspector before a manufactured home may be placed on a site in a manufactured housing community.
- (r) *Certificates required.* A final certificate of zoning compliance and a certificate of occupancy shall be issued as provided in article XXXI, herein, and shall be in effect before a manufactured home unit may be occupied in a manufactured housing community.
- (s) *Plan review.* Preliminary plans of a new manufactured housing community, expansion of a manufactured housing community, or construction of any building within the community not previously approved shall be submitted to the municipality for review and prepared in accordance with the preliminary plan provisions contained herein. The plans shall include the location, layout, general design and description of the project. The preliminary plan shall not include detailed construction, plot, or site plan review plans.
- (1) *Application.* All manufactured housing community plans submitted to the planning commission for review under this section shall contain the following typical information:
- a. The date, north arrow direction and project scale. The scale shall not be less than one inch equals 50 feet (1" = 50') for property under three acres, and at least one inch equals 100 feet (1" = 100') for proposed three acres or more.
 - b. All site and/or property lines are to be shown in scale dimension.
 - c. The location and height of all existing and proposed structures on and within the subject property and existing within 100 feet of the subject property.
 - d. The location and dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space, and recreation areas.
 - e. The location, type of pavement, and right-of-way width of all abutting roads, streets, or alleys.
 - f. The name and address of the professional civil engineering, registered landscape architect, or architectural firms responsible for the preparation of the plan.
 - g. The name of the development and property owner and developer.
 - h. The location of all community garbage/rubbish receptacles and landscaping, as well as the location, height, and type of fences and walls.
 - i. Location of all fire hydrants, if applicable.
 - j. The number of manufactured housing sites proposed.
 - k. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of stormwater management facilities.

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- l. Existing utility and other easements.
 - m. Existing wetlands.
 - n. Proposed entrance sign locations.
 - o. Demonstration that all required setbacks and separation distances will be met provided, however, that detailed construction plans shall not be required to be submitted to Northfield Township.
- (2) *Planning commission action.*
- a. The planning commission shall review the plan for compliance with the design standards for manufactured housing communities contained in here, and the regulations of the manufactured housing commission. If it is determined that the manufactured housing community complies with the regulations established in this section, it shall be approved.
 - b. The plan shall be approved, approved with conditions, or denied within 60 days of receipt by the municipality unless the applicant consents to a longer period of review.
- (t) *Manufactured home standards.* A person shall not construct a manufactured housing community without first obtaining a construction permit from the bureau of construction codes. Each manufactured housing community shall be built and maintained to the construction standards under which it was licensed under, as detailed in State of Michigan Mobile Home Commission Act (Act 96 of 1987), as amended.

(Ord. of 7-22-2013, § 26.05; Ord. No. 15-37, 3-10-2015)

Secs. 36-310—36-336. Reserved.

ARTICLE XII. WLD—WHITMORE LAKE DISTRICT

Sec. 36-337. Purpose.

The master plan places greater emphasis on regulating form and character of development as well as use and intensity of use in the lakes subdistrict. The Whitmore Lake District (WLD) uses form-based provisions to accomplish the goals of the master plan with a special sensitivity to the contextual relevance of three unique subdistricts within the overall WLD. This unique zoning district allows the township to regulate land use in a more flexible format for this specific area to encourage a viable, dynamic mix of uses while implementing a set of design regulations aimed at creating a walkable, compact destination. Specifically, the WLD will do the following:

- (1) Ensure that development is of human scale, primarily pedestrian-oriented, and designed to create attractive streetscapes and pedestrian spaces.
- (2) Promote mixed-use development in both a horizontal and vertical form.
- (3) Ensure reasonable transition between higher intensity development and adjacent neighborhoods.
- (4) Provide economic development opportunities by allowing a wider range of potential uses and creative redevelopment techniques that will expand the employment base and value of land.
- (5) Provide a simple, predictable, efficient way to allow complex, innovative development that would otherwise require special planning procedures.

(Ord. of 7-22-2013, § 30.01)

Sec. 36-338. Applicability and organization.

- (a) Uses, buildings and structures that are nonconforming to the requirements of this article are subject to the regulations of article XXIX of this chapter.
- (b) The requirements of this article shall not apply to:
 - (1) Continuation of an existing permitted use within an existing structure.
 - (2) Reoccupation of an existing building with a permitted use.
 - (3) The expansion of a conforming existing structure by less than 500 square feet or five percent of the total existing floor area, whichever is less, when the building will be occupied or reoccupied by a permitted use. The exempt expansion as noted may occur only once in any two-year period based on the floor area as it existed prior to the expansion.
 - (4) Changes of use within existing structures; provided the new use is permitted in the subdistrict of the WLD where the site is located.
 - (5) Normal repair and maintenance of existing structures that do not increase its size.
 - (6) Continuation of a legal nonconforming use, building, and/or structure.
- (c) The WLD is divided into three subdistricts. These three subdistricts are identified as the Downtown (WLD-D), Waterfront (WLD-W), and North Village (WLD-NV). These three subdistricts are identified on the official zoning map as separate and distinct subdistricts within the overall WLD zoning classification.
- (d) This article contains a set of regulations unique to the WLD. Specifically, these include:
 - (1) General standards that apply to all WLD properties in all three subdistricts. These include special provisions for parking and landscape and streetscape elements.
 - (2) A permitted uses table that provides for a dynamic mix of uses throughout the three subdistricts.
 - (3) Design standards applicable to all WLD properties in all three subdistricts.
 - (4) Form-based dimensional requirements for the WLD-D, WLD-W, and WLD-NV subdistricts. These include special provisions not found in other zoning districts, including:
 - a. Minimum and maximum height.
 - b. Required building lines and setback lines.
 - c. Exemptions and modifications from form-based provisions for streetscape elements.
 - d. Parking location.
 - e. Lot coverage and open space.

(Ord. of 7-22-2013, § 30.02)

Sec. 36-339. Standards applicable to all subdistricts.

- (a) Parking shall not be required in the WLD. However, when provided on site, parking must comply with the following:
 - (1) When parking is located in a side yard (behind the front building line) but fronts on a required building line, no more than 25 percent of the total site's linear feet along the required building line or 60 feet, whichever is greater, shall be occupied by parking.

- (2) For a corner lot or lot with multiple frontages, no more than 25 percent of the total site's linear feet along the required building line or 60 feet, whichever is greater, shall be occupied by parking on both frontages.
 - (b) Landscape and streetscape elements shall be required in accordance with section 36-722.
 - (c) Parking areas which front on a right-of-way as permitted by subsection (a)(1) of this section shall be screened from the public right-of-way by a 30-inch decorative masonry wall. Such wall may be located directly along the front property line or may be recessed and buffered by a landscape bed three feet in depth.
- (Ord. of 7-22-2013, § 30.03)

Sec. 36-340. Uses permitted.

- (a) Authorized uses are identified in the table below. The uses permitted in the WLD are arranged in a unique manner, referring to the uses permitted in other districts.
- (b) If a use is not listed but is similar to other uses within a category, the zoning administrator may make the interpretation that the use is similar to other uses, and is permitted to the same extent and under the same conditions as the similar use.

Permitted Uses

Uses which are permitted by right (P); uses subject to conditional use approval (C); not permitted uses (NP); or uses permitted on upper floors and subject to conditional use approval on the first floor (UP/C)

	WLD-D	WLD-W	WLD-NV
Single-family dwellings and any use, building, or structure accessory thereto	UP/C	P	UP/C
Two-family dwellings and any use, building, or structure accessory thereto	UP/C	C	UP/C
Multiple-family dwelling and any use, building, or structure accessory thereto	UP/C	C	UP/C
Home occupations	UP/C	P	UP/C
Personal services including clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop, and shoe repair shop	P	C	P
Restaurants, including those primarily devoted to serving alcoholic liquors for consumption on the premises and/or providing entertainment, but not including any business of a drive-in type or which have a drive-through	P	C	P
Drive-through as an accessory to a restaurant, financial services, or other permitted use	NP	NP	C
Business and professional offices	P	P	P
Medical and dental offices	P	P	P
Retail, including food services retail, general retail	P	C	P
Essential services	P	P	P
Equipment services, including repair, radio and television, electrical appliance shop, plumber, electrician, and other similar services and trades	P	C	P

Printing, lithographic, blueprinting, and similar uses	C	C	C
Bed and breakfast inns, subject to the provisions of section 36-711	P	P	P
Motels, hotels	P	C	P
Accessory uses, building, or structure	P	P	P
Research oriented and light industrial park uses	C	C	C
Financial services, not including a drive-through	P	P	P
Outdoor commercial recreation, public or private	C	C	C
A church, synagogue, cathedral, mosque, temple, or other building used for public worship, or a cemetery; public building	C	C	C
Public and private nursery schools, primary and secondary schools, colleges and universities	C	C	C
Medical and dental clinics when associated with a hospital or nursing home (ambulatory health care facility) in which outpatient treatment for patients is provided	C	C	C
Funeral establishments	C	C	C
Hospitals, nursing homes, sanitariums	C	C	C
Commercial communications apparatuses, subject to the provisions of section 36-720	NP	NP	C
Animal hospitals or clinics	C	C	C
Temporary outdoor sales when conducted by a permanent business established on site; provided that the locations and annual sales period for such sales shall be established by the planning commission, subject to the provisions of section 36-391(15)	P	C	P
Permanently reserved areas for outdoor seating and/or service when associated with a restaurant	P	C	P
Open air display area for the sale of manufactured products	C	C	C
Contractor wholesale supply when in conjunction with general retail sales of items, including electrical, plumbing, lumber, and/or garden supplies	C	C	C
Boat sales and marinas	NP	C	C
Automobile or vehicle dealerships	C	C	C
Commercial recreation facilities, including indoor theaters, bowling alleys, skating rinks, racket clubs	C	C	C
Family child care homes, adult foster care family homes, foster family homes and foster family group homes	P	P	P
Group child care homes	C	C	C
Bus, truck, taxi, and rail terminals	C	C	C
Retail marihuana and provisioning centers, subject to the standards of section 36-738	C	C	NP

(Ord. of 7-22-2013, § 30.04; Ord. No. 16-48, § 2, 4-12-2016; Ord. No. 19-68, § 1, 9-10-2019; Ord. No. 19-66, § E, 11-12-2019)

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Sec. 36-341. Design standards.

In addition to standards set forth in this article, all proposed development in the WLD shall comply with the standards set forth herein.

- (1) *Building design and materials.*
 - a. *Overall design.* It is the intent of this article to improve the appearance of and add visual interest to the WLD. Emphasis shall be placed upon methods that focus attention on attractive buildings that front on the adjacent right-of-way.
 - b. *Materials.* Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent of walls visible from public streets, exclusive of wall areas devoted to meeting transparency and ground story activation requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior insulation finishing systems (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.
- (2) *Facade variation.* The maximum linear length of an uninterrupted building facade facing public streets and/or parks shall be 30 feet. Facade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
- (3) *Ground story activation.*
 - a. *Transparency.*
 1. The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the street and parking areas are visible to occupants of the building. The first floor of any front facade facing a right-of-way shall be no less than 50 percent windows and doors, and the minimum transparency for facades facing a side street, side yard, or parking area shall be no less than 30 percent of the facade.
 2. Transparency requirements shall not apply to sides which abut an alley.
 3. Windows for building sides shall be concentrated toward the front edge of the building in locations most visible from an urban open space or public right-of-way.
 - b. *Transparency alternatives.* The following alternatives may be used singularly or in combination. They may count toward no more than 80 percent of the transparency requirement.
 1. *Wall design.* Wall designs that provide visual interest and pedestrian scale may count as a transparency alternative if they provide a minimum of three of the following elements, occurring at intervals no greater than 25 feet horizontally and ten feet vertically:
 - (i) Expression of structural system and infill panels through change in plane not less than three inches.
 - (ii) System of horizontal and vertical scaling elements, such as belt course, string courses, cornice, and pilasters.
 - (iii) System of horizontal and vertical reveals not less than one-inch in width/depth.
 - (iv) Variations in material module, pattern, and/or color.

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- (v) System of integrated architectural ornamentation.
 - (vi) Green screen or planter walls.
 - (vii) Translucent, fritted, patterned, or colored glazing.
2. *Outdoor dining/seating.* Outdoor dining/seating located between the building and the primary street zone lot line may count toward the transparency requirement. Such spaces must be permanently created by a wall or other permanent improvement defining the outdoor dining area.
 3. *Permanent art.* Noncommercial art or graphic design of sufficient scale and orientation to be perceived from the public right-of-way and rendered in materials or media appropriate to an exterior urban environment and permanently integrated into the building wall may count toward the transparency requirement.
- (4) *Pedestrian access/entrance.*
- a. The primary entrance for a nonresidential and/or mixed-use building shall be clearly identifiable and useable and located facing the right-of-way.
 - b. A pedestrian connection shall provide a clear, obvious, publicly accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 1. Fully paved and maintained surface not less than five feet in width.
 2. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 3. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
 - c. Additional entrances. If a parking area is located in the rear or side yard, it must also have a direct pedestrian entrance to the building that is of a level of materials quality and design emphasis at least equal to that of the primary entrance.

(Ord. of 7-22-2013, § 30.05)

Sec. 36-342. WLD-D: Downtown Subdistrict.

- (a) The downtown (WLD-D) subdistrict is intended to promote a unified vision for transforming the historic commercial core of the Whitmore Lake community focused on mixed-use development, increased land use intensity, and improved public amenities that is oriented as much to the needs of the pedestrian as to those of the automobile. The flexibility in use regulation inherent in the overall WLD regulations, paired with the prescriptive physical development regulations in the section, will result in a compact, walkable environment that creates new opportunities for investment while protecting quality attributes of the existing area. These regulations are also intended to:
 - (1) Encourage the incubation of a residential element within the traditional downtown core to foster a 24-hour community.
 - (2) Establish a development pattern in which new buildings and building modifications enhance the character of the existing built environment.
 - (3) Orient building entrances and storefronts to the street to add visual interest, put "eyes on the street" for enhanced crime surveillance, increase pedestrian traffic, and create memorable outdoor spaces.

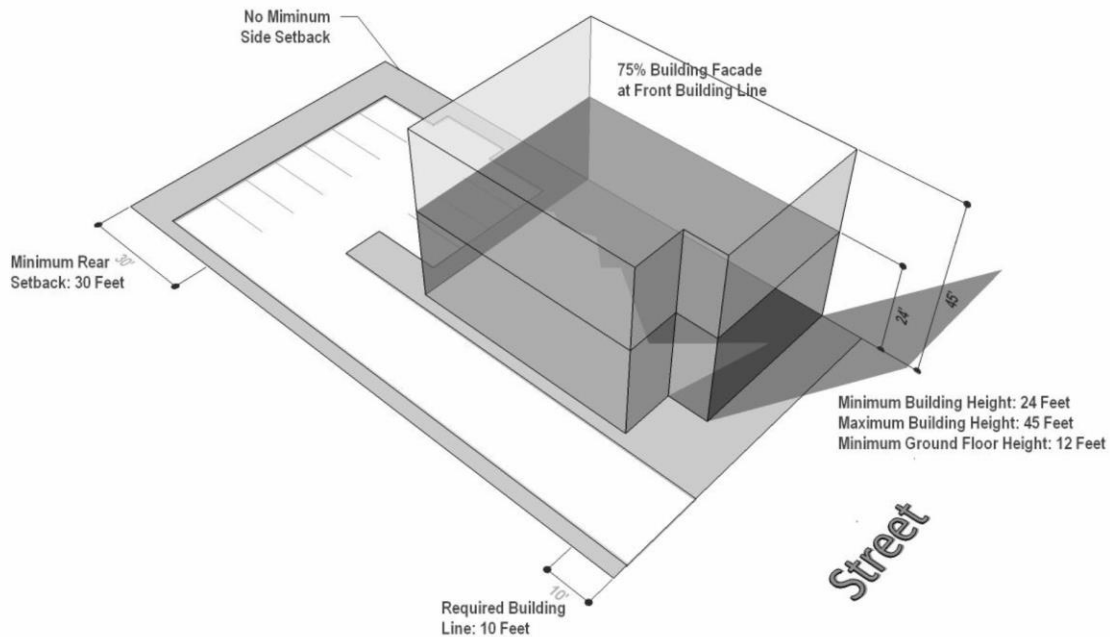
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(Supp. No. 6)

- (4) Limit the impact of off-street parking areas which interrupt the flow and consistency of the "street wall."
 - (5) Enhance a sense of place and contribute to the sustainability of the township.
 - (6) Allow a pattern of development which will encourage transportation alternatives (walking, biking, and transit) to reduce automobile dependence and fuel consumption.
 - (7) Visually distinguish the downtown area from the north village and waterfront subdistricts by encouraging full use of property, consistency, and density while respecting adjacent residential areas.
 - (8) Add value to property.
- (b) Form-based regulations. Downtown buildings and sites will be developed in a manner which contributes to the character of the area by maximizing the value of the property and continues the traditional street wall of adjacent historic buildings. WLD-D sites must comply with the following regulations:

Height	Minimum	Stories	Two stories
		Feet	24 feet
	Maximum	Stories	Three stories
		Feet	45 feet
	Ground floor minimum	Feet	12 feet
	Placement	Front	Required building line*
Minimum setback			N/A
Side		Minimum setback	N/A (building may be placed up to the property line, but is not required to be)
Rear		Minimum setback	30 feet
Lot	Required open space		30 percent
	Lot coverage by all buildings		N/A
	Access and circulation		Driveways may access the site from any side; pedestrian pathways must be provided from the right-of-way
	Parking location		Parking shall be located in a side or rear yard

*The required building line may be moved back up to 20 additional feet to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor cafe, public space, or a cross access drive with an adjacent parcel. Outdoor cafes or public spaces must be developed as part of the primary building and must incorporate a permanent wall or landscaping area along the required building line.



(Ord. of 7-22-2013, § 30.06)

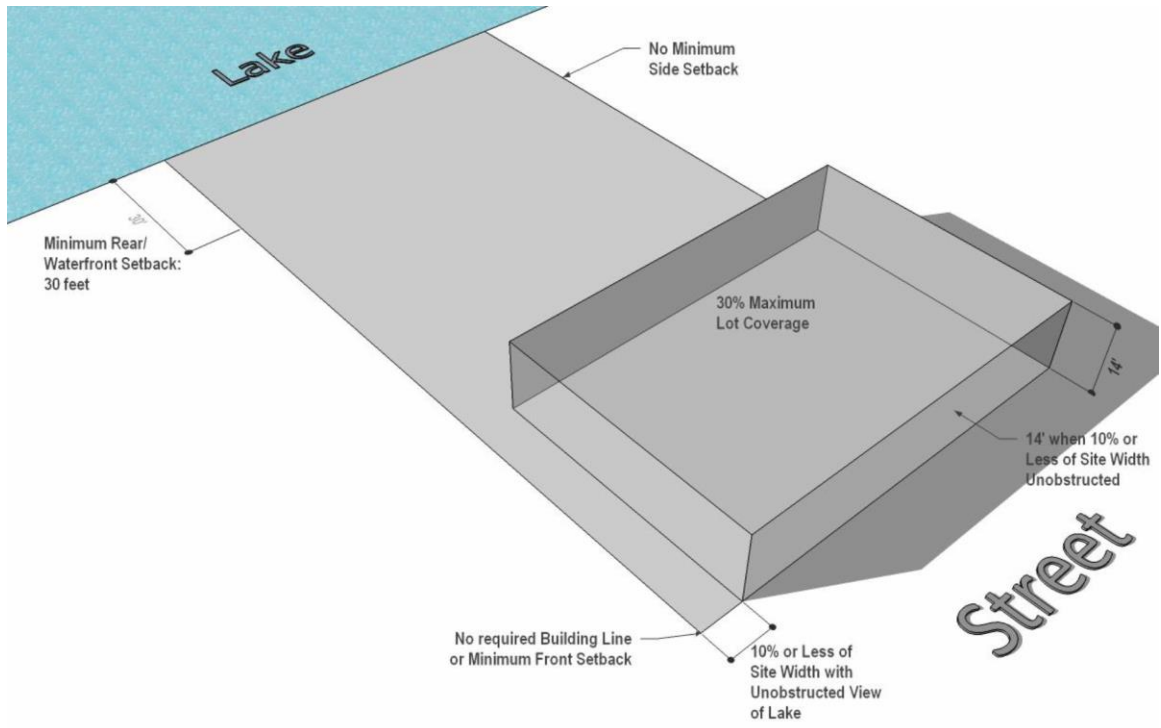
Sec. 36-343. WLD-W: Waterfront Subdistrict.

- (a) The waterfront (WLD-W) subdistrict is intended to facilitate a long-term evolution of the Whitmore Lake waterfront from one made up of tightly packed, exclusively residential structures to one of a variety of building forms and open spaces. It is designed to allow for the continued use of residential structures, but to incentivize the aggregation of parcels and redevelopment of sites in a manner that allows for a higher development yield while providing a public benefit in the form of enhanced views of the lake or public open space. Like the downtown and north village subdistricts, it will allow mixed-use development and increased land use intensity and will require improved public amenities oriented as much to the needs of the pedestrian as to those of the automobile. The WLD-W subdistrict will help create an eclectic, yet walkable, environment which creates new opportunities for investment while adding new public amenities, such as enhanced views of Whitmore Lake. These regulations are also intended to:
- (1) Establish a development pattern in which new buildings and building modifications create new opportunities for lakefront views from the downtown subdistrict.
 - (2) Orient building entrances and storefronts to the street to add visual interest, put "eyes on the street" for enhanced crime surveillance, increase pedestrian traffic, and create memorable outdoor spaces.
 - (3) Utilize off-street parking areas to purposely interrupt the flow and consistency of the street wall to create lakefront views, even if they are across parking areas.
 - (4) Enhance a sense of place and contribute to the sustainability of the township.

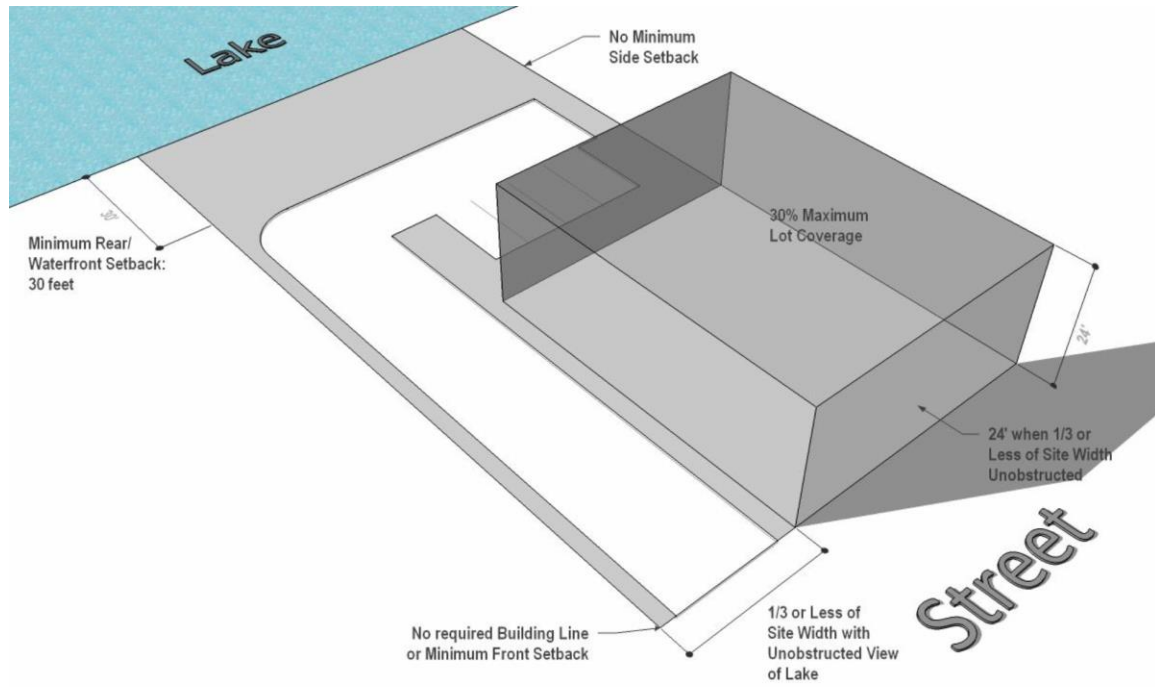
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- (5) Allow a pattern of development which will encourage transportation alternatives (walking, biking, and transit) to reduce automobile dependence and fuel consumption.
 - (6) Visually distinguish the waterfront area from the north village and downtown subdistricts by encouraging a purposely more fragmented development pattern which respects the shoreline, the downtown streetscape, and the existing residential fabric and by offering new opportunities to open up the Whitmore Lake community by adding new views to complement new buildings on aggregated sites.
 - (7) Add value to formerly exclusive properties with shoreline frontage in close proximity to the downtown core.
- (b) Form-based regulations. Downtown buildings and sites will be developed in a manner which contributes to the character of the area and maximizes the value of the property by allowing taller structures if wider view sheds are created. All projects on WLD-W site not including single-family residences must comply with the following regulations:

Height	Minimum	Stories	N/A
		Feet	N/A
	Maximum	Stories and feet*	One story/14 feet when ten percent or less of the site's width provides an unobstructed view of the lake; two stories/24 feet when one-third or more of the site's width provides an unobstructed view of the lake; three stories/45 feet when two-thirds or more of the site's width provides an unobstructed view of the lake
		Ground floor minimum	Feet
Placement	Front	Required building line	N/A
		Minimum Setback	N/A (building may be placed up to the property line, but is not required to be)
	Side	Minimum setback	N/A (building may be placed up to the property line, but is not required to be)
	Rear/waterfront	Minimum setback	30 feet
Lot	Required open space		50 percent
	Lot coverage by all buildings		30 percent
	Access and circulation		Driveways may access the site from any side; pedestrian pathways must be provided from the right-of-way
	Parking location		Parking shall be located in a side yard or rear yard

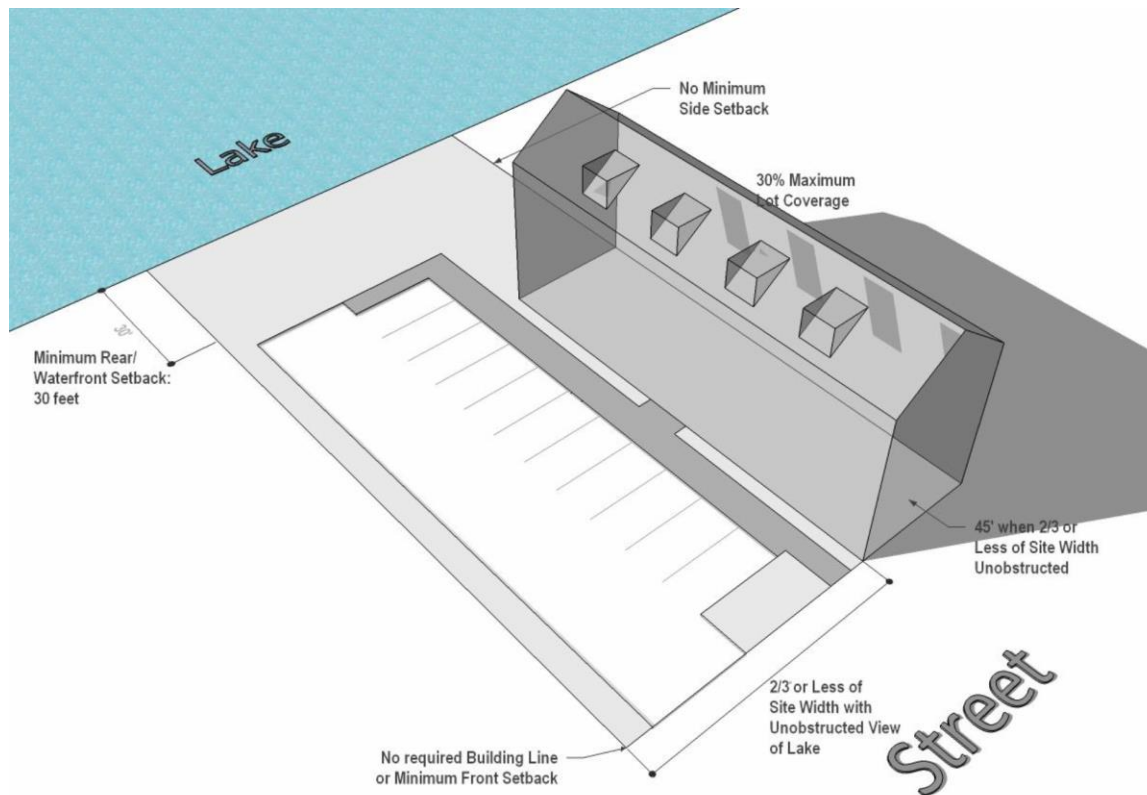
*An unobstructed view has no permanent structures more than 36 inches in height from the right-of-way to the shoreline. The minimum width per story for unobstructed views must be preserved for that percentage throughout the entire site, regardless of varying width. For example, if a site is 100 feet wide at the right-of-way, it would require 33.3 feet of unobstructed width to permit a two-story building. If that site tapers to 60 feet in width at the shoreline, only 20 feet would be required to be unobstructed at that location.



Option 1: 1 Story



Option 2: 2 Stories



Option 3: 3 Stories

- (c) Residential area, bulk, and height regulations. Single-family residences in the WLD-W subdistrict shall be subject to the area, bulk, and height regulations applicable to the individual parcels prior to the adoption of the ordinance from which this chapter is derived.

(Ord. of 7-22-2013, § 30.07)

Sec. 36-344. WLD-NV: North Village Subdistrict.

- (a) The north village (WLD-NV) subdistrict is intended to promote those same principles as the downtown subdistrict (WLD-D), but provides a unique opportunity for large-scale project planning and the incorporation of new streets or public spaces. Like the WLD-D, the WLD-NV promotes a unified vision for transforming the historic commercial core of the Whitmore Lake community focused on mixed-use development, increased land use intensity, and improved public amenities oriented as much to the needs of the pedestrian as to those of the automobile. The flexibility in use regulation inherent in the overall WLD regulations, paired with the prescriptive physical development regulations in the section, will result in a master planned compact, walkable environment that creates new opportunities for investment while protecting quality attributes of the existing area. These regulations are also intended to:
 - (1) Support the incubation of a residential element within the nearby downtown core.
 - (2) Continue a development pattern in which new buildings and building modifications enhance the character of the existing built environment.

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- (3) Orient building entrances and storefronts to new streets and maneuvering lanes to add visual interest, put "eyes on the street" for enhanced crime surveillance, increase pedestrian traffic, and create memorable outdoor spaces.
 - (4) Limit the impact of off-street parking areas which interrupt the flow and consistency of the street wall.
 - (5) Enhance a sense of place and contribute to the sustainability of the township.
 - (6) Allow a pattern of development which will encourage transportation alternatives (walking, biking, and transit) to reduce automobile dependence and fuel consumption.
 - (7) Visually distinguish the downtown area from the north village and waterfront subdistricts by encouraging full use of property, consistency, and density while respecting adjacent residential areas.
 - (8) Add value to property.
- (b) Form-based regulations. The WLD-NV shall observe the same form-based regulations as the WLD-D subdistrict. Buildings and sites will be developed in a manner which contributes to the character of the area, maximizes the value of the property, and creates a complementary street wall to the important historic buildings of the WLD-D. All development of undeveloped sites within the WLD-NV, however, will be subject to site plan review, regardless of the state of the subject site, under the provisions of article XXVIII of this chapter. Within the WLD-NV subdistrict, the following dimensional requirements shall apply:

Height	Minimum	Stories	Two stories
		Feet	24 feet
	Maximum	Stories	Five stories
		Feet	55 feet
Ground floor minimum	Feet	12 feet	
Placement	Front	Required building line*	Ten feet. 75 percent of the building facade must meet the required building line, while up to 25 percent of the facade can be set back to allow for architectural consideration
	Minimum setback	N/A	
	Side	Minimum setback	N/A (building may be placed up to the property line, but is not required to be)
	Rear	Minimum setback	30 feet
Lot	Required open space		30 percent
	Lot coverage by all buildings		N/A
	Access and circulation		Driveways may access the site from any side; pedestrian pathways must be provided from the right-of-way
	Parking location		Parking shall be located in a side or rear yard

*The required building line may be moved back up to 20 additional feet to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor cafe, public space, or a cross access drive with an adjacent parcel. Outdoor cafes or public spaces must be developed as part of the primary building and must incorporate a permanent wall or landscaping area along the required building line.

(Ord. of 7-22-2013, § 30.08)

Secs. 36-345—36-361. Reserved.

ARTICLE XIII. LC—LOCAL COMMERCIAL DISTRICT

Sec. 36-362. Purpose.

This district is established to provide suitable locations for retail, service, and office enterprises which serve a localized market area. Goods and services to be provided by establishments in this district are classified as "convenience," as distinguished from "comparison" goods and services, because they serve the day-to-day needs of a neighborhood or group of neighborhoods. Establishments in this district will generally be small in floor and site area. The district is intended to be applied in areas designated for such use in the master plan and only in areas in which public water and sanitary sewer service are available.

(Ord. of 7-22-2013, § 31.01; Ord. of 7-8-2014, § 31.01)

Sec. 36-363. Permitted uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures, are permitted in this district:

- (1) Clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop and shoe repair shop.
- (2) Food services including grocery, meat market, bakery, restaurant, delicatessen, and fruit market, and similar self-serve units but not including any business of a drive-in or drive-through type.
- (3) Personal services, including barber shops and beauty salons, medical and dental clinics, music studios, banks and saving and loan associations (without drive-through facilities) and other similar uses.
- (4) Personal service offices, such as accountant, attorney, and real estate offices, provided such use shall not exceed 4,000 square feet of floor area in any building.
- (5) Retail services, including drug store, hardware, and gift shop, and dry goods and notions store.
- (6) Essential services, as provided in section 36-65.
- (7) A sign, only in accordance with the regulations specified in article XXVI of this chapter.
- (8) An accessory use, building or structure.

(Ord. of 7-22-2013, § 31.02; Ord. of 7-8-2014, § 31.02; Ord. No. 17-53, § 8, 2-14-2017)

Sec. 36-364. Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in article XXVII of this chapter:

- (1) Animal hospital or clinic.
- (2) Restaurants serving alcoholic beverages, provided that the gross receipts thereof derived from the sale of food and other goods and services exceed 50 percent of the total gross receipts.
- (3) Business and professional offices, such as legal, engineering, accounting, financial and insurance.
- (4) Primary and secondary schools.
- (5) One dwelling unit within the principal building or structure for security purposes only.
- (6) Temporary outdoor sales, subject to the requirements of section 36-734.
- (7) Outdoor seating and/or service when associated with a restaurant subject to the requirements of section 36-735.
- (8) Mini-warehousing, subject to the requirements of section 36-720.
- (9) Commercial communications apparatus, if located on existing commercial communications or electrical towers, or other existing appropriate structure, and subject to the provisions of section 36-720, in addition to the requirements of article XXVII (conditional uses) of this chapter.
- (10) A church, synagogue, cathedral, mosque, temple or other building used for public worship.
- (11) A cemetery.
- (12) Marihuana establishments and facilities, subject to the standards of section 36-738, including:

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- a. Retail marihuana and provisioning centers.

(Ord. of 7-22-2013, § 31.03; Ord. of 7-8-2014, § 31.03; Ord. No. 16-48, § 3, 4-12-2016; Ord. No. 19-66, § D, 11-12-2019)

Sec. 36-365. Regulations and performance standards.

The following regulations shall apply in all LC—Local Commercial Districts:

- (1) *Lot area.* No building or structure shall be established on any lot less than one acre in area, except where a lot is served with a central sanitary sewerage system, in which case there shall be provided a minimum lot area of 10,000 square feet except where included in a neighborhood planned shopping center of five or more stores.
- (2) *Lot width.* The minimum lot width for lots served with a central sanitary sewerage system shall be 80 feet. Where a lot is not so served, the minimum lot width shall be 150 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 25 percent.
- (4) *Floor area ratio.* The maximum floor area shall not exceed 60 percent of the lot area.
- (5) *Yard and setback requirements.*
 - a. *Front yard.* Not less than 35 feet.
 - b. *Side yards.* Least width of either yard shall not be less than 20 feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 35 feet. Minimum interior side yards may not be required when two or more buildings are part of a local shopping center or other combined development of local retail and/or service facilities. Side yard requirements shall apply to the perimeter of such developments.
 - c. *Rear yard.* Not less than 35 feet.

The yard requirements in this subsection (5) shall apply to every lot, building or structure.

- (6) *Height.* No building or structure shall exceed a height of 45 feet.
- (7) *Transition strips.*
 - a. A transition strip shall be required whenever any lot in this district abuts a lot in any rural or residence district. Such a strip shall be provided along every lot line, except front lot lines, which abuts a lot in such district, shall not be included as part of the required yard, and shall be improved with a screen, wall, hedge or shrubbery which will reach a height of four feet one year after planting. The strip shall be maintained in good condition. The planning commission shall have the authority to change the nature of, or reduce the required width of, or to waive completely, the requirement of a transition strip because of a probable change in land use or zoning of adjacent properties. Such determinations and reasons therefore shall be recorded in the minutes of the meeting at which the action is taken. Said transition strip shall comply with the requirements of section 36-706.
 - b. A landscape strip shall be provided along and adjacent to the front property line and shall extend across the entire width of the lot. Driveways may cross the strip but shall not occupy the strip.
- (8) *Required off-street parking.* As required in article XXV of this chapter.
- (9) *Required site plan review.* As required in article XXVIII of this chapter.
- (10) *Supplemental regulations.* As required in article XXIV of this chapter.

(Ord. of 7-22-2013, § 31.04; Ord. of 7-8-2014, § 31.04)

Secs. 36-366—36-388. Reserved.

ARTICLE XIV. GC—GENERAL COMMERCIAL DISTRICT

Sec. 36-389. Purpose.

This district is composed of those areas of the township whose principal use is and ought to be general comparison retail, service and repair business activities which serve the entire township and surrounding area. It is the intent of this district to be located along major transportation networks within the township. This district has been located within the township to permit the development of these business activities, to protect adjacent agricultural, residential and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

(Ord. of 7-22-2013, § 32.01; Ord. of 7-8-2014, § 32.01)

Sec. 36-390. Permitted uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- (1) All permitted uses allowed in LC—Local Commercial Districts as provided in section 36-363.
- (2) Business and professional offices, such as legal, engineering, accounting, financial and insurance.
- (3) Retail services, including department stores, furniture stores, appliance stores, and super markets.
- (4) Agricultural services, including machinery sales and repair establishments, and farm supply stores.
- (5) Showroom and sales of new automobiles, farm machinery, and other vehicle and equipment, and the display and sale of used cars, farm machinery, and other vehicles and equipment when in conjunction with a showroom and sales of new units thereof; and repair of same when in conjunction with a showroom and sales of new units thereof. Display of any vehicles shall not be within street right-of-way, in any required side or rear yard, or in any required transition strip.
- (6) Equipment services, including repair; radio and television, electrical appliance shop, plumber, electrician and other similar services and trades.
- (7) Printing, lithographic, blueprinting and similar uses.
- (8) Funeral establishments, mortuary.
- (9) Restaurants serving alcoholic beverages, provided that the gross receipts thereof derived from the sale of food and other goods and services exceed 50 percent of the total gross receipts.
- (10) Outdoor seating and/or service when associated with a restaurant subject to the requirements of section 36-735.
- (11) Indoor contractor wholesale supply when in conjunction with general retail sales of items including indoor storage of electrical, plumbing, lumber, and/or garden supplies.

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(Ord. of 7-22-2013, § 32.02; Ord. of 7-8-2014, § 32.02; Ord. No. 16-48, § 4(a), 4-12-2016; Ord. No. 17-53, § 5, 2-14-2017)

Sec. 36-391. Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures, are permitted subject to obtaining a conditional use permit as provided in article XXVII of this chapter:

- (1) Bars or establishments principally used for the sale of beer, wine or intoxicating liquor for consumption on the premises, subject to the requirements of section 36-710.
- (2) Hotel, motel, tourist home and boarding and rooming house.
- (3) Animal hospital or clinic.
- (4) Open air display area for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic-tired two-wheeled and four-wheeled utility trailers, pneumatic-tired cement mixers, wheelbarrows, rollers and similar products or equipment. Displays must be located behind all setback lines and shall be related to the principal use of the site. Open air displays shall meet the requirements of section 36-701.
- (5) Automotive service station, including minor repair services, subject to the requirements of section 36-712.
- (6) Boat sales and marinas.
- (7) One dwelling unit within the principal building or structure for security purposes only, provided that the dwelling unit is accessory to the principal use.
- (8) Mini-warehousing, subject to the requirements of section 36-736.
- (9) Lots for the sale of used cars, used farm machinery, and other used vehicles and equipment, when not sold in conjunction with sales of new cars, machinery, vehicles, or equipment. Display of any vehicles shall not be within street right-of-way, in any required side or rear yard, or in any required transition strip.
- (10) Minor repair of vehicles, provided all work, materials, equipment, and waste products shall be contained within a completely enclosed building, subject to the requirements of section 36-712.
- (11) Drive-through facilities for a use permitted in the GC district, subject to the requirements of section 36-737.
- (12) Temporary outdoor sales, subject to the requirements of section 36-734.
- (13) Indoor and outdoor commercial recreation facilities, including theaters (indoor or drive-in), racket clubs, bowling alleys, miniature golf courses, commercial swimming pools, skating rinks.
- (14) Controlled uses as defined in section 36-710.
- (15) Child care facilities.
- (16) Commercial communications apparatus, if located on existing commercial communications or electrical towers, or other existing appropriate structure, and subject to the provisions of section 36-720, in addition to the requirements of article XXVII (conditional uses) of this chapter.
- (17) Sexually oriented businesses, as defined within section 36-721 and subject to the requirements of sections 36-721 and 36-710.

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- (18) A church, synagogue, cathedral, mosque, temple or other building used for public worship.
 - (19) A cemetery.
 - (20) Hospitals, nursing homes, and sanitariums.
 - (21) Marihuana establishments and facilities, subject to the standards of section 36-738, including:
 - a. Retail marihuana and provisioning centers.
 - b. Secure transporters.
 - c. Safety compliance facilities.

(Ord. of 7-22-2013, § 32.03; Ord. of 7-8-2014, § 32.03; Ord. No. 16-48, § 4(b), 4-12-2016; Ord. No. 17-53, § 6, 2-14-2017; Ord. No. 19-66, § F, 11-12-2019)

Sec. 36-392. Regulations and standards.

The following regulations shall apply in all GC—General Commercial Districts:

- (1) *Lot area.* No building or structure shall be established on any lot less than one acre in area, except where a lot is served with a central sanitary sewerage system, in which case there shall be provided a minimum lot area of 10,000 square feet for planned shopping centers.
- (2) *Lot width.* The minimum lot width for lots served with a central sanitary sewerage system shall be 80 feet. Where a lot is not so served, the minimum lot width shall be 150 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 25 percent.
- (4) *Yard and setback requirements.*
 - a. *Front yard.* Not less than 35 feet.
 - b. *Side yards.* Least width of either yard shall not be less than 20 feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 35 feet.
 - c. *Rear yards.* Not less than 20 feet.

The yard requirements in this subsection (5) shall apply to every lot, building or structure.

- (5) *Height.* No building or structure shall exceed a height of 45 feet.
- (6) *Transition strips.*
 - a. A transition strip shall be required whenever any lot in this district abuts a lot in any rural or residence district. Such a strip shall be provided along every lot line, except front lot lines, which abuts a lot in such district, shall not be included as part of the required yard, and shall be improved with a screen, wall, hedge or shrubbery which will reach a height of four feet one year after planting. The strip shall be maintained in good condition. The planning commission shall have the authority to change the nature of, or reduce the required width of, or to waive completely, the requirement of a transition strip because of a probable change in land use or zoning of adjacent properties. Such determinations and reasons therefore shall be recorded in the minutes of the meeting at which the action is taken. Said transition strip shall comply with the requirements of section 36-706.
 - b. A landscape strip shall be provided along and adjacent to the front property line and shall extend across the entire width of the lot. Driveways may cross the strip but shall not occupy the strip.
- (7) *Required off-street parking.* As required in article XXV of this chapter.

(8) *Required site plan review.* As required in article XXVIII of this chapter.

(9) *Supplemental regulations.* As required in article XXIV of this chapter.

(Ord. of 7-22-2013, § 32.04; Ord. of 7-8-2014, § 32.04; Ord. No. 17-53, § 7, 2-14-2017)

Secs. 36-393—36-412. Reserved.

ARTICLE XV. RESERVED⁴

Secs. 36-413—36-445. Reserved.

ARTICLE XVI. RO—RESIDENTIAL/OFFICE DISTRICT

Sec. 36-446. Purpose.

The R-O district has the following purposes:

- (1) To accommodate certain small office uses which are low traffic generators and which are compatible with adjacent and neighboring single-family dwellings.
- (2) To be located along major streets and in those areas of the township which are established single-family residential areas and which are in transition to non-single-family residential areas but have vacant, undeveloped lots fronting on major streets which are not likely to have new single-family dwellings constructed thereon.
- (3) To provide a reasonable use of such properties as identified in subsection (2) of this section, without permitting more intense office or commercial districts.
- (4) To provide new buildings which are compatible in architectural style and scale with adjacent single-family dwellings.
- (5) To encourage retention of existing single-family structures in their architectural style and scale.

(Ord. of 7-22-2013, § 34.01)

Sec. 36-447. Permitted uses.

The following buildings and structures, and uses of parcels, lots buildings and structures, are permitted in this district:

- (1) Single-family dwellings and any use, building or structure accessory thereto.
- (2) Two-family dwellings and any use, building or structure accessory thereto.

⁴Editor's note(s)—Ord. No. 17-53, § 1, adopted Feb. 14, 2017, deleted art. XV, §§ 36-413—36-416, which pertained to Highway Commercial District and derived from an ordinance adopted July 22, 2013, §§ 33.01—33.04; an ordinance adopted July 8, 2014, §§ 33.01—33.04; and Ord. No. 16-48, § 5, adopted Apr. 12, 2016.

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- (3) Family child care homes, adult foster care family homes, foster family homes and foster family group homes.
 - (4) Signs, only in accordance with the regulations set forth in article XXVI of this chapter.
 - (5) Distribution lines and structures, not including buildings, of essential services, when located within an existing public or utility right-of-way, and repeater buildings of a telephone utility company when location is approved by the township planning commission.
 - (6) Home occupations, subject to the requirements of section 36-64.

(Ord. of 7-22-2013, § 34.02; Ord. No. 17-53, § 10, 2-14-2017)

Sec. 36-448. Conditional uses.

- (a) The following buildings and structures, and uses of parcels, lots, buildings and structures, are permitted subject to obtaining a conditional use permit as provided in article XXVII of this chapter:
 - (1) Group child care homes.
 - (2) A church, synagogue, cathedral, mosque, temple or other building used for public worship, or a cemetery; public building.
 - (3) Public and private nursery schools, primary and secondary schools.
 - (4) Transmission lines and structures, not including buildings, of essential services, where located in rights-of-way not a part of public or utility rights-of-way existing at the time of adoption of this chapter.
 - (5) Essential services, except as provided for elsewhere in this district; provided that no storage of materials, equipment, vehicles, or supplies shall be located on the premises; that no personnel shall be quartered or employed on the premises; and that the structures shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.
 - (6) Offices of architects, engineers, surveyors and similar professionals; provided that no trucks, drillings, rigs, and similar vehicles shall be stored on the premises and provided that no materials or field equipment shall be stored outdoors on the premises.
 - (7) Executive, administrative, legal, accounting, insurance, real estate and similar offices at a scale that will not generate off-street parking resulting in excessive traffic generated from the use which would be incompatible with the purpose of this district.
 - (8) A dwelling unit combined with an office; provided that the proprietor of the office resides in the dwelling unit.
 - (9) As a further condition of approving a conditional use permit, the planning commission shall determine whether the proposed office use will generate off-street parking requirements in excess of the maximum number of parking spaces permitted on the premises. If the planning commission so determines, the permit application shall be denied. The planning commission shall enter into the record of the meeting at which the determination is made all data and other findings which were used in making said determination.
- (b) In addition to the information required for a conditional use permit as set forth in sections 36-834 through 36-836, any application for a conditional use permit for an office in this district shall include the following information:
 - (1) Shall meet the requirements of section 36-865.

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- (2) A scaled floor plan of the principal building to be converted to, expanded for, or to be constructed for office use, or combined residential-office use, showing thereon the existing and future layout of the structure.
 - (3) A typical elevation of each facade of the principal building, drawn to scale, showing thereon the height of the building and the nature of the exterior finish materials.
 - (4) Typical details of the screened enclosure for outdoor trash storage.
- (c) Upon issuance of a conditional use permit for an office in this district, no certificate of zoning compliance or building permit shall be issued until a detailed site plan has been approved by the planning commission in accordance with section 36-866.
- (d) Commercial communications apparatuses, if located on existing commercial communications or electrical towers, or other existing appropriate structures, and subject to the provisions of section 36-720, in addition to the requirements of article XXVII of this chapter.
- (Ord. of 7-22-2013, § 34.03; Ord. No. 17-53, § 11, 2-14-2017)

Sec. 36-449. Regulations and performance standards.

The following regulations shall apply in all RO—Residential/Office Districts:

- (1) *Lot area.*
 - a. Where a lot is served by public sanitary sewerage facilities, the following minimum lot areas shall be required:
 - 1. Single-family dwellings: 10,000 square feet.
 - 2. Two-family dwellings: 15,000 square feet.
 - 3. Offices: 15,000 square feet.
 - 4. Single-family and office: 15,000 square feet.
 - b. Where a lot is not served by public sanitary sewerage facilities, the minimum required lot area shall be one acre.
- (2) *Lot width.* Minimum lot widths shall be required as follows: Lots with a minimum area of:
 - a. 10,000 square feet: 70 feet.
 - b. 15,000 square feet: 100 feet.
 - c. One acre: 150 feet
- (3) *Lot coverage.* Lot coverage shall not exceed 20 percent.
- (4) *Floor area ratio.* Floor area ratio shall not exceed 20 percent.
- (5) *Yard requirements.* The following minimum yards shall be required for each principal building:
 - a. Front yard: 35 feet.
 - b. Side yard: Ten feet either side; except in the case of a corner lot or parcel where the side yard on the road shall not be less than 35 feet.
 - c. Rear yard: 35 feet.
- (6) *Height regulations.* Except as otherwise provided in section 36-98(g), the following height regulations shall apply:

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- a. Existing principal structures shall not exceed two stories or 35 feet in height.
 - b. New principal structures to be established on undeveloped parcels or to replace existing principal structures, and all additions to existing structures, shall not exceed two stories or 35 feet in height.
 - c. Accessory structures shall not exceed one story or 15 feet in height.
- (7) *Floor area.* No principal building shall have a floor area greater than 3,000 square feet.
- (8) *Transition strip.*
- a. Along any property in this district which abuts a residentially zoned lot, a transition strip shall be provided at the time that any office use is established. The transition strip shall be at least 15 feet wide and shall be regularly and permanently maintained. The strip shall be improved with trees and shrubs, and a screen constructed of wood or brick or combination of these materials. The screen shall be located adjacent to the property line and shall have a height of not less than four or more than six feet. The strip may be included within a required side or rear yard, but no part of any parking space or driveway shall be permitted within a transition strip.
 - b. A use or structure on any lot in this district fronting a public road, street or way shall provide, in addition to and as an integral part of any site development on the front yard, a landscaped strip of land 20 feet or more in depth; such landscaped strip to be defined by a curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.
- (9) *Parking.* Off-street parking shall be supplied in accordance with section 36-761. Not more than six outdoor parking spaces shall be located on any lot for each principal building. The number of required spaces shall be determined by the planning commission based on the number of employees and type of office. The planning commission shall enter into the record of the meeting at which the determination is made all data and other findings which were used in making said determination. All parking areas and drives shall be paved, and shall be constructed so as to prevent drainage of surface water into adjacent properties or onto street surfaces.
- (10) *Architectural regulations.* Every principal building constructed in this district shall have an exterior design on all facades similar to a single-family detached residential building. To this end, the roofs of such buildings shall be gable, hip, gambrel, or mansard in design, and no roof shall have a pitch of less than two inches for 12 inches. All such buildings shall be finished in exterior materials of wood, aluminum or vinyl siding, or brick or stone veneer. Concrete block, curtain wall, and similar exterior finishes shall be prohibited. Any existing building in this district which is remodeled shall not, as part of that remodeling, change the exterior of the building or the roof design of the building such that the exterior or the roof design is inconsistent with the architectural regulations of this subsection.

(Ord. of 7-22-2013, § 34.04)

Sec. 36-450. Signs.

Signs in this district shall comply with all provisions of article XXVI of this chapter.

(Ord. of 7-22-2013, § 34.05)

Secs. 36-451—36-468. Reserved.

ARTICLE XVII. RESERVED⁵

Secs. 36-469—36-507. Reserved.

ARTICLE XVIII. LI—LIMITED INDUSTRIAL DISTRICT

Sec. 36-508. Purpose.

This district is composed of those areas of the township whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the township to permit the development of these industrial uses, to protect adjacent agricultural, residential and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district have been excluded.

(Ord. of 7-22-2013, § 40.01)

Sec. 36-509. Permitted uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures, are permitted in this district; provided that materials and equipment to be used in the principal business and products resulting from the principal business shall be stored within a completely enclosed building. Such products, materials, and equipment may be stored outdoors if a conditional use permit therefor is obtained in accordance with this chapter.

- (1) Reserved.
- (2) The manufacturing, compounding, process, or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, perfumes, pharmaceutical toiletries, and frozen food lockers.
- (3) Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
- (4) Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials; recycling centers.
- (5) Printing, lithographic, blueprinting and similar uses.
- (6) Warehousing and material distribution centers; provided all products and materials are enclosed within a building.

⁵Editor's note(s)—The provisions of Art. XVII, §§ 36-469—36-477, which pertained to open space preservation residential development, and derived from an ordinance adopted July 22, 2013, §§ 35.01—35.09, have been removed from the Code at the direction of the township.

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- (7) Light manufacturing industrial uses which by the nature of the materials, equipment and processes utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard, including any of the following goods or materials: drugs; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising displays; tents and awnings; brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather products and luggage, but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn.
 - (8) Research and testing facilities.
 - (9) An accessory use, building or structure.
 - (10) A sign, only in accordance with the regulations specified in article XXVI of this chapter.
 - (11) Essential services, as provided in section 36-65.
 - (12) Public utility structures located on the surface of the ground, including, but not limited to, transformer sub-stations, pumping stations, communications relay stations, gas and steam regulating valves and stations.
 - (13) Landscape and lawn care businesses.

(Ord. of 7-22-2013, § 40.02; Ord. No. 14-34, § 1, 1-13-2015)

Sec. 36-510. Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures, are permitted subject to obtaining a conditional use permit as provided in article XXVII of this chapter.

- (1) Minor or major repair of vehicles. All work, materials, equipment and waste products shall be contained within a completely enclosed building, and outdoor storage areas for vehicles shall be screened from view.
- (2) Restaurants and cafeteria facilities for employees.
- (3) Bus, truck, taxi and rail terminals.
- (4) Open air display area, subject to the requirements of section 36-737.
- (5) Business/technical schools, when licensed by the state, which provide education in skills which are commonly used in the principal uses permitted in this district, such as schools for the training of engineering technicians, machine operators, and vehicle mechanics and body repair person.
- (6) Retail sales of items that are the same as the items sold at wholesale on the premises, or are related by use or design to such wholesale items; provided that the total amount of retail sales shall not exceed 25 percent of the annual wholesale sales on the premises. Retail sales shall be strictly incidental to wholesale sales.
- (7) Outdoor storage of recreational vehicles, subject to the requirements of section 36-703.
- (8) Commercial communications apparatuses, if located on existing commercial communications or electrical towers, or other existing appropriate structure, and subject to the provisions of section 36-720, in addition to the requirements of article XXVII of this chapter.
- (9) Outdoor storage of materials and equipment to be used as part of the principal business, and products resulting from the principal business, subject to the requirements of sections 36-701 and 36-702.
- (10) Kennels, subject to the requirements of section 36-714.

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- (11) Marihuana establishments and facilities, subject to the standards of section 36-738, including:
 - a. Growers, all licenses permitted.
 - b. Processors.
 - c. Secure transporters.
 - d. Safety compliance facilities.
 - e. Microbusinesses.

(Ord. of 7-22-2013, § 40.03; Ord. No. 14-34, § 1, 1-13-2015; Ord. No. 16-52, § 1, 10-11-2016; Ord. No. 19-66, § G, 11-12-2019)

Sec. 36-511. Regulations and standards.

The following regulations shall apply in all LI—Limited Industrial Districts:

- (1) *Lot area.* No building or structure shall be established on any lot less than one acre in area; except where a lot is served with a central sanitary sewerage system, in which case there shall be provided a minimum lot area of 20,000 square feet.
- (2) *Lot width.* The minimum lot width for lots served with a central sanitary sewerage system shall be 80 feet. Where a lot is not so served, the minimum lot width shall be 150 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 25 percent.
- (4) Reserved.
- (5) *Yard and setback requirements.*
 - a. *Front yard.* Not less than 85 feet.
 - b. *Side yards.* Least width of either yard shall not be less than 20 feet; except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 35 feet.
 - c. *Rear yard.* Not less than 35 feet.
 - d. The requirements in this subsection (5) shall apply to every lot, building or structure.
- (6) *Height.* Except as is otherwise provided in this chapter, no building or structure should exceed a height of 45 feet.
- (7) *Transition strips.*
 - a. On every lot in the district which abuts a lot in a conservation preservation, agricultural, residential (including mobile homes), commercial, office, or research/technology district, there shall be provided a transition strip. Such transition strip shall be not less than 25 feet in width, shall be provided along every lot line, except a front lot line, which abuts a lot in such districts, shall not be included as part of the yard required around a building or structure, and shall be improved, when said lot in this district is improved, with a screen wall or hedge not less than four feet nor more than eight feet in height, and maintained in good condition.
 - b. A use or structure on any lot in this district fronting a public road, street or way shall provide, in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land 20 feet or more in depth; such landscaped strip to be defined by a curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.
- (8) *Required off-street parking.* As required in article XXV of this chapter.

(9) *Required site plan review.* As required in article XXVIII of this chapter.

(10) *Supplemental regulations.* As required in article XXIV of this chapter.

(Ord. of 7-22-2013, § 40.04; Ord. No. 14-34, § 1, 1-13-2015)

Secs. 36-512—36-530. Reserved.

ARTICLE XIX. GI—GENERAL INDUSTRIAL DISTRICT

Sec. 36-531. Purpose.

This district is designed to provide the location and space for all manner of industrial uses, wholesale commercial and industrial storage facilities. It is the purpose of these regulations to permit the development of certain functions; to protect the abutting residential and commercial properties from incompatible industrial activities; to restrict the intrusion of nonrelated uses, such as residential, retail business and commercial, and to encourage the discontinuance of uses presently existing in the district, which are nonconforming by virtue of the type of use. To these ends, certain uses are excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in this district.

(Ord. of 7-22-2013, § 41.01)

Sec. 36-532. Permitted uses.

The following buildings, structures, and uses of parcels, lots, buildings and structures, are permitted in this district.

- (1) All permitted uses allowed in LI—Limited Industrial Districts, as provided in section 36-509.
- (2) Wholesale auto auctions.
- (3) Contractor's establishment not engaging in any retail activities on the site.
- (4) Manufacturing.
- (5) Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.
- (6) Manufacturing product warehousing, exchange and storage centers and yards.
- (7) Open industrial uses, but not including concrete and asphalt mixing or production plants, or industrial product or materials storage, including storage of materials, inoperative equipment, vehicles or supplies; provided that any activity in which products or materials being processed or stored are located, transported, or treated outside of a building and are not within enclosed apparatus vessels, or conduits, such use shall be provided with a solid permanently maintained wall or fence, no lower than the subject use or storage, and constructed to provide firm anchoring of fence posts to concrete set below the frost line; if a wall is provided, its foundations likewise shall extend below the frost line.
- (8) Wholesale businesses, including warehouse and storage, commercial laundries, dry cleaning establishments, ice and cold storage plants, lumber, fuel and feed yards, automobile repair garages, construction and farm equipment sales and contractor's equipment yards.
- (9) An accessory use, building or structure.

(10) Reserved.

(Ord. of 7-22-2013, § 41.02; Ord. No. 14-35, § 1, 1-13-2015)

Sec. 36-533. Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures, are permitted subject to obtaining a conditional use permit as provided in article XXVII of this chapter:

- (1) Vehicle towing services.
- (2) Plating shops.
- (3) Heat treating processes.
- (4) Junkyards and inoperative vehicle storage, subject to the provisions of this chapter and also to the provisions of the current junkyard resolution.
- (5) Retail sales of items that are the same as the items sold at wholesale on the premises, or are related by use or design to such wholesale items; provided that the total amount of retail sales shall not exceed 25 percent of the annual wholesale sales on the premises. Retail sales shall be strictly incidental to wholesale sales.
- (6) Concrete and asphalt mixing or production plants.
- (7) Outdoor storage of recreational vehicles, subject to the requirements of section 36-703.
- (8) Other similar uses.
- (9) Commercial communications apparatus, if located on existing commercial communications or electrical towers, or other existing appropriate structure, and subject to the provisions of section 36-720, in addition to the requirements of article XXVII of this chapter.
- (10) Kennels, subject to the requirements of section 36-714.
- (11) Marihuana establishments and facilities, subject to the standards of section 36-738, including:
 - a. Growers, all licenses permitted.
 - b. Processors.
 - c. Secure transporters.
 - d. Safety compliance facilities.
 - e. Microbusinesses.

(Ord. of 7-22-2013, § 41.03; Ord. No. 14-35, § 1, 1-13-2015; Ord. No. 16-52, § 2, 10-11-2016; Ord. No. 19-66, § H, 11-12-2019)

Sec. 36-534. Regulations and standards.

The following regulations shall apply in all GI—General Industrial Districts:

- (1) *Lot area.* No building or structure shall be established on any lot less than five acres in area.
- (2) *Lot width.* The minimum lot width shall be 200 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 25 percent.
- (4) Reserved.

(5) *Yard and setback requirements.*

- a. *Front yard.* Not less than 85 feet.
- b. *Side yards.* Least width of either yard shall not be less than 50 feet; except in the case of a corner lot, where the side yard or the road or street shall not be less than 60 feet.
- c. *Rear yard.* Not less than 50 feet.

The requirements in this subsection (5) shall apply to every lot, building or structure.

(6) *Height.* No building or structure shall exceed a height of 50 feet.

(7) *Transition strips.*

- a. On every lot in the district which abuts a lot in a conservation preservation, agricultural, residential (including mobile homes), commercial, office, or research/technology district, there shall be provided a transition strip. Such transition strip shall be not less than 50 feet in width, shall be provided along every lot line, except a front lot line, which abuts a lot in such districts, shall not be included as part of the yard required around a building or structure, and shall be improved, when said lot in this district is improved, with a screen wall or hedge not less than four feet nor more than eight feet in height, and maintained in good condition.
- b. A use or structure on any lot in this district fronting a public road, street or way shall provide, in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land 20 feet or more in depth; such landscaped strip to be defined by a curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.

(8) *Required off-street parking.* As required in article XXV of this chapter.

(9) *Required site plan review.* As required in article XXVIII of this chapter.

(10) *Supplemental regulations.* As required in article XXIV of this chapter.

(Ord. of 7-22-2013, § 41.04; Ord. No. 14-35, § 1, 1-13-2015)

Secs. 36-535—36-561. Reserved.

ARTICLE XX. RESERVED⁶

Secs. 36-562—36-593. Reserved.

ARTICLE XXI. PSC—PLANNED SHOPPING CENTER DISTRICT

Sec. 36-594. Purpose.

This district is established to provide areas for shopping center development. The district is intended to permit and encourage commercial uses, primarily retail uses, that are compatible with and mutually supportive of

⁶Editor's note(s)—Ord. No. 17-53, § 3, adopted Feb. 14, 2017, deleted art. XX, §§ 36-562—36-565, which pertained to Enterprise Service District and derived from an ordinance adopted July 22, 2013, §§ 42.01—42.04; Ord. No. 15-39, § 1, adopted June 9, 2015; and Ord. No. 16-48, §§ 6(a), (b), adopted Apr. 12, 2016.

each other, in one or more buildings of a unified architectural character, on a site that is planned, developed and managed as one operating unit. It is intended that each site be landscaped with a common unifying theme, and be provided with common drives, parking areas, and service areas designed and sized in a definite relationship to the types and sizes of stores to be located in the center. This district is intended to guarantee to the public, after the PSC district is approved, that commercial uses will be provided in a shopping center environment and not in a miscellaneous collection of stores in a strip arrangement on individual lots. It is intended that the district provide a desirable and representative image of the township; that it provide an attractive, comfortable and convenient environment for patrons of the center; and that the center be developed in such a way as to be compatible with neighboring uses, especially residential areas. The PSC district is to be located only in areas designated in the township's adopted comprehensive plan for shopping center use.

(Ord. of 7-22-2013, § 50.01)

Sec. 36-595. Location of a PSC district.

A PSC district shall be located in areas of the township that are designated in the township's adopted comprehensive plan for commercial use and as suitable for shopping center development. A petition for a PSC district in any other location shall either follow, or proceed simultaneously with, an amendment to the adopted land use development plan. A PSC district shall be located only in areas in which the township sanitary sewer services will be available at the time of opening of the center.

(Ord. of 7-22-2013, § 50.02)

Sec. 36-596. Permitted uses.

The following uses shall be permitted in this district:

- (1) Food stores, such as supermarkets, meat and fish markets, delicatessens, bakeries, dairy products, and health food stores.
- (2) Food service shops, such as restaurants, cafeterias, cocktail lounges, and ice cream shops.
- (3) General merchandise stores, such as department stores, variety stores, and catalog stores.
- (4) Clothing and shoe stores.
- (5) Dry goods stores.
- (6) Luggage and leather goods stores.
- (7) Furniture and appliance stores, decorating shops, and china and glassware stores.
- (8) Other retail stores, such as hardware, home improvements, automotive supplies, garden supplies, hobby supplies, records and tapes, musical instruments, books and stationery, pets and pet supplies, flowers, tobacco, drugs and cosmetics, greeting cards and gifts, photography equipment and services, and party supplies, including packaged beer, wine, and liquor.
- (9) Financial services.
- (10) Offices, such as legal, accounting, real estate, medical and dental.
- (11) Services, such as beauty and barber shops, watch repair, shoe repair, dry cleaners and laundries, travel agents, music and dance studios, optical services, and health salons.
- (12) Other services, such as automobile service stations.
- (13) Outdoor displays and sales, but only in areas and time periods designated in the approved site plan.

(Ord. of 7-22-2013, § 50.03; Ord. No. 16-48, § 7(a), 4-12-2016)

Sec. 36-596.A. Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures, are permitted subject to obtaining a conditional use permit as provided in article XXVII of this chapter:

- (1) Theaters.
- (2) A church, synagogue, cathedral, mosque, temple or other building used for public worship.
- (3) A cemetery.

(Ord. No. 16-48, § 7(b), 4-12-2016)

Sec. 36-597. Density regulations.

- (a) Lot coverage (LC) shall not exceed 25 percent.
- (b) The floor area ratio (FAR) shall not exceed 35 percent.

(Ord. of 7-22-2013, § 50.04)

Sec. 36-598. Minimum lot area and width.

The minimum lot area shall be five acres, and the minimum lot width shall be 300 feet. The minimum lot width may be reduced where a parcel has frontage and access on more than one public highway. The planning commission may reduce these requirements for specialty type shopping centers.

(Ord. of 7-22-2013, § 50.05)

Sec. 36-599. Required yards.

The following minimum yards shall be provided in a PSC district:

- (1) A yard 50 feet wide shall be provided along any property line of a PSC district that abuts a public or private street.
- (2) A yard 25 feet wide shall be provided along any property line of a PSC district that does not abut a public or private street, unless the adjacent property is designated for residential use in the township's adopted comprehensive plan, in which case the yard shall be 100 feet wide. The required 100-foot-wide yard may be reduced to not less than 25 feet by the planning commission, as part of its approval of the preliminary plan, if landscaping will be provided in lieu of the required yard and will be designed to screen the center from view from the adjacent residential area and to protect the residential area from adverse impacts of the center.
- (3) Driveways may cross the required yards. Parking spaces and loading areas shall not be located in any required yard.
- (4) All required yards shall be landscaped for the purpose of creating an attractive setting for the shopping center, to make the center compatible with neighboring uses to filter the view of the center from adjacent streets and properties, and to screen the view of the center from adjacent residential areas.

(Ord. of 7-22-2013, § 50.06)

Sec. 36-600. Height regulations.

No principal building shall exceed a height of 30 feet or two floors. No accessory building shall exceed a height of 20 feet or one floor.

(Ord. of 7-22-2013, § 50.07)

Sec. 36-601. Landscaping requirements.

All required yards, and all other areas designated in the approved site plan for landscaping, shall be landscaped in accordance with the layout and plant materials schedule on the approved site plan. All landscaped areas shall be regularly maintained so as to retain, as a minimum, the landscape character and quality of the site as shown on the approved site plan.

(Ord. of 7-22-2013, § 50.08)

Sec. 36-602. Outdoor lighting.

All parking areas and access drives shall be lighted at night during business hours. The planning commission may require a minimum level of lighting be provided during non-business hours at night for public safety and policing purposes. All outside lighting shall be arranged and shielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind on adjoining streets or adjoining neighboring residential properties. The planning commission may, as a part of site plan approval, regulate the intensity and type of lights and fixtures to be used for outdoor illumination, and the height of such lights, to ensure that the standards and intent of this section will be met.

(Ord. of 7-22-2013, § 50.09)

Sec. 36-603. Required off-street parking.

The parking area shall be divided by landscape islands or medians for the purpose of channeling traffic flows, breaking up the visual impact of large paved areas, reducing heat and glare from paved surfaces, and improving the attractiveness of the shopping center. The location of landscape islands and medians shall be shown on the preliminary site plan. Landscape islands shall be planted in accordance with the approved landscape plan. All landscaped islands shall be defined by concrete curbs.

(Ord. of 7-22-2013, § 50.10)

Sec. 36-604. Circulation and access.

- (a) A shopping center shall not have more than two access points on any one street unless unusual conditions demonstrate the need for additional access points.
- (b) Drives that will provide the principal access to and exit from the shopping center shall be physically separated from parking areas by landscape islands. Parking spaces shall not open onto the principal drives.
- (c) The planning commission may require turn lanes at intersections with abutting streets, or with interior drives, where traffic volumes or flow patterns indicate such lanes to be necessary.
- (d) A shopping center shall abut and have access to one or more public streets.

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- (e) The planning commission may require provision of walkways within the shopping center property, if the location of stores and shops, or the size of the center, or the layout of parking areas or principal drives, indicate that walkways are needed for the convenience and safety of pedestrians.
 - (f) A sidewalk shall be provided along each public street frontage of a shopping center in accordance with the township standards. The planning commission may require connecting sidewalks between the street sidewalks and interior walkways if necessary for the convenience and safety of pedestrians.
 - (g) All walkways and sidewalks shall be barrier-free.
 - (h) Traffic control devices, such as stop signs, speed limit signs, traffic signals, turn arrows, one-way directions, pavement markings, and pedestrian crossings, shall be provided in accordance with the Michigan Manual of Uniform Traffic Control Devices, and shall be maintained by the owner of the shopping center so that the devices consistently meet the standards of the Michigan Manual.

(Ord. of 7-22-2013, § 50.11)

Sec. 36-605. Loading areas.

Loading areas shall be provided in accordance with article XXV of this chapter, except that the following regulations shall apply, notwithstanding any provisions of article XXV of this chapter:

- (1) No loading area may be located in any required yard.
- (2) All loading areas shall be screened from view from any public street right-of-way and from any adjacent residential property. The planning commission may reduce these requirements based upon site specific criteria of individual properties.
- (3) Loading and service areas shall be laid out so that, in the process of loading or unloading, no vehicle shall block or extend into any other drive or public street. Loading and service drives shall be clearly marked on the site.

(Ord. of 7-22-2013, § 50.12)

Sec. 36-606. Outdoor storage.

Outdoor storage of new or waste materials or products shall be prohibited in a PSC district, unless such storage is located within a screened area. Such storage shall not be located in any required yard or in any drive or parking area. Screening for a storage area shall be finished with materials that match or are compatible with the exterior materials of the principal buildings of the shopping center. Displays for permitted outdoor uses shall be exempt from this section.

(Ord. of 7-22-2013, § 50.13)

Sec. 36-607. Number of buildings.

Permitted uses may be provided in one building or in two or more buildings. If separate buildings are provided, they shall be organized on the site in such a way that will create a cohesive grouping of buildings around malls, courtyards, or plazas, and shall be interconnected by walkways. Unified architectural and landscape treatment shall be provided in all parts of a shopping center.

(Ord. of 7-22-2013, § 50.14)

Sec. 36-608. Information requirements.

A site to be developed for a PSC district shall provide the information required in article XXVIII of this chapter, and the following additional information:

- (1) A market analysis shall be provided to the planning commission showing the trade area of the proposed center and the population of the trade area, present and projected.
- (2) A traffic study, prepared and signed by a mutually agreed upon registered traffic engineer, shall be provided to the planning commission showing projected daily, street peak hour, and center peak hour traffic volumes; recommended design of driveways within the center; and recommended traffic control devices in the center and at intersections of the center's drives with public streets.

(Ord. of 7-22-2013, § 50.15)

Secs. 36-609—36-634. Reserved.

ARTICLE XXII. RTM—RESEARCH/TECHNOLOGY/MANUFACTURING DISTRICT

Sec. 36-635. Purpose.

This district is intended to achieve the following objectives:

- (1) To provide an environment of related activities; which will encourage an increase in the productivity of business and industry.
- (2) To encourage development of scientific, business and industrial research and technology and environmentally clean manufacturing plants in a low density, landscaped campus type environment, generally devoid of nuisance factors commonly found in standard industrial districts.
- (3) To permit and encourage uses which support research, technology and manufacturing uses to locate within an RTM district, thereby eliminating the need to provide for their location on scattered sites in the general vicinity of the district.
- (4) To permit an RTM district to develop in stages and in a planned, coordinated manner, according to an overall development plan.
- (5) To provide facilities and services necessary for the health, safety, welfare and convenience of employees, customers, and visitors in an RTM district.
- (6) To encourage provision of open space within an RTM district, and to preserve natural features by incorporating them into the plan for the district.
- (7) To protect existing and planned uses in the vicinity of a proposed RTM center from spillover effects which might be created by uses in the district.
- (8) To help diversify the local economy, reduce unemployment, and expand the non-residential tax base of the township.
- (9) To prevent uses in the RTM district from creating any dangerous, injurious, noxious, or otherwise objectionable condition which might result from fire, explosion, or radioactivity; noise or vibration; water or soil pollution; smoke, dust, odor or other forms of air pollution; electrical or other disturbances, glare or heat; storage or disposal of liquid or solid materials or wastes; conditions

conducive to the breeding of rodents or insects; or from any other substance, condition, or elements in a manner or amount as to adversely affect other uses in the RTM district or in the surrounding area.

(Ord. of 7-22-2013, § 51.01; Ord. of 9-9-2014, § 51.01)

Sec. 36-636. Location of an RTM district.

An RTM district shall be located in areas of the township designated in the township's adopted general development plan as suitable and desirable for research/technology/ manufacturing uses. A petition for an RTM district in all other locations shall either follow or proceed simultaneously with, an amendment to the adopted general development plan.

(Ord. of 7-22-2013, § 51.02; Ord. of 9-9-2014, § 51.02)

Sec. 36-637. Permitted uses.

Uses in an RTM district shall be limited to those included in the listing of uses. No other uses shall be permitted unless the applicable plans are revised or amended in accordance with this chapter. The uses to be permitted shall be selected from the following listed uses, or shall be similar to such uses.

(1) *Permitted principal uses.*

- a. Agricultural uses, as temporary uses prior to development of a parcel in the RTM district.
- b. Industrial research, development, and testing laboratories.
- c. Scientific research, development, and testing laboratories.
- d. Business research, development, and testing laboratories.
- e. Printing, publishing and allied industries.
- f. Production and processing of genetic materials.
- g. Electricity transmission and distribution lines, gas and oil pipelines, and related structures; electricity switching and step-down stations.
- h. Administrative, professional, and business offices.

(2) *Permitted accessory uses.*

- a. Uses such as fire, police, and ambulance stations; technical and business schools; recreation facilities, both indoor and outdoor post office.
- b. Prototype or pilot processing, manufacturing, and/or assembly if strictly incidental and subordinate to an activity permitted and located in the RTM district, and if such use does not occupy more than 49 percent of the total floor area of the permitted principal use.
- c. Commercial, office, and service uses which are located, designed, and intended to support and complement permitted principal uses which are located in an RTM district, such as the following: banks and other financial institutions; restaurants; transient lodging facilities; day care facilities; barber and beauty shops; pharmacies; sales of newspaper magazines, and books; office supply sales; medical and dental offices; dry cleaning (pick-up and delivery only); product display facilities; power plants; water treatment plants; automobile service stations and car washing facilities; gift and flower sales; data processing and computing centers; computer and office machine service and repair establishments; and printing and copying services.

Such uses shall either be located in a building containing the permitted principal uses which will be served, or in service centers consisting of one or more buildings, designed with common drives, parking and loading areas, and landscaping. Such service centers shall be located within the district as to clearly serve only the permitted principal uses within the district and not the surrounding area and communities.

- d. Outdoor recreation facilities.
- e. Living quarters for security and maintenance personnel.
- f. Warehousing, only for principal uses permitted and located in this district.
- g. Communication facilities only for principal uses permitted and located in this district.

(Ord. of 7-22-2013, § 51.03; Ord. of 9-9-2014, § 51.03; Ord. No. 16-48, § 8, 4-12-2016; Ord. No. 16-49, § 2—4, 5-10-2016)

Sec. 36-638. Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in article XXVII.

- (1) Commercial communications apparatus, if located on existing commercial communications or electrical towers, or other existing appropriate structure, and subject to the provisions of section 36-720 herein, in addition to the requirements of article XXVII ("Conditional Uses") herein.
- (2) Marihuana establishments and facilities, subject to the standards of section 36-738, including:
 - a. Growers, excluding Medical Class A, Recreational Class A, and Recreational Class B.
 - b. Processors.
 - c. Safety compliance facilities.

(Ord. of 7-22-2013, § 51.04; Ord. of 9-9-2014, § 51.04; Ord. No. 16-48, § 8(a), 4-12-2016; Ord. No. 16-49, § 5, 5-10-2016; Ord. No. 19-66, § I, 11-12-2019)

Sec. 36-639. Regulations and standards.

The following regulations shall apply in all RTM - Research/Technology/Manufacturing Districts:

- (1) *Density regulations.*
 - a. Ground floor coverage (GFC) shall not exceed 25 percent.
 - b. The floor area ratio (FAR) shall not exceed 40 percent.
 - c. The total developed area (TDA - the sum of the ground floor area of all buildings, and the area in parking spaces, drives, and loading spaces) of a lot shall not exceed 50 percent of the area of the lot.
- (2) *Density calculations.*
 - a. GFC, FAR, and TDA calculations shall be based on land areas designated for the various uses. The designated land areas shall include acreage for private drives, parking and loading areas, open spaces around structures, landscaped areas and similar areas, but not acreage in existing or future public street rights-of-way or major private streets.

- b. Land areas used in calculating ground floor coverages and floor area ratios shall be delineated on the site plan so that the acreage and density computations can be confirmed.
 - c. The surface area of lakes, streams, ponds (natural, man-made or storm water retention), marsh lands, or similar areas may be included in the acreage used for calculating ground floor coverage and floor area ratios if such areas are part of lands devoted to parks and open space uses.
 - d. GFC and FAR calculations shall be based on land areas designated for the various uses: The designated land areas include acreage for private drives, parking and loading areas, open spaces around structures, landscaped areas and similar areas, but not acreage in existing or future public street right-of-way or major private streets.
 - e. Land used to provide acreage to meet density regulations in a project within an RTM district shall not be used to compute density in another project within the district, unless the GFCs and FARs of the subject project and all previous projects are maintained at or less than the limits established in the preliminary site plan.
- (3) *Minimum lot area.* The minimum area for a parcel of land to be zoned RTM shall be 40 acres. The minimum area for individual lots within an RTM district shall be five acres. Any parcel of land, regardless of area, may be added to the initial land if contiguous thereto.
- (4) *Required yards.*
- a. A yard at least 100 feet wide shall be provided along an existing or future public street right-of-way.
 - b. A yard at least 50 feet wide shall be provided along that part of the perimeter of an RTM district which does not abut a public street, except where the adjacent property is designated by the Township's adopted General Development Plan for agricultural or residential uses, in which case the yard shall be a least 100 feet.
 - c. The following minimum yards shall be provided for each lot which is not subject to the yard requirements of subsection (4)a. and (4)b., preceding:

Front	50 feet
Side, interior	10 feet
Side, corner	50 feet
Rear	35 feet

Larger minimum yards may be required at the time of site plan approval, for a building exceeding three stories or 35 feet in height. The requirements shall be based on consideration of natural light, air circulation, and solar access.

- d. Minimum yard requirements shall apply to all buildings and structures, drives, and parking and loading areas. Drives may cross required yards. Drives and parking spaces shall not be less than ten feet from a property line where permitted in a side or rear yard. Loading areas shall not be permitted in any required yard.
- All required yards shall be landscaped and adequately and permanently maintained. Yards that abut residentially used or zoned property shall meet the standards of section 36-706, transition strip.
- e. The preceding yard requirements, except those in subsection (4)a. and (4)b. herein, may be reduced as part of the approved site plan. The reduction shall be based on findings that topographic conditions, trees and other vegetation, proposed land grading and plant materials, or other existing or proposed site conditions perform the same function as the required yards.

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- (5) *Distances between buildings.*
- a. The location of buildings and uses, and distances between buildings as shown by dimensions, shall be shown on the site plan.
 - b. Distances between buildings shall be sufficient to meet fire regulations, and to provide for natural light, air circulation and solar access.
- (6) *Height.* There shall be no height regulations in an RTM district, provided that any building which exceeds a height of three stories or 35 feet shall be approved as to a specific height by the township board upon recommendation of the planning commission. Approval shall be based on findings regarding natural light, air circulation, views, and solar access rights for neighboring buildings and properties, airport flight patterns; and fire protection and safety. The height of each building shall be on the site plan.
- (7) *Parking and loading requirements.*
- a. Parking and loading facilities shall be provided in accordance with section 36-765 and article XXV, herein, except that the dimensions of individual parking spaces may be reduced to not less than nine feet wide by 18 feet long, if approved as part of approval of the site plan. The planning commission may establish a maximum number of parking spaces permitted on a lot as part of its approval of a site plan.
 - b. Notwithstanding requirements of article XXIII, herein, the number of parking spaces required for RTM uses shall be based on the rate of one space for each 300 square feet of floor area. Loading/unloading operations shall occur only on the site involved, and shall not be located in the front or corner side yard. Loading/unloading areas shall be screened from view from streets and adjacent lots.
- (8) *Outdoor storage.* Outdoor storage of vehicles, equipment, supplies, or products shall be prohibited. Trash and other waste materials shall be stored as provided in section 36-701(3), herein. Such areas shall be screened from view from a street or adjacent lots, and shall not be located in front or corner side yard.
- (9) *Outdoor operations.* Outdoor storage of vehicles, equipment, supplies, or products: outdoor processing, assembly, repair, or other operations; or outdoor display of goods, materials, products, equipment, or processes shall be prohibited. No display shall be permitted in a window or in any other location visible from a street or an adjacent lot except in a service center, as provided in section 36-637(2)c., herein. Trash and other waste materials shall be stored as provided in section 36-701(3), herein. Such areas shall be screened from view from a street or adjacent lots, and shall not be located in a front or corner side yard. Outdoor processing, assemble, repair, or other operations shall be prohibited.
- (10) *Landscaping.* Landscaping shall be provided in accordance with the approved site plan for each lot in an RTM district. All landscaping shall be in conformance with section 36-722, landscaping, of this chapter.
- (11) *Performance standards.*
- a. Atmosphere emissions, electromagnetic radiation and interference, and the handling and disposal of radioactive and chemical materials shall comply with all applicable state and federal laws and regulations.
 - b. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at, or any point beyond, the lines of the subject lot.
 - c. Noise emanating from a building in this district shall not exceed 60 decibels as measured 25 feet from the exterior surface of the exterior walls of that building.

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- d. All activities, and all storage areas for materials, shall be provided with adequate safety and fire fighting devices, meet state codes regarding fire and explosion hazards, and requirements of [the] township fire marshal.
 - e. No direct or sky-reflected glare, except that resulting from floodlighting, so as to be visible at the lot line, shall be permitted. No emission or transmission of heat or heated air so as to be discernible at the lot line shall be permitted.
 - f. There shall be no discharge of any liquid or solid materials into any public or private sewage disposal system, into any stream or body of water, onto the surface of the ground, or into the ground, except in accordance with township, county, and state laws and regulations.
 - g. Odors from any use shall not be discernible at a lot line to a greater degree than odors from plants for the manufacture of electronic equipment.

(12) *Fencing.* Security fencing shall not be permitted in any part of a yard forward of the rear wall of a building.

(Ord. of 7-22-2013, § 51.05; Ord. of 9-9-2014, § 51.05)

Secs. 36-640—36-666. Reserved.

ARTICLE XXIII. PUD—PLANNED UNIT DEVELOPMENT DISTRICT⁷

Sec. 36-667. Intent.

The PUD district is intended to permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities particularly suited to the needs of residents.

(Ord. of 7-22-2013, § 52.01)

Sec. 36-668. General provisions.

- (a) *Where permitted.* A PUD which includes only residential and accessory recreational uses may be applied for in any zoning district. A PUD which is either exclusively nonresidential or includes a mix of residential and nonresidential uses may be applied for in any zoning district which has access to the township sewer service area.
- (b) *Uses permitted.* Any land use authorized in this chapter may be included in a PUD, subject to the limitations of nonresidential and mixed-use developments to the township sewer service area and the adequate protection of public health, safety, and welfare to protect and ensure the compatibility of varied land uses both within and outside the development.
- (c) *Qualifications of subject parcel.* The applicant for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:

⁷State law reference(s)—Planned unit development, MCL 125.3503.

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- (1) The intent of section 36-667.
 - (2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
 - (3) The proposed development shall be consistent with the public health, safety, and welfare of the township.
 - (4) The proposed development shall minimize any negative environmental impact of the subject site or surrounding land in comparison to a conventional development in conformance with current township standards.
 - (5) The proposed development shall minimize any negative impact upon surrounding properties in comparison to a conventional development in conformance with current township standards.
 - (6) The proposed development shall be consistent with the goals and policies of the township master plan.

(Ord. of 7-22-2013, § 52.02)

Sec. 36-669. Design considerations.

A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located:

- (1) Perimeter setbacks.
- (2) Street drainage and utility design with respect to location, availability, ownership and compatibility.
- (3) Underground installation of utilities.
- (4) Installation of separate pedestrian ways apart from vehicular streets and ways.
- (5) Achievement of integrated and harmonious development with respect to signs, lighting, landscaping and construction materials.
- (6) Noise reduction and visual screening mechanisms from adjoining residential uses.
- (7) Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
- (8) Off-street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration and odor emanating from such facilities on adjoining properties or uses.
- (9) Screening and buffering with the respect to dimensions and character.
- (10) Yard areas and other open space.
- (11) Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre, and the height of buildings and other structures.
- (12) The preservation of natural resources and natural features.

(Ord. of 7-22-2013, § 52.03)

Sec. 36-670. Project densities.

- (a) *Residential density.*

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- (1) The total number of dwelling units in a PUD project shall not exceed the number of dwelling units permitted in the underlying zoning district or master plan future land use designation. However, a variable density bonus of up to 25 percent may be allowed at the discretion of the township board, upon recommendation of the planning commission. Projects qualifying for a density bonus shall include no less than two of the following elements:
 - a. A high level of clustered development, where at least 40 percent of the PUD is common usable open space or remains in an undeveloped state.
 - b. Providing perimeter transition areas or greenbelts around all sides of the development that are at least 100 feet in depth.
 - c. The proposed plan is designed to enhance surface water quality and ground water quality by addressing at least two stormwater best management practices (BMPs) as outlined by the county water resource commission.
 - d. Provisions and design that preserve natural features.
 - e. Donation or contribution of land or amenities.
 - (2) To establish bonus density, the application shall be required to submit a conventional zoning layout using the underlying zoning classification and demonstrating a practical project for the subject parcel applying to all township regulations.
 - (3) In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land uses planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow more dense development in an earlier phase, while ensuring appropriate overall density.
- (b) *Mixed-use project density.* For projects which contain a residential component, density shall be based upon the current township master plan, existing and planned residential densities in the surrounding area, the availability of utilities and the natural features and resources of the subject parcel.
- (c) *Nonresidential component.* A PUD may incorporate a nonresidential component into an exclusively residential development; provided that all of the following are met:
- (1) The nonresidential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the nonresidential land uses may not exceed ten percent of the gross area of the development.
 - (2) All nonresidential uses shall be compatible with the residential area.
 - (3) The planning commission finds that the architectural design of the structure is compatible with the balance of the development.
 - (4) All nonresidential structures are connected to a pedestrian access system servicing the project.
 - (5) All parking and loading areas serving the nonresidential uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the planning commission may allow up to 25 percent of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than ten feet on center.

(Ord. of 7-22-2013, § 52.04)

Sec. 36-671. Design standards.

(a) *Open space preservation.*

- (1) When completed, the PUD shall have significant areas, but not less than 20 percent of total land area, devoted to open space, which shall remain in a natural state and/or be restricted for use for active and/or passive outdoor recreational purposes. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.
- (2) In addition to preservation of the most important natural features, additional open space shall be, where possible, located and designed to achieve the following:
 - a. Provide areas for active recreation;
 - b. Provide areas for informal recreation and pathways that connect into adjacent open space, parks, bike paths or pedestrian paths;
 - c. Provide natural greenbelts along roadways to preserve the rural character as viewed from roads; and
 - d. Preserve an existing natural buffer from adjacent land uses where appropriate.
- (3) Areas not considered open space. The following land areas are not considered as open space for the purposes of this article:
 - a. The area within a public street right-of-way or private road access easement, or other easements that include roads, drives or overhead utility lines.
 - b. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water yearround.
 - c. The area within any manmade stormwater detention or retention pond. Stormwater detention ponds developed in a naturalized fashion that meet the best management practices (BMPs) of the Washtenaw County Water Resources Commission (WCWRC) shall be included in open space.
 - d. The required front yard greenbelt. Side and rear yards may be included in the open space calculation.
- (4) Maintenance.
 - a. No PUD shall be approved by the township board until documents pertaining to maintenance and preservation of common natural open space areas, common landscaped areas and common recreation facilities located within the development plan have been reviewed by the township attorney.
 - b. The township shall be identified as having the right to enforce the conditions, covenants and restrictions placed on the open space, unless otherwise directed by the township board and the township attorney, with the documentation utilized for such purpose to be in a form approved by the township attorney. Any costs associated with enforcement can be assessed to the property owner.

(b) *Setbacks.* All regulations applicable to front, side and rear yard setbacks shall be met in relation to each respective land use in the development based upon zoning district regulations in which the proposed use is listed as a permitted principal or conditional use.

(c) *Buffering from adjacent property.*

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- (1) There shall be a perimeter setback and buffering of a minimum of 50 feet, taking into consideration the use or uses in and adjacent to the development. The township board, upon a recommendation of the planning commission, may reduce the perimeter setback and buffering in cases where the density of the proposed development is compatible with adjacent uses and/or natural features, including, but not limited to, woodlands and topographical features that provide adequate buffering to protect adjacent uses.
 - (2) If natural features, including, but not limited to, woodlands and topographical features do not provide adequate buffering from adjacent property, the perimeter setback shall include noise reduction and visual screening mechanisms, including, but not limited to, landscaping, berms and/or decorative walls.
- (d) *Vehicular and pedestrian circulation.*
- (1) Vehicular circulation shall be designed in a manner which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography.
 - (2) Physical design techniques, known as traffic calming, are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for nonmotorized traffic.
 - (3) Walkways shall be provided in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian/bicycle access to, between, or through all open space areas, and to appropriate off-site amenities, and located in accordance with the natural features of the site. Informal trails may be constructed of gravel, wood chip or other similar material. The township may require construction of a pathway of up to eight feet in width and constructed of concrete or asphalt in accordance with the township's nonmotorized future improvement map of the master plan.
 - (4) Locations for school bus stops shall also be provided on the site plan.
- (e) *Utilities.* There shall be underground installation of utilities, including electricity and telephone. Overhead utilities, shall be prohibited.
- (f) *Stormwater drainage/erosion control.* All stormwater drainage and erosion control plans shall meet the standards adopted by the township for design and construction and shall, to the maximum extent feasible, utilize nonstructural control techniques, including, but not limited to:
- (1) Limitation of land disturbance and grading;
 - (2) Maintenance of vegetated buffers and natural vegetation;
 - (3) Minimization of impervious surfaces;
 - (4) Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales; and
 - (5) Use of infiltration devices.

(Ord. of 7-22-2013, § 52.05)

Sec. 36-672. Application and processing procedures.

- (a) *Effects.* The granting of a PUD application shall require an amendment of this chapter and the zoning map constituting a part of this chapter. An approval granted under this article including all aspects of the final PUD plan and conditions imposed, shall constitute an inseparable part of this chapter.
- (b) *Preapplication conference.*

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- (1) Prior to the submission of an application for PUD, the applicant shall meet with the zoning administrator, and such consultants or staff as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the PUD, and the following information:
 - a. A legal description of the property in question.
 - b. The total number of acres to be included in the project.
 - c. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of nonresidential units.
 - d. The approximate number of acres to be occupied and/or devoted to or by each type of use.
 - e. Departures from the regulations of the chapter which may be requested.
 - f. The number of acres to be preserved as open space or recreation space.
 - g. All known natural resources and natural features.
 - (2) The applicant may present the sketch plan or a modified sketch plan to the planning commission for information purposes. This may be done prior to submitting the preliminary PUD plan.
- (c) *Preliminary PUD plan application; submission and content.* Following the conferences mentioned in subsection (b) of this section, copies of the application for preliminary PUD plan shall be submitted. The submission shall be made to the township clerk for distribution to the building/zoning official and applicable reviewing parties and agencies. The plan shall be accompanied by an application form and fee as determined by the township board. The preliminary PUD plan shall meet the standards of this chapter. The preliminary PUD plan shall contain the following information unless specifically waived by the building/zoning official:
- (1) Date, north arrow, and scale which shall not be more than one inch equals 100 feet.
 - (2) Locational sketch of site in relation to surrounding area.
 - (3) Legal description of property, including common street address and tax identification number.
 - (4) Size of parcel.
 - (5) All lot or property lines with dimensions.
 - (6) General location of all buildings within 100 feet of the property lines.
 - (7) General location and size of all existing structures on the site.
 - (8) General location and size of all proposed structures on the site. The general size of all buildings shall be within 5,000 square feet or five percent, whatever is smaller of whatever is constructed.
 - (9) General location and dimensions of all existing and proposed streets, driveways, and parking areas, including total number of spaces and typical dimensions.
 - (10) Location of sidewalk, foot paths, or other pedestrian walkways.
 - (11) General size and location of all areas devoted to green space.
 - (12) Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
 - (13) All areas within the 100-year floodplain, wetland areas or bodies of water.
 - (14) Existing topographical contours at a minimum of two-foot intervals and/or spot elevations which illustrate drainage patterns.
 - (15) A narrative describing:

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- a. The nature of the project, projected phases and timetable.
 - b. The proposed density, number, and types of dwelling units if a residential PUD.
 - c. A statement describing how the proposed project meets the requirements of sections 36-668 and 36-669.
 - d. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - e. Proof of ownership or legal interest in property.
- (d) *Planning commission review and recommendation; preliminary PUD plan.* The planning commission shall hold a public hearing pursuant to article XXXIII of this chapter and review the preliminary PUD plan according to the provisions of sections 36-668 through 36-671. Following the public hearing, the planning commission shall recommend to the township board either approval, denial, or approval with conditions. In making its recommendation, the planning commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:
- (1) In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 - (2) The proposed development shall be compatible with the township master plan and shall be consistent with the intent and spirit of this article.
 - (3) The PUD shall not change the essential character of the surrounding area.
 - (4) The proposed PUD shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this chapter. This provision shall not prohibit a transfer of ownership or control upon due notice to the zoning administrator.
- (e) *Public hearing; planning commission.* The planning commission shall hold a public hearing and give notice in accordance with the Michigan zoning enabling act, and article XXXIII of this chapter.
- (f) *Township board review and determination; preliminary PUD plan.* After receiving the recommendation of the planning commission, the township board shall approve, deny, or approve with conditions the preliminary PUD plan in accordance with the standards for approval and conditions for a PUD as contained herein.
- (g) *Effect of approval; preliminary PUD plan.* Approval of the preliminary PUD plan that is required to accompany a PUD application does not constitute final PUD plan or rezoning approval, but only bestows the right on the applicant to proceed to the final site plan stage. The application for final PUD consideration shall be submitted within 12 months of receiving preliminary PUD approval or the preliminary PUD application shall be considered null and void.
- (h) *Contents of the final PUD plan.* Following preliminary PUD plan approval, copies of the application for final PUD plan shall be submitted. The submission shall be made to the zoning administrator. The plan shall be accompanied by an application form and fee as determined by the township board. The final PUD plan shall contain the same information required for the preliminary PUD plan along with the following information and any information specifically requested by the planning commission in its review of the preliminary PUD plan:
- (1) Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
 - (2) Proposed grading plan.
 - (3) Proposed landscaping, including type, number and size of trees and shrubs.
 - (4) Location of signs and exterior lighting.

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- (5) Location of sidewalk, foot paths, or other pedestrian walkways.
 - (6) Distance of all buildings from lot lines, rights-of-way, and other principal buildings.
 - (7) Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
 - (8) Proposed phases of project and projected timetable.
 - (9) All information contained in section 36-866(b).
- (i) *Planning commission review and recommendation; final PUD plan and rezoning.* After receiving approval of the preliminary PUD plan from the township, the planning commission shall review the final PUD plan and rezoning application and shall recommend to the township board either approval, denial, or approval with conditions. In making its recommendation, the planning commission shall find that the proposed PUD still meets the intent of the PUD district along with all development standards outlined in sections 36-668 through 36-671.
 - (j) *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 prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
 - (k) *Effect of approval; final PUD plan and rezoning.* The final PUD 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 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 county register of deeds, which shall contain the following:
 - (1) Date of approval of the final PUD plan by the township board.
 - (2) Legal description of the property.
 - (3) Legal description of the required green space along with a plan stating how this green space is to be maintained.
 - (4) A statement that the property will be developed in accordance with the approved final PUD 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 noncompliance.

(Ord. of 7-22-2013, § 52.06)

Sec. 36-673. Resolution of ambiguities and chapter deviations.

- (a) The township board, based upon the recommendation of the planning commission, shall resolve all ambiguities as to applicable regulations using this chapter, the master plan and other township standards or policies as a guide.
- (b) Notwithstanding the immediately preceding standards, deviations with respect to such regulations may be granted as part of the overall approval of the PUD, 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.

(Ord. of 7-22-2013, § 52.07)

Sec. 36-674. Conditions.

- (a) Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserving 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.
- (b) Conditions imposed shall meet the following requirements: 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 be necessary to meet the intent and purpose of this article and be related to the objective of ensuring compliance with the standards of this chapter. All conditions imposed shall be made a part of the record of the approved planned unit development.
- (c) Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the township board and the landowner. The township shall maintain a record of conditions which are changed.

(Ord. of 7-22-2013, § 52.08)

Sec. 36-675. Phasing and commencement of construction.

- (a) *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 nonresidential 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.
- (b) *Commencement and completion of construction.* Construction shall be commenced within one year following final plan approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the township. If construction is not commenced within such time, any approval of a PUD plan 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 PUD 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.

(Ord. of 7-22-2013, § 52.09)

Sec. 36-676. Performance guarantees.

The planning commission may require a performance bond or similar guarantee in accordance with section 36-74 in order to ensure completion of the required improvements.

(Ord. of 7-22-2013, § 52.10)

Sec. 36-677. Modifications to an approved PUD plan.

A developer may request a change to an approved preliminary PUD plan, or an approved final PUD plan. A change in an approved preliminary PUD plan or change in an approved final PUD plan which results in a major change, as defined in this section, shall require an amendment to the preliminary PUD and final PUD plan. All amendments shall follow the procedures and conditions herein required for original submittal and review. A change which results in a minor change as defined in this section shall require a revision to the approved final PUD site plans and approval by the township board following review by the planning commission.

- (1) The following changes shall be considered major:
 - a. Change in the concept of the development.
 - b. Change in use or character of the development.
 - c. Change in the type of dwelling unit.
 - d. Change in the number of dwelling units (density).
 - e. Change in nonresidential floor area.
 - f. Change in lot coverage or floor area ratio of the entire PUD.
 - g. Change in the character or function of any street.
 - h. Change in land area set aside for common space or the relocation of such areas.
 - i. Change in building height.
- (2) The following changes shall be considered minor:
 - a. A change in residential floor space.
 - b. Minor variations in layout which do not constitute major changes.
- (3) The planning commission shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show good cause as to any requested change.

(Ord. of 7-22-2013, § 52.11)

Secs. 36-678—36-685. Reserved.

***ARTICLE XXIII.I. WLNT—WHITMORE LAKE/NORTH TERRITORIAL OVERLAY
DISTRICT⁸***

Sec. 36-686. Purpose.

The purpose of the district is to promote mixed uses with an emphasis on commercial, service, office and research technology uses, and related high density residential uses consistent with the township master plan. It is

⁸Editor's note(s)—Ord. No. 14-36, § 1, adopted Jan. 13, 2015, set out provisions intended for use as Art. 53.0. For purposes of clarity and to preserve the style of this Code, and at the editor's discretion, these provisions have been included as Art. XXIII.I, §§ 36-686—36-691.

also the purpose of the district to enhance the streetscape, create pedestrian pathways and outdoor spaces, and promote high quality architecture.

(Ord. No. 14-36, § 1, 1-13-2015)

Sec. 36-687. District boundaries.

Boundaries of the district shall be displayed on the official zoning map.

(Ord. No. 14-36, § 1, 1-13-2015)

Sec. 36-688. Setbacks.

The mixed use district is composed of two overlay segments (Whitmore Lake Road and North Territorial Road) intended to guide the development of the design of the corridor in a flexible manner and to allow a broader mixture of land uses where appropriate. The following front yard greenbelt setbacks apply to each of the overlay segments, side and rear setback requirements of the underlying zoning shall be followed.

- (a) The following standard front yard greenbelt setbacks shall be met (Note: front yard setbacks are measured from the right-of-way line):

Overlay Segments	Front Greenbelt Setback
Whitmore Lake Road	35 feet
North Territorial Road	50 feet

- (b) Permitted encroachments into the standard front yard greenbelt setback. Parking may be located in one-half of the required front yard greenbelt setback as shown in the table above, allowing the parking area to be located closer to the road right-of-way when a knee wall is installed as described in section 36-689(d). No structure may encroach within this area; the above mentioned exemption is for parking only.

(Ord. No. 14-36, § 1, 1-13-2015)

Sec. 36-689. Design standards.

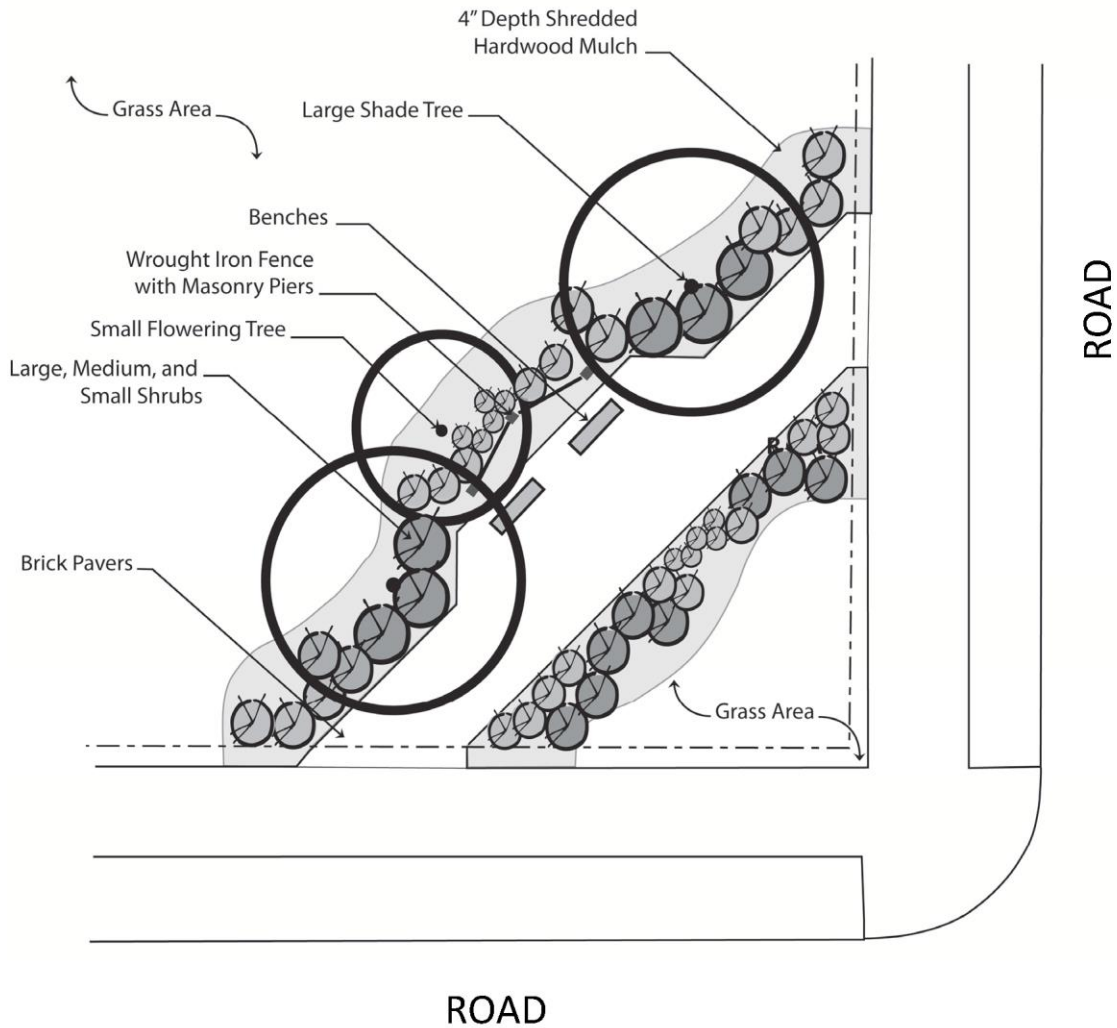
All proposed development and construction within the WLNT shall be consistent with the goals and objectives of the mixed use—south future land use classification contained in the township master plan.

- (a) *Vehicular parking and circulation.* Site access, parking and loading shall be controlled in the interest of public safety. The following standards shall be in addition to the standards found in article XXV.
 - (1) Where conditions allow, provisions for circulation between developments on adjacent parcels shall be encouraged through joint drives and cross-access connections, including but not limited to shared parking areas.
 - (2) A one-way or two-way maneuvering lane with two rows of parking stalls may be provided in the front yard. The remainder of parking shall be located within the side or rear yard. All parking must meet the setback standards pursuant to section 36-762(b)(1).
- (b) *Pedestrian circulation.* Vehicular access and circulation shall be planned to ensure safe pedestrian movement within the development. Pedestrian systems shall provide safe, all-weather, efficient, and

aesthetically pleasing means of on-site movement and shall be an integral part of the overall site design concept.

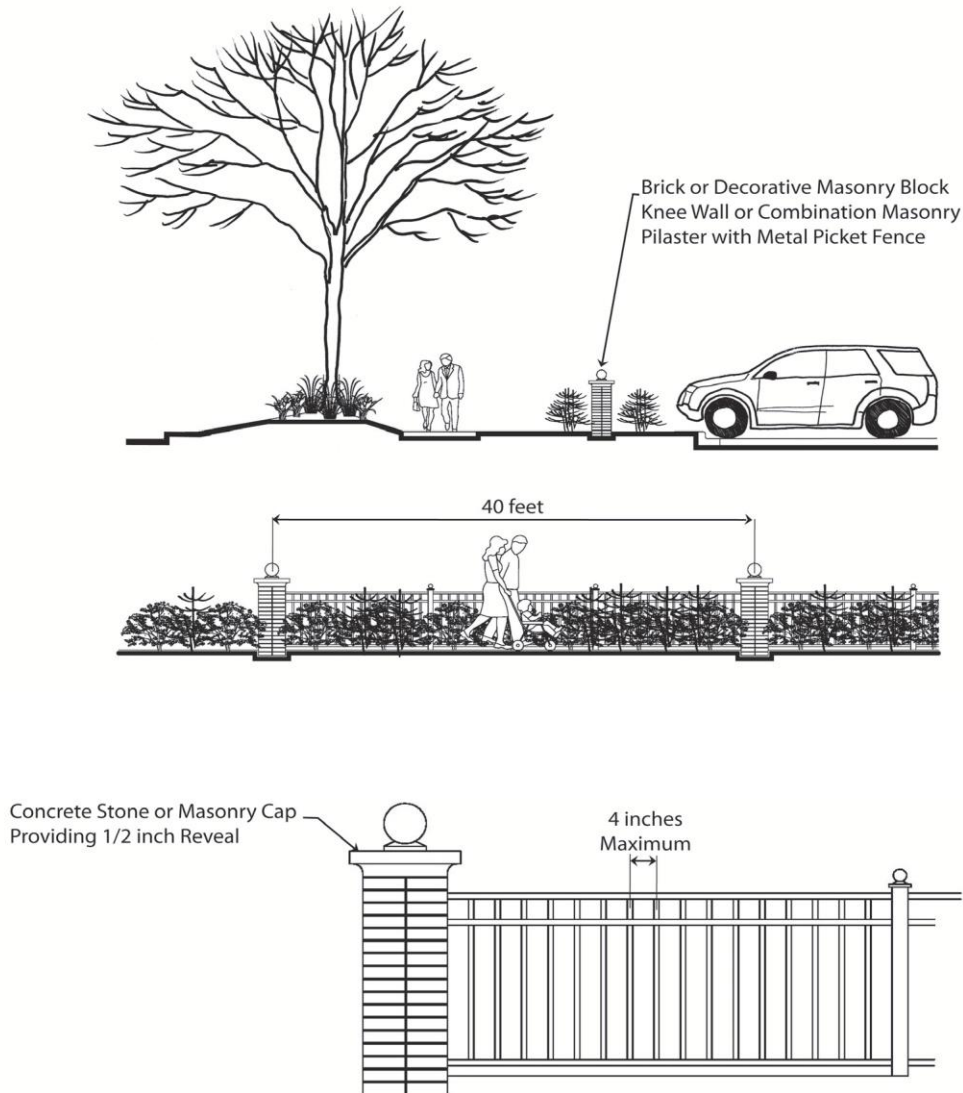
- (c) *Community design feature.* Unless described as an exemption pursuant to section 36-690, a community design feature as described below shall be required for new development with frontage along the North Territorial/Whitmore Lake intersection.
- (1) At the intersection noted above, a pedestrian plaza shall be provided that is similar to the design elements found in the figure of pedestrian plaza below. In lieu of a pedestrian plaza as described, the planning commission may consider an alternative pedestrian amenity including, but not limited to one of the following: an outdoor sculpture or art work, a fountain/water feature, clock tower, or other such deliberately shaped focal feature that enhances the community and public spaces.
 - (2) Seat walls can be used instead of, or in addition to benches in a plaza. It is recommended that at least some seating facilities have a back. If used, seat walls should be constructed of masonry materials and should complement the architecture of the space and adjacent buildings.
 - (3) Any pedestrian areas shall have direct access to the site's pedestrian circulation system, connect to the Whitmore Lake and North Territorial Road pathways and shall use a variety of design elements including lighting, landscaping, pavement, arches, and furnishings to define the pedestrian spaces.

Pedestrian Plaza



- (d) *Landscaping and screening.* In addition to meeting the minimum landscape and screening requirements of section 36-722, the following additional standards shall be provided within the WLNT district:
- (1) When knee walls are used to help screen parking lots, the knee wall shall be constructed of brick or decorative masonry block and shall also include a concrete stone or masonry cap providing a minimum one-half-inch reveal on both sides. In lieu of a wall, decorative metal ornamental picket fencing shall be permitted. The fencing shall contain a maximum four-inch spacing between pickets with posts and rails and masonry brick, capped pilasters spaced each 40 feet similar to the design elements found in the figure of knee wall below. The planning commission has the discretion to allow other similar options as proposed by the applicant.

Knee Wall



(e) *Building design and orientation.*

- (1) New principal structures shall be located no more than 75 feet from the greenbelt line. Large scale retail establishments shall be exempt from this setback, but must meet the building design and orientation standards found in section 36-727.
- (2) Facades greater than 100 feet in length, measured horizontally, shall incorporate projections or recesses extending at least 20 percent of the length of the façade. No uninterrupted length of any façade shall exceed 100 horizontal feet.
- (3) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. Real windows allowing daylight in the building are encouraged.

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- (4) Roofs shall exhibit one or more the following features depending upon the nature of the roof and building design:
 - a. Flat roofs. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required.
 - b. Pitched roofs.
 - i. Overhanging eaves on pitched roofs shall be a minimum of 12 inches including gutter, with a minimum one-inch rake.
 - ii. An average slope greater than 4:12 is required.
 - (5) Building materials and colors:
 - a. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, stone, architectural steel and glass, and integrally tinted/textured concrete masonry units.
 - b. All façade colors and systems (including neon) shall be reviewed and approved by the planning commission as part of the full site plan review process.
 - (6) Each principal building on a site shall have clearly defined, highly visible entrances featuring no less than three of the following: canopies or porticos; overhangs, recesses/projection, arcades, raised corniced parapets over the door, peaked roof forms, arches, outdoor patios, display windows, architectural details such as tile work and moldings which are integrated into the building structure and design, integral planters or wing walls that incorporate landscape areas and/or places for sitting and special pavement.
 - (7) Building heights within the WLNT may exceed the underlying building height for each underlying district up to a maximum height of up to 65 feet in height (five stories). Buildings that exceed the maximum height of the underlying district shall be reviewed as a conditional use pursuant to article XXVII of the township zoning ordinance.
 - (f) *Signage*. All signs permitted within the WLNT overlay district shall be subject to the provisions of article XXVI.
 - (g) *Lighting*. All lighting permitted with the WLNT overlay district shall be subject to the provisions of section 36-728.

(Ord. No. 14-36, § 1, 1-13-2015)

Sec. 36-690. General exemptions.

The following exemptions from the WLNT overlay district shall require the underlying zoning district to apply.

- (a) All single-family residential land uses.
- (b) Large scale retail establishments as defined by this section shall meet the provisions of section 36-727 and shall be exempt from the specific provisions of the WLNT overlay district standards.
- (c) Expansion of existing uses and structures of up to 50 percent of the existing floor area shall be exempt from the WLNT standards, but shall meet all other zoning requirements of this section. Where expansion to an existing use or structure exceeds 50 percent of the floor area of the existing structure all of the WLNT standards shall apply, with the possible exception as noted above.
- (d) The planning commission shall have the authority to waive or modify these guidelines or standards upon consideration of the following:

- (1) The standards provided herein would prevent reasonable use of the site.
- (2) Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of the standards provided herein impractical.

(Ord. No. 14-36, § 1, 1-13-2015)

Sec. 36-691. Land uses.

- (a) *Permitted uses based on underlying zoning.* All uses listed as either permitted principal uses or conditional land use in the underlying zoning districts shall be allowed based upon the underlying zoning category.
- (b) *Permitted overlay district uses.* In addition to the permitted and conditional land uses of the underlying zoning district, the following uses may be considered for approval as noted in the table of permitted and conditional uses in the WLNT overlay district below.

Permitted and Conditional Uses in the WLNT Overlay District.

Use	Permitted	Conditional
Residential Uses		
Single-family dwellings*	x	
Two-family dwellings**		x
Multiple-family dwellings**		x
Home occupation	x	
Institutional Uses		
Country club, public swimming pool, rec club, parks		x
Places of worship		x
Public and private nursery, primary and secondary schools, colleges and universities		x
Hospitals, nursing homes, sanitariums		x
Commercial Uses		
Medical and dental clinics	x	
Funeral home	x	
Clothing and apparel services - laundry, tailor, shoe repair	x	
Groceries, bakeries and similar uses	x	
Barber and beauty shops	x	
Medical clinics and similar uses	x	
Pharmacies, hardware, gift shop, and dry goods store	x	
Animal hospital or clinic	x	
Restaurants	x	
Restaurants serving alcoholic beverages		x
Business and professional offices	x	
Financial institutions including banks and credit unions	x	
Temporary outdoor sales		x
Outdoor seating and/or service associated with a restaurant		x
Mini-warehousing		x
Indoor commercial recreation - theaters, bowling alleys	x	

Agricultural services - machinery sales, repair and farm supply stores		×
Showroom for sales of new cars and equipment		×
Equipment services including repair; radio and television, electrical appliance shop, plumber, electrician and other similar services and trades	×	
Printing, lithographic, blueprinting services	×	
Hotel	×	
Open air display		×
Automotive service station, including minor repairs		×
Contractor wholesale supply		×
Boat sales		×
Used car sales and equipment		×
Minor auto repair		×
Drive-in facilities		×
Drive-through facilities	×	
Arcades, dance halls, etc.		×
Day care facilities	×	
Industrial Uses		
Industrial research	×	
Scientific research	×	
Business research	×	
Automated production equipment	×	
Pharmaceutical drugs	×	
Office, computing, accounting machinery	×	
Electric components and accessories	×	
Space vehicles and parts	×	
Measuring, analyzing and controlling instruments	×	
Printing, publishing, allied industries	×	
Production and processing of genetic materials	×	
Electricity switching and step-down stations	×	

*Any single-family use must meet the underlying zoning standards for single-family residential development.

**Any two- or multiple-family residential use must be accessory to a commercial use and located on an upper floor.

(Ord. No. 14-36, § 1, 1-13-2015)

ARTICLE XXIII.II. WLHL—WHITMORE LAKE/HORSESHOE LAKE OVERLAY DISTRICT

Sec. 36-692. Purpose.

The purpose of this district is to promote the continued investment in SR-1 and SR-2 zoned single-family residential waterfront lots that abut either Whitmore Lake or Horseshoe Lake. It is also the purpose of this district

to permit street front yard, side yard, and lakefront rear yard setbacks that reduce nonconformities on these waterfront lots.

(Ord. No. 16-50, § 1, 7-12-2016)

Sec. 36-693. District boundaries.

The WLHL Overlay District is composed of two sub-districts (Whitmore Lake and Horseshoe Lake). The boundaries of the overlay district shall be displayed on the official zoning map; the applicable sub-district regulations shall be determined by the lake upon which the lot in question fronts.

(Ord. No. 16-50, § 1, 7-12-2016)

Sec. 36-694. Applicability.

The underlying zoning shall remain either SR-1 or SR-2 single-family residential district. Except as specifically provided in this article, all requirements of the zoning ordinance for the SR-1 and SR-2 districts shall continue to apply.

(Ord. No. 16-50, § 1, 7-12-2016)

Sec. 36-695. Setbacks.

The following street front, side and lakefront rear yard setbacks shall apply:

Overlay Sub-district	Setbacks		
	Street Front Yard	Side Yard	Lakefront Rear Yard
Whitmore Lake	10 feet	Each not less than 10 feet*	Not less than 20 feet
Horseshoe Lake	0 feet	Each not less than 10 feet*	Not less than 20 feet

*Where the lot does not comply with the minimum required lot width, the narrowest side yard shall not be less than five feet or 15 percent of the lot width, whichever is greater, and the sum of the two side yards shall not be less than 30 percent of the lot width.

(Ord. No. 16-50, § 1, 7-12-2016)

Secs. 36-696, 36-697. Reserved.

ARTICLE XXIV. SUPPLEMENTARY REGULATIONS AND STANDARDS

Sec. 36-698. Purpose.

Schedules of specifications, regulations and standards governing land uses have been incorporated in this article for each zoning district. There are, however, at times some unusual conditions attendant on land uses and zoning classifications which justify elaboration and particularization in the application of these specifications, regulations, and standards.

(Ord. of 7-22-2013, § 60.01)

Sec. 36-699. Performance standards.

No lot, building, or structure in any district shall be used 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. Uses in all districts shall comply with the following performance standards:

- (1) *Fire hazard.*
 - a. Does not constitute a fire hazard per se.
 - b. Complies to the applicable laws of the state (Public Act No. 207 of 1941 (MCL 29.1 et seq.)) and the rules and regulations promulgated thereunder by all authorized agencies, state and local.
 - c. Is protected by adequate and proper fire suppression and firefighting equipment.
 - d. Provides isolated and approved storage for all flammable, explosive and corrosive materials and substances.
- (2) *Water pollution.* Conforms to the applicable laws of the state (part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.)) and rules and regulations promulgated thereunder by all authorized state and local agencies.
- (3) *Air pollution.*
 - a. Conforms to the applicable laws of the state (part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.)).
 - b. Does not emit or cause fumes, gas, mist, odor, smoke, vapor, dust, including road or other earth dust or any combination thereof, in excess of minimum standards established under the authority of the laws of the state, or in such volume as to create a public nuisance.
- (4) *Noise abatement.*
 - a. Is provided with noise abatement materials and equipment.
 - b. Will not generate unpleasant and objectionable noise greater in volume or intensity than the average of traffic noises at exterior property lines.
- (5) *Vibrations.* No vibrations shall be permitted which are discernible without instruments on any adjoining lot or property.
- (6) *Glare.* No direct or reflected glare shall be permitted which is visible from any property, or from any public street, road, or highway.
- (7) *Radioactive hazards.* Any use or operation which involves the use, possession, or transportation of any form of radioactive materials or substances is expressly prohibited unless the use is in conformity to specifications, regulations, and standards promulgated by the Atomic Energy Commission of the United States and by the state department of public health.
- (8) *Electrical disturbances.* Manufacturing and processing machinery, other equipment and domestic appliances using electrical power which generates radio frequency interferences at levels in excess of those approved by the Federal Communications Commission are prohibited.
- (9) *Erosion.* No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams. Any use of land shall be in accordance with the provisions of part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.).

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- (10) *Smoke*. Smoke shall not be emitted with a density greater than No. 1 on the Ringelmann chart, as issued by the U.S. Bureau of Mines, except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.
 - (11) *Odors*. No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

(Ord. of 7-22-2013, § 60.02)

State law reference(s)—Natural resources and environmental protection act, MCL 324.101 et seq.

Sec. 36-700. Extraction operations.

The removal of soil, including topsoil, sand, gravel, stone, and other earth materials shall be subject to the following conditions:

- (1) There shall be not more than one entrance way from a public road to said lot for each 660 feet of front lot line. Said entrance shall be located not less than 500 feet from an intersection of two or more public roads.
- (2) Such operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturday. Operations shall not be permitted on Sunday or legal holidays, except by special permit from the planning commission.
- (3) On said site, no digging, stockpiling, excavating or equipment storage and repair shall take place closer than 100 feet from any lot line, and 300 feet from an existing residential zoning district. Stockpiles of stripped topsoil shall be seeded with grass or other plant materials and shall be prevented from eroding onto other properties.
- (4) On said lot, all roads, driveways, parking lots, and loading and unloading areas within 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.
- (5) Each operator shall be held responsible for all public roads upon which trucks haul materials from the quarries to keep those 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 any and all spillage of material and dirt, rock, mud, and any other debris carried onto the roads by these trucks or other equipment.
- (6) 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 such lot as much as possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- (7) Such removal shall not be conducted so as to cause the pollution by any material of any surface or subsurface watercourse or body outside of the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.
- (8) Such removal shall not be conducted so as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot. Such removal shall not be conducted so as to alter the drainage pattern of surface or subsurface waters on adjacent property. In the event that such removal shall cease to be conducted, it shall be the continuing responsibility of the owners and the operators thereof to ensure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation as specified in this subsection.

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- (9) All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any existing residence zoning district. In the event the zoning classification of any land within 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 100 feet from any lot line adjacent to said residence district. A fence of not less than six feet in height shall be erected around the periphery of the area being excavated. Fences shall be adequate to prevent trespass.
- (10) All areas within a quarry shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear natural.
- (11) The applicant shall submit a plan for the use of the property during mining operations at the time of application for the permit. The plan shall provide the following information:
- a. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;
 - b. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;
 - c. Existing site improvements, such as buildings, drives, wells, and drainfields;
 - d. Existing topography at contour intervals of two feet;
 - e. Extent of future mining areas and depth thereof;
 - f. Location and nature of structures and stationary equipment to be located on the site during mining operations;
 - g. Location and description of soil types;
 - h. An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of mining operations;
 - i. 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;
 - j. Location and width of drives, sight distances; land widenings on public roads at intersections of same with drives;
 - k. Tree areas and other natural features to be retained;
 - l. Description of pollution and erosion control measures;
 - m. 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
 - n. Map showing truck routes to and from the site.
- (12) The applicant shall file a plan for restoring the site to a safe, attractive, and usable condition. The plan shall be filed with the application for the conditional use permit and shall provide the following information:
- a. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;
 - b. Location and extent of all natural features to be retained during mining operations;

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- c. Contour lines at intervals of two feet of the proposed restored surface, clearly showing connection to existing undisturbed contour lines;
 - d. Schedule and areas of progressive rehabilitation;
 - e. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
 - f. Sketch plan of the proposed use of the site when restored; and
 - g. Description of methods and materials to be used in restoring the site.
- (13) The applicant shall provide security deposits, in the form and amounts recommended by the township board and acceptable to the planning commission, to guarantee restoration of the site and to cover the costs of the township engineer in certifying conformance.
- (14) The applicant shall provide a security deposit, when required by the township planning commission, to maintain and replace public roads traversed by trucks associated with the mining operation. The security shall be deposited with the county road commission in the form and amount required by the road commission.

(Ord. of 7-22-2013, § 60.03)

State law reference(s)—Soil conservation, erosion and sedimentation control, MCL 324.9101 et seq.

Sec. 36-701. Storage of materials.

Except as otherwise provided in this chapter, the following regulations shall govern the storage of materials:

- (1) The location or storage of abandoned, discarded, unused, unusable, or inoperative appliances, furniture, equipment, or materials (but not including inoperative vehicles), shall be regulated as follows, except for junkyards, in which case the regulations set forth in section 36-713 shall apply.
- (2) On any lot or parcel in any recreation-conservation or agriculture district, unless in conjunction with an approved use, all commercially produced products and/or materials, or equipment and machinery, whether operative or inoperative, must be stored within a completely enclosed building. Bona fide farm operations shall not be subject to storing bona fide farm equipment and/or material within enclosed buildings when part of an on going farming operation.
 - a. On any lot or parcel in any recreation-conservation, agriculture, residential, office, or commercial district, the owner or tenant shall locate and store such materials within a completely enclosed building. Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.
 - b. On any lot or parcel in any industrial district, the owner or tenant shall locate and store such materials:
 - 1. Within a completely enclosed building, where required; or
 - 2. Where outdoor storage is permitted, within an area surrounded by a solid, unpierced fence or wall at least seven 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 for said districts. Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.
- (3) Garbage, trash, and similar refuse to be stored outside a building in a multiple residential, business, or industrial district shall be stored within containers approved by the county health department and said containers shall be stored within a screened enclosure. The enclosure shall be constructed of an

opaque material, such as wood, concrete blocks, or brick, and shall be enclosed on at least three sides. The fourth side may be open for access or access may be provided by one or more gates. The storage area shall have a concrete floor at least four inches thick.

- (4) Outdoor storage of products, materials, and equipment, except vehicles owned and operated by the principal business or in conjunction with a licensed vehicle sales lot, shall be subject to the following regulations:
- a. Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way (except where permitted by the planning commission in the front yard adjacent to US-23); in any required yard setback area; or in any required transition strip.
 - b. Such storage shall not be located in any required parking or loading space.
 - c. Such storage shall be strictly and clearly incidental to the principal use and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use, shall be permitted for storage under this subsection. Such storage shall not be permitted as a principal use of a lot.
 - d. The area for such storage shall be screened from view on all sides by a staggered double row of evergreen trees at least eight feet in height and spaced 15 feet on center at the time of planting. The species of evergreen tree species must meet the requirements of section 36-722(n)(1). As the evergreen trees mature, a screen of six feet in height shall be maintained, which shall include replacing dead or dying evergreen trees, planting additional evergreen trees where needed, or planting large evergreen shrubs (see section 36-722(n)(5)) where the bottom branches of evergreen trees have been removed or do not create the required screen. The landscape plan meeting the requirements of this subsection must be prepared by a registered landscape architect. The planning commission may also require an opaque fence or masonry wall of six feet in height or the height of materials stored, whichever is higher, to be constructed around the perimeter of the outdoor storage areas. Wire fences with inserted strips of metal, plastic and similar materials shall not be permitted as acceptable screening. The planning commission may waive or modify the evergreen screening requirements where there is existing vegetation that can be used to fulfill or supplement the requirements of this subsection.
 - e. The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure, shall be provided as part of site plan review. The planning commission may limit the height of materials stored based on the nature of the materials, adjacent land uses and zoning districts, visibility, and impact on public health, safety, and general welfare.

(Ord. of 7-22-2013, § 60.04; Ord. No. 17-53, § 15, 2-14-2017)

Sec. 36-702. Parking and storage of vehicles.

- (a) Operative or inoperative automotive vehicles or trailers of any kind or type which are unlicensed shall not be parked or stored in any recreation-conservation, agriculture, residential, office, or RTM zoning district other than in completely enclosed buildings.
- (b) Operative or inoperative automotive vehicles or trailers of any kind or type which are unlicensed shall be parked or stored in a commercial or industrial zoning district only in conjunction with an approved use and according to the regulations of section 36-701(3), except for junkyards, which are regulated by section 36-713.

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- (c) Parking or storage of semitrailers, except semitrailers owned and operated by the principal use of the lot, shall be prohibited on a lot in a commercial, office, or planned unit development zoning district, for a period of more than 24 hours in a month.
 - (d) Storage of products, materials, or equipment in inoperative semitrailers shall be prohibited in any zoning district.
 - (e) Sales of products, merchandise, or other materials from semitrailers shall be prohibited in any zoning district.
 - (f) Operative or inoperative automotive vehicles of any kind or type which are licensed and operated by the principal use of the lot shall be parked or stored in delineated storage areas which were delineated on the approved site plan for the use.
 - (g) Operative or inoperative automotive vehicles of any kind or type which are licensed and being stored by the principal use of the lot shall be parked or stored only in conjunction with an approved use and according to the regulations of section 36-701(3).

(Ord. of 7-22-2013, § 60.05)

Sec. 36-703. Storage of recreational equipment.

Recreation vehicles, boats and boat trailers, snowmobiles, trail cycles, all-terrain vehicles, and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment, whether occupied by such equipment or not, shall not be parked or stored in front of the front building line or any vacant lot in a residence district; provided, however, that such equipment may be parked anywhere in a driveway or parking area on residential premises for a period not to exceed 72 hours during loading or unloading. Such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. Storage of such equipment, when permitted in a commercial district as a principal use of a lot, shall be located behind all required lot lines with all required yards to be landscaped and properly and regularly maintained. The storage area shall have a gravel or paved surface, treated regularly to prevent erosion and blowing of dust. The storage area shall be fenced for security purposes, by at least a six-foot-high cyclone-type fence.

(Ord. of 7-22-2013, § 60.06)

Sec. 36-704. Preservation of environmental quality.

The following provisions shall apply:

- (1) In any zoning district, no river, stream, watercourse or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way, at any time, by any person, except when done in conformance with state and federal law and standards.
- (2) No person shall alter, change, transform or otherwise vary the edge, bank, or shore of any lake, river, or stream except as provided in part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.).
- (3) In any zoning district, except the agriculture district, no living tree in any woodlot, grove, bush, park, wooded area or forested land shall be removed except for the following:
 - a. Diseased, weak, wind blown and disfigured trees.
 - b. Trees that may be within an area designated specifically for buildings, structures, streets and driveways.

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- c. If any living tree other than specified above is proposed to be removed by any person, such person shall submit to the planning commission a site plan and required data, exhibits, and information as required in article XXVIII of this chapter.
 - (4) No building, structure, street, parking area or driveway shall be erected, constructed or placed on any land area having a slope of 20 percent or greater.

(Ord. of 7-22-2013, § 60.07)

Sec. 36-705. Wetland buffer.

- (a) Prior to the commencement of construction of any structure, building, or any land alteration on a site in any zoning district that contains a wetland regulated by the Michigan Department of Environmental Quality (MDEQ), or such property abuts, adjoins, or is adjacent to a wetland regulated by (MDEQ), a wetland buffer shall be established. The intent and purpose of the wetland buffer is to protect and preserve the existence of MDEQ regulated wetlands and to prevent their pollution or contamination; minimize their disturbance and disturbance to the natural habitat therein; and prevent damage from erosion, siltation, and flooding.
- (b) The buffer shall be regulated in the following manner:
 - (1) A buffer of 50 feet shall be applied to those wetlands regulated by the MDNR. The buffer shall be measured outward 50 feet from the determined edge of a wetland.
 - (2) The wetland buffer shall remain undisturbed and in its natural condition.

(Ord. of 7-22-2013, § 60.08)

State law reference(s)—Wetlands protection, MCL 324.30301 et seq.

Sec. 36-706. Transition strip.

- (a) Prior to the commencement of construction of any structure or building in a commercial district or industrial district where such property abuts, adjoins, or is adjacent to a residential zone, a transition strip shall be established. Where permitted, a decorative wood screen or four to six feet high masonry wall may be substituted for the transition strip if the planning commission determines that such screen or wall will equal the performance of the transition strip and where such lot is too limited in dimension or area to reasonably permit the installation of such strip.
- (b) A hedge may also be substituted for a transition strip; provided that it will obtain a height of at least three feet at the end of the first growing season, and if the planning commission determines that such hedge will equal the performance of the transition strip. A screen, wall, hedge, or strip shall be adequately maintained at all times.
- (c) A transition strip shall be landscaped with living plant materials, which shall be completed within six months from the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. Specifications for spacing and plant materials are shown below. Materials to be used are merely suggestions and shall not be limiting; provided their equal in characteristics is used.
- (d) Spacing.
 - (1) Plant materials shall not be placed closer than three feet from the fence line or property line.
 - (2) Where plant materials are planted in two or more rows, planting shall be staggered in rows.
 - (3) Evergreen trees shall be planted not more than 30 feet on centers.

- (4) Narrow evergreens shall be planted not more than three feet on centers.
- (5) Deciduous trees shall be planted not more than 30 feet on centers.
- (6) Tree-like shrubs shall be planted not more than ten feet on centers.
- (7) Large deciduous shrubs shall be planted not more than four feet on centers.

Plant Materials	Minimum Size (in height/feet)
Evergreen Trees	Five
Juniper	
Red Cedar	
White Cedar	
Pines	
Narrow Evergreens	Three
Pyramidal Arbor Vitae	
Columnar Juniper	
Irish Juniper	
Tree-like Shrubs	Four
Flowering Crabapple	
Russian Olive	
Mountain Ash	
Dogwood	
Redbud	
Rose of Sharon	
Large Deciduous Shrubs	
Honey Suckle	
Viburnum	
Mock Orange	
Forsythia	
Lilac	
Ninebak	
Large Deciduous Trees	Eight
Oak	
Hard Maple	
Ash	
Hackberry	
Sycamore	

- (e) Trees not permitted.
 - (1) Box Elder.
 - (2) Soft Maple.
 - (3) Elms (American).
 - (4) Poplar.
 - (5) Ailunthus (Tree of Heaven).

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- (6) Willow.
- (f) A bond or cash of an amount equal to \$5.00 per linear foot of required greenbelt shall be deposited with the township clerk until such time as the greenbelt is planted. In the event that weather or seasonal conditions prevent transplanting, the petitioner shall be granted six months from the date of issuance of certificate of occupancy to install said greenbelt or the township shall be authorized to use said funds to install said greenbelt.
- (g) In all cases, however, the township shall be authorized to withhold ten percent of bond or cash for a period of two years from date of issuance to ensure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two-year period. It shall be the responsibility of the property owner to maintain the greenbelt for its original intent and purpose.

(Ord. of 7-22-2013, § 60.09)

Sec. 36-707. Land filling and alteration.

- (a) *Dumping of soil, sand, clay, gravel or similar material.* No filling, dumping, removal, adjusting or balancing of land by reason of which the existing topography of the land is altered, shaped or changed shall be allowed without a permit from the zoning administrator within any zoning district of the township, except in the following permitted instances:
- (1) The amount of material utilized for filling, dumping, removal, adjusting or balancing, whether obtained on the land involved or from outside the premises, does not:
 - a. Exceed 300 cubic yards;
 - b. Exceed one acre in area;
 - c. Is not less than 500 feet from a lake or stream; or
 - d. That the material is composed only of gravel, clay, natural rock, earth, or topsoil.
- Any land balancing shall take in such a manner as will not adversely affect the existing use or occupancy of abutting lands and the normal development thereof and will not impair, obstruct, divert or change any drain, creek, river or other watercourse on the land involved or any abutting lands, and will not encroach or occur upon the floor area or plain thereof.
- (2) The filling, dumping, removal, adjusting or balancing occurs pursuant to a site plan or plat which has been approved in accordance with the township ordinances.
 - (3) The filling, dumping, removal, adjusting or balancing occurs pursuant to a land filling permit issued by the zoning administrator in conformity with the procedures contained herein.
- (b) *Dumping of waste, junk, or similar material.* The use of land for the storage, collection or accumulation of used construction materials, or for the dumping or disposal of junk, offal, refuse, ash, garbage, rubbish, waste material, including construction materials such as asphalt, or industrial byproducts, shall not be permitted in any district, except in conformity with township regulations.
- (c) *Excavation.* The excavation or continued existence of unprotected holes, pits, or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited; provided, however, that this restriction shall not apply to excavations for which a permit has been acquired, provided such excavations are properly protected. Excavations which may be permitted if proper permits are acquired include excavation related to construction of a driveway, walk, a permitted wall, or building or part thereof, or movement of soil within the boundaries of a parcel for the purposes of preparing a site for building construction or another permitted use.

(d) *Application and procedure for filling permit.*

- (1) The owner of premises may apply to the zoning administrator for a filling permit, upon such forms as may be designated by the zoning administrator and payment of such fees as the township board may set by resolution, in the following manner: An application to the zoning administrator shall contain the following information:
 - a. Names and address of owner of the premises and type of ownership.
 - b. Legal description of the premises.
 - c. Name and address of owners of adjacent premises.
 - d. Written description of the nature of the proposed filling, dumping, removal, adjusting or balancing to be undertaken, including the quantity of fill or removal and the composition of same.
 - e. A scale drawing of the premises designating property lines and dimensions; adjacent public roads, drains, creeks, rivers or other watercourses and the flood area or floodplain thereof on the premises and on adjacent premises; landmarks and topographical features of the premises; and areas to be filled or subject to removal.
 - f. Statement of intended land use for the premises following the completion of the filling or removal and the expected time needed to complete the filling or removal.
 - g. A copy of erosion permit from the county erosion enforcement officer shall be submitted to the zoning administrator prior to approval of the filling permit as required.
- (2) The zoning administrator will consider the filling application and determine whether the proposed filling or removal shall be granted approval. In determining the same, the zoning administrator shall consider the impact of the filling or removal on existing water drainage, detention, retention, floodplain, flood area and flow, the prevention of water pollution and sedimentation, the prevention of wind erosion, wind blown dust, the composition and compaction qualities of the fill, the provision for ground cover and any impacts on adjacent neighboring premises.
- (3) The zoning administrator shall keep a record of all filling permits. Failure to comply with the terms and conditions of the filling permit shall be subject to section 36-979.

(Ord. of 7-22-2013, § 60.10)

Sec. 36-708. Composting of organic materials including wood, grass, leaves, stumps and similar materials, and/or conversion of sewage or sludge into usable or saleable products.

The following regulations shall apply to operations designed for composting of organic materials and/or conversion of sewage or sludge into usable or saleable products:

- (1) *Design and operation standards.* Any such use shall conform to current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the state department of natural resources, and other regulatory agencies.
- (2) *Environmental impact statement.* An environmental impact statement shall be prepared for all commercial operations to assess the developmental, ecological, social, economic, and physical impact of the proposed development on and surrounding the development site, and to determine if the proposed use will be in compliance with regulations herein. This section shall not apply to composting of common household materials generated on individual sites or common agricultural practices within

agriculturally zoned areas. The environmental impact statement shall include, but not be limited to, the following:

- a. Water, noise, and air pollution associated with the proposed use.
- b. Effect of the proposed use on public utilities.
- c. Displacement of people and other land uses by the proposed use.
- d. Alteration of the character of the area by the proposed use.
- e. Effect of the proposed use on the township's tax base and adjacent property values.
- f. Compatibility of the proposed use with existing topography, and topographic alterations required.
- g. Impact of the proposed use on surface water and groundwater.
- h. Operating characteristics and standards of the proposed use.
- i. Proposed screening and other visual controls.
- j. Impact of the proposed use on traffic.
- k. Impact of the proposed use on flora and fauna.
- l. Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.

(Ord. of 7-22-2013, § 60.11)

Sec. 36-709. Site condominium review.

- (a) *Approval required.* Pursuant to authority conferred by section 141 of the condominium act (MCL 559.241), preliminary and final site plans for all site condominiums shall be approved by the planning commission.
- (b) *General requirements.*
 - (1) No permits for building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the township planning commission and is in effect. However, the planning commission may, with appropriate conditions attached, authorize permits for grading on the basis of the approved preliminary site plan and for the purpose of tests and investigations necessary for the completion of the final site plan. This requirement shall include contractible, conversion and expandable condominiums.
 - (2) If a building, structure, or use to be placed on a condominium lot requires site plan approval under section 36-864, a site plan for that building, structure or use shall be approved in accordance with article XXVII of this chapter, before a certificate of zoning compliance may be issued.
 - (3) The planning commission shall have the authority to review and approve or deny preliminary site plans for site condominiums in accordance with article XXVIII of this chapter, the condominium act, and other ordinances and standards for review deemed appropriate by the planning commission. Preliminary and final site plans shall not be combined for site condominium projects.
 - (4) If the planning commission grants preliminary site plan approval it shall transmit one copy of the preliminary plan to the subdivision advisory committee and it shall transmit information to the superintendent of schools of the school district in which the subdivision is to be located.

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- (5) The planning commission shall have the authority to review and approve or deny final site plans for site condominiums in accordance with article XXVIII of this chapter, the condominium act, and other ordinances and standards for review deemed appropriate by the planning commission. The planning commission shall review the plan for compliance with the standards of this chapter, the condominium act, and all applicable federal, state, and local laws. The comments of the subdivision advisory council and the school district shall be considered by the planning commission when reviewing the final site plan.
 - (6) 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 with the county register of deeds.
 - (7) Each condominium unit shall be located within a zoning district that permits the proposed use.
 - (8) For the purposes of this chapter, each condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use 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.
 - (9) Each condominium unit shall be connected to the township's water and sanitary sewer facilities where available, or shall have a well, septic tank, and drainfield approved by the county health department where township water and sanitary sewer services are not available. The well, septic tank and drainfield 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 part of its approval of the PUD district rezoning petition.
 - (10) Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in the condominium act, shall comply with all regulations of the zoning district in which located and shall be approved by the zoning administrator. These requirements shall be recorded as part of the master deed.
 - (11) Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in the condominium act, shall comply with all regulations of the zoning district in which located and shall be approved by the zoning administrator. These requirements shall be recorded as part of the master deed.
 - (12) All information required by this chapter shall be updated and furnished to the zoning administrator until applicable certificates of zoning compliance have been issued, as provided in section 36-973.
- (c) *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 36-865, 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.
- (d) *Final site plan requirements.*

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- (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 by the planning commission unless a preliminary site plan has been approved by the planning commission and is in effect.
 - (3) A final site plan shall include all information required by the condominium act, and the master deed and bylaws. The final site plan shall also include all information required in section 36-866, 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 dimension 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 health department, and the state department of natural resources. The planning commission 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.
- (e) *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 approval or denial by the planning commission before any building permit may be issued, where such permit is required.
- (f) *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 approved by the planning commission before any building permit may be issued, where such permit is required. The planning commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
- (g) *Design and development standards.*
- (1) *Generally.* The standards set forth in this section shall be considered minimum requirements. Where the adopted general development plan requires high standards, such higher standards shall apply. Variances from the standards set forth in this section shall be considered according to the standards of article XXX of this chapter.
 - (2) *Streets.*
 - a. *Street layout.*
 1. Street layout shall conform to the adopted general development plan or portion thereof relating to streets. Public streets shall be developed to the standards of the county road commission. Private streets shall be developed to the standards of section 36-719. The arrangement of streets in the development shall provide for the construction of streets in adjacent developments where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper projection of streets into adjoining properties not yet developed.
 2. Local streets shall be laid out so as to discourage their use by through traffic.
 3. Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.
 4. All street construction shall be centered in the street right-of-way. Section line and quarter line roads shall be centered on these lines unless the township engineer or county road commission approves an exception.

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- b. *Drainage.* All streets shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Exceptions may be made for subdivisions in which each single-family dwelling lot is one acre or larger in area and has a minimum road frontage of 150 feet.
 - c. *Alleys.* Alleys shall be prohibited, except in commercial and industrial developments. Where alleys are provided they shall be at least 30 feet wide. Dead-end alleys shall be prohibited. Alleys shall be provided in accordance with standards of the county road commission.
 - d. *Marginal access streets.* Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the county road commission and shall be responsible for improving said streets according to county road commission standards. A landscaped strip at least 20 feet wide shall be provided between a marginal access street and the adjacent street.
 - e. *Other required streets.* Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the planning commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
 - f. *Special treatment along major streets.* When a development abuts or contains an existing or proposed arterial or collector street, the planning commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along with rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.
 - g. *Street names and house numbers.* Street names shall be approved by the post master with jurisdiction and reviewed by county emergency response. Generally, no street should change direction by more than 90 degrees without a change in street name. Streets shall have names and not numbers or letters.
 - h. *Location for utilities.* Utilities shall be located so as to best conform to the layout of existing facilities.
 - i. *Street standards and specifications.* Streets shall be provided in accordance with applicable standards and specifications and shall include turn, merge, and bypass lanes as the planning commission deems necessary.
- (3) *Blocks.* Blocks generally shall not be less than 500 feet or more than 1,320 feet in length, as measured from the centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or development boundary. In blocks exceeding 800 feet in length, the planning commission may require reservation of an easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path be provided by the proprietor. Blocks intended for nonresidential uses shall be especially designed for such purposes, and in accordance with chapter provisions. In such cases, the above dimensions do not apply.
- (4) *Lots.*
- a. *Dimensions.*
 - 1. Lots shall conform to the requirements of this chapter except for outlots that are provided for an indicated and approved purpose.

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2. Corner lots shall have extra width to permit appropriate building setback. Lots abutting a pedestrian mid-block crosswalk or other right-of-way shall be treated as corner lots.
 3. Residential lots shall not open or face directly onto a freeway right-of-way, an arterial or collector street, shopping centers, industrial districts or parks, and other similar nonresidential uses. In such situations, lots shall be laid out in one of the following ways:
 - (i) Lots may back onto the above features, but shall be separate therefrom by a 20-foot-wide landscaped strip along the rear property line. The 20-foot-wide strip shall not be considered part of the lot's minimum length, width, or area, but shall be considered part of the contiguous lot.
 - (ii) Lots may face onto a marginal access street.
 - (iii) Lots may face onto intersecting local streets with driveways opening onto the intersecting local streets. The corner lots which abut the major street right-of-way or the nonresidential area shall each have the landscape strip as required in subsection 4.a(i) of this section.
 - (iv) Lots may be grouped around cul-de-sac or loop streets which open onto the major street. In such situations, the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in section 4.a(i) of this section.

Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.

b. *Lot frontage.*

1. Lots extending through a block are generally prohibited except where they back onto a freeway right-of-way, an arterial or collector street, a shopping center, an industrial district, a park, or other similar nonresidential area.
2. All lots shall abut, by their full frontage, on a public or private street.

c. *Lot lines.* Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. Variations in these provisions may be made when, in the opinion of the planning commission, such variation would result in a better arrangement of lots.

d. *Lots to be buildable.*

1. The lot arrangement shall be such that in constructing a building in compliance with the chapter, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines and odd shaped lots should be avoided.
2. The size, shape, and location of each lot shall have the following characteristics:
 - (i) A suitable site for placing a house without excess grading;
 - (ii) A usable area for outdoor living and other outdoor activities;
 - (iii) Adequate surface drainage away from the house site and outdoor living areas;
 - (iv) Reasonable driveway grades; and
 - (v) General site grading should be minimized with significant trees and other vegetation retained.

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- e. *Access.* Driveways and curbcuts shall conform to standards of the county road commission and the standards of all township ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.
 - f. *Reserve strips.* Privately held reserve strips controlling access to streets shall be prohibited, except as provided in subsection (g)(2)i of this section.
 - g. *Nonresidential lots.* Lots intended for uses other than residential shall be identified on the plan, and shall be specifically designed for such uses, in accordance with provisions of this chapter.
- (5) *Pedestrian ways and sidewalks.*
- a. Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least 20 feet wide, when required. The planning commission may require a paved walkway to be provided by the proprietor. The pedestrian way shall be treated as an easement.
 - b. Sidewalks are required on both sides of a street or one side of a street, depending upon the density of and location of the development, or, in very low density developments (one acre or larger lots), may be excepted entirely, according to the discretion of the planning commission. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street, except in cluster subdivisions, or planned unit developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets.
 - c. Sidewalks shall be developed and placed in compliance with MDOT standards and the review of the township engineer.
- (6) *Natural features.* The development shall, wherever possible, preserve natural features which add value to the proposed development and to the community at large, such as large trees or groves of trees, watercourses, vistas, historic spots and features, wildlife habitats and ecological areas. The location, nature, and extent of such features shall be identified on the preliminary plat. The preservation and/or inclusion of such features may be made a condition of approval of the development.
- (7) *Uninhabitable areas.* Lands subject to flooding or otherwise deemed uninhabitable in their natural state shall not be developed for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space. Any areas of land within the proposed development which lie either wholly or partly within the floodplain of a river, stream, creek, or lake, or any other areas which are subject to flooding by stormwater shall be clearly shown on the preliminary and final site plan.
- (8) *Utilities.*
- a. *Storm drainage.*
 - 1. All developments shall adequately provide for stormwater runoff. The stormwater drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans. All drainage improvements shall conform to the standards of the drain commissioner and the township.
 - 2. Adequate provisions shall be made for proper drainage of stormwater runoff from individual lots. Drainage easements may be required to ensure proper drainage. The township may require that catchbasins be provided in said easements, and may require that drainage tile be provided for easement drainage. The depth, grade and outlet for said tile shall be subject to approval by the township engineer.
 - 3. Where a development is traversed by a watercourse, drainage way, channel, or stream, a stormwater easement or drainage right-of-way shall be provided, conforming substantially

to the lines of such watercourse, and to the standards of the county drain commissioner. Wherever possible, drainage should be provided by an open channel with landscape banks and adequate width for maximum potential flow. Existing drainage ways may be rechanneled but such rechanneling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream therefrom. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.

4. Where topography or other conditions make inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the site plan. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots. If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.
 5. Low-lying lands along watercourses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall not be utilized in computing the area requirement of any lot.
 6. All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the county drain commissioner. If, in the judgment of the drain commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the drain commissioner shall be provided.
 7. The proprietor may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the development, by pipe or open ditch, in appropriate easements.
 8. A culvert or other drainage facility in a proposed subdivision shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the development. The design and size of the facility shall be reviewed and recommended for approval by the township engineer.
 9. The effect of the subdivision on existing downstream drainage facilities outside the development shall be reviewed by the proprietor with the county drain commissioner. Where it is anticipated that the additional runoff resulting from development of the subdivision will overload an existing downstream drainage facility during a ten-year or larger storm, the planning commission shall not approve the development until adequate provision has been made for resolving downstream drainage problems.
 10. Stormwater basins may be required in order to control the discharge of stormwater from a proposed development. Design criteria and engineering plans for basins shall be subject to approval by the township engineer.
- b. *Water supply facilities.* Water supply facilities shall be designed and located according to the specifications and procedural requirements of the state department of public health. On-site services and private water systems shall be designed according to requirements of the county health department.
 - c. *Sanitary sewerage facilities.*

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1. Where public sanitary sewerage facilities are available, sewers shall be installed to serve each lot.
 2. All sanitary sewer facilities shall be designed and constructed in accordance with the rules, regulations, and standards of the township.
 3. Each lot in a development which is served by public sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.
 4. If sanitary sewerage facilities are not available, minimum lot sizes shall conform to requirements of the county health department. In no case shall the minimum lot size be less than that required by the zoning district in which located. The individual disposal system shall be approved by the county health department.
- d. *Gas, wire, and cable utilities.*
1. All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development. Overhead lines may be permitted upon approval by the planning commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision, and only where such overhead lines are brought to the perimeter of the subdivision. This section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface-mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights and street light poles.
 2. All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the state public service commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the plan. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with subsection (g)(9) of this section.
- (9) *Easements.* All underground public utility installations which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision. The size of, and restriction pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the subdivision control act, and shall be indicated on the site plan submitted for preliminary approval.
- (10) *Reservation of public use areas.*
- a. Where a proposed park, playground, open spaces, public school, library or other public use area shown in the adopted general development plan, or in an adopted applicable part of such plan, is located, in whole or in part, in a proposed development, such areas shall be shown on the site plan. Such areas may be dedicated to the township or other applicable public agency by the proprietor if the township board or other applicable public agency approves such dedication. Such areas, if not dedicated, shall be reserved by the proprietor for future purchase by the township or other appropriate public agency.
 - b. The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the planning commission. The reservation shall be valid for a period of one year from the date of final approval or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the township or other public agency shall have entered into a contract to purchase the reserved area or instituted

condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such one-year period at the average value per acre on the date when the plan was first filed with the clerk. The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the proprietor.

(11) *Mobile home subdivisions.*

- a. Where a mobile home development falls within the definition of mobile home condominium project as set forth in the condominium act, said development shall be developed in accordance with the condominium act and this chapter. All provisions of this chapter shall apply except for, or in addition to, the provisions of this section. A mobile home condominium project may also be developed as a planned unit development.
- b. All streets and driveways in the development shall conform to the standards set forth in subsection (g)(2) of this section. There shall be no residential lot access to a collector street within the development; all such access shall be provided by minor residential streets.
- c. Collector street dimensions shall conform to county road commission specifications.
- d. Each lot shall abut and have direct access to a public or private street. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.
- e. Sidewalks and pedestrian ways shall be provided in accordance with subsection (g)(5) of this section, except that sidewalks along streets may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.
- f. All lots shall be connected to sanitary sewer and water systems approved by the township. Such facilities shall meet the requirements of this chapter and all other applicable township ordinances and regulations.
- g. Fuel oil and/or gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery.
- h. All fuel lines leading to the subdivision and to mobile home sites shall be underground and so designed as to conform with the state construction code and any state code that is applicable.
- i. When a master television antenna is provided, all lines extended to individual lots shall be underground. Such master antenna shall be so placed as not to be a nuisance to subdivision residents or surrounding areas.
- j. A buffer of trees and shrubs not less than 20 feet in width shall be located and maintained along all boundaries of such development, except at established entrances and exits serving the development. When necessary for health, safety and welfare, a fence shall be required to separate the subdivision from adjacent property.

(12) *Commercial and industrial subdivisions.*

- a. Commercial and industrial development which constitute condominium projects as defined in the condominium act, shall conform to the provisions of this chapter, except for modifications provided in this section.
- b. All streets in a commercial development shall be paved, and be designed and constructed to adequately handle truck traffic. Curbside parking and loading shall not be provided for, nor permitted on, any side street. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted or provided for; such movements shall be adequately provided for on each lot. Streets within a development, except major thoroughfares and collector

streets, shall be laid out so as to prohibit through traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks and parking area, so as to minimize conflict of movement between the various types of traffic, including pedestrian.

- c. Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading areas shall intersect streets at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.
 - d. The block sizes set forth herein shall not apply. The blocks shall be designed to meet the needs of the uses that will occupy the subdivision. However, block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.
 - e. Lots shall have access from development or frontage streets, and shall not open directly onto arterial or collector streets.
 - f. Sidewalks and/or pedestrian ways shall be provided, except where the planning commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.
 - g. Buffer strips shall be provided along the perimeter of a commercial or industrial development according to requirements of this chapter. The planning commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas from litter, trespass and other nuisances. Any intended future expansion of the development should be shown on the preliminary site plan.
- (13) *Planned unit development.* Developments in a PUD zoning district may be granted certain variances from this chapter. Such variances are intended to accommodate the site planning, financial, engineering, and other requirements of large, comprehensive developments with associated uses. Such variances may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards set forth in this article.
- (14) *Soil erosion and sedimentation control.* The final site plan shall contain proposed erosion and sedimentation control measures. The measures shall be incorporated into the final construction drawings. Erosion and sedimentation control measures shall conform to adopted standards and specifications.
- (15) *Trees.*
- a. Trees shall be provided in the margins of both sides of all streets, and shall be placed at the minimum rate of two per single-family residential lot or at a maximum distance apart of 60 feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type, such as oak, maple, ash or sycamore. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian ways. These requirements may be relaxed by the planning commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement, satisfy the intent of this chapter.
 - b. The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by this chapter: box elder, soft maple, American elm, poplar, ailanthus (tree of heaven) and willow.

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- c. All required trees shall be nursery grown and shall be sound and healthy at the time of planting. Root systems shall be balled and wrapped or shall be planted by means which will not disturb the root systems. Required trees shall be protected from damage by wind and other elements; guy wires and ropes, where provided, shall not damage bark or break branches. Trees shall be guaranteed by the proprietor for one full year after planting, with dead or otherwise unacceptable trees to be replaced by the proprietor, at the proprietor's expense, during the guarantee period.
 - d. Landscape plans shall be reviewed and recommended for approval by the township consultant.
- (16) *Street lights.* Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they shall be installed prior to the occupancy of structures within the development. Street lights shall be provided in all developments except those of one acre or larger residential lots, and commercial and industrial subdivisions, where their installation shall be at the discretion of the planning commission.
- (h) *Development agreement.* The planning commission may require, as a condition of approval, that the applicant enter into a development agreement with the township, incorporating therein the terms and conditions of final site plan approval, and record the same in the office of the register of deeds for the county.
 - (i) *Written authorization.* 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.
 - (j) *Monuments and irons.* Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersections 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 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 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.
 - (k) *Rights-of-way.* 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 public water and sanitary sewer lines and appurtenances.
 - (l) *All improvements to comply with standards.* All improvements in a site condominium shall comply with the design specifications as adopted by the township board and any amendments thereto.

(Ord. of 7-22-2013, § 60.12)

Sec. 36-710. Controlled uses.

- (a) *Purpose.*

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- (1) The purpose of this section is to identify and describe certain uses which 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.
 - (2) Special control of these uses is necessary to ensure that the adverse effects of these uses will not interfere with the growth and development of the surrounding areas. These special controls are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than two such uses within 1,000 feet of each other).
- (b) *Restrictions.* The establishment of the following kinds of uses is prohibited if the establishment of any one of the following uses constitutes the third such use within a 1,000 foot radius:
- (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) Hotels or motels.
 - (9) Pawnshops or collateral loan and/or exchange establishments.
 - (10) Pool or billiard halls.
 - (11) Public lodginghouses.
 - (12) Secondhand stores.
 - (13) Specially designated distributor's establishment (SDD).
 - (14) Specially designated merchant's establishment (SDM).
- (c) *Application.* Application to establish any of the above-controlled uses shall be made to the zoning administrator, who shall not approve any such application or request if there are already in existence two or more such controlled uses within a radius of 1,000 feet of the outermost boundaries of the lot upon which the proposed controlled use will be situated.
- (d) *Waivers.* Upon denial of any application for a controlled use under subsection (b) of this section, 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 shall waive the locational provisions set forth in subsection (b) of this section, after all the following findings are made:
- (1) The proposed use will not be contrary to any other provision of this chapter or injurious to nearby properties.
 - (2) The proposed use will not enlarge or encourage the development of a "skid row" or "strip."
 - (3) The establishment of an additional controlled use will not be contrary to, or interfere with, any development program or improvement plan.
 - (4) All applicable city, state, or federal laws and/or regulations will be observed.

(e) *Procedure for waiver.*

- (1) Prior to granting waiver of the locational restrictions set forth above, the clerk will give notice of the request for waiver as described in article XXXIII of this chapter.
- (2) 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 chapter 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.
- (3) Said notice of application shall further indicate that a public hearing on the proposed controlled use may be requested by a property owner or occupant, no less than 18 years of age, of a structure located within 300 feet of the boundary of the property being considered for the controlled 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.
- (4) If a public hearing is requested, the zoning administrator shall set a date for a public hearing, and shall notify the township clerk and applicant of the date. The clerk will then give notice of the public hearing as described in article XXXIII of this chapter.
- (5) 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 chapter 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.
- (6) Said notice of application shall further indicate that a public hearing on the proposed controlled use may be requested by a property owner or occupant, no less than 18 years of age, of a structure located within 300 feet of the boundary of the property being considered for the controlled 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.

(f) *Establishment prohibited near schools, residential zones.*

- (1) It shall be unlawful to hereafter establish any controlled use if the proposed controlled use will be within a 1,000 foot radius of a planned unit development district (PUD) or agricultural district (AR) primarily devoted to residential use, a residentially zoned district or within a 1,000 foot radius of any church, nursery, primary or secondary school or daycare facility, or public park. This prohibition relative to the establishment of a controlled use near a planned unit development district or agricultural district primarily devoted to residential use or residentially zoned districts shall be waived upon the presentment to the zoning administrator of a validated petition requesting such waiver, signed by at least 51 percent of all those persons owning, residing, or doing business within 1,000 feet of the proposed location. No waivers shall be given to permit a controlled use to locate within a 1,000 foot radius of any church, nursery, primary or secondary school or day care facility, or public park.
- (2) The clerk shall adopt rules and regulations governing the procedure for securing any petition of waiver, which may be provided for in this section. The rules shall provide that the circulator of the petition requesting a waiver shall be over 18 years and subscribe to an affidavit attesting to the 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.
- (3) 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 clerk.

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- (4) Prior to the granting of approval for the establishment of any controlled use, the planning commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the controlled 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.

(Ord. of 7-22-2013, § 60.13)

Sec. 36-711. Bed and breakfast operation.

A bed and breakfast operation shall comply with the following regulations:

- (1) A bed and breakfast operation shall be permitted only in a single-family detached dwelling unit that is the principal dwelling unit on the property. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator and the operator shall live in the principal dwelling unit during the time the bed and breakfast operation is active.
- (2) A dwelling unit containing a bed and breakfast operation shall comply with state regulations for bed and breakfast operations, and applicable fire safety regulations, and shall be regularly maintained so as to remain in compliance with all applicable codes and regulations. The applicant for a conditional use permit shall provide written evidence of inspection and compliance with applicable codes and regulations with an application for a conditional use permit.
- (3) Each sleeping room shall have a minimum floor area of 120 square feet for two occupants, and an additional 30 square feet for each additional occupant. A bed and breakfast shall have ten or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, one or more of which are available for rent to transient tenants.
- (4) Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast operation in that structure. One bathroom containing a lavatory, toilet, and bathtub or shower shall be provided for each two sleeping rooms.
- (5) A single-family detached dwelling unit that will contain a bed and breakfast operation shall not have, or be converted to, more rental rooms than the number of bedrooms that existed on the date of adoption of this amendment. Any addition to a dwelling for the purpose of increasing the number of bed and breakfast rooms shall be prohibited.
- (6) Not more than one person, other than members of the resident family, shall be employed in a bed and breakfast operation.
- (7) No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast operation. Cooking facilities in a dwelling containing a bed and breakfast operation shall be limited to the residential kitchen.
- (8) Full breakfasts and/or continental breakfasts may be served to registered bed and breakfast guests only. No other meals shall be provided to such guests.
- (9) One sign, not more than three square feet in area, shall be permitted for each bed and breakfast operation. Wording on the sign shall be restricted to the name of the establishment and the address. The sign shall meet all applicable regulations of article XXVI of this chapter.
- (10) A single-family detached dwelling unit containing a bed and breakfast operation shall have no outside appearance of the presence of the operation, except the sign permitted herein.
- (11) Bed and breakfast facilities may be used for receptions, weddings, and similar celebrations and parties to be considered during the conditional use analysis as noted below, with appropriate conditions

placed therein. Social events, such as weddings, receptions, luncheons, cocktail parties, or any other function for which the bed and breakfast owner receives payment for the use of the facility, and which is not a function for the personal use of the owner, their friends or relatives, may be allowed provided the following constraints are met:

- a. Noise must meet the provisions of section 36-699(4).
 - b. Social events in residential zones are restricted to the hours of 10:00 a.m. to 10:00 p.m.
 - c. Off-street parking for such events can be accommodated on-site or through shared off-street parking or satellite parking arrangements to be reviewed as a part of the conditional land use.
 - d. The number of social functions proposed at a bed and breakfast facility each month should be specified during the conditional land use review. The maximum number of events permitted shall be based on the specific characteristics of the site.
- (12) The maximum length of stay for any occupant of a bed and breakfast operation shall be 14 days in any period of 90 consecutive days.
- (13) One off-street parking space shall be provided for each room in a bed and breakfast operation. Parking spaces for bed and breakfast registrants shall be in addition to spaces required for the dwelling unit and shall comply with the regulations of section 36-761. Stacked parking spaces within an existing driveway can be counted toward the required off-street parking spaces.
- (14) A property survey, drawn to scale, with dimensions, and showing property lines and all structures and other improvements, shall be submitted with the application for a conditional use permit. If the proposed use involves changes to the site outside the building, the planning commission may require that the applicant submit a final site plan, as required in article XXVIII of this chapter, or portions of a final site plan that are applicable to the proposed changes and be reviewed and approved by the planning commission before the conditional use permit may be issued.
- (15) An approved conditional use permit for a bed and breakfast operation shall not become effective, and a bed and breakfast operation shall not be operated for business, until all licenses required therefor have been issued.
- (16) An approved conditional use permit, including all attached conditions by the planning commission, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the planning commission and the landowner. Any violations of these conditions and/or required regulations by appropriate state agencies shall result in the conditional use permit being revoked.

(Ord. of 7-22-2013, § 60.14)

State law reference(s)—Bed and breakfast, MCL 125.1504b.

Sec. 36-712. Automobile service and repair stations.

In addition to other regulations set forth in this chapter, all automobile gasoline service and repair stations and other automotive service and repair facilities shall conform to the following requirements:

- (1) 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.
- (2) The entire area used for vehicle service shall be paved.
- (3) Hydraulic hoist, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.

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- (4) The maximum widths of all driveways at the right-of-way lines shall be no more than 30 feet.
 - (5) The angle of a driveway intersection with the street from the curb line to lot line shall be not less than 60 degrees.
 - (6) The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.
 - (7) The distance between curb cuts shall be no less than 40 feet, measured between the tangent points of the drive edges and the street curb returns.
 - (8) Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.

(Ord. of 7-22-2013, § 60.15)

Sec. 36-713. Junkyards.

In addition to other regulations set forth in this chapter, all junkyards shall conform to the following requirements:

- (1) The junkyard shall be located on a public arterial street, or equivalent major public street, as defined in the adopted land use development plan.
- (2) Travel routes for trucks entering and leaving the junkyard shall be shown on a map of the township at the time of application for the conditional use permit. Such routes, except arterial streets or their equivalent, shall not pass through residential areas.
- (3) A site plan shall be provided at the time of the conditional use permit application and shall meet all requirements of article XXVIII of this chapter. The site plan shall also contain a description of the location and nature of any material processing operations to be conducted within the junkyard, and the location and nature of equipment for such operations.
- (4) Junk materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety.
- (5) Junk materials shall not be stored in piles higher than the top of the fence surrounding the junkyard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection or to threaten the safety of visitors.
- (6) The junkyard shall be maintained in such a manner as to present the breeding or harboring of rats, insects, or other vermin.
- (7) The junkyard, when established and located within 1,000 feet of any existing residential district, 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 a.m. and 6:00 p.m. on weekdays; between 7:00 a.m. and 12:00 noon on Saturdays; and shall not be open for business or otherwise operate on Sundays or legal holidays.
- (8) Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the township fire chief, or other designated fire official, the township building inspector, and the county health department.
- (9) All flammable liquids contained in automobiles and other vehicles shall be drained from the same immediately after such vehicles are brought to the junkyard. Such liquids are to be stored in containers approved by the township fire chief, or other designated fire official, the township building inspector, and the county health department.

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- (10) All drives, parking areas, and loading/unloading areas shall be paved, oiled, watered, or chemically treated so as to limit nuisances on neighboring properties and public roads caused by windborne dust.
 - (11) There shall be not more than one entranceway from each public street which adjoins the junkyard.
 - (12) Fencing shall be required as follows:
 - a. A solid, screen-type fence or wall at least seven feet high, as measured from grade at each post in the case of a fence, or at ten foot intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located on 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.
 - b. Where the junkyard is adjacent to a rural, rural and urban residence, business, or RTM district, a solid, screen-type fence or wall, at least seven feet high, as measured in subsection (12)a. of this section, shall be provided on any side or rear property line or portion thereof, adjoining such lots.
 - c. Where the junkyard is adjacent to a lot in the LI district, a chainlink fence six 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.
 - d. Strips of metal, plastic, or other materials inserted into wire fences shall not fulfill the requirements of subsections (12)a. and b. of this section.
 - (13) Wrecking and processing operations are permitted in a junkyard but shall be described in the application for the conditional use permit.

(Ord. of 7-22-2013, § 60.16)

Sec. 36-714. Kennels.

Dog kennels licensed by the county shall be subject to the following conditions:

- (1) *Minimum lot size.* Any proposed kennel shall be operated on a parcel of land not less than ten acres in area and 400 feet in width.
- (2) *Setbacks.* Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least 300 feet to the nearest edge of a public right-of-way and 200 feet from any neighboring side or rear lot line.
- (3) *Number of animals.* If four or more animals are housed in the kennel, an additional one acre shall be required for every additional ten animals (or fraction thereof).
- (4) *Public protection.* A dog kennel shall be established and maintained in accordance with all applicable county sanitation regulations.
- (5) *Site plan.* A site plan shall be approved in accordance with article XXVIII of this chapter.

(Ord. of 7-22-2013, § 60.17)

Sec. 36-715. Fence regulations.

- (a) *Permit requirements.* It shall be unlawful for any person, firm, or corporation to construct, or cause to be constructed, any fence on any property within the township, except in accordance with these regulations. Any person, firm, or corporation desiring to construct, or cause to be constructed, any fence that is subject to these regulations shall first obtain a fence permit from the building department. The application for a

fence permit shall contain any and all information, including drawings, that is required and necessary to determine compliance with this chapter and applicable construction requirements. A permit shall not be required for a fence that is to be constructed for the purpose of enclosing farmland.

- (b) *Fee.* The fee for a fence permit shall be established, and may be amended, by resolution of the township board. The fee shall be paid to the township treasurer at the time of application for the permit.
- (c) *Location of fences.*
 - (1) All fences shall be located entirely on the property of the owner of the fence. Adjoining property owners may jointly apply for a fence permit for the purpose of constructing a fence on the common property line.
 - (2) No permit shall be issued for any fence construction within a public easement in which public utilities are located or are proposed to be located without first receiving the approval of the building inspector or his authorized representative.
- (d) *Height regulations.*
 - (1) Fences located on residential lots shall comply with the following regulations:
 - a. Only ornamental type fences shall be located in a required front yard or in a required side yard adjoining a public or private street and shall not exceed three feet in height.
 - b. Fences located in any required side yard not adjoining a street or in any required rear yard shall not exceed six feet in height.
 - (2) Fences on any commercial or office lot shall not exceed six feet in height unless otherwise required in this chapter. Fences in a front yard or a street yard shall not be permitted in a commercial or office district except where required by the township planning commission.
 - (3) Fences on any industrial lot shall not exceed 12 feet in height.
 - (4) Fences enclosing farmland shall be exempt from the regulations of this subsection.
 - (5) In determining the height of a fence that separates two adjoining lots and that is located within two feet of the common lot line, the maximum height at any point shall be measured from the highest grade at that point within two feet on either side of the common lot line.
 - (6) Private swimming pools and any container so used and capable of holding water to a depth of 24 inches or more when filled to capacity shall be completely enclosed by a fence not less than four feet or more than six feet in height of a material approved by the building inspector.
- (e) *Vision clearance.* All fences shall comply with section 36-98(h). A fence that is located at the intersection of a driveway and a public sidewalk, or a sidewalk along a private street, shall not impede vision between the driveway and sidewalk.
- (f) *Safety of fences.*
 - (1) No spikes, nails, barbed wire, or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on, any fence below the height of ten feet, except in the case of fences that enclose farmland, in which case barbed wire may be permitted at any height of the fence.
 - (2) Fences shall not contain any electric charge or current, except fences that enclose farmland, in which case electrically charged fence wires shall be permitted; provided such wires shall be attached to the inside face of the fence posts. All electrically charged fences shall be of a type and make approved by underwriters laboratories.

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- (3) Fences may be constructed of woven wire, metal, wood or masonry. Masonry walls shall require a foundation equal to the depth of the frost line, or 42 inches. Posts or anchoring devices for all other fences shall be placed at a depth of not less than 30 inches.
- (g) *Retaining walls.* A retaining wall shall be regulated as a fence if the wall projects more than 18 inches above the grade of the ground being retained.
- (h) *Public utility fences.* Fences that enclose public utility installations shall not be located in any required yard where the lot is located in a residential zoning district. Such fences may be located in any required yard where the lot is located in any other zoning district. Such fences shall comply with all other provisions of this chapter.
- (i) *Maintenance.* Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise, endangers life or property is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the building inspector or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which such fence is located. The notice shall describe the unsafe conditions, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal to be made.
- (j) *Temporary fences.* In any zoned district, temporary construction fences and fences required for protection around excavations shall comply with the state construction code. Such fences shall not be maintained for a period greater than one year without approval of the building inspector.
- (k) *Exemptions.* Fences on residential lots larger than five acres and not located in a recorded subdivision, and fences enclosing farmland, shall be exempt from the regulations and requirements of this section, except section 36-98(h).
- (l) *Fences in special districts.* Fences located on a lot in a PUD, RTM, or PSC, or other special zoning district shall be exempt from the regulations of this section, but shall be regulated as provided in the approved petition for that lot.
- (Ord. of 7-22-2013, § 60.18)

Sec. 36-716. Flood hazard regulations.

- (a) *Purpose.*
- (1) The Federal Emergency Management Agency has identified flood hazard areas in the township. It is the purpose of this section to reduce hazards to persons and damage to property in such areas and to comply with the national flood insurance act of 1968, the flood disaster protection act of 1973, and subsequent regulations enacted by the Federal Emergency Management Agency.
- (2) This section is designed to achieve the following purposes:
- a. Protect human life, prevent or minimize property losses, and reduce public costs of rescue and relief efforts from the effects of flood conditions.
 - b. Restrict or prohibit uses which, when located in designated flood hazard areas, are dangerous to health, safety, and property in times of flooding, or causes excessive increases in flood heights or velocities.
 - c. Require that uses and structures which are vulnerable to floods including public facilities, in designated flood hazard areas be protected against flood damage at the time of construction.
 - d. Alert the public to lands which are unsuitable for certain uses and structures because of potential flood hazards.

e. Permit reasonable use of property located within designated flood hazard areas.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. The level of the base flood shall be referenced to USGS data.

Designated flood hazard area means land areas within the township which are subject to a one percent or greater chance of flooding in any given year, as delineated on the flood boundary and floodway map and flood profiles in the flood insurance study. The designated flood hazard area includes the floodway and the boundary of the base flood.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland waters and the unusual and rapid accumulation of runoff of surface waters from any source.

Flood boundary and floodway map means the map of the township, issued by the Federal Emergency Management Agency, whereon the boundaries of the designated flood hazard area have been delineated, dated August 2, 1982.

Flood insurance study means the report for the township, issued by the Federal Emergency Management Agency, dated February 2, 1982.

Floodway means the channel of a river or other watercourse and the adjacent land areas which discharges the base flood, as designated on the flood boundary and floodway map.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this section is derived.

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

USGS means the United States Geological Survey.

(c) *Application of regulations.*

- (1) All designated flood hazard areas shall be subject to the provisions of this section. The flood boundary and floodway map and the flood profiles which are contained in the flood insurance study are hereby made a part of this chapter.
- (2) The general location of the designated flood hazard areas shall be shown on the official zoning map but shall be shown only for the purpose of providing information. The precise location of floodways and designated flood hazard areas shall be determined from information as particularly specified on the flood boundary and floodway map, together with the flood profiles contained in the flood insurance study, and by site surveys, and other base flood elevation data available from a federal, state or other source, where applicable.
- (3) The requirements of this section overlay existing zoning districts. Compliance with the provisions of this section shall be in addition to compliance with the provisions of this chapter. Conflicts among

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- provisions of this chapter or with provisions of any other ordinance shall be resolved in favor of the more stringent requirement.
- (4) No certificate of zoning compliance and no building permit shall be issued for any lot, use or structure subject, in whole or in part, to the provisions of this section until all provisions of this section, the underlying zoning district, and other applicable provisions of the chapter have been met. The zoning administrator shall have the authority to determine whether a lot, use, or structure is subject to this section.
- (d) *Information required.* The following information shall be provided with an application for a certificate of zoning compliance for any lot, use or structure located in whole or in part in a designated flood hazard area:
- (1) Elevation of the lowest habitable floor, including basement, of all structures. The elevation shall be referenced to USGS data.
 - (2) If a structure is to be floodproofed, the elevation to which floodproofing will be utilized shall be indicated. The elevation shall be referenced to USGS data. In such case, a certificate of a professional engineer or architect registered in the state shall be submitted indicating therein that the floodproofing criteria of this section will be met.
 - (3) A description of alteration or relocation of any watercourse.
 - (4) Proof of floodplain permit approval or letter of no authority from the state department of environmental quality, under authority of part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.).
 - (5) Base flood elevation data for any lot subject to the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).
 - (6) Additional information reasonably necessary to determine compliance with this section.
- (e) *General standards for designated flood hazard areas.* The following standards shall apply to all land within a designated flood hazard area:
- (1) All new construction and substantial improvements, including the placement of or addition to or expansion of, prefabricated structures and mobile homes, shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure; shall be constructed with materials and utility equipment resistant to flood damage; and shall be constructed by methods and practices that minimize flood damage to the smallest reasonable extents.
 - (2) New and replacement water supply systems shall reduce to the smallest reasonable extent infiltration of floodwaters into the systems.
 - (3) New and replacement sanitary sewage systems shall reduce to the smallest reasonable extent infiltration of floodwaters into the systems, and discharges from the system into floodwaters. On-site disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
 - (4) Public utilities and facilities shall be designed, constructed, and located to reduce flood damage to such utilities and facilities to the smallest reasonable extent.
 - (5) Adequate drainage shall be provided to reduce exposure to flood hazards. Positive drainage away from all structures shall be provided.
 - (6) A watercourse within a designated flood hazard area shall not be relocated until approval has been obtained from the state department of environmental quality or the county drain commissioner, whichever has jurisdiction. Evidence of the approval shall be submitted by the person relocating the watercourse to the federal emergency management agency.

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- (f) *Specific standards for designated flood hazard areas excluding floodways.* The following standards shall apply to all land located within a designated flood hazard area but outside a floodway:
- (1) The lowest floor level, including basement, of all new construction and substantial improvements of residential structures, including the placement of or addition to or expansion of prefabricated structures and mobile homes, shall have an elevation at least one foot above the base flood level.
 - (2) All new construction and substantial improvements of nonresidential structures shall meet either of the following standards:
 - a. The lowest floor, including basement, shall have an elevation at least one foot above the base flood level; or
 - b. The portion of the structure, including utility and sanitary facilities, below the base flood level shall be watertight with walls substantially impermeable to the passage of water, structural components shall have the capability to resist hydrostatic and hydrodynamic loads and the effects of buoyancy. A professional engineer or architect registered in the state shall certify that this standard is satisfied. The engineer shall also certify that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure.
- (g) *Specific standards for floodways.* The following standards shall apply to land located within the floodway portion of a designated flood hazard area:
- (1) Encroachments, including fill, new construction, substantial improvements, and other development, shall be prohibited in a floodway. Exceptions to this standard shall be made only upon certification by a professional engineer registered in the state, or by the state department of environmental quality, in cases in which the department has jurisdiction, that the encroachment or other development will not result in any increase in flood levels during the discharge of base flood, and that the encroachment or other discharge complies with part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.).
 - (2) The uses and structures permitted in an underlying district shall not be permitted within a floodway, unless an exception is obtained as provided in subsection (g)(1) of this section.

(Ord. of 7-22-2013, § 60.19)

Sec. 36-717. Impact assessment.

- (a) *Purpose.* The submission of an impact assessment is necessary to provide relevant information concerning the effects that a proposed project may have on the community, and to provide the data necessary for the township to make a rational determination on the request.
- (b) *When required.* An impact assessment shall be required and shall be submitted by a petitioner whenever the following matters are petitioned for consideration:
 - (1) Requests for zoning change, when such request represents a departure from the land use proposed in the township's land use development plan of land use applicable to the parcel in question.
 - (2) Any PUD, PSC, or RTM district or planned residential unit development shall require an impact assessment.
 - (3) A plat subject to chapter 14 and site condominiums when deemed necessary by the planning commission.
- (c) *Traffic impact study.* A traffic impact study shall be submitted for a project under any of the following situations:

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- (1) All situations noted in subsections (b)(1) and (2) of this section.
 - (2) Projects with frontage along major thoroughfares as designated in the township land use development plan that would be expected to generate 50 directional vehicle trips (i.e., 50 inbound or 50 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent streets.
 - (3) Projects that would be expected to generate 100 direction vehicle trips (i.e., 100 inbound or 100 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent streets. Forecasted trip generation shall be based upon equations/rates outlined in the most recent version of the Institute of Transportation Engineer's (ITE) Trip Generation Manual. The ITE data may be supplemented by actuate trip generation data from similar establishments in the state.
- (d) *Impact assessment required.* The impact assessment is required in order to explain the purposes of the request and to indicate why the proposal would be a logical alternative to policies contained within the township's land use development plan. The assessment shall also evaluate the proposal's impact upon the natural environment of the area, on traffic operations and safety, on public facility needs, and on the future land use of the surrounding area. In addition to the effects on the natural environment, the proponent shall also submit an analysis of the resulting impact on utilities and public facilities, including storm sewers, sanitary sewers or water mains, and recreation, school and public safety needs.
- (e) *Minimum contents of traffic impact study.* The following shall be submitted to the township planning commission for review and evaluation. The planning commission shall determine the applicability and/or necessity of the following items as they pertain to a specific project or rezoning request.
- (1) Existing conditions, including existing daily and peak hour traffic volumes, on adjacent streets. Intersections in the vicinity which are expected to be impacted as identified by the township and a description of any site distance limitations along the site's right-of-way frontage. Existing traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts (i.e., on a Saturday for a proposed commercial development) may also be required in some cases. The following times/situations should also be avoided where possible so that the traffic count data would represent a typical day: construction detours in the area, summer days for a site near a school, etc. The consultant performing the impact study must make every effort to complete traffic counts during average or higher than average volume conditions (i.e., regarding weather or seasonal variations) for the area under study. Traffic data over one year old will not be accepted unless the applicant can document that volumes have not changed more than two percent.
 - (2) Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the most recent Institute for Traffic Engineers Trip Generation Manual. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in the state. For requests for zoning change, when such request represents a departure from the land use proposed in the township land use development plan, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the zoning administrator.
 - (3) For any project with a completion date beyond one year at the time of the traffic study, the analysis shall also include a scenario analyzing forecasted traffic at date of completion along the adjacent street network using a forecast based on historic annual percentage increases and/or on expected development in the area. Traffic impact assessments shall acknowledge the traffic impacts of other uses approved, but not yet constructed, which may affect traffic operations for the subject site, as determined by the township.
 - (4) The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site driveways and nearby intersections

and illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached.

- (5) Capacity analysis at the proposed driveways using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the transportation research board. Before and after capacity analyses shall also be performed at all street intersections where the expected traffic will comprise at least five percent of the existing intersection capacity and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the township or the county road commission.
 - (6) Traffic accident data covering the most recent three years for intersections analyzed in the impact study shall be summarized in collision diagrams. The township may require traffic accident data if the segment of roadway adjacent to or near the subject site has experienced accident problems.
 - (7) A map and description of the location and design of proposed access (driveway or new street intersection), including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet, other data to demonstrate that the design and number of driveways proposed is the fewest necessary, and the driveways will provide safe and efficient traffic operation and be in accordance with the standards of this chapter.
 - (8) An analysis of the potential need for bypass lanes or deceleration tapers/lanes, including attachment of any correspondence by the county road commission.
 - (9) A general description and illustration with arrows of internal site circulation, truck circulation, and how the site plan minimizes the amount of impervious surface.
 - (10) Documentation of approval for size and location of fire lanes and emergency vehicle access by the fire department.
 - (11) A general description of pedestrian circulation on and across the roadways, including any pedestrian facilities provided.
- (f) *Section does not relieve sponsor.* The requirements set forth in this section shall not relieve the project's sponsor from complying with other land development standards of this chapter, or any other ordinance enacted by the township or by other public agencies having jurisdiction.
- (g) *Fees.* Fees for the review of impact assessments shall be established by resolution of the township board of trustees.

(Ord. of 7-22-2013, § 60.20)

Sec. 36-718. Open space development option.

- (a) *Purpose.* It is the intent of the residential open space development option to promote the goals and policies of the township growth management plan and to permit residential development while preserving significant areas of open space, natural features, and rural character by:
- (1) Assuring the permanent preservation of open spaces, visual assets, agricultural lands, and natural features;
 - (2) Encouraging a less sprawling form of development, thus preserving open space as undeveloped land;
 - (3) Preserving contiguous open spaces and natural features;
 - (4) Allowing innovation and greater flexibility in the design of rural residential developments;
 - (5) Facilitating the construction and maintenance of streets, utilities, and public services in rural residential developments in a more economical and efficient manner; and

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- (6) Ensuring compatibility of design and use between neighboring properties.
- (b) *Applicability.* The application for an open space development shall meet all appropriate review requirements under article XXVIII of this chapter, pertaining to site plan review, or the township subdivision ordinance codified in chapter 14, whichever is applicable.
- (1) The open space development option may be applied for in the AR, LR, SR-1, and SR-2 districts. The following criteria shall determine whether open space development shall be treated as a permitted or conditional use:
- a. As a permitted use. An open space development shall be a permitted use as of right where a minimum of 50 percent of the site is permanently preserved as dedicated open space in accordance with section 36-726 and density does not exceed the standards set forth in section 36-718(e)(1).
 - b. As a conditional use. An open space development may be permitted as a conditional use pursuant to article XXVII of this chapter where:
 1. The applicant desires the design flexibility allowed for open space developments, but less than 50 percent of the site would be permanently reserved as dedicated open space in accordance with section 36-726.
 2. The applicant seeks to obtain a density bonus pursuant to subsection (e)(3) of this section.
- (2) Any division of a parcel in an open space development shall be approved by one of the following means:
- a. Division by metes and bounds shall be approved by the zoning administrator in accordance with chapter 14, pertaining to land division. The zoning administrator shall not approve any land division for an open space development until the requirements of this article are met, including the review and approval of a site plan pursuant to article XXVIII of this chapter.
 - b. Division by subdivision plat in accordance with the approval process provided in the township subdivision ordinance in chapter 14 and this zoning chapter.
 - c. Division by site condominium in accordance with the approval process provided in section 36-709.
- (c) *Uses permitted.* Uses permitted in an open space development are those listed as permitted, conditional and accessory uses in the underlying zoning district. The buildings and structures, and uses of parcels, permitted using the open space development option shall be the same as described in the underlying zoning district.
- (d) *Open space requirements.*
- (1) *Area of dedicated open space.* The dedicated open space shall remain perpetually in an undeveloped state by means of an irrevocable conveyance or other method described in section 36-726, open space preservation.
- (2) *Use of dedicated open space.* In addition to permanently preserved open space, the following uses may be permitted within open space areas:
- a. *Recreational facilities.* Allowable recreation facilities may include a neighborhood park, picnic area, children's play area, greenway, recreational trails, bike paths, equestrian trails, or similar passive recreational facilities which provide a feature of communitywide significance and enhance residential development. In order to preserve a reasonable proportion of the natural areas, no more than 50 percent of the dedicated open space shall be utilized for these recreational facilities. Dedicated open space in excess of 50 percent of the site may be used for more active recreational uses.

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- b. *Stormwater detention pond.* A manmade stormwater detention pond provided such pond is designed to appear and act as a natural wetland and/or natural pond.
 - c. *Wastewater treatment.* The drainage field for a community wastewater utility system serving the entire open space development, but not the treatment plant itself, provided such drainage field is planted and maintained for the entire life of the community wastewater utility system such that it appears to be natural, open space.
 - d. *Farm.* Farm and farm operations if proposed for a portion of the open space must be approved by the planning commission and be in keeping with the intent of these provisions. Intensive agricultural operations and similar uses shall not be permitted to occupy the open space area of a development.
- (3) *Areas not considered dedicated open space.* The following land areas shall not be included as dedicated open space for the purpose of this article:
- a. The area of any private or public street right-of-way.
 - b. Any lot including the required setbacks surrounding a residential structure.
 - c. Stormwater detention and treatment areas except as provided above.
 - d. Any wastewater treatment areas, except as provided above.
- (e) *Density calculations.*
- (1) The basis number of dwelling units permitted under the open space development option shall be determined by calculating the number of dwelling units that would be permitted if the site were developed with a conventional layout and all applicable ordinances and laws were observed, as demonstrated by the density concept site plan submittal prepared in accordance with subsection (e)(2) of this section.
 - (2) A density concept plan shall be submitted along with the required preliminary site plan as specified in section 36-865 which illustrates achievable density without application of the open space development option and with all applicable ordinances and laws observed based on the underlying zoning regulations. The density concept plan (parallel plan) shall contain the following information:
 - a. Evidence of ownership; location and description of site; dimensions and areas.
 - b. General topography, soils information, woodlands, wetlands, floodplains, and surface waters.
 - c. Scale, north arrow, date of plan.
 - d. Existing zoning of site; existing land use and zoning of adjacent parcels; location of existing buildings, drives, and streets on the site and within 100 feet of the site.
 - e. Lot and street layout.
 - f. Location, size, and uses of open space.
 - g. General description of proposed water, sewage disposal, and storm drainage systems.
 - (3) Review of density concept plan (parallel plan).
 - a. The planning commission shall review the parallel design plan as a part of the site plan review process and determine whether the project could be physically constructed and meet all current regulations. If there are questions regarding water, septic, wetlands, floodplains or other issues that might affect the feasibility of the project under current regulations, the planning commission may request the applicant to obtain review by the proper regulatory authorities.

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- b. If the planning commission determines, through these responses, that the number of dwelling units proposed is unfeasible, the applicant shall revise and resubmit the parallel design plan to show a feasible number of dwelling units. The number of dwelling units permitted in an open space development shall not exceed the maximum number of dwelling units allowable under a parallel design plan approved by the planning commission unless the applicant receives a density bonus pursuant to subsection (e) of this section.
- (4) Density bonuses. An applicant utilizing the open space development option in the AR agriculture district may request a density bonus. A density bonus shall not be permitted in any other zoning district. Using the residential density as determined in the approved parallel design plan, pursuant to subsection (e) of this section, a density bonus of up to 150 percent may be permitted by the township. As noted above, all requests for a density bonus shall be considered a conditional land use and meet all standards and criteria found in article XXVII of this chapter. To be considered for a density bonus the following minimum standards shall be met.
- a. The open space development site comprises a minimum of twenty acres of contiguous land within the AR agriculture district.
 - b. The open space development shall have primary vehicular access to a paved public road.
- (5) Criteria for determining density bonus. An applicant may apply one or more of the following plan elements to obtain a density bonus. The density bonus is cumulative in that any of the plan elements below may be used in combination to obtain the maximum density bonus allowed. As specified in subsection (e)(4) of this section, the overall density bonus shall not exceed 150 percent of the base density as determined by the approved density concept (parallel) plan.
- a. If an applicant preserves open space in an amount greater than 49 percent, the township shall grant the following density bonuses:
 - 1. 50 to 59 percent dedicated open space equals 30 percent density bonus.
 - 2. 60 to 69 percent dedicated open space equals 40 percent density bonus.
 - 3. 70 to 79 percent dedicated open space equals 50 percent density bonus.
 - 4. 80 to 89 percent dedicated open space equals 60 percent density bonus.
 - 5. 90 percent or greater dedicated open space equals 70 percent density bonus.
 - b. If an applicant preserves 80 percent or more of all native trees on site with a diameter at breast height (D.B.H.) of six inches or greater, a 40 percent density bonus will be granted. A tree survey will be required to meet these site criteria.
 - c. If an applicant includes extensive pedestrian, bicycle and/or bridle paths that interconnect with adjacent sites similar facilities, a 30 percent density bonus may be granted by the planning commission upon a determination that the spirit of this criteria is met. Paths are to be constructed of gravel, woodchip or other similar material as approved by the planning commission during review.
 - d. If the proposal demonstrates excellence in site design, a 30 percent density bonus may be granted by the planning commission upon a determination that the spirit of this criteria is met. Elements of design excellence shall include at least four of the following:
 - 1. A mixture of housing styles and building types;
 - 2. A variation of facades, rooftops, architectural accents and colors;
 - 3. Use of high-quality exterior building materials, such as brick, stone, wood or cement fiberboard siding;

- 4. Porches facing sidewalks and/or public areas; and
- 5. Limited use of attached front-entry garages. No more than 50 percent of the homes may be constructed with attached front-entry garages.
- e. If an applicant uses at least two stormwater best management practices as specified by the county water resources commissioner, a 20 percent density bonus will be granted.
- f. If an applicant provides for the protection of identified groundwater recharge areas, a 20 percent density bonus may be granted by the planning commission upon a determination that the spirit of this criteria is met.
- g. If an applicant preserves and/or creates significant new natural features, such as woodland or prairie within an open space development, a 20 percent density bonus may be granted by the planning commission upon a determination that the spirit of this criteria is met.

(f) *Design standards.*

- (1) *Natural features preservation.* All open space developments regardless of density shall be designed to promote the preservation of natural features in accordance with section 36-723. Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural environment.
- (2) *Setbacks.* Minimum setback requirements shall be established in a manner which permits variation in the siting of individual dwelling units in order to encourage creativity in design and compatibility with natural resource features. During the site plan review process the planning commission may grant waivers from some or all of the required setbacks as provided below where the applicant can demonstrate creativity in design that will lead to the preservation of natural features as well as address the purpose of this section. Unless waived in part or in whole by the township the following minimum setback requirements for each dwelling unit shall be applied:

Minimum Setbacks and Lot Width per Dwelling Unit (in feet)
in Subdivisions and Site Condominiums

Setbacks/District	AR	LR	SR-1 and SR-2	
Front and Rear				
Front	35	25	25	
Rear	35	25	25	
Total Front and Rear	70	60	55	
Side				
Least	15	10	7.5	
Total of Same Lot	30	20	20	
Ordinary High Water Mark	50	50	50	
Minimum Setbacks*				
Internal Drives/Streets	35	25	25	
Ordinary High Water Mark	50	50	50	
Distance Between Bldg.				
Side/Side	30	20	20	
Side/Front, Side/Rear	70	40	40	
Front/Front, Front/Rear, Rear/Rear	70	60	55	

*Where the open space development contains drives or streets without a recorded easement, setbacks shall be measured from a point 30 feet from the centerline of the drive or street.

- (3) *Required road frontage.* All lots shall meet the minimum access requirements set forth in section 36-72.
- (4) *Lot sizes and lot widths.* There shall be no minimum lot size or lot width for each dwelling unit in an open space development, provided that all other provisions of this section are met.
- (5) *Greenbelt adjacent and parallel to county certified primary and local roads.* It is the intent of the township that an open space development shall not appear to be more intense than a conventional development as viewed from off-site. In addition to any required minimum setback specified in subsection (f)(2) of this section, a greenbelt having the minimum width of 75 feet in the AR, and LR district and 50 feet in the SR-1 and SR-2 districts shall be required along any adjacent county certified primary or local road. The greenbelt shall be measured from the right-of-way line. The township at its discretion, may permit either reductions or variations in width of the greenbelt taking into consideration topographic and/or other natural resource conditions, density of existing vegetation to be preserved, and size and shape of the development site.
- (6) *Transition from adjacent parcels.* A transition strip having a minimum width of 100 feet shall be required around the entire perimeter for all open space developments to be located in or adjacent to the AR districts and 50 feet for all open space developments located in or adjacent to the LR, SR-1 and SR-2 zoning districts.
- (7) *Septic tanks and fields.* The placement of septic tanks and fields and/or alternative on-site wastewater treatment systems shall comply with requirements of the county department of environment and infrastructure service (WCEIS). Drain fields may be placed in dedicated open space or transition areas and may be counted toward the required open space if developed in accordance with subsection (d)(3)c of this section.
- (8) *Pedestrian access.* Pedestrian access shall be provided along all public rights-of-way adjacent to the open space development and between all dedicated open spaces within the development. This provision may be waived by the planning commission by a showing of good cause by the applicant.
- (g) *Initiation of construction.* If construction has not commenced within 18 months of final approval, all township approvals become null and void, unless the township approves an extension. The applicant may apply in writing to the township for an extension, not to exceed 12 months. A maximum of two extensions may be allowed.
- (h) *Phasing.*
 - (1) *Scheduled phasing.* When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the residential cluster development and the residents of the surrounding area.
 - (2) *Timing of phases.* Each phase of the project shall be commenced within 12 months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the plan shall become null and void unless the township approves an extension.

(Ord. of 7-22-2013, § 60.21; Ord. of 5-27-2014, § 60.21)

State law reference(s)—Open space preservation, MCL 125.3506.

Sec. 36-719. Private road and driveway regulations.

(a) *Intent.* Unobstructed, safe, and continuous access to lots is necessary to promote and protect the health, safety, and welfare of the public through police and fire protection, and ambulance service. Such access is necessary to ensure that such services can safely and quickly enter and exit private property at all times. Access to the interior of certain sections within the township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access right-of-way to the county board of road commissioners or other municipal corporations, when public dedication is desirable or required. The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this chapter.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Building means an enclosed structure used or intended for use for the housing, enclosure or shelter of people, animals or chattels.

Lot means a parcel of land; real estate.

Permit means a right-of-way permit issued for a private road pursuant to this chapter.

Private road means a route which provides vehicular access to a lot or lots and which has not been dedicated to public use.

Township engineer means a registered professional engineer appointed by the township board to the position of township engineer or any other person authorized by the township board to perform the duties of township engineer as set forth in this chapter.

(c) *General access and permit requirements.*

(1) Unless expressly exempt from the provisions of this chapter, every lot or parcel in the township shall:

- a. Abut, in compliance with section 36-73, a public or a private road which meets the requirements of this chapter; and
- b. Have access for ingress and egress for all vehicular traffic, including fire, police, and ambulance services and vehicles by means of such public or private road.

(2) No lot shall be improved with a building subsequent to the date of adoption of the ordinance from which this chapter is derived, unless a permit in accordance with this chapter has been issued.

(3) No person shall construct, alter, or extend a private road without compliance with this chapter and obtaining a permit as hereinafter provided.

(4) All lots which have been improved with a building prior to the date of adoption of the ordinance from which this chapter is derived shall comply with the provisions of this chapter, if the township planning commission, by resolution, determines that such compliance is necessary to protect and promote the public health, safety and welfare in accordance with the purposes set forth within this chapter.

(d) *Driveway standards.* All driveways hereinafter developed shall meet the following standards:

- (1) No more than two homes may share a common drive;
- (2) Driveways serving no more than two lots/parcels shall be 15 feet in width for ingress and egress for emergency, fire, and police vehicles from the public road to the single-family dwelling units;
- (3) The maximum length of the drive may be 1,000 feet; and
- (4) The right-of-way is recorded in the office of the register of deeds of the county.

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- (e) *Application for permit; requirements.* Applications for permits shall be delivered to the township zoning administrator and filed with the clerk, and shall consist of the following information:
- (1) For a lot not covered by subsection (c) of this section, the application shall contain the following information:
 - a. A legal description of each lot to be served by the right-of-way, a legal description of the right-of-way, the names and addresses of all persons or parties owning an interest in the title to the lots and right-of-way area.
 - b. A survey drawing showing the outline of the proposed right-of-way and the dimensions and bearings thereof; existing topographic contours, at two foot intervals, of the right-of-way area and all adjacent land within ten feet thereof, or within such greater area as may be necessary to determine whether drainage methods will be adequate; soil characteristics and wet areas; trees; streams and all bodies of water within ten feet from the right-of-way area, or within such greater area as may be necessary to determine whether drainage methods will be adequate; existing buildings within 50 feet of the proposed right-of-way; the proposed right-of-way in relation to the nearest property lines; and the location of all proposed improvements in the right-of-way area; north arrow; vicinity map. The survey drawing shall be prepared by a registered land surveyor or civil engineer, registered in the state, and shall bear the seal of the same.
 - c. Plan and profile drawings and cross sections of the proposed improvements showing clearly all materials, grades, and dimensions, prepared by a civil engineer registered in the state, and bearing the seal of the same.
 - d. A complete statement of all the terms and conditions of the proposed right-of-way, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway.
 - e. A fee as established by resolution of the township board to defray the costs of inspection, plan review, administration, and enforcement of this chapter.
 - f. The application shall be signed by the applicant or agent thereof, in which case, it shall be accompanied by a duly executed and notarized power of attorney, and shall represent that the applicant is making the application on behalf of all persons having an interest in the right-of-way or the abutting lots and shall be made under penalties of perjury.
 - (2) For a lot subject to subsection (c) of this section, the owner of the lot shall apply to the township zoning administrator for a permit. The applicant shall furnish the zoning administrator a surveyor sketch of the property showing its boundaries, the location of all existing improvements and the location of future buildings, the relationship of the lot to any public or private right-of-way or roads, and a copy of the recorded right-of-way. The dimensions and location of the right-of-way shall be specifically shown on the sketch or survey. The applicant shall also pay to the township a fee for application for said permit as established by resolution of the township board. The zoning administrator shall transmit the application, including all drawings, to the township engineer for review and recommendation and to the county road commission for information. The zoning administrator shall review the township engineer's report and shall issue the permit if the applicant has provided the information required herein and paid the required fee, and if the township engineer has reported that the application meets the criteria of subsection (c) of this section. The report shall be affixed to a copy of the sketch or survey submitted by the applicant. After issuance of a permit and compliance with subsection (g) of this section, a certificate of completion shall be issued.
- (f) *Permit approval procedure.*
- (1) Upon receipt of an application, the township clerk shall bring the application before the township planning commission at its next regular meeting.

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- (2) The township engineer shall report in writing to the planning commission as to whether or not the proposed right-of-way and roadway conform to the standards and specifications of this chapter. Said report may include any suggested conditions to be attached to the permit which, in the township engineer's judgment, are necessary to achieve the intent of this chapter.
 - (3) The township planning commission shall consider the application, the township engineer's report, and all other relevant information in determining whether to grant the permit application. If the information submitted by the applicant does not establish that the proposed right-of-way and roadway will conform to the standards and specifications of this chapter, the township planning commission shall not grant the permit. The township planning commission shall impose such conditions on the approval of the permit as it deems necessary to achieve the intent and objectives of this chapter, which may include, but need not be limited to, conditions suggested by the township engineer. The breach of any such condition proposed by the township planning commission shall automatically invalidate the permit.
 - (4) When deemed necessary by the conditions of the site, the township planning commission shall require that the applicant deposit with the township clerk a sum of money, bank letter of credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the payment of required fees. Upon issuance of certificate of completion under subsection (g) of this section, any unused portion of the deposit shall be refunded to the applicant.
 - (5) Upon receipt of the required deposit and predetermined fees and approval of the applicant by the township planning commission, the township zoning administrator shall issue the permit pursuant to the terms established by the township planning commission resolution approving the application.
 - (6) Only the township planning commission shall have the authority to approve or deny applications for permits. No other permit issued by any township official or other governmental body or official shall be a substitute for a permit.
- (g) *Specifications for rights-of-way and roadways.* Each right-of-way and its roadway shall conform to the following specifications:
- (1) Private roads shall be divided into two classes, as follows:
 - a. Class A private roads shall be any private road that meets one or more of the following criteria:
 1. Serves six or more single-family residential lots, or has a reasonable foreseeable potential to be extended in the future to serve a total of six or more single-family residential lots.
 2. Connects with, or has a reasonably foreseeable potential to be extended at a future time to connect with, a public or private road.
 3. Has a reasonable probability of dedication as a public road.
 4. Has a length of more than 1,000 feet, measured on the roadway centerline of the public road to the centerline of the other intersection road, or the center of the turnaround.
 5. Serves one or more nonresidential uses, not including farm uses and buildings.
 - b. All other private roads, except those exempted under subsection (c) of this section, shall be Class B private roads.
 - (2) All Class A and Class B private roads shall meet the following minimum requirements and specifications:
 - a. The roadway surface and turnaround area shall be centered in the right-of-way.

- b. The connection between the right-of-way and the public road shall conform to the standards and specifications of the county road commission. The applicant shall obtain a road permit issued by the road commission prior to approval of any right-of-way by the township planning commission.
 - c. Underground crossroad drainage shall be provided where the proposed right-of-way crosses a stream or other drainage course. Necessary culverts and treatments shall be provided in accordance with the specifications of the county road commission.
 - d. The right-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the right-of-way. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing watercourses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established watercourse. Connection to county drains shall be approved by the county drain commissioner prior to the issuance of a permit. Connection to roadside ditches within public road right-of-way shall be approved by the county road commission prior to the issuance of a permit.
 - e. Road signs shall be erected and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices.
 - f. The right-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
- (3) Class A and Class B private roads shall also meet their respective minimum requirements and specifications as set forth in the table below.

MINIMUM REQUIREMENTS AND SPECIFICATIONS FOR PRIVATE STREETS AND ROADS

	Class A Private Streets and Roads	Class B Private Streets and Roads
Width of right-of-way	66 feet	66 feet
Subbase (spread to a minimum width sufficient to extend to the front slope of the roadside ditch)	Six inches of compacted sand	Six inches of compacted sand
Base		
For gravel surface	Six inches of crushed limestone, slag or processed road gravel (MDOT 22A or 23A) in two equal courses, each compacted 32 feet wide	Same as Class A, except 20 feet wide.
For paved surface	Same as for gravel surface, except two more inches of base, compacted. No slag or 23A	Not applicable
Pavement	Three inches bituminous aggregate #13A; 24 feet wide. (Pavement required if projected vehicle trips exceeds 100 per 24 hours, based upon ten vehicle trips per residence)	Not applicable
Turnaround area	75-foot radius right-of-way	75-foot radius right-of-way
Turning circle	50-foot radius roadway surface	50-foot radius roadway surface
Ditches		

Minimum grade	0.5 percent	Ditches shall be of width, depth, and grades to front provide for adequate and positive drainage
0.5 percent to 4.0 percent grades	Sod or otherwise stabilize	
4.1 percent and steeper grades	Rip-rap	
Front and back slopes (side slope)	1 on 4	
Roadway grades		
Minimum	0.5 percent	0.5 percent
Maximum	6.0 percent	6.0 percent
Roadway curves		
Horizontal—minimum	230-foot radius	230-foot radius
Vertical—minimum	100-foot long for changes in gradient of two percent or more	Same as Class A

- (h) *Inspection.* All required improvements shall be inspected by the township engineer at various stages of construction. The township engineer shall make a final inspection upon completion of construction and shall report the results of the final inspection to the township planning commission in writing. The applicant's engineer shall certify to the township engineer, before the final inspection and report thereon are made, that the required improvements were made in accordance with this chapter and all approved plans. A certificate of completion by the township engineer shall be delivered to the township clerk and the applicant. The costs of inspection, including, compensation of the township engineer, shall be paid by the applicant prior to the issuance of the certificate of completion. The township board shall establish and determine the costs of inspection. If the applicant does not directly pay the costs of inspection, the same shall be paid from the deposit established by the township board and held by the township clerk, and the balance, if any, shall be returned to the applicant.
- (i) *Expiration of approval of permits.* A permit shall be valid for a period of one year from the date of issuance, or such longer period as determined by the township planning commission. If the required improvements have not been completed upon the expiration of the one-year period or the longer period of time, then the permit shall be void and of no force and effort and all deposits shall be forfeited to the township.
- (j) *Recording of rights-of-way.* The right-of-way, including all agreements as identified in subsection (e)(1)d of this section, shall be recorded in the office of the register of deeds for the county prior to the issuance of the certificate of completion required in subsection (g) of this section.
- (k) *Building permits.* No building permit shall be issued for any lot subject to the provisions of this chapter unless a permit has been issued by the township planning commission.
- (l) *Certificates of occupancy.* No certificate of occupancy shall be issued for any building on a lot subject to the provisions of this chapter unless a certificate of completion has been received by the township clerk, as provided in subsection (h) of this section. A certificate of occupancy may be issued prior to the issuance of a certificate of completion, upon recommendation by the township engineer, and upon deposit with the township clerk of a sum of money, certified check, or bank letter of credit in an amount sufficient to guarantee completion of the remaining required improvements.
- (m) *Variances.* When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, such as topographical and other physical characteristics of a parcel, the zoning board of appeals shall have the power to vary or modify the application of the provisions of this chapter so that the intent and purpose of the chapter shall be observed, public safety secured, and substantial justice done. This provision of the chapter is intended, in part, to enable variances to be granted and conditions attached to the variances to facilitate the upgrading of prior nonconforming right-of-way and private roads to the

standards of the chapter, in a reasonably practical manner, including, but not limited to such rights-of-way and private roads as have been established, recorded, constructed, or maintained prior to the date of adoption of the ordinance from which this chapter is derived, which cannot be brought into conformity with the chapter without unnecessary hardship or practical difficulty due to soil condition, topographical considerations, or other factors.

- (n) *Violations.* Any person who violates any provision of this chapter shall be guilty of a misdemeanor. Any access which is used in violation of the terms of this chapter be and the same is hereby declared to be a nuisance per se, and such use may be abated, restrained, enjoined, and prohibited, upon the commencement of an appropriate action in the circuit court.

(Ord. of 7-22-2013, § 60.22)

Sec. 36-720. Wireless communication structures.

- (a) *Purpose.* The intent of this section is to establish standards to permit the location of wireless communication structures, including towers, antennae, and support facilities, within designated geographic areas in a manner which will protect the safety and integrity of residential areas and the character, property values, and esthetic quality of the township. It is further the intent of this section to require co-location of transmission and receiving apparatus on existing towers or structures, unless it can be demonstrated by the applicant that co-location is not feasible, and to require that new structures make provision for co-location of additional users whenever feasible. It is further the intent of this section to require users of structures and antennae to configure them in a way that minimizes the adverse visual impacts of the structures and antennae through careful design, siting, landscape screening, and innovative camouflaging techniques.

- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Co-location means the location of two or more wireless communication facilities on a common tower with the view toward reducing the overall number of towers within the township.

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.

Wireless communication 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 multi-point distribution services which are one meter (39 inches) or less in diameter and those which receive television broadcast signals.

Wireless communication equipment storage facilities or storage building means equipment used in the operation of the facility other than antennae or towers and the structure within which the equipment is stored, maintained and serviced.

Wireless communication facilities means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Included in this definition are "antennae," "towers," and "storage buildings." Not included in this definition are citizen band radio facilities, short wave facilities, ham or amateur radio facilities, satellite dishes for residential use, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless communication support structure or tower means structures erected or modified to support wireless communication antennae or facilities. Support structures within this definition include, but are not limited

to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

(c) *Conditional use permit.*

- (1) *Permit required.* A wireless communication facility shall require the issuance of a conditional use permit in accordance with the provisions of article XXVII of this chapter.
- (2) *Information required.* In addition to any information required for applications for conditional use permits pursuant to article XXVII of this chapter, any information required for preliminary and/or final site plan under article XXVIII of this chapter and the following information:
 - a. Name, address, phone number, and e-mail address of applicant. At a minimum, one provider must be a co-applicant under this section or be under contract with the applicant. In no case shall the applicant be speculative in nature, i.e., with no provider identified and under contract. Without a specific provider, the applicant will not be able to fulfill the standards and informational requirements of these regulations.
 - b. Each applicant for an antenna and/or tower shall provide an inventory of its existing towers, antennae, or sites approved for towers or antennae, that are either within the jurisdiction of the township or within one mile of the border thereof, including specific information about the location, height, type of equipment, including model number, and design of each tower. Such information may be shared with other applicants applying for approvals under this section or other organizations seeking to locate towers or antennae within the jurisdiction of the township; provided, however, that the sharing of such information in no way constitutes a representation or warrant by the township that such sites are available or suitable.
 - c. A scaled site plan clearly indicating the location, type and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning; land use plan classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways, proposed means of access; setbacks from property lines; elevation drawings of the proposed tower; specifications of the transmitter and model numbers and any other structures, topography, parking, and any other information deemed by the planning commission to be necessary to assess compliance with this section.
 - d. Legal description of the parent tract and leased parcel (if applicable).
 - e. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - f. The separation distance from other towers or structures described in the inventory of existing sites submitted pursuant to subsection (c)(2)b of this section shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing towers and the owner/operator of the existing towers, if known.
 - g. A landscape plan showing specific landscape materials.
 - h. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - i. A notarized statement by the applicant indicating that construction of the proposed tower will accommodate a minimum of two additional antenna arrays equal to that submitted by the applicant.
 - j. For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's structures/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched

telephone network) for the towers described in the application and other cellular sites owned or operated by the applicant in the township.

- k. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - l. A map showing the locations of future towers, structures, or antennae proposed or anticipated by the applicant within the township based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
 - m. An environmental impact statement disclosing any potential impact on local wetlands, floodplains, wilderness areas, wildlife preserves, endangered species, historical sites, or other environmental considerations.
 - n. Name and location of communication tower manufacturer.
 - o. A technical analysis setting forth the minimum height necessary for reasonable communication by the applicant and an evaluation of alternative designs which might result in lower tower heights.
 - p. An annual report of the total radiation output from all channels and all antennae on the proposed tower, including all co-locations.
 - q. 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 long-term, continuous maintenance to a reasonably prudent standard.
- (3) *Conditions of approval.* In granting a conditional use permit, the planning commission may impose conditions that the planning commission determines are necessary to further the purposes of this chapter and/or to minimize any adverse impact of the proposal on adjoining or nearby properties, in addition to the conditions of approval specified in article XXVII of this chapter.
- (4) *Factors to consider in granting a conditional use permit.* In addition to any standards for consideration of conditional use permit applications contained in article XXVII of this chapter, the planning commission shall consider all provisions of this section, including the following factors, in determining whether to issue a conditional use permit, although the planning commission may waive or reduce one or more of the following criteria if the planning commission determines that the goals of this section are better served thereby:
- a. Height of the proposed tower.
 - b. Proximity of the tower to residential structures and residential district boundaries.
 - c. Nature of uses on adjacent and nearby properties.
 - d. Surrounding topography.
 - e. Surrounding tree coverage and foliage.
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - g. Proposed ingress and egress.
 - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection (c)(5) of this section.
 - i. The design of the proposed structure will accommodate co-location of additional users.

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- (5) *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning commission that no existing tower or structure, or alternative technology which does not require the use of towers or structures, can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the planning commission related to the availability of suitable existing towers, other structures or alternative technology. The township may employ specialized experts to review information and materials submitted by the applicant. The applicant shall incur all costs associated with such review. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology which does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (d) *General regulations.* Wireless communication towers or structures shall be subject to the following regulations:
- (1) *Location of towers or structures.*
 - a. No single tower shall be located within two miles of another commercial communication tower. This requirement may be waived if the planning commission determines that the tower is of an exceptional design so as to create a positive architectural and/or environmental feature which is compatible with the character of the surrounding area and community. Additional communications apparatus can, however, be located on an existing tower or other structure capable of accommodating such apparatus.
 - b. No tower shall be located closer than 1,000 feet from the boundary of any residential district, including any PUD district incorporating residential uses.
 - c. A tower shall have a minimum setback from all property boundaries equal to the height of the tower.
 - d. Guys and accessory buildings must satisfy the minimum zoning district regulations.

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- e. For purposes of measurement, any required tower setback and/or separation distance shall be calculated and applied to facilities located adjacent to municipal and county jurisdictional boundaries.
- (2) *Access.* Unobstructed access constructed in accordance with all provisions of this chapter shall be provided to the tower and apparatus building to ensure service by police, fire, and emergency vehicles.
- (3) *Structural design and installation.*
- a. The plans for the tower construction shall be certified by a registered structural engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes. All towers or structures must meet all applicable standards of the Federal Aviation Administration and the Federal Communications Commission.
 - b. All towers or structures must meet or exceed current standards and regulations of the FAA, the FCC, and other agency of the state or federal government with the authority to regulate towers, structures, and antennae. If such standards and regulations are changed, then the owners of the towers, structures, and antennae governed by this section shall bring such towers, structures, and antennae into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers, structures, and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - c. To ensure the structural integrity of towers or structures, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the state construction code and the applicable standards for towers or structures that are published by the Electronic Industries Association, as amended. If, upon inspection, the township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - d. Antennae and metal towers or structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers and structures shall comply with all applicable local, state, and federal statutes, regulations, and standards.
 - e. Towers or structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the state construction code.
 - f. Towers and structures shall be subject to any state and/or federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state and/or federal regulations are adopted in the future, the operator of the tower shall bring the antennae into conformance with such standards within 60 days of its adoption, or the conditional use permit shall be subject to revocation by the township board. The operator of the tower shall bear the costs for testing and verification of compliance.
 - g. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antennae and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.
 - h. The base of the tower shall occupy no more than 500 square feet.
 - i. All communications tower operators shall be required to provide an annual report of total radiation output from all channels and all antennae on the tower, including all co-locators, from

an independent contractor as recommended by the township engineer or its designee. The report shall contain any and all information deemed necessary by the planning commission.

- (4) *Lighting.* Towers or structures shall not be artificially illuminated.
- (5) *Height.* Towers and structures shall not exceed 180 feet in height. Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (6) *Design.*
 - a. Except as otherwise provided herein, all towers shall be of monopole design and shall be constructed of, or treated with, corrosive resistant material.
 - b. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
 - c. The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.
 - d. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - e. If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple, or light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (7) *Fencing and landscaping.* The tower and appurtenant apparatus building shall be secured by fencing a minimum of six feet in height. The fencing and apparatus building shall be screened with a landscape strip at least 20 feet wide along each side of such fencing and/or building. Specifications for spacing and plant materials shall be as set forth in section 36-706. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural land forms shall be preserved to the maximum extent feasible. In some cases, such as towers or structures sited on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer, in which case the planning commission may waive the landscaping requirements of this subsection.
- (8) *Employees.* No employees shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.
- (9) *Site plan required.* The applicant shall submit a preliminary and final site plan in accordance with article XXVIII of this chapter, and including details of tower lighting required and approved by the Federal Aviation Administration.
- (10) *Franchises.* Owners and/or operators of towers, structures, or antennae shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with the township prior to final site plan approval.
- (11) *Engineering certification.* Any information of an engineering nature that the applicant submits, whether civil, mechanical, or structural, shall be certified by a licensed professional engineer.
- (12) *Non-essential services.* Towers, structures, and antennae shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

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- (13) *Cessation of operation.* The township shall condition approval of any new tower subject to the removal of said tower, including all structural components of the tower above and below ground, within 180 days of cessation of operation. The township reserves the right to request evidence of ongoing operation at any time after construction of an approved tower. Any antenna or tower, whether approved under this section or existing at the time of adoption of the ordinance from which this chapter is derived, that is not operated for a continuous period of 180 days shall be deemed abandoned. Failure to remove an abandoned antenna or tower within 60 days of receipt of a notice from the township requesting such removal shall be grounds for the township to remove the tower or the antenna at the tower and/or property owner's expense. If there are two or more users of a single tower, this provision shall not take effect until all users cease using the tower.
 - (14) *Division of property prohibited.* The division of property for the purpose of locating a facility is prohibited unless all requirements of the township ordinances are met.
 - (15) *Facility not to be used for advertising.* 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.
 - (16) *Security.* In order to ensure removal of the wireless communication structure, in the event of abandonment or cessation of operation, the planning commission may require that security be posted at the time a building permit is obtained for uses as specified in the conditional use permit in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the conditional use permit.

The application 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 herein. The security shall be in the form of cash, surety bond, or letter of credit, together with an agreement in the form approved by the township providing for removal of the facility as described herein. 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.

(Ord. of 7-22-2013, § 60.23)

Sec. 36-721. Sexually oriented businesses.

(a) *Purpose.*

- (1) The purpose and intent of the sections of this chapter pertaining to the regulation of sexually oriented businesses is to uphold community standards by regulating the location and operation of, but not to exclude, sexually oriented businesses within the township. It is also the intent to prevent crimes, protect the township's retail trade, maintain property values, and generally protect and preserve the quality of the township's neighborhoods and commercial districts, and the quality of life within the township, all of which have been demonstrated to be adversely impacted by the secondary effects of sexually oriented businesses. It is not the intent to suppress the free expression of views or further the guarantees of the First Amendment to the United States Constitution. Neither is it the intent of this chapter to legitimize activities which are prohibited by township ordinances or state or federal laws.
- (2) If any portion of this chapter relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The township further states that it would have passed and adopted what remains of any portion of this chapter relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

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- (b) *Definitions.* The following are definitions of terms relevant to the determination of a sexually oriented business:

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult bookstore or adult video store means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the material identified in subsections (1) and (2) of this definition, and still be categorized as an adult bookstore or adult video store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35 percent or more of sales volume or occupies 35 percent or more of the floor area, or constitutes 35 percent of visible inventory within the establishment.

Adult cabaret means a nightclub, bar restaurant, or similar commercial establishment that regularly features any of the following:

- (1) Persons who appear in a state of nudity;
- (2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- (3) Films, motion pictures, videocassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (4) Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult motel means a hotel, motel, or similar commercial establishment that:

- (1) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way that advertises the availability of any of the above;
- (2) Offers a sleeping room for rent for a period of time that is less than 12 hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 12 hours.

Adult motion picture and/or drive-in theater means a commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, videocassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Nude model studio means any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the state.

Nudity or a state of nudity means knowingly or intentionally displaying, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. The term "nudity" does not include any of the following:

- (1) A woman's breastfeeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding.
- (2) Material as defined in section 2 of Public Act No. 343 of 1984 (MCL 752.362).
- (3) Sexually explicit visual material as defined in section 3 of Public Act No. 33 of 1978 (MCL 722.673).

Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually oriented business means a business or commercial enterprise engaging in any of the following:

- (1) Adult arcade;
- (2) Adult bookstore or adult video store;
- (3) Adult cabaret;
- (4) Adult motion picture theater;
- (5) Adult theater;
- (6) Escort agency;
- (7) Nude model studio; and
- (8) Sexual encounter center.

Specified anatomical areas are defined as:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus, and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernably turgid state, even if completely and opaquely covered.

Specified sexual activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

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- (3) Masturbation, actual or simulated; or
 - (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.
- (c) *Conditional use established.* Sexually oriented businesses shall be established as a conditional use in the GC districts only.
- (d) *Standards and additional requirements.*
- (1) No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within 1,000 feet of any principal or accessory structure of another sexually oriented business.
 - (2) No sexually oriented business shall be located in any principal or accessory structure already containing a sexually oriented business.
 - (3) No sexually oriented business shall be established on a parcel within 1,000 feet of a public park, public or private school property, child care facility, church or place of worship. The distance between a proposed sexually oriented business and any public park, school, child care facility, church or place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the public park, school, child care facility, church or place of worship.
 - (4) The proposed use shall conform to all standards of the zoning district in which it is located.
 - (5) The proposed use must meet all applicable written and duly promulgated standards of the township and of other governments or governmental agencies having jurisdiction, and that, to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
 - (6) The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
 - (7) Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two inches in height stating that:
 - a. "Persons under the age of 18 are not permitted to enter the premises;" and
 - b. "No alcoholic liquors of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
 - (8) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
 - (9) Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday.
 - (10) All off-street parking areas shall comply with article XXV of this chapter and shall additionally be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
 - (11) Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities:
 - a. Is handicap accessible to the extent required by the Americans with disabilities act.
 - b. Is unobstructed by any door, lock or other entrance and exit control device.

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- c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
 - d. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
 - e. Has no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.
- (e) *Appeal to zoning board of appeals; sexually oriented business.*
- (1) If the planning commission denies a site plan, application for a conditional use permit, or both for a sexually oriented business, the applicant shall be entitled to prompt review by the township zoning board of appeals upon written request to the zoning administrator. The zoning board of appeals shall convene a meeting within 30 business days of the zoning administrator's receipt of the applicant's request for review of the planning commission decision. The zoning board of appeals shall review the record of the proceedings conducted before the planning commission and determine whether:
 - a. The planning commission's decision was based upon competent material and substantial evidence; and
 - b. The planning commission's decision complies with the procedural requirements of this chapter and with state and federal law.

The zoning board of appeals shall have all of the powers of the planning commission in reviewing the decision.

- (2) Within seven days of the hearing by the zoning board of appeals on the applicant's request for review of the planning commission decision, the zoning board of appeals shall issue a written decision either wholly or partially affirming, reversing, or modifying the planning commission's denial and stating the grounds thereof. Failure to issue a decision within said period shall result in the approval of the matter appealed. If the zoning board of appeals affirms the planning commission's denial of a special use permit application to operate a sexually oriented business, the applicant may file an appeal in the county circuit court in accordance with section 606 of Public Act No. 110 of 2006 (MCL 125.3606). Alternatively, upon written request from the applicant to the zoning administrator, the township shall, within seven business days of its receipt of such written notice, do the following:
 - a. File a petition in the county circuit court seeking a judicial determination with respect to the validity of such denial and, in connection therewith, file a motion for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of this chapter.
 - b. Request that the motion for issuance of a preliminary injunction be set for a show-cause hearing within five business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the township shall be required to waive its motion for preliminary injunction and shall join in such request. In the event that applicant does not waive notice and/or does not request an early hearing on the township's motion for permanent injunction, it shall nevertheless be the duty of the township to seek the earliest possible hearing date under state law and the Michigan Court Rules.

The filing of written notice of intent to contest the zoning board of appeals' denial of a special use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special use permit application or site plan automatically approved if, within five business days of the filing of township's petition, a show-cause hearing has not been scheduled.

(Ord. of 7-22-2013, § 60.24)

Sec. 36-722. Landscaping.

- (a) Landscaping shall be provided as a part of site plan or subdivision design. Landscaping shall be considered as the organization of outdoor space and shall be treated as a design element as important as building placement and vehicular circulation. The landscape plan shall be designed to achieve the following purposes:
- (1) To integrate the various elements of the site.
 - (2) To preserve and enhance the identity of the site.
 - (3) To improve and enhance the character of the site; to screen or filter views, where necessary; to help unify the various parts of the site; blend inharmonious land uses; and buffer incompatible uses.
 - (4) To define and articulate outdoor and architectural space.
 - (5) To control soil erosion; moderate harsh or unpleasant sounds; remove air pollutants; control glare and reflection; and slow the effects of erosive winds or water and promote stormwater retention, thereby helping to prevent flooding; and to block, divert, or channel winds.
 - (6) To moderate the effects of climate and to create a more desirable microclimate.

Landscaping may include plant materials such as trees, shrubs, ground covers, perennial and annual plants, landscape elements, such as rocks, water features, fences, walls, decorative landscape paving materials, and site lighting; and site furnishings such as benches, drinking fountains, trash receptacles, and planters.

- (b) All parts of a site that will not be covered by buildings or other structures, streets, driveways, parking lots, or other paved areas, or planting beds, shall be stabilized with grass or ground covers. Margins between sidewalks and streets, islands in parking lots, medians in boulevard streets or driveways, and similar areas, shall be landscaped. The surfaces of islands and medians shall be stabilized with grass, ground covers, low growing shrubs, or an approved mulch material.
- (c) Landscape plans should be prepared by a registered landscape architect and shall provide the following information:
- (1) Existing and proposed topography, by contours, correlated with the grading plan.
 - (2) Location, type, size, and condition of existing plant materials to be saved, moved, or removed; proposed means of protecting existing plant materials during construction.
 - (3) Location of proposed plant materials; a planting list of proposed materials, showing sizes, height, quantity, botanical and common names, spacing, and root type (bare root or balled and burlapped).
 - (4) Location of all proposed improvements, as shown on the site plan.
 - (5) Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining wall, and tree wells.
 - (6) Proposed planting dates.
 - (7) Irrigation system plan for watering and draining landscape areas.

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- (8) Planting and staking details, in text or graphic form, explaining the method of installation, type and depth of mulch, and any special planting requirements.
- (d) Plant materials shall be installed according to acceptable planting procedures. All plant materials shall be maintained in a healthy and growing state. All landscape elements such as, but not limited to, fences, screens, walls, or lighting shall be kept in good repair. All landscaped areas shall be maintained by pruning, trimming, weeding, and clearing of undergrowth, fertilizing, and watering at intervals necessary to promote optimum growth and health. Materials that are unsightly, dead, dying, or that become unhealthy because of damage, neglect, drainage problems, disease, insect infestation, or other causes shall be replaced. Replacement shall take place within one year of the damage, or the next planting period, whichever occurs first. Replacement materials shall meet all standards of the original installation. All landscaped areas shall be provided with a readily available and acceptable water supply. Newly planted materials shall be regularly watered until established. The property owner, tenant, and their agent, if any, and any homeowners' or condominium association, if any, shall be jointly and severally responsible for maintenance of landscaped areas.
- (e) Plant materials shall meet the following standards:
- (1) Plant and grass materials shall be of acceptable varieties and species, hardy in the county, and shall conform to the current minimum standards of the American Association of Nurserymen, and shall have passed any inspections required under state or federal regulations.
 - (2) No plant materials used to satisfy these standards shall be comprised of non-living materials, such as petrochemical plants.
 - (3) No plant materials shall be used that are classified as non-native and considered an invasive species by the county soil conservation district.
 - (4) Canopy (deciduous) trees shall be species having an average mature crown spread greater than 15 feet and a mature height of 40 feet or more in the county and having trunks that can be maintained with over five feet clear stem if conditions of visibility require, except, however, at street intersections, where at least eight feet stem clearance will be required. Deciduous tree species shall be a minimum of ten feet overall height and a minimum caliper of 2.5 inches, measured 12 inches above the ball, immediately after planting. Required street trees in residential developments shall be a minimum of ten feet overall height and two inches caliper.
 - (5) Evergreen trees shall be a minimum of six feet high with a minimum spread of three feet and a burlapped ball size at least ten times the caliper immediately after planting.
 - (6) Evergreen and deciduous shrubs shall be a minimum of two feet high, measured immediately after planting, or two feet in spread if the plants are low growing evergreens.
 - (7) Ground covers shall be planted in such manner as to present a finished appearance and reasonably complete coverage after one complete growing season, at a rate of at least three plants per square foot.
 - (8) Lawn grass shall be planted in species normally grown as permanent lawns in the county. Grass may be plugged, sprigged, seeded, or sodded, except that rolled sod, erosion reducing net, or suitable mulch shall be used in swales or other areas subject to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nursegrass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or diseases.
 - (9) All plant materials shall be disease and pest free at the time of planting, and shall not be of a species that is known to carry or be a host to destructive pathogens or pests.

See section 36-723 for additional standards for plant materials.

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- (f) Landscape elements shall meet the following standards:
- (1) Berms shall be constructed with slopes no greater than one foot vertical for each three feet, with at least a two-foot-wide generally flat top. Adequate protection against erosion shall be provided. Berms shall be designed and constructed to appear as natural features in the landscape in the vicinity. Uniform heights and shapes should be avoided. If a slope greater than one on three is necessary, the surface shall be planted with a ground cover that is suitable for stabilizing the surface.
 - (2) Mulching material for planted trees, shrubs, and vines shall be a minimum of four-inch deep shredded hardwood bark. Decorative materials, such as stonechips, woodchips, mulch, or cobblestones, within planting beds and areas shall be placed on a permeable landscape fabric that allows passage of water and air to the soil below. Polyethylene or plastic films shall not be used for this purpose.
 - (3) Walls shall be constructed of stone, brick, or similar materials. Fences for landscaping purposes shall be constructed of wood. Chainlink or other metal fences shall not be used for landscaping purposes. Walls and landscape fences shall be correlated with buildings, in terms of design and materials, and with the character of the site.
 - (4) Decorative, landscaping paving materials shall be installed in a manner that will either contrast with or complement the other landscape elements and plant materials.
- (g) Topsoil removed during construction shall be stockpiled in an appropriate manner to prevent erosion, and shall be redistributed on regraded surfaces to be landscaped, to provide a minimum of four inches of even cover. The topsoil shall then be permanently stabilized by grass, ground cover, or other plantings.
- (h) All stumps and other tree parts, litter, brush, weeds, excess or scrap construction materials, or other debris shall be removed from the site and disposed of according to law. No tree stumps, or portions thereof, or tree limbs shall be buried on the site. Dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may be used on the site as a mulch, surface for paths, or similar purposes, only if the plants were free of disease prior to removal.
- (i) Healthy plant materials existing on a site prior to its development shall be incorporated into the landscape plan if such materials meet the standards of the township. The planning commission shall require that such existing materials be inspected by the township's director of building and zoning and/or his designee before accepting them as part of the landscape plan. The planning commission may require the saving of significant existing plant materials based upon their determination that a reasonable layout is possible incorporating those materials. Significant materials shall be defined as those not readily replaceable by virtue of their size, species, variety, shape, or location and may include significant wildlife habitats. For existing plant materials to be saved, the planning commission shall require that approval of the township's director of building and zoning and/or his designee be obtained before any limb removal, root pruning, or other work is done. Plant materials to be saved shall be protected from construction activities. Fencing or other barriers shall be placed no closer to the tree or shrub than its dripline. Areas to be protected shall be staked. Barriers shall not be supported by the trees or shrubs they are protecting, and shall be of a durable material that will provide the intended protection until construction is completed. No vehicle or other construction equipment, and no soil deposits or any material, may be parked or stored within the driplines of such trees or shrubs unless wells or other devices, as included in the approved landscape plan, are used to protect the plant materials. If any plant material to be saved is cut down, destroyed, or damaged, or excavated behind the dripline, the contractor or property owner shall replace them or provide a performance guarantee of an equivalent amount plus ten percent administrative fees for later replacement. Equivalent amounts shall be determined from the Michigan Shade Tree Evaluation Chart or other recognized publication. The performance guarantee may be used by the township to replace such materials.
- (j) Recommended planting dates are March 1 to May 15 for all materials, and October 15 to December 15, weather permitting, for deciduous materials. Plantings outside these dates shall have prior approval by the township's director of building and zoning and/or his designee, and might require special treatment, such as

extra watering or mulching or wax, to increase survival potential. If plantings are not installed prior to issuance of temporary certificates of occupancy, performance guarantees will be required, as provided in the zoning and subdivision ordinances and these standards.

- (k) Landscaping operations shall not damage any utility or interrupt any utility service, and shall not damage or litter adjacent property, public streets, or sidewalks. All debris shall be promptly removed from the site as required by law.
- (l) Trees or shrubs shall not be planted in any way that will interfere with or cause damage to utility lines, public streets, or other public facilities. Species of trees whose roots are known to cause damage to streets, sidewalks, utility lines, or other public facilities; are brittle; are particularly susceptible to insect damage or disease; or are short lived should not be used in any required landscaped area.
- (m) Each landscape area within a parking area or parking lot shall be adequately planted and maintained and shall be located in such a manner as to promote the following:
 - (1) Divide and break up the expanse of pavement.
 - (2) Define parking areas.
 - (3) Designate areas for vehicular circulation.
 - (4) Separate parking lots from streets and off-street parking.

At least one canopy tree shall be provided for each eight parking spaces or a fraction thereof in all commercial, industrial, office, warehouse and residential developments. The planning commission may require more or larger landscaped areas, or more plant materials, or any combination thereof, than required in this section, if, as a result of the commission's findings, the nature or concept of the proposed development, relation to existing natural features, or relation to neighboring properties indicate a need for such additional landscaping.

- (n) A mixture of plant materials (evergreen and deciduous trees and shrubs) is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement. The following list illustrates plant and landscape materials that are acceptable for use in the township:
 - (1) *Evergreen trees.* When used for screening purposes, evergreen trees shall not be spaced more than 12 feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.

Species Type (Common Name)	Minimum Size Allowable
Fir	Six-foot height
Spruce	Six-foot height
Pine	Six-foot height
Hemlock	Six-foot height
Douglas Fir	Six-foot height

- (2) *Narrow evergreen trees.* When used for screening purposes, narrow evergreen trees shall not be spaced more than five feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.

Species Type (Common Name)	Minimum Size Allowable
Red Cedar	Five-foot height
Arborvitae	Five-foot height
Juniper	Five-foot height(selected varieties)

- (3) *Large deciduous trees (used for required canopy trees)*. See note 3. When used for screening purposes, large deciduous trees shall be planted not more than 25 feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.

Species Type (Common Name)	Minimum Size Allowable
Oak	2.5-inch caliper
Maple	2.5-inch caliper
Beech	2.5-inch caliper
Linden	2.5-inch caliper
Ash (seedless)	2.5-inch caliper
Ginko (male only)	2.5-inch caliper
Birch	2.5-inch caliper
Sycamore	2.5-inch caliper

- (4) *Small deciduous tree (ornamental)*. When used for screening purposes, small deciduous trees shall not be planted less than 12 feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.

Species Type (Common Name)	Minimum Size Allowable
Flowering Dogwood*	Two-inch caliper
Flowering Cherry, Plum, Pear*	Two-inch caliper
Hawthorn (thornless)	Two-inch caliper
Redbud*	Two-inch caliper
Magnolia*	Two-inch caliper
Flowering Crabapple (disease resistant varieties)	Two-inch caliper
Mountain Ash	Two-inch caliper
Hornbeam	Two-inch caliper
Russian Olive	Two-inch caliper

*Specimen trees best suited to selected soils and sheltered areas. Not recommended as street trees.

- (5) *Large evergreen shrubs*. When used for screening purposes, large evergreen shrubs shall be planted not more than four feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.

Species Type (Common Name)	Minimum Size Allowable
Irish Yew	Two- to three-foot height
Hicks Yew	Two- to three-foot height
Upright Yew	Two- to three-foot height
Spreading Yew	24-inch spread
Pfitzer Juniper	24-inch spread
Savin Juniper	24-inch spread
Mugho Pine	24-inch spread

- (6) *Small evergreen shrubs*. When used for screening purposes, small evergreen shrubs shall be planted not more than four feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.

Species Type (Common Name)	Minimum Size Allowable
Brown's, Ward's, Sebian Yews	24-inch spread
Dwarf Spreading Juniper	24-inch spread
Dwarf Mugho Pine	24-inch spread
Euonymous varieties	24-inch spread

- (7) *Large deciduous shrubs.* When used for screening purposes, large deciduous shrubs shall not be spaced more than four feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening. Border privet shall be on two-foot centers and tall hedge shall be on three foot centers.

Species Type (Common Name)	Minimum Size Allowable
Honeysuckle	Three- to four-foot height
Lilac	Three- to four-foot height
Border Privet (hedge planting)	Two-foot height
Sumac	Three- to four-foot height
Buckthorn	Three- to four-foot height
Pyracantha	Two- to three-foot height
Weigela	Three- to four-foot height
Flowering Quince	Three- to four-foot height
Barberry	Three- to four-foot height
Cotonester (peking and spreading)	Three- to four-foot height
Sargent Crabapple	Three- to four-foot height
Dogwood (red osioer and grey)	Three- to four-foot height
Euonymous varieties	Three- to four-foot height
Viburnum varieties	Three- to four-foot height
Tall Hedge (hedge planting)	Two- to three-foot height

- (8) *Small deciduous shrubs.* At time of planting, small deciduous shrubs shall not be less than 24 to 30 inches in spread if they have a spreading form or 24 inches in height if they have an upright form.

Species Type (Common Name)	Minimum Size Allowable
Dwarf Winged	24- to 30-inch height
Regal Privet	24- to 30-inch height
Fragrant Sumac	24- to 30-inch height
Japanese Quince	24- to 30-inch height
Cotoneaster (rock-spray, cranberry)	24- to 30-inch height
Potentilla	24- to 30-inch height

- (9) *Ground cover.* Ground cover may be planted bare root by flats at appropriate planting time or in two gallon containers.

Species Type (Common Name)	Minimum Size Allowable
Periwinkle	Two-inch peat pot at three plants/square foot
Baltic Ivy	Two-inch peat pot at three plants/square foot
Euonymous varieties	Two-inch peat pot at three plants/square foot
Hall Honeysuckle	Two-inch peat pot at three plants/square foot

Pachysandra	Two-inch peat pot at three plants/square foot
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(10) *Vines*. Vines may be planted in intervals of four feet on center for wall surfaces or to obtain 80 percent opacity within three years of planting.

Species Type (Common Name)	Minimum Size Allowable
Euonymous varieties	Two gal. container at one plant/five square feet
Virginia Creeper	Two gal. container at one plant/five square feet
Baltic Ivy	Two peat pot at one plant/five square feet
Wisteria	Two gal. container at one plant/five square feet

Notes:

- a. Caliper readings on main stem 12 inches above ground on trees only.
- b. Where plants are placed in two or more rows, plantings may be staggered in rows.
- c. Trees not suggested for use: Box elder, catalpa, silver maple, poplar, elm, horse chestnut (nut bearing), jack pine, willow, tree of heaven.

(Ord. of 7-22-2013, § 60.25)

Sec. 36-723. Natural features preservation.

- (a) *Purpose*. This section is designed for the management and preservation of natural features within the township and to protect the natural features from destruction and misuse; to prescribe the powers, duties and functions of the township planning commission and/or township board; to establish design standards, specifications, and submittal requirements. The preservation of natural resources is essential to maintain the character and quality of life for the current and future residents of the township; and for the remaining public who may work in the township or for those who may visit the township to participate in recreational or other activities. The purpose of this section is to assist the township planning commission, and/or township board applicants, reviewers and the general public in the identification and preservation of natural features on sites being developed in the township.
- (b) *Natural features*.
 - (1) For the purpose of this chapter, the term "natural features" includes the following:
 - a. Wetlands.
 - b. Watercourses.
 - c. Floodplains.
 - d. Woodlands.
 - e. Landmark trees.
 - f. Steep slopes.
 - g. Habitat of threatened or endangered species.
 - h. Groundwater recharge areas.
 - (2) Federal, state and local governments have laws, rules and regulations governing natural features which often require licenses, permits, or approvals for development in (or affecting) these natural features,

which may change from time to time. Licenses, permits or approvals required by, and obtained from, the township shall not relieve a person of the need to obtain applicable licenses, permits or approvals from other applicable jurisdictions; nor shall the issuance of licenses, permits or approvals from applicable jurisdictions relieve a person of the need to obtain licenses, permits or approvals required by the township.

- (3) For projects that require site plan review or plat approval, the applicant will be required to do the following:
- a. *Natural features determination.* Determine the nature and extent of natural features existing on the site. This determination can be made by outside professional consultants retained by the applicant. Township staff and the planning commission will confirm these determinations during the review process. This determination shall be part of the preliminary site plan or preliminary plat (tentative approval) processes.
 - b. *Preparation of required plans.* This chapter specifies what information must be shown on plans submitted for township planning commission review. Prior to submitting a plan, the applicant should meet with township staff to review the proposed site layout and consider suggestions for complying with township requirements. In addition, applicants may wish to consult with experts on questions regarding the type, extent, quality, and management needs of natural features, and on the impacts of various design approaches on these features.
 - c. *Plan submission.* Once the applicant submits the required plans and supporting information and pays the necessary fees, the proposal will be scheduled for township planning commission review. When at least one natural feature is determined to exist on a site, a natural features impact statement must be provided as part of the preliminary site plan, preliminary plat (tentative approval) process, or PUD application.
 - d. *Natural features impact statement.* A natural features impact statement will contain the following information:
 1. *Site inventory map.* This map must clearly show the locations and types of existing natural features both on the site and, where possible, those within a region 100 feet beyond the property lines. The drawing should delineate edges of woodlands and wetlands, show applicable setbacks, show watercourse streambanks, pond ordinary high water marks, floodways, floodplains, areas of hydric soils, highly permeable soils, groundwater recharge areas and steep slopes. Landmark trees on the site should be located by numbered dots, with an accompanying database table of corresponding specie and size listings. The site inventory should contain a written description of the quality, character and health of the natural features.
 2. *Natural features preservation plan.* This plan must delineate natural features to be retained on the site or excluded from development. Lines should show the limits of soil disturbance expected on the site. Protective measures, such as barrier fencing, restrictions on traffic and storage of materials under trees, soil erosion control measures, etc., are also to be shown on site plan submissions. In some cases, the planning commission may require that this plan include information on how the retained natural features are to be sustained on the site.
 3. *Alternatives analysis.* When the proposed development will disturb or destroy natural features existing on the site, the statement must include an explanation of the alternative approaches and designs that were considered in arriving at the design proposed, in an effort to minimize disturbance to natural features on the site and a written justification as to why the design proposed must cause the degree of disturbance to natural features planned, and explaining how the mitigation proposed is the best course of action.

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4. *Mitigation plan.* In situations where "as is" preservation of natural features is not required by the township planning commission or board of trustees, and mitigation in the form of replacement is permitted under the following particular natural features preservation and mitigation guidelines, a mitigation plan shall be submitted to the township planning commission. A mitigation plan to replace natural features shall be considered to be a proposal which is subject to approval by the township planning commission. A proposed mitigation plan shall be included as part of the site plan or plat and shall include:
- (i) A written description of the proposed mitigation program;
 - (ii) Replacement calculations;
 - (iii) Planting plan, showing the location of trees, shrubs, and ground cover;
 - (iv) Planting list, including botanical and common names, caliper sizes, root type and height;
 - (v) Timing schedule for the implementation of the mitigation measures; and
 - (vi) At least the minimum elements set forth under each particular natural features preservation and mitigation guidelines, where mitigation is applicable.

(c) *Wetlands.*

(1) *Key facts.*

- a. Wetlands are indispensable fragile resources that provide many public benefits, including maintenance of water quality through nutrient cycling and sediment trapping as well as floodwater and stormwater runoff control through temporary water storage, slow release, and groundwater recharge. In addition, wetlands provide open space; passive outdoor recreation opportunities; fish and wildlife habitat for many forms of wildlife, including migratory waterfowl, and rare, threatened or endangered wildlife and plant species; and pollution treatment by serving as biological and chemical oxidation basins.
- b. Preservation of the remaining township wetlands in a natural condition is necessary to maintain hydrological, economic, recreational, and aesthetic natural resource values for existing and future residents of the township and therefore a policy of no net loss of wetlands is established.

(2) *Wetland delineation process.*

- a. Prior to the approval of any land development for a property containing any suspected wetland, the applicant shall be required to provide a wetland delineation as part of the review process. To establish actual wetland boundaries on a property, the applicant shall provide a survey or dimensional site plan, drawn at an appropriate scale, showing property lines, buildings and any points of reference along with the wetland boundaries.
- b. A wetland delineation shall also include, but not be limited to, the following information: dominant tree, sapling, shrub and herb vegetation; presence or lack of accepted wetland hydrology indicators; analysis of soil including a description of the soil profile to at least 20 inches and comparison to county soil survey and maps of the wetlands mapped.

(3) *Protected wetlands.* The following wetlands shall be subject to planning commission review:

- a. All wetlands, regardless of size, which are contiguous to any lake, stream, river, or pond, whether partially or entirely contained within the project site.
- b. Wetlands, regardless of size, which are partially or entirely within 500 feet of the ordinary high water mark of any lake, stream, river or pond, unless it is determined by the MDEQ that there is no surface water or groundwater connection between the wetland and the water body.

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- c. Wetlands which are larger than five acres, whether partially or entirely contained within the project site, and which are not contiguous to any lake, stream, river, or pond.
 - d. Wetlands, regardless of size, which are not contiguous to any lake, stream, river, or pond, if the MDEQ determines the preservation of the wetland is essential to the preservation of the natural resources of the state from pollution, impairment or destruction.
- (4) *Review of wetlands within proposed development.*
- a. In the planning commission's review of wetlands, the following shall be considered:
 - 1. The site supports state or federal endangered or threatened plants, fish, or wildlife appearing on a list specified in section 36505 of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.36505), previously section 6 of the endangered species act of 1994, Act No. 203 of the Public Acts of 1974, being section 299.226 of the Michigan Compiled Laws.
 - 2. The site represents what is identified as a locally rare or unique ecosystem.
 - 3. The site supports plants or animals of an identified local importance.
 - 4. The site provides groundwater recharge documented by a public agency.
 - 5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.
 - 6. The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
 - 7. The site provides preservation of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
 - 8. The site provides pollution treatment by serving as a biological and chemical oxidation basin.
 - 9. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
 - 10. The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.
 - b. Activities permitted within wetlands. In the planning commission's review of wetlands, certain activities may be allowed within the wetland, including the following:
 - 1. Fishing, swimming, boating, canoeing, hiking, horseback riding, bird watching, or other similar recreational activities which do not require alteration of wetland vegetation or grading of soils.
 - 2. Grazing and/or watering of animals.
 - 3. Education, scientific research, and nature study.
 - 4. Uses which are exempt under section 30305 of the natural resources and environmental protection act (MCL 324.30305) (previously section 6 of Act 203 of the Public Acts of 1979, as amended).
 - c. Activities prohibited without first obtaining development approval by the planning commission include:

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1. Depositing or permit to be deposited any material or structures into any portion of a parcel with wetland characteristics prior to applicable review by the planning commission when part of a site plan or plat review.
 2. Removing or permit to be removed any soil from any parcel with wetland characteristics prior to applicable review by the planning commission when part of a site plan or plat review.
 3. Draining, or causing to be drained, any water from a parcel with wetland characteristics prior to applicable review by the planning commission when part of a site plan or plat review.
 4. Filling or enclosing any ditch which would result in a significant reduction of a stormwater absorption and filtration into the ground or would otherwise negatively impact the existing wetland.
 5. Wetland mitigation and restoration.
- d. Findings that wetland loss is unavoidable. Mitigation shall not be considered a substitute for making all prudent attempts to avoid wetland impacts. Prior to considering a proposal for wetland mitigation, the planning commission must find all of the following:
1. All feasible and prudent efforts have been made to avoid the loss of protected wetland.
 2. All practical means have been considered to minimize protected wetland impacts.
 3. It is practical to replace the protected wetland, which will be unavoidably eliminated.
 4. Alternatives for preserving protected wetlands and watercourses have been evaluated and found to be impractical, inappropriate, or ineffective.

To ensure no net loss of wetlands takes place in the township, mitigation shall be required in instances where there are accepted losses of wetland resources.

- e. Criteria for approving proposals for wetland mitigation include:
1. The mitigation plan provides for the substantial replacement of the predominant functional values of the protected wetland to be lost.
 2. The mitigation plan provides for no net loss of protected wetland resources and watercourses.
 3. Mitigation shall be provided on site where practical and beneficial to the wetland resources. If mitigation on site is not practical and beneficial, then mitigation in the immediate vicinity, within the same watershed, of the permitted activity may be considered.
 4. The mitigation plan will comply with all applicable federal, state, and local laws.
- f. Other mitigation requirements. Wetland mitigation and monitoring plans shall become conditions as part of the development approval and shall be the responsibility of the applicant.
1. Financial assurances that mitigation is accomplished as specified within the development submittal may be required by the planning commission.
 2. Any mitigation activity shall be completed before initiation of other permitted activities, unless a phased concurrent schedule can be agreed upon between the planning commission and the applicant.

(5) *Wetland use conditions.*

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- a. The planning commission may attach any reasonable conditions considered necessary to minimize or mitigate damage or impairment to, encroachment in, or interference with, wetlands or to otherwise improve or maintain water wildlife quality. These conditions include, but are not be limited to, the following:
1. Prior to the commencement of construction of any structure, building, or any land alteration on a site in any zoning district that contains a wetland or where the site abuts, adjoins, or is adjacent to a wetland, a permanent setback shall be established. The purpose of the setback is to preserve the existence of wetlands to prevent their pollution or contamination; minimize their disturbance and disturbance to the natural habitat therein; and prevent damage from erosion, siltation, and flooding. The setback shall run parallel to the edge of a wetland and shall be of a width determined as follows:
 - (i) A 25 foot setback from the boundary or edge of a wetland, determined in accordance with part 303 of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.30301 et seq.), and the Administrative Rules thereunder, as amended.
 - (ii) A 25-foot setback from the ordinary high water mark of a watercourse.
 2. The setback shall remain permanently undisturbed and in its natural condition with natural vegetation for the following purposes:
 - (i) To serve as an essential component of the general welfare by maintaining natural beauty, recreation, and irreplaceable natural heritage;
 - (ii) To provide for the preservation and proper maintenance in order to minimize disturbance to wetlands and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat;
 - (iii) To provide for the continuity of ecological systems designed to protect existing wildlife habitats; and
 - (iv) To provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of this township, in keeping with article IV, section 52 of the Michigan Constitution of 1963, and the intent of the Michigan natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.101 et seq.).
 3. All buildings shall be set back a minimum of 50 feet from the edges of wetlands determined as provided in section 36-705.
- b. Exemptions. If and to the extent the township is prohibited by its ordinances and/or law from regulating wetland and watercourse natural features setbacks, regulation under this section shall be exempt. In addition, the following activities shall be exempt from regulation under this section; provided, it is not the intent of this provision to exempt regulation by other ordinance provisions relative to the natural feature itself:
1. Installation of a fence within a setback area.
 2. Maintenance of previously established lawn areas.
 3. Grading and filling necessary in order to conform with express requirements recommended by the township engineer.
 4. Planting of trees and other vegetation, but not the use of fertilizer.

(d) *Watercourses.*

(1) *Key facts.*

- a. Watercourse refers to any water feature that is confined to banks and includes lakes, ponds over five acres, and channelized flows, such as rivers and drains. Watercourses can be damaged during development activities by altering the natural features surrounding the watercourse, and by the contribution of sediments and contaminants. Preservation of slopes, woodlands, and wetlands adjacent to watercourses combined with land use planning to reduce stormwater runoff are essential in maintaining appropriate water quality and quantity. The township seeks to preserve the existing natural watercourses and encourages the restoration of damaged watercourses.
- b. All watercourses are important to protect. Tolerance for soil erosion on any construction site in or near any watercourse is low. Special, effective soil erosion and flood preservation techniques must be devised and implemented during and after construction according to applicable governmental regulations. Every development project should evaluate the potential damage to nearby watercourses during the design, construction, and implementation phases to minimize problems associated with surplus stormwater, sedimentation, and contamination.
- c. The surface hydrology of the township results from the glacial landforms present, and the soil characteristics. The morphology of stream channels depends upon the type and permeability of the soil, the vegetative cover, and the slope of the land adjacent to the watercourse. Channel shape can be altered by an increase in stormwater runoff from impervious surfaces, so extreme care should be taken to ensure that the quantity of water flowing to the channel does not exceed the physical ability of the stream to absorb the flow. Development projects should be reviewed in the context of both the stream channel and the watershed.
- d. Urbanized aboveground watercourses are ones that no longer have much of a natural character, but which nonetheless have not been dumped into a storm drain beneath the ground. These watercourses may or may not have other important natural features surrounding them.
- e. Underground (piped) watercourses are directly related to major storm drains and are often quite easy to find either by following valleys or by observing where flooding occurs after storm events. This potential for flooding is a major concern, and development projects must be designed to minimize the potential for flooding. An additional concern is the potential for increased flow to the watercourse, which may increase erosion and result in physical alteration of the watercourse (refer to the rules of the county drain commissioner).
- f. Construction of structures within a watercourse is regulated by both federal and state statutes and may require a permit from either the United States Army Corps of Engineers or the state department of environmental quality.

(2) *Identification.* Watercourses may be identified by field observation, on United States Geological Survey Topographic Maps, and/or aerial photographs. Many watercourses are clearly delineated on flood insurance rate maps produced by the Federal Emergency Management Agency. However, some small features may be difficult to locate using maps and may require field observation for identification. Watercourses should be identified as the top of the bank of the channel carrying water or as the ordinary high water mark line of a pond. Watercourses may be associated with other valuable natural features, such as woodlands and wetlands.

(3) *Preservation and restoration strategies.*

- a. Efforts will be made to preserve watercourses in a natural state. Stormwater and sedimentation can damage the watercourse. Controlling stormwater in watersheds will ensure that watercourses are not damaged and eroded during storm events. Development options should be explored that will reduce the adverse impact of both stormwater and sedimentation.

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- b. The following watercourses will be preserved by any development proposal:
 - 1. O'Connor Drain;
 - 2. Horseshoe Lake Drain;
 - 3. Grove and Horseshoe Lake Drain;
 - 4. Mauer Drain;
 - 5. McCarty Drain;
 - 6. Clement Drain;
 - 7. Catholic-Church Drain;
 - 8. Watercourses with natural areas around them, such as wetlands or woodlands;
 - 9. Watercourses integrated into steep terrain; and
 - 10. Watercourses still flowing in natural channels.

When the watercourses listed in this subsection (b) are located on a project site, efforts must be made during the design phase to ensure that these watercourses and adjacent setback areas are protected.

- c. A permanent setback strip, vegetated with natural plant species, will be maintained or restored within a 25 feet setback from the high water mark of any watercourse. Buildings and construction activity should be setback at least 50 feet from the high water mark of any watercourse. This setback is provided to ensure that on-site runoff into a watercourse is filtered naturally and to maintain a corridor for wildlife along stream ways. When watercourses are crossed, effort must be made to ensure that the crossing occurs at a location where there is least potential for physical, scenic, and biologic impact upon the watercourse and its surrounding natural features. Crossing locations should be kept to the minimum necessary to provide access.
- d. Whenever possible, development projects should incorporate restoration of these watercourses and associated natural features. Efforts to control erosion, sedimentation and contamination problems is required, as is the connection of natural corridors across properties.
- e. The planning phase of the project should recognize that underground (piped) watercourses are connected to surface drains and must address stormwater and peak flow rates through these watercourses. Restoration of the surface watercourse is desirable, and these efforts may assist in stormwater control.

(4) *Mitigation.* Not applicable.

(e) *Floodplains.*

(1) *Key facts.*

- a. Floodplains serve to minimize damage to land and water resources because of their capacity to store water. Floodplains also protect downstream properties from flooding. In so doing, they control erosion, silting and contamination of water features and aquatic wildlife. Healthy, stable plant life is important in determining a floodplain's capacity and function in slowing, filtering, and cooling water moving through them. Floodplains are not a desirable location for stormwater retention facilities.
- b. Floodplains also may qualify as wetland or watercourse natural features. With watercourses and other surrounding natural features, floodplains serve as vital wildlife reserves and linking

corridors for important populations of plants, animals, aquatic organisms, and natural associations.

- c. Natural plant life and landform conditions existing within floodplains are important and require protection from development. They involve native floodplain forest fragments, or native sedge or fen meadows. These areas are not only rich biologically, but provide superb floodplain function. In cases where these habitats exist and are being invaded by exotics, every reasonable effort should be taken to restore the habitat as part of a development proposal.
- (2) *Identification.* A floodplain is an area that is low-lying, adjoins a lake, stream, river or pond and that receives excess water from flooding. They are also natural flood spaces for stream overflow during intense rainstorms. The 100-year floodplain is the boundary of overflow during a 100-year storm. This means that the likelihood of this storm occurring is one percent during any given year. Unless it can be demonstrated by the applicant that flooding is not relevant, the township requires mapping of 100-year floodplain along watercourses in any development regulated within this section.
 - (3) *Preservation and restoration strategies.* Development regulated within this section shall not occur within the 100-year floodplain.
 - (4) *Mitigation.* Not applicable.
- (f) *Woodlands.*
 - (1) *Key facts.* Regulation of the removal of tree resources will achieve a preservation of important physical, aesthetic, recreational and economic assets for both present and future generations. Specifically, it is found that:
 - a. Woodlands provide for public safety through the prevention of erosion, siltation, and flooding.
 - b. Woodland growth protects public health through the absorption of air pollutants and contamination, including the reduction of excessive noise and mental and physical damage related to noise pollution.
 - c. Trees, vegetation, and associated natural resources provide a material aspect of the character of the township.
 - d. Trees and woodland growth serve as an essential component of the general welfare by maintaining natural beauty, recreation, and irreplaceable natural heritage.
 - (2) *Preservation and restoration strategy.*
 - a. The preservation of woodlands within the township from destruction and misuse resulting from development is of prime concern. Native forest and forest fragments, particularly those that still have a wide diversity of native species at all levels, are the most important sites to protect from development and from the impacts of development. The highest quality among these forest and forest fragments should not be built upon. Effort should be made to preserve and protect all remaining native forest fragments to the fullest extent possible.
 - b. Therefore, the purposes of this section are as follows, to be applied throughout the township:
 - 1. To prohibit the unnecessary removal of trees on undeveloped land;
 - 2. To discourage the unnecessary removal of trees and woodland resources in connection with the development of land;
 - 3. To provide for the protection, preservation, proper maintenance, and use of trees and woodlands in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat;

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4. To protect the woodlands (including woodland resources) for their economic support of local property values when allowed to remain uncleared and/or unharvested in whole or in significant part, and for their natural beauty, character, and geological, ecological, or historical significance;
 5. To provide for the continuity of ecological systems designed to protect existing wildlife habitats; and
 6. To provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of this township, in keeping with article IV, section 52 of the State Constitution of 1963, and the intent of the Michigan natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.101 et seq.).

(3) *Land clearing, tree relocation or replacement.*

- a. *Requirement established.* For each protected tree required to be preserved under the terms and standards set forth within this section, the applicant shall replace or relocate trees according to the replacement tree requirements set forth in subsection (f)(3)b of this section.
- b. *Replacement tree requirements.*
 1. Replacement trees shall have shade potential and/or other characteristics comparable to the removed trees, shall be state department of agriculture Nursery Grade No. 1 or better, and must be approved by the township prior to planting. Replacement trees must be staked, fertilized, and mulched, and shall be guaranteed for two years.
 2. Trees usable for replacement trees may be transplanted on-site using appropriate and accepted procedures and precautions.
 3. All replacement trees shall have a diameter at breast height (DBH) or height as follows: for deciduous trees, replacement shall be on a total caliper basis; that is, for example, for each tree with a 12 inch DBH, there shall be replacement trees with an aggregate of calipers totaling 12 inches; provided, however, no replacement trees shall have a DBH less than 2.5 inches. For conifers, replacement shall be based upon total height, with no replacement tree having a height less than six feet.
 4. Where a valuable native forest fragment must be partly destroyed by development, the balance of the fragment should be actively managed as a natural area to sustain it into the future. This includes the vitally important task of controlling invasive exotics.
- c. *Replacement tree location.*
 1. *Township approval required.* The township planning commission shall approve tree relocation or replacement locations in order to provide optimum enhancement, preservation, and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on site and within the same general area as trees removed; provided that survival shall not be jeopardized by improvements or activities.
 2. If more than 20 replacement trees are required, a mixture of three or more species must be used. Replacement trees required for mitigation purposes may also be counted as trees required for landscape purposes when appropriately located.
- d. *Tree protection during construction.*
 1. *Placing materials near tree.* No person may conduct any activity within the dripline of any protected tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or soil deposits within the dripline.

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2. *Attachments to trees.* During construction, no person shall attach any device to any remaining protected tree except for the protection of a tree in accordance with forestry procedures.
 3. *Protective barrier.* Before development, land clearing, filling, or any land alteration, the applicant shall erect and maintain suitable barriers to protect remaining trees. Protective barriers shall remain in place until the township authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Wood, metal or other substantial material shall be utilized in the construction of barriers. Barriers are required for all trees designated to remain, except in the following cases:
 - (i) *Rights-of-way and easements.* Street rights-of-way and utility easements may be cordoned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.
 - (ii) *Large, separate areas.* Large property areas separate from the construction or land clearing area onto which no equipment will venture may also be cordoned off as described in subsection (f)(3)d.3.(i) of this section.

(g) *Landmark trees.*

(1) *Key facts.*

- a. In many instances, landmark trees establish a unique visual character and awareness and are evidence of the maturity of the individual tree species. Destruction or misuse of these exceptional resources is considered a significant loss of a resource that cannot be easily replaced.
 - b. Landmark trees of most importance to protect are ones which are rare, unusual, old or historically significant. Certain trees play a special role in the visual resources of a site or an area. If the trees are native to the township, and are otherwise special, they are particularly important to protect. Such trees should be retained and used as a valuable and integral part of the new development landscaping.
 - c. The most effective way of saving trees is by planning ahead for their preservation. Tree areas with severe space and other limitations can be avoided, grading can be minimized or eliminated in tree areas, effective stormwater management facilities can be utilized in a way as to keep moisture levels in tree areas unchanged, and the design and installation of landscape elements (including irrigation) can be done in a way which reflects the needs of a protected landmark tree. Oaks, hickories, maples, beeches, many of the native hardwood trees, and most older trees, do not adapt well to change caused by construction activity in the Critical Root Zone (CRZ). Therefore, the area of concern around a landmark tree may be much larger than the CRZ. The critical root zone is defined as being one foot outside the perimeter of the dripline or leaf canopy of an individual tree.
 - d. Tree roots are very vulnerable to disturbance. Trees generally do not have tap roots, or any structure similar to that existing aboveground. They have a flat mat of roots extending within several inches to several feet from the surface of the ground and out a distance at least the diameter of the dripline of the tree. The most important roots are the fibrous ones, on the outermost ends of the root branches. Construction activities damage or destroy tree roots and threaten tree life.
- (2) *Identification.* Trees which are landmark trees and thus qualify as natural features are any tree larger than 24 inches in diameter at breast height (DBH) and any tree of a size listed in the landmark tree list below:

Common Name	Scientific Name	DBH
Ash	Fraxinus spp. (not cultivars)	18 inches
Basswood	Tilia spp.	18 inches
Beech	Fagus spp.	18 inches
Buckeye (horse chestnut)	Aesculus spp.	18 inches
Cedar of Lebanon	Cedrus spp.	18 inches
Cherry, black	Prunus serotina	18 inches
Elm	Ulmus spp. (except pumila)	18 inches
Fir	Abies spp.	18 inches
Fir, Douglas	Pseudotsuga menziesi	18 inches
Kentucky Coffee Tree	Gymnocladus dioicus	18 inches
Maple, silver	Acer saccharinum	18 inches
Pine	Pinus spp.	18 inches
Spruce	Picea spp.	18 inches
Sycamore: London Plane	Platanus spp.	18 inches
Tuliptree	Liriodendron tuliperifers	18 inches
Walnut, black	Julans nigra	18 inches
Hickory	Carya spp.	16 inches
Honey Locust	Gleitsia triacanthos	16 inches
Maple	Acer spp. (unless otherwise noted)	16 inches
Oak	Quercus spp.	16 inches
Arbor Vitae	Thuja occidentalis	12 inches
Bald Cypress	Taxodium distichum	12 inches
Birch	Betula spp.	12 inches
Black Tupelo	Nyssa sylvatica	12 inches
Cherry, flowering	Prunus spp.	12 inches
Crabapple (cultivar)	Malus spp.	12 inches
Dawn Redwood	Metasequiia glyptostroboides	12 inches
Eastern Hemlock	Tsuga canadensis	12 inches
Ginkgo	Ginkgo biloba	12 inches
Hackberry	Celtis occidentalis	12 inches
Hawthorn	Crataegus spp.	12 inches
Larch/Tamarack	Lrix spp.	12 inches
Pear	Pyrus spp.	12 inches
Persimmon	Dispyros virginiana	12 inches
Populus	Populus (except deltoides, alba)	12 inches
Sassafras	Sassafras albidum	12 inches
Sweetgum	Liquidambar styraciflua	12 inches
Yellow Wood	Cladrastis Lutea	12 inches
Cedar	Juniperus spp. and upright cultivara	8 inches
Eastern Redbud	Cercis canadensis	8 inches
Dogwood, flowering	Cornus florida	8 inches
Hornbeam, blue beech	Carpinus spp.	8 inches
Ironwood	Ostrya virginiana	8 inches
Maple, mountain/striped	Acer spicatum/pensylvanicum	8 inches
Pawpaw	Asimino triloba	8 inches
American Chestnut	Castanea dentata	6 inches

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Butternut	Juglans cinerea	6 inches
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(3) *Preservation and restoration strategies.*

- a. All construction activity, including grading changes which effect soil moisture and drainage in the area of the critical root zone (CRZ) of any landmark tree, shall be excluded from development according to submitted plans. The expected survival rate for trees treated in this manner is extremely high. Soil compaction from vehicle and machine parking and traffic, excavation or filling, storage of materials, grading changes that effect soil moisture in the root zone at any time, and insensitive landscape design and installation techniques (including irrigation) shall not be permitted as part of any development submittal. Barrier fencing shall be installed at the CRZ of landmark trees which are located within a disturbance area. Where encroachments into the CRZ are allowed as part of an approved site plan, the barrier fencing must be located at least ten feet from the trunk of the tree at all points.
- b. In addition to protective fencing at the critical root zone, a number of other construction techniques can help save trees. The planning commission may require as part of site plan approval that:
 1. Gravity utilities be placed under pavement instead of trenching;
 2. Excavating in critical areas be done by hand; and
 3. Equipment and vehicles are kept away from the CRZ. The use of fill within the CRZ is discouraged.

If fill is proposed, it shall be fully described and justified in the natural features preservation plan. In the event fill is allowed, it should be no more than one inch in height and the fill material shall be of a granular nature.
- c. To ensure replacement of trees which are damaged, dead or dying, the natural features preservation plan shall include a description of a proposed amount and type of security to be posted. The security shall be in the form of cash, surety bond, or letter of credit, and the amount will be approved by the planning commission. The security shall be provided by the applicant to the township clerk prior to issuance of a certificate of occupancy by the zoning inspector. Any landmark tree that is determined to be dead, dying or severely damaged due to on-site construction activity within three years after issuance of a certificate of occupancy or final permit approval for development authorized by an approved site plan or plat shall be replaced by the applicant in the amount specified in the requirements for mitigation of landmark trees.

(4) *Mitigation.*

- a. In general, landmark trees should not be removed for development. Site design should consider any landmark tree on a site an important design element. Removal of landmark trees will occur rarely and will be considered only after alternatives are studied and found to be not feasible. Required or desired replacement should include the most appropriate, noninvasive species as part of the project design. Replacement requirements include using species native to the state and include using a diversity of species at a diversity of sizes. A replacement tree or combination of trees shall be provided to equal 100 percent of the original DBH for each landmark tree that is removed. Replacement trees shall be non-sterile varieties. The minimum size of a deciduous replacement tree shall be 2.5-inch caliper. The minimum size of an evergreen replacement tree shall be six feet in height. If more than 20 replacement trees are required, a mixture of three or more species must be used.

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- b. Where trees are taken from a natural area, it is the natural area which should be replaced or restored at some other on-site location, involving much more than just tree planting. Trees which go into such a project may need to be of much smaller size in order to find enough of the species needed to make a viable start to creating an ecosystem.
 - c. Replacement trees need a chance to become as great as the trees they replace. Genuine concern for soils and cultural needs of new plants should be a part of the design process. Many species of trees will never thrive in compacted fill soils, or in conditions not suitable for their optimum growth. Recognition and observance of these realities is critical to successful replacement.
 - d. For each landmark tree that is removed without the approval of the township planning commission, the applicant shall provide a replacement tree or a combination of trees of a species native to the state equal to a minimum of 200 percent of the original DBH. Replacement trees shall be installed by the applicant prior to issuance of any certificate of occupancy by the zoning inspector.
- (h) *Steep slopes.*
- (1) *Key facts.* Steep slopes are prone to erosion if the vegetation on them is disturbed, or if surface runoff is directed toward them. As a result, disturbed slopes often result in siltation of a watercourse or disturbance to land below.
 - (2) *Identification.* Slopes in excess of 12 percent shall be protected.
 - (3) *Preservation and restoration strategies.*
 - a. Areas of steeper slopes, such as more than 12 percent, shall be protected to reduce erosion potential, maintain slope and stability, control amounts and velocities of surface water runoff, and protect an aesthetic resource. Slopes greater than 18 percent should be excluded from development regulated by this section unless the developer presents an effective method for protective development of these slopes. Slopes shall be considered in terms of soil type, as well as steepness. Where highly erodible soils are present, special care must be taken.
 - b. Development that is permitted on steep slopes shall maintain or enhance the natural contour, vegetation, and drainage patterns. Existing land form should be a major factor in the land use and site planning processes. The primary objective will be preservation of natural contours rather than alteration by mass grading.
 - c. Slopes of 40 percent or greater facing or adjoining a stream or drain shall be protected as key scenic assets. Where these slopes are visible from locations frequented by people off-site, development of these slopes can have dramatic impact upon the visual character of the area. Such impacts (from buildings above the canopy of trees, for example) should be carefully considered.
 - d. A primary goal in protecting steep slopes is to prevent erosion and subsequent damage to natural features on and off the site. The use of retaining walls can reduce the amount of grading necessary, but are not encouraged (they are rarely durable structures). Underground utilities should not be located in steep slopes and certainly should not run lengthwise along them. Drainage shall be directed to inlet structures and not be permitted to flow down slopes during or after construction.
 - (4) *Mitigation.* Not applicable.
- (i) *Habitat for threatened or endangered species.*
- (1) *Key facts.* Endangered species habitat is the habitat necessary to maintain the existence of those plants and animals listed on the current federal and state list of endangered, threatened or special concern

species. Endangered species are most likely to be found in the midst of a natural area of considerable value. When a special concern, threatened, or endangered species is found, careful assessment should be made of the species and the area in which it is found. These organisms and their habitat may be intolerant of change caused by development, such as change in hydrological conditions, even if the habitat itself is outside the limits of soil disturbance for a project. These species and their habitat are important to the township for the richness and diversity of species they offer.

(2) *Identification.* The natural features inventory of the department of environmental quality records and regulates the endangered, threatened, and special concern plants, animals, birds, mammals, and insects. The areas most likely to contain endangered species are sandy, wet bottom lands and wetlands along drains within the township and along their tributaries, and in many small pocket wetlands in native forest fragments. Many of the areas can be quite small in size. Rare and unusual endangered species may also be found on disturbed ground, including along shorelines and streambanks, flooded areas, old farmed fields, borrow pits, eroding slopes, burned areas, embankments along railroads and roads, in cemeteries, old settlement areas and farmsteads, etc.

(3) *Preservation and restoration strategies.*

a. The protection of endangered species and their habitats is regulated by the Michigan department of environmental quality (MDEQ), in cooperation with the U.S. Fish and Wildlife Service. The township will work in coordination with state and federal regulating agencies to identify the best preservation approach, based on the specific characteristics of the species involved.

b. For those plant species which are not protected but highly desirable and within any disturbed area of the development, the planning commission may require the applicant to transplant these species in an orderly fashion.

(4) *Mitigation.* Not applicable.

(j) *Groundwater recharge.*

(1) *Key facts.* A groundwater recharge area is land which readily permits water to move from the surface into a groundwater system.

(2) *Identification.* The county metropolitan planning commission has mapped groundwater recharge areas for the county. Using data from the county soil survey and from well logs, trained experts can determine areas where water flows quickly through soil, where there is a high degree of highly permeable sand and gravel particles in the ground, and where the water table is high. In these areas, risk of groundwater contamination is high. Areas not mapped by the WCMPC, but that may also serve as recharge areas, are those with highly permeable geology (sand and/or gravel) or soils, but that do not exhibit a high water table. These higher elevation areas also provide recharge waters to groundwater. The township may ask for investigation and mapping of areas with highly permeable soils and geology.

(3) *Preservation and restoration strategies.*

a. Development should be located away from groundwater recharge areas and wellhead protection areas as mapped by the WCMPC or otherwise identified. Where development occurs, impervious surfaces should be limited to the greatest extent possible. Land grading should be controlled to retain the water holding characteristics of the land. Vegetation essential to the water holding characteristics should be preserved, or, where necessary, enhanced as part of the development program. The balance and integrity of the hydrological system should be maintained in a proposed development.

b. Recharge areas should be protected from pollution by regulating the uses permitted within these areas and by controlling the quality of surface water runoff from tributary areas. Areas classified

in the county soil surveys as having soils with water tables at or near the surface shall also be protected from pollutant entry because of the ease with which pollutants on such soils can enter the underground water system.

- c. Proper storage of hazardous substances will be paramount to protecting groundwater and the environment. Developments storing or handling hazardous substances shall abide by the following groundwater preservation standards:
1. Hazardous substance storage areas must be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
 2. Secondary containment for aboveground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated time necessary for the recovery of any released substance.
 3. General purpose floor drains shall be allowed only if they are authorized to be connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
 4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharge shall be allowed without required permits and approvals.

(4) *Mitigation*. Not applicable.

(Ord. of 7-22-2013, § 60.26)

Sec. 36-724. Temporary holiday sales.

Temporary sales of products only at certain time of year and associated with seasonal holidays, including Christmas, Halloween, Thanksgiving, Fourth of July, and similar holidays, may take place on individual lots or structures subject to the following regulations:

- (1) Temporary holiday sales may be conducted in AR, LC, WLD-DD, WLD-NV, WLD-W, and GC districts. Temporary holiday sales shall not be permitted in any other residentially zoned districts.
- (2) Churches, schools, or other nonprofit organizations may sell holiday items on property or structures owned by such institution or organization in any zoning district.
- (3) A zoning compliance application shall be submitted along with fees and a sketch plan for review by the zoning administrator to ensure the requirements of this section are met. Unless temporary holiday sales are accessory to the principal use of the site, a temporary certificate of occupancy shall be obtained from the zoning administrator to allow temporary use of the site for such sales. Such temporary certificate of occupancy may be issued after an inspection of the proposed sale site is made by the building official and the director of public safety, or their representative. Such inspection shall include, but not limited to, any and all wiring, lighting, or other apparatus to be utilized in the sale of such items. Sales shall not commence until final site approval is obtained and issuance of a temporary certificate of occupancy.
- (4) Such use and occupancy shall be temporary and shall not cause a nuisance to surrounding properties. The total duration of a temporary certificate of occupancy for temporary holiday sales shall not exceed 30 calendar days. Temporary holiday sales for Christmas may be permitted to last 45 calendar days. To the extent any proposed sale items may be regulated by the State of Michigan, as with fireworks, all licenses or permits must be obtained and presented to the township for review with the zoning compliance application. Upon inspection of the site and sketch plan, the director of public safety may

require a security plan, that includes limits on hours of operation, site access, site circulation, and other measures to ensure the safe operation of the temporary holiday sale.

- (5) Storage and display areas shall comply with the minimum setback requirements for the district in which the temporary holiday sale is located.
- (6) All loading and parking areas shall be confined within the boundaries of the site and shall not be permitted to spill over onto adjacent roads, except where on-street parking is permitted. Such use and occupancy will not create a traffic hazard.
- (7) All refuse or debris resulting from sales, and all signs, lights, poles, wires, or other items in connection therewith shall be removed from said property not later than three days following the holidays occurrence and the date of required removal shall be specified on the temporary certificate of occupancy obtained from the zoning administrator.

(Ord. No. 18-57, §§ 2—1, 6-26-2018)

Editor's note(s)—Ord. No. 18-57, §§ 2—11, adopted June 26, 2018, amended § 36-724 in its entirety to read as herein set out. Former § 28-724 pertained to temporary specialty stores and derived from an ordinance adopted July 22, 2013, § 60.27.

Sec. 36-725. Reserved.

Sec. 36-726. Open space preservation.

- (a) *Purpose.* Whenever the preservation of open space is required by this chapter, 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.
- (b) *Standards.*
 - (1) 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 section 8204 of Public Act No. 451 of 1994 (MCL 324.8204).
 - (2) Such conveyance shall ensure that the dedicated 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 uses 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 dedicated open space.
 - d. Provide for the management and maintenance to be undertaken by the township in the event that the township, in its sole discretion, finds that the dedicated open space is inadequately

maintained or is a public nuisance, with the assessment of costs upon property owners within the proposed development.

(Ord. of 7-22-2013, § 60.29)

State law reference(s)—Open space preservation, MCL 125.3506.

Sec. 36-727. Large scale retail establishment.

(a) *Intent.*

- (1) It is the intent of this section to regulate large scale retail establishments exceeding 20,000 square feet in gross floor area (hereinafter "large scale retail establishments"), whether located as an individual use on a single site or as part of a shopping center with a grouping of attached and/or detached buildings. While it is recognized that large scale retail establishments may provide goods and services to township residents, such stores are primarily focused on attracting consumers from a market area larger than the township. Therefore, specific standards are required to ensure that large scale retail stores can be adequately served by and do not create an inordinate impact upon roads, utilities, storm drainage, groundwater recharge, water quality, air quality, and police and fire services.
- (2) It is further intended by this section that large scale retail establishments be designed in a manner that is harmonious with the overall historic, rural character of the township consistent with the growth management plan and township design standards and that complements the substantial public investment to be made in the US-23 corridor area.

(b) *Location.* Large scale retail establishments are permitted only within the HC—Highway Commercial District, PSC—Planned Shopping Center District or GC—General Commercial District on sites having direct frontage or abutting property which will provide a site with direct access via a county road to US-23.

(c) *Design standards.* An applicant subject to this section shall demonstrate that the following design standards are met:

(1) *Aesthetic character.*

a. *Facades and exterior walls.*

1. Facades greater than 100 feet in length, measured horizontally, shall incorporate projections or recesses extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.
2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 50 percent of their horizontal length.
3. Building facades must include a repeating pattern that includes no less than two of the following elements:
 - (i) Color change;
 - (ii) Texture change;
 - (iii) An expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib.
4. The applicant may be required to present several design examples to compare and contrast the proposed project.

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- b. *Roofs.* The roof design shall incorporate one or more of the following features depending upon the nature of the roof, the building design, and the existing site conditions.
1. *Flat roofs.* Parapets concealing flat roofs and rooftop equipment, such as heating, ventilation and air conditioning (HVAC) units, from public view are required. Parapets shall not exceed one-third of the height of the supporting wall at any point.
 2. *Pitched roof.*
 - (i) Overhanging eaves, extending no less than three feet past the supporting walls.
 - (ii) An average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.
 - (iii) Three or more roof slope planes.
 3. *Green roof.* An environmentally friendly or green roof system designed, in part, to mitigate or address the effects of stormwater runoff, drainage, water quality, and other problems associated with impervious surfaces.
- c. *Materials and colors.*
1. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units.
 2. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
 3. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
 4. Exterior building materials shall provide texture to at least 50 percent of the facade and shall not be completely made up of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.
- d. *Entryways.* Each principal building on a site shall have clearly defined, highly visible customer entrances feature no less than three of the following:
1. Canopies or porticos.
 2. Overhangs.
 3. Recesses/projection.
 4. Arcades.
 5. Raised corniced parapets over the door.
 6. Peaked roof forms.
 7. Arches.
 8. Outdoor patios.
 9. Display windows.
 10. Architectural details such as tile work and moldings which are integrated into the building structure and design.
 11. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
 12. Pavement/material changes at drive crossings to better define pedestrian cross walks.

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- e. *Community space.* Each site shall include at least four of the following features:
1. Patio/seating area;
 2. Pedestrian plaza with benches;
 3. Transportation center;
 4. Window shopping walkway;
 5. Outdoor playground area;
 6. Kiosk area;
 7. Water feature;
 8. Bicycle parking; or
 9. Other such feature or amenity proposed by the applicant that, in the sole discretion of the planning commission, helps to mitigate the size of the large scale retail establishment and resultant diffusion of land uses and to maintain the historic, rural character of the township by providing community gathering areas, relief for patrons and greater aesthetic appeal.

Each of these features shall have direct access to the public sidewalk network and not be constructed of materials that are inferior to the principal materials of the building and landscape.

(2) *Site design.*

- a. *Parking lot location.* No more than 50 percent of the off-street parking area devoted to the large scale retail establishment shall be located between the front facade of the principal building and the main road frontage. Depending on the site design, this amount may be increased or decreased at the sole discretion of the planning commission. The remainder of the parking shall be distributed on the other sides of the building or separated by means of intervening buildings, amenities, or site features.
- b. *Connectivity.* The site design must provide direct connections and safe street crossings to adjacent land uses. Pavement/material changes at drive crossings shall be installed to better define pedestrian cross walks and be distinguished from other driving surfaces through the use of durable, low maintenance surface materials such as brick pavers or stamped concrete.
- c. *Pedestrian circulation.*
 1. Sidewalks at least six feet in width shall be provided along all sides of the lot that abut a public street.
 2. Internal pedestrian walkways, no less than six feet in width, shall be provided connecting the public sidewalk to the principal customer entrance of all principal buildings on the side. At a minimum, walkways shall connect focal points of pedestrian activity, such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than 50 percent of the length of the walkway.
 3. Internal pedestrian walkways, no less than six feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least ten feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 4. All internal pedestrian walkways which cross or are incorporated with vehicular driving surfaces shall be distinguished from such driving surfaces through the use of durable, low

maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Surface materials used for internal pedestrian walkway shall be designed to accommodate shopping carts.

- d. *Delivery/loading operations.* Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited. No delivery, loading, trash removal or compaction, or other such operations, shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 dB, as measured at the lot line of any adjoining property.
- e. *Landscaping.*
 - 1. *General site landscaping.* All undeveloped portions of the site shall conform to the following general landscaping standards, except where the specific landscape elements described below are required:
 - (i) *Ground cover requirements.* All undeveloped portions of the site shall be planted with a native combination of grasses, ground covers and shrubs, which shall extend to any abutting street pavement edge.
 - (ii) *Tree shrub requirements.* A native mixture of evergreen and deciduous trees shall be planted at the rate of at least one per 3,000 square feet of land area or portion thereof on an undeveloped open area for which specific landscaping requirements do not apply. Required trees shall be planted in irregular intervals or in groupings.
 - 2. *Landscaping adjacent to road.* A greenbelt at least ten feet wide for each 10,000 square feet of gross floor area shall be provided adjacent to all public and private roads. The greenbelt shall be located entirely on private property adjacent to the road right-of-way.
 - (i) *Ground cover requirements.* The entire greenbelt shall be planted with a native combination of grasses, ground covers and/or shrubs except where paved walkways are used.
 - (ii) *Tree and shrub requirements.* The following minimum planting requirements shall apply:

Deciduous or evergreen trees	One per 30 lineal feet of road frontage
Ornamental trees	One per 100 lineal feet of road frontage
Deciduous or evergreen shrubs	Five per 30 lineal feet of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs shall be planted in irregular intervals or in groupings.

- 3. *Greenbelt.* A greenbelt at least ten feet wide for each 10,000 square feet of gross floor area shall be required along the side and rear property lines. The greenbelt shall be located between the property line and any developed or paved area, including parking areas, access drives and buildings.

- (i) *Ground cover requirements.* The entire greenbelt shall be planted with a native combination of grasses, ground covers and/or shrubs except where paved walkways are used.
- (ii) *Tree and shrub requirements.* The following minimum planting requirements shall apply:

Deciduous or evergreen trees	One per 30 lineal feet of greenbelt
Ornamental trees	One per 100 lineal feet of greenbelt
Deciduous or evergreen shrubs	Five per 30 lineal feet of greenbelt

For the purposes of computing required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt. Trees and shrubs shall be planted in irregular intervals or in groupings.

- 4. *Parking lot landscaping.* All parking areas shall be landscaped in accordance with the requirements for parking lot landscaping set forth in section 36-722(m).
- 5. *Detention and retention pond landscaping.* All detention and retention ponds shall be planted with a native combination of grasses, perennials, ground covers, shrubs and trees.
- 6. *Safety.* All landscaping must be designed and maintained so that safe vehicle sight distance is not affected at entrances, exits or at street intersections.

(d) *Impervious surface reduction/infiltration enhancement.*

(1) It is recognized that due to specific requirements of any given development, inflexible application of ordinance requirements may result in development with excessive paving and stormwater runoff and a waste of space that could be left as open space. Either through procedures prescribed by this chapter or creative land development techniques, deviations from requirements allowing for reduction in impervious surfaces may be permitted whenever it is determined that such deviations are more likely to meet the intent of impervious surface reduction and infiltration enhancement.

(2) *General standards.*

- a. Priority shall be placed on site design which maintains natural drainage patterns and watercourses. Alterations to natural drainage patterns shall not create flooding or degradation in water quality for adjacent or downstream property owners.
- b. The use of swales and buffer strips vegetated with desirable native materials is required unless shown as impractical as a method of stormwater conveyance so as to decrease runoff velocity, allow for biofiltration, allow suspended sediment particles to settle and remove pollutants. Tolerance for water saturation, sunlight, pesticides, metals and salts shall be required in determining appropriate plantings.
- c. Drainage systems shall be designed to have a natural appearance and to be visually attractive. The integration of stormwater conveyance systems and retention and detention ponds in the overall concept is recommended. Ponds with a naturally contoured rather than square or rectangular design and appearance are encouraged.
- d. Where large amounts of grease and oil may accumulate as in the case of large areas of impervious surfaces for parking, oil separations shall be required.
- e. Land banking in open space parking is encouraged to satisfy ordinance parking requirements.
- f. Reduce the overall imperviousness associated with parking lots by placing parking underground, using porous materials to surface all or part of the parking areas, incorporating efficient stall

dimensions, incorporating efficient parking lanes, or by minimizing stall dimensions or providing compact car spaces.

- g. Create buffer systems using native vegetation along all drainage ways of sufficient width to satisfactorily protect and enhance the drainage way and ensure its continued functionality. Critical environmental features such as 100 year floodplains, steep slopes and wetlands shall be considered eligible as part of a vegetative buffer system if the situation and orientation of such elements serve the purpose of providing a natural buffer.
- h. Direct roof top run off to pervious areas such as yards, open channels or vegetated areas and avoid routing roof top run off to the roadway, parking area and the stormwater conveyance system, or employ an environmentally friendly or green roof system designed, in part, to mitigate or address the township's concerns regarding stormwater runoff, drainage, water quality and other problems associated with impervious surfaces.

(e) *Driveways.*

- (1) *Number of driveways per parcel.* A maximum of one two-way driveway opening or a pair of one-way driveway openings shall be permitted to a particular site from each adjacent public road, unless otherwise required by the county road commission or other governmental authority having jurisdiction.
- (2) *Driveway access standards.* Driveways shall conform to the following performance standards unless otherwise required by the county road commission or other governmental authority having jurisdiction:
 - a. 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 peak traffic period.
 - b. There must be sufficient on-site space to accommodate at least three queued vehicles waiting to park and/or at least three queued vehicles waiting to exit without using a portion of the public right-of-way obstructing existing vehicle sight distance, or otherwise interfering with street traffic.
 - c. Provisions for circulation between adjacent parcels are encouraged through coordinated or joint parking systems.
 - d. 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/or separation, where appropriate, of entry and exit lanes within driveways.
- (3) *Flexibility in parking.* It is recognized that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in section 36-764 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. Deviations from the requirements of section 36-764 are permissible and may require more or allow less parking whenever such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. More parking than what is required by section 36-764 may only be permitted if designed and developed as pervious. The planning commission may condition approval on a deviation from the requirements of section 36-764 that bind such approval to the specific use in question. In such case, further conditions may be imposed which ensure that adequate reserve area is set aside for future parking, if needed. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other

than open space, and shall be designed to accommodate attendant facilities such as maneuvering lanes and drainage.

(Ord. of 7-22-2013, § 60.30)

Sec. 36-728. Exterior lighting standards.

- (a) *Purpose.* The township goal is to promote safety and security, to reduce off-site lighting impacts, 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, and to promote energy efficiency, all in keeping with the rural and small town character of the township.
- (b) *Site plan requirements.* When site plan review is required, the applicant shall provide a lighting plan including the following:
 - (1) Plans indicating the location, type, and height of all exterior lighting, along with a legend that identifies the fixtures and their intended accessories by manufacturer and model numbers.
 - (2) A photometric grid overlaid on the proposed site plan indicating the luminance throughout the site in footcandles, unless the planning commission determines in its sole discretion that a photometric grid is not necessary for final site plan review.
 - (3) Manufacturers' published specifications and cut sheets for each type of fixture being proposed, including the total luminance output, type of lamp and voltage, method of shielding and all applicable accessories.
- (c) *Light fixtures.* For all nonresidential uses, only full cut-off light fixtures are permitted, such that no light is emitted or reflected at or above a horizontal plane running through the lowest direct light-emitting part of the fixture. The light source shall direct the light down, onto the site. The light source shall be recessed into the fixture. Only non-glare, color-corrected lighting is permitted.
- (d) *Fixture height.* For parking lots of less than 100 parking spaces, lighting fixtures shall not exceed a height of 16 feet measured from the ground level to the centerline of the light source. For parking lots of more than 100 spaces, lighting fixtures shall not exceed a height of 22.5 feet, measured from the ground level to the centerline of the light source.
- (e) *Light levels.*
 - (1) Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed zero point one footcandle along property lines. Lighting for uses adjacent to nonresidential properties shall be designed and maintained such that illumination levels do not exceed zero point three footcandles along property lines.
 - (2) Maximum light levels shall not exceed 25 footcandles directly beneath a light fixture. Lighting levels shall not exceed three footcandles as measured directly between two fixtures. The planning commission may allow for an increased level of lighting above maximum permissible levels when it can be demonstrated that such lighting is necessary for safety and security purposes.
 - (3) All lighting measurements shall be taken at ground level.
- (f) *Signs.* Signs shall be illuminated in accordance with the regulations set forth in section 36-800.
- (g) *Glare.* Lighting shall be designed and installed so as to prevent glare. The term "glare" means the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. In particular:

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- (1) The design and/or screening of the development shall ensure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
 - (2) Exterior lighting shall be 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.
- (h) *Exemptions.* The following are exempt from the lighting requirements of this section, except that the building official may take steps to eliminate the impact of the following exempted items when deemed necessary to protect the health, safety, and welfare of the public.
- (1) Holiday lighting and decoration.
 - (2) Swimming pools.
 - (3) State and federally funded roadway construction projects and state, federal and public utility facilities, to the extent that the requirements of this section are preempted by state or federal law.
 - (4) Flags may be uplit provided that:
 - a. The maximum lumen output is 1,300 lumens per flag, regardless of the number of fixtures directed at the flag;
 - b. Each fixture is fully shielded; and
 - c. The fixture is properly aimed such that the light is targeted solely on the flag being lit and does not cause glare or light to shine on any adjacent property or public right-of-way.
 - (5) Landscaping and architectural features may be uplit provided that:
 - a. Each landscaping or architectural feature may be highlighted with a maximum lumen output of 1,000 lumens (equal to 60 watt incandescent lamp), regardless of the number of fixtures directed at the landscaping or architectural feature;
 - b. Each fixture is carefully shielded and aimed such that light will fall only on the landscaping or architectural feature to be highlighted; and
 - c. All or virtually all light emitted by the fixture will be fully captured by the landscaping or architectural feature to be highlighted, such that the light will not extend above the relevant feature.

(Ord. of 7-22-2013, § 60.31)

Sec. 36-729. Medical marihuana caregivers.

- (a) *Intent.*
- (1) It is the intent of these regulations to allow medical marihuana caregivers, as defined by the Michigan Marihuana Act, as a home occupation pursuant to section 36-64, and further to protect the health, safety, and welfare of law enforcement officers and other persons in the community. These regulations are designed to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, distribution, and use of marihuana for medical purposes; and to regulate around this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose the community and its residents to significant adverse conditions and the uninspected installation of unlawful structural, electrical, plumbing and mechanical equipment that create dangerous health, safety, and fire conditions.

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(Supp. No. 6)

(2) These regulations allow for activity based on the Act. Nothing in these regulations shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Act means Initiated Law 1 of 2008 (MCL 333.26421 et seq.), and Michigan Administrative Rules, R 333.101 et seq.

Department means the state department of community health.

Distribution means the physical transfer of any amount of marihuana in any form by one person to any other persons, whether or not any consideration is paid or received.

Distributor means any person, including, but not limited to, a caregiver, patient or any other person, who engages in any one or more acts of distribution.

Facility or premises means one premises having a separate or independent postal address.

Marihuana means the substance or material defined in section 7106 of the public health code, Public Act No. 368 of 1976 (MCL 333.7106).

Primary caregiver or caregiver means a person as defined under MCL 333.26423(g) of the Act, and who has been issued and possesses a registry identification card under the Act.

Principal residence means the place where a person resides more than one-half of the calendar year.

Qualifying patient or patient means a person as defined under MCL 333.26423(h) of the Act.

Registry identification card means the document defined under MCL 333.26423(i) of the Act.

(c) *Application requirements.*

(1) In addition to the requirements for home occupation pursuant to section 36-64 home occupation, a medical marihuana caregiver shall submit a zoning compliance application. The requirement of these regulations is to permit a location, and not to regulate persons. An application as supplied by the township shall describe each of the following and shall:

- a. Not require the name, home address, or date of birth of a caregiver.
- b. Include the address and legal description of the precise premises at which, there shall be possession, cultivation, distribution or other assistance in the use of marihuana. The fact that a caregiver or other person providing assistance to patients also has an ID card as a patient shall not relieve the obligation to provide this information.
- c. Specify the address of the place where all unused portions of marihuana plants cultivated in connection with the use of marihuana or caregiver activity at the premises shall be disposed.
- d. Describe the enclosed, locked facility in which any and all cultivation of marihuana is proposed to occur, or where marihuana is stored, with such description including: location in building; precise measurements, in feet, of the floor dimensions and height; the security device for the facility.
- e. Describe all locations in the premises where a caregiver or other person authorized under the Act shall render assistance to a qualifying patient.
- f. Specify the number of patients to be assisted, including the number of patients for whom marihuana is proposed to be cultivated, and the number of patients to be otherwise assisted on the premises, and the maximum number of plants to be grown or cultivated at any one time. If the location at which patients will be assisted is different from the licensed premises, the

application shall provide the address of all such other locations (other than the address of a patient being assisted). The maximum number of patients and plants is specified in subsection (c)(2)b of this section.

- g. For safety and other code inspection purposes, it shall describe and provide detailed specifications of all lights, equipment, and all other electrical, plumbing, and other means proposed to be used to facilitate the cultivation of marihuana plants as such specifications relate to the need for the installation of facilities. As noted in subsection (c)(2)d of this section, all new construction including structural, electrical, plumbing, and mechanical shall meet current state construction codes and shall require necessary permits and inspections.

The standards of approval as noted below will be used to review each application. An inspection will be made at each location noted in the application to verify the standards.

(2) Requirements and standards for approval.

- a. Locations used for the cultivation and/or use of marihuana by caregivers and any other person permitted under the Act are pursuant to section 36-64 home occupation. As a home occupation this use shall not be permitted under the following circumstances:
 - 1. Within 500 feet from sites where children are regularly present, and specifically a daycare facility, a church, synagogue, mosque, or other religious temple, and from a recreational park and a public community center, a public or private preschool, elementary school, middle school, high school, community college, and all other schools that have different name references but serve students of the same age.
 - 2. Within 500 feet of an adult use, as defined in this chapter, if applicable (attach appendix if not stated or incorporated).
 - 3. Within 500 feet from the site at which any other caregiver or any other person cultivates marihuana, or assists in the use of marihuana, not including a patient's principal residence which is not used to cultivate marihuana or assist in the use of medical marihuana for persons other than the patient at such residence.

Measurements for purposes of this subsection a. shall be made from property boundary to property boundary.

- b. The location of the facility at which a caregiver or any other person permitted under the Act cultivates marihuana, or assists a patient in the use of marihuana, shall not be the same facility at which any other caregiver or person cultivates marihuana or assists a patient in the use of marihuana. Accordingly, at a patient's principal residence used by such patient to cultivate marihuana for his personal use as permitted under the Act, there shall be not more than 12 marihuana plants being cultivated at any one time; only at a licensed facility may there be more than 12 marihuana plants being cultivated at any one time; and, at a facility at which a caregiver or any other person permitted under the Act cultivates marihuana for use by patients, there shall not be more than 12 marihuana plants being cultivated at any one time per patient, and in no event more than 60 marihuana plants being cultivated at any one time (which assumes cultivation for five patients), plus an additional 12 plants if the caregiver is also a patient that has not designated a caregiver to assist in providing medical marihuana.
- c. In order to insulate children and other vulnerable individuals from such actions, all medical marihuana cultivation, and all assistance of a patient in the use of medical marihuana by a caregiver, shall occur within the confines of a building licensed under this section, and such activities shall occur only in locations not visible to the public. This subsection shall not prohibit a caregiver from assisting a patient at the patient's principal residence or at a hospital.

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- d. All lights, plumbing, equipment, and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants shall be in accordance with all applicable state construction codes.
 - e. Considering that the distribution of marihuana is generally unlawful, and that the Act authorizes caregivers, and does not authorize any activity such as a dispensary (authorized by statutes in other states), and reading the Act as a whole, the activities of caregivers are interpreted as being limited to private and confidential endeavors. Moreover, the location and identity of a caregiver is known to patients. Accordingly:
 - 1. Signage shall be in accordance with the township home occupation standards found in section 36-64(1)i.
 - 2. Unless conducted as part of a related licensed professional medical or pharmaceutical practice, caregiver activity shall not be advertised as a clinic, hospital, dispensary, or other name customarily ascribed to a multi-patient professional practice.
- (3) Use of land in accordance with approved application. If approved, all use of property shall be in accordance with an approved application, including all information and specifications submitted by the applicant in reliance on which the application shall be deemed to have been approved.
- (d) *Restriction on distribution.*
- (1) The restrictions in this section are based on the following findings:
 - a. It is reasonable to expect and require that all undertakings of caregivers and other persons in assisting a patient are intended to occur on a confidential and private one-to-one basis.
 - b. The Act does not reflect the intent for distributions of marihuana by more than one caregiver or other person to one patient, or by one or more caregivers or other persons to more than one patient at any given time and place.
 - c. The confidentiality provisions of the Act reflect the intent for all caregivers and patients to remain anonymous in terms of their name and address, thus further reflecting the private and confidential nature of the activities contemplated between a caregiver and the patient he is assisting.
 - (2) Restrictions.
 - a. A caregiver and any other person authorized under the Act to assist patients, if any, shall distribute medical marihuana only on a confidential, one-to-one basis with no other caregiver being present at the same facility at the same time, and no other patient or other person being present at the same facility at the same time; provided that a patient's immediate family members or guardian may be present within the patient's private residence, and one family member or guardian may be present in any facility other than the patient's private residence. For purposes of this subsection, the term "same time" shall mean and include concurrently as well as within a time interval of one hour.
 - b. Considering the health issues presented, no food shall be sold from the facility used for the distribution of medical marihuana.
- (e) *Inspection of patient cultivation.* Upon the request of a patient who is cultivating medical marihuana, the public safety director of the community shall confidentially coordinate any inspectors with regard to the siting of such cultivation for the purpose of determining whether all structural, electrical, plumbing, or mechanical means used to facilitate the cultivation of marihuana plants is in accordance with applicable code. In carrying out the provisions of this subsection, community officials shall not require the name and address of the patient. Rather, the intent of this subsection is to focus on the premises, and to ensure safety

for the benefit of the resident of the premises and others who may be affected by one or more code violations.

(Ord. of 7-22-2013, § 60.32; Ord. No. 19-66, § J, 11-12-2019)

Editor's note(s)—Ord. No. 19-66, § J, adopted Nov. 12, 2019, amended § 36-729, and in so doing changed the title of said section from medical marihuana cultivation, use and distribution, to read as set out herein.

Sec. 36-730. Agricultural commercial/tourism business.

- (a) *Intent.* It is the intent of the township to allow, through a conditional land use permit, uses of a commercial/tourism nature that are complementary and accessory to the primary agricultural land use in the AR zoning district. It is also the intent to:
- (1) Promote and maintain local farming and the provision of open space within the township.
 - (2) Maintain both an agricultural heritage and rural character.
 - (3) Encourage new agriculturally based businesses that contribute to the general economic conditions of the township and surrounding region.
- (b) *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.
- (c) *Permitted businesses.* The following agricultural commercial/tourism businesses may be permitted after conditional land use review, pursuant to article XXVII of this chapter:
- (1) Cider mills or wineries selling product, in a tasting room, containing at least 50 percent of crops or produce grown on-site.
 - (2) Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
 - (3) The processing, storage, and retail or wholesale marketing of agricultural products into a value-added agricultural product in a farming operation if at least 50 percent of the stored, processed, or merchandised products are produced by the farm operator.
 - (4) Community supported agriculture or CSA.
 - (5) Uses listed in subsections (c)(1) through (c)(4) of this section 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 50 percent of the gross receipts from the farm:
 - a. Value-added agricultural products or activities such as educational tours of processing facilities, etc.
 - b. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 - c. Petting farms, animal display, and pony rides.
 - d. Wagon, sleigh, and hayrides.
 - e. Nature trails.
 - f. Open air or covered picnic area with restrooms.
 - g. Educational classes, lectures, seminars.

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- h. Historical agricultural exhibits.
 - i. Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least 50 percent produce grown on site.
 - j. Gift shops for the sale of agricultural products and agriculturally related products. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.
- (6) Other commercial/tourism business that are complementary and accessory to the primary agricultural land use of the subject property, including but not limited to small-scale entertainment (e.g., music concert, car show, art fair); organized meeting space (e.g., for use by weddings, birthday parties, and corporate events); or designated, permanent parking for more than 20 vehicles.
- (d) *Supplemental regulations.*
- (1) There is a minimum lot area of ten acres.
 - (2) All uses permitted by this section may have access on any road type within the township with the condition that the increase in traffic shall not create a nuisance, as defined in this chapter, to nearby residents by way of traffic or noise or increase the public cost in maintaining the roadway.
 - (3) A 200-foot open buffer shall be provided on all sides of the property not abutting a roadway. 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.
 - (4) 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 36-722.
 - (5) Off-street parking must be provided to accommodate use as outlined in subsection (c) of this section.
 - a. 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.
 - b. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
 - c. 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 chapter.
 - (6) The following additional operational information must also be provided as applicable:
 - a. Ownership of the property.
 - b. Months (season) of operation.
 - c. Hours of operation.
 - d. Anticipated number of customers.
 - e. Maintenance plan for disposal, etc.
 - f. Any proposed signs.
 - g. Any proposed lighting.
 - h. Maximum number of employees at any one time.

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- i. Restroom facilities.
 - j. Verification that all outside agency permits have been granted, i.e., federal, state, and local permits.

(7) All areas of the property to be used, including all structures on site, must be clearly identified.

(Ord. of 7-22-2013, § 60.33)

Sec. 36-731. Food cart vending standards.

- (a) *Purpose.* The purpose and intent of this sections pertaining to the regulation of food cart vending is to ensure the safe and orderly performance of selling on public and private property within the Whitmore Lake district. This section is further designed to recognize the benefits that food cart vendors provide for village environments.
- (b) *Permit requirements.*
 - (1) All food cart vendors shall be required to obtain a certificate of zoning compliance pursuant to section 36-972. The application for a certificate of zoning compliance shall contain any and all information pursuant to section 36-972(k), including drawings and/or photographs that are required and necessary to determine compliance with this section. It shall be unlawful for any person to operate a food cart without having first obtained a certificate of zoning compliance as required in this article. Certificate of zoning compliance permit shall be reviewed by the public safety director.
 - (2) Food cart vendors selling food or drink shall be required to obtain appropriate permits and/or approval from the county health department. The county permit must be presented prior to obtaining zoning compliance.
 - (3) A certificate of insurance to cover public liability must be presented prior to obtaining a permit.
- (c) *Duration of permit.* Permits shall be valid for a maximum of one year and must be renewed for continued operation. All permits shall expire on April 30 of each calendar year
- (d) *Fee.* The fee for permits shall be established, and may be amended, by resolution of the township board. The fee shall be paid to the township treasurer at the time of application for the permit.
- (e) *Standards.*
 - (1) Location and zoning district.
 - a. Food cart vending may be located on public or private property with the written consent of the property owner.
 - b. Food cart vending is limited to the Whitmore Lake (WLD) Districts.
 - (2) Hours of operation. No person shall engage in vending after 10:00 p.m. or before 6:00 a.m.
 - (3) Sales of goods and merchandise are limited to food, nonalcoholic beverage, and accessory merchandise to including but not limited to clothing and souvenirs. Sales of merchandise shall be accessory to food and nonalcoholic beverage sales and not the principal use of the cart.
 - (4) The cart area shall not exceed 60 square feet; the length of the cart shall not exceed ten feet and the width shall not exceed six feet. The height of the food cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed six feet. All equipment required for the operation shall be contained within, attached to or within three feet of the food cart.

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- (5) Food carts and allowable accessory supplies must not obstruct free passage of pedestrians or vehicles; the net passable sidewalk shall not be reduced to less than five feet in width. Food carts and accessory supplies cannot obstruct an entrance, exit, or sight triangle, and cannot jeopardize public safety.
 - (6) Food carts shall be removed from all permitted locations during impermissible hours of operation and shall not be stored, parked, or left overnight on any public street or sidewalk.
 - (7) Food carts may be placed no closer than 18 inches from a curb.
 - (8) No food cart vendor shall locate any accessory supplies closer than five feet of the entranceway to any structure or closer than 100 feet from any property line of a permanent business that sells similar items, unless the owner of such business gives written permission for the infringement of the "no vending" area or if the food cart is located on property owned or controlled by the vendor.
 - (9) No more than two carts will be allowed on any block face and no more than one cart shall be allowed upon any one parcel of private property.
 - (10) All food carts must be equipped with garbage or refuse container; such containers must conform to the location standards within this chapter.
 - (11) Vendors shall not cause undue noise or offensive odors.
- (f) *Exemptions.* The following are exempt from having to present a certificate of zoning compliance:
- (1) Farmers market stands pursuant to the Michigan Right to Farm Act.
 - (2) Nonprofit organizations.
 - (3) Vendors who sell within a special event location as authorized by the township.
- (g) *Suspension and penalty.*
- (1) The township may authorize a temporary suspension of any regulation under this article, such suspension to be in effect during a township-approved festival or activity.
 - (2) Failure to adhere to the regulations for food cart vending listed in this section is cause for revocation or suspension of the certificate of zoning compliance.
 - (3) The operation of a food cart without a certificate of zoning compliance shall be considered a violation of this zoning chapter and be subject to section 36-979, pertaining to violations and penalties.







(Ord. of 6-4-2014, § 60.34)

Sec. 36-732. Child care facilities.

- (a) *Intent.* It is the intent of this section to establish standards for child care facilities which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) A state-licensed family child care home shall be considered a residential use of property and a permitted use in all residential districts. Family child care homes shall be prohibited in all other districts.
 - (2) The township may, by issuance of a conditional use permit, authorize the establishment of group child care homes and child care centers as specified in district regulations and subject to the standards in this section.
- (c) *Standards for group child care homes.* Group child care homes shall be considered as a conditional land use subject to the requirements and standards of article XXVII of this chapter and the following additional standards:
 - (1) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.

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- (2) The property is maintained in a manner that is consistent with the visible characteristics of the neighborhood.
 - (3) Fencing shall be provided that is designed to discourage climbing, and is at least four feet in height, but no higher than six feet. The area to be fenced shall be determined by the planning commission.
 - (4) The hours of operation do not exceed 16 hours within a 24-hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the dropoff and pickup of children is not disruptive to neighboring residents.
 - (5) One off-street parking space per employee not a member of the group child care home family shall be provided.
 - (6) Appropriate licenses with the state shall be maintained.
- (d) *Standards for child care centers.* Child care centers shall be considered as a conditional land use subject to the requirements and standards of article XXVII of this chapter and the following standards:
- (1) Frontage on either a principal or minor arterial street shall be required.
 - (2) A separate dropoff and pickup area shall be provided adjacent to the main building entrance, located off of 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.
 - (3) Off-street parking shall be provided at a rate of one space per employee plus one space for every five children enrolled at the facility.
 - (4) There shall be an outdoor play area of at least 1,000 square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived by the planning commission if public play area is available 500 feet from the subject parcel.
 - (5) Appropriate licenses with the state shall be maintained.

(Ord. of 6-4-2014, § 60.34)

Sec. 36-733. Adult foster care facilities and foster family homes.

- (a) *Intent.* It is the intent of this section to establish standards for adult foster care facilities and foster family homes which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) A state-licensed adult foster care family home, foster family home or foster family group home serving six persons or less shall be considered a residential use of property and a permitted use in all residential districts.
 - (2) The township may, by issuance of a conditional use permit, authorize the establishment of adult foster care family homes serving more than six persons (adult foster care small group homes and adult foster care large group homes) in the MR district. Such facilities shall be prohibited in all other districts.
 - (3) The township may, by issuance of a conditional use permit, authorize the establishment of an adult foster care congregate facility in the MR district. Such facilities shall be prohibited in all other districts.
- (c) *Standards for adult foster care family homes serving more than six persons (adult foster care small group homes and adult foster care large group homes).* Such homes shall be considered as a conditional land use subject to the requirements and standards of article XXVII of this chapter and the following additional standards:

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- (1) A site plan, prepared in accordance with article XXVIII of this chapter, shall be required to be submitted.
 - (2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
 - (3) The property is maintained in a manner that is consistent with the character of the neighborhood.
 - (4) One off-street parking space per employee and/or caregiver shall be provided.
 - (5) In its sole discretion, the township may determine that landscape transition strip in accordance with section 36-706 is required.
 - (6) Appropriate licenses with the state shall be maintained.
- (d) *Standards for adult foster care congregate facilities.* Such facilities shall be considered as a conditional land use in the MR district, subject to the requirements and standards of article XXVII of this chapter and the following standards:
- (1) A site plan, prepared in accordance with article XXVIII of this chapter, shall be required to be submitted.
 - (2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
 - (3) Parking requirements as required for convalescent homes and similar facilities, set forth in article XXV of this chapter shall be met.
 - (4) All landscape requirements set forth in section 36-722 shall be met.
 - (5) Appropriate licenses with the state shall be maintained.

(Ord. of 6-4-2014, § 60.35)

Sec. 36-734. Temporary outdoor sales.

Temporary outdoor sales are allowed subject to the following requirements:

- (1) No part of such sales operation shall be located within any required setback or transitional strip.
- (2) The sales operation shall not impede or adversely affect vehicular and pedestrian traffic flow or parking maneuvers.
- (3) One sign not to exceed eight square feet may announce such sales. Such sign shall not be located in a required yard or transition strip. Such a sign shall be contemporary in nature, nonilluminated and approved as to safety and stability by the building inspector.
- (4) The sign, merchandise, and all equipment used in such sales and all debris and waste resulting therefrom shall be removed from the premises within three days of termination of the sale.
- (5) A cash bond of \$100.00 shall be provided to the township prior to the start of an approved sale to guarantee site clean-up as required in subsection (4) of this section.
- (6) A scaled site plan shall be provided with the application for conditional use permit showing thereon the location and extent of such sales.

(Ord. of 7-8-2014, § 60.37)

Sec. 36-735. Outdoor seating and/or service.

Outdoor seating and/or service shall be allowed subject to the following requirements:

- (1) The sales and service of food and beverages outdoors shall only be permitted as incidental to a similar principal use that is indoors and adjacent to the outdoor food and beverage sales and service.
- (2) Outdoor dining areas shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor dining areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor dining areas are located on a sidewalk, a minimum five-foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.
- (3) Temporary food service providers, such as food card vendors (section 36-731) are not considered outdoor dining uses.
- (4) Tables and chairs must remain within a well-defined and clearly marked area, separated from vehicular traffic. In instances where there is wait staff or alcohol service, such areas must be enclosed. Enclosures shall consist of metal railing, brick walls, landscape planters or other suitable materials using decorative, dark colored wrought iron-look fencing, or other materials consistent with the color and materials of the main building. The height of any barrier or landscaping enclosure shall not exceed three feet, six inches.
- (5) All furniture and fixtures shall be removed November 1 through March 31. Outdoor dining furniture and fixtures shall not be stored or stacked on the exterior of the building.
- (6) No amplified music shall be permitted if there are residential lots or dwellings within 300 feet, measured from the seating area to the adjacent residential lot line. The outdoor dining area must also abide by all noise ordinance restrictions of the township.
- (7) The hours of operation for the outside dining area shall be consistent with the hours of operation of the inside restaurant.
- (8) No such use shall occupy any portion of a public right-of-way.
- (9) For plans showing more than 20 occupants within the outdoor dining area, the off-street parking for the use shall be computed according to the standards contained in article XXV and/or the applicable zoning district, as indicated for the indoor portion of the use. If the plans show 20 or fewer occupants, no additional parking shall be required unless required by the township approving authority.
- (10) If the outdoor dining area is proposed as part of a site plan application, or if it contains seating for more than 20 occupants, it shall require site plan review and approval by the planning commission. If the outdoor dining area is proposed to be added for an existing business and contains seating for 20 or fewer occupants, a plan providing sufficient information to determine compliance with this section may be approved administratively by the township.
- (11) No such seating shall be located in a required side yard.
- (12) Approval of the county health department as required.
- (13) The maximum allowable seating for an outdoor seating area in excess of 20 seats shall be established as part of the conditional use permit.

(Ord. of 7-8-2014, § 60.38; Ord. No. 17-53, § 16, 2-14-2017)

Sec. 36-736. Mini-warehousing.

Mini-warehousing facilities shall be allowed subject to the following requirements:

- (1) Minimum lot area shall be two acres located on either a major or minor thoroughfare designated by the master plan.
- (2) Maximum lot width shall be 200 feet.
- (3) A six-foot screening, fence, berm or other appropriate method of screening shall be constructed around the perimeter of the development as approved by the planning commission.
- (4) Minimum distance between buildings shall be 25 feet.
- (5) A front setback of no less than 50 feet shall be maintained in landscape open space. Side yard setback shall be no less than 25 feet, and rear yard setback shall be no less than 40 feet.
- (6) All areas intended for vehicle travel shall be paved with asphalt or concrete as approved by the planning commission.
- (7) Exterior wall of all storage units shall be of masonry construction.
- (8) Site development shall be compatible with surrounding areas.
- (9) No outside storage permitted.
- (10) Exterior lighting in accordance with the requirements of section 36-728.

(Ord. of 7-8-2014, § 60.39)

Sec. 36-737. Drive-in facilities.

Drive-in facilities shall be allowed subject to the following requirements:

- (1) Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on the site. Access to and egress from the site will not interfere with peak hour traffic flow on the street serving the property.
- (2) Projected peak hour traffic volumes which will be generated by the proposed drive-in service shall not cause undue congestion during the peak hour of the street serving the site.
- (3) On-site vehicle stacking for drive-in windows shall not interfere with access to, or egress from the site or cause standing of vehicles in a public right-of-way.

(Ord. of 7-8-2014, § 60.40)

Sec. 36-738. Standards for marihuana establishments and facilities.

- (a) These standards shall apply to all marihuana establishments and facilities, unless otherwise noted, and excepting caregivers, which are regulated by section 36-729, medical marihuana caregivers and section 36-64, home occupation.
- (b) Marihuana related activities shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, Marihuana Facilities Licensing Act, the Marihuana Tracking Act, the Michigan Regulation and Taxation of Marihuana Act and all State of Michigan regulations for the transfer of marihuana, and the general rules of the Michigan Department of Community Health, as they may be amended from time to time.

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- (c) All marihuana establishments and facilities shall submit a zoning compliance application, shall obtain structural, electrical, plumbing, and mechanical permits and inspections to meet current state construction codes, and shall obtain a certificate of occupancy prior to any operation or occupancy of said establishment or facility.
 - (d) Site plan approval and conditional use approval shall be required for all marihuana establishments and facilities.
 - (e) The applicant location shall meet all applicable written and duly promulgated standards of the township and, prior to opening, shall demonstrate to the township that it meets the rules and regulations promulgated by the medical/recreational marihuana licensing board and obtain a certificate of occupancy.
 - (f) The establishment or facility location shall conform to all standards of the zoning district in which it is located.
 - (g) Establishments and facilities are not permitted within a 500-foot radius of any primary, intermediate or secondary school measured by the shortest possible line from the property edges.
 - (h) The minimum distance from other marihuana facilities and establishments is 1,000 feet. Colocation of use classes on one site is permitted when consistent with state standards and all uses are permitted in the zoning district.
 - (i) In the AR district, the minimum lot size for Recreational Class B growers shall be ten acres. In the AR district the minimum lot size for Medical Class A, and Recreational Class A growers shall be five acres.
 - (j) Hours of operation permitted for retail, provisioning centers, and microbusinesses: Monday—Saturday: 9:00 a.m.—9:00 p.m.; Sunday: 10:00 a.m.—6:00 p.m.
 - (k) All activity related to the marihuana establishment or facility shall be done indoors.
 - (l) All establishments and facilities must ensure that any water emanating from the establishment or facility meets or exceeds all applicable state and local environmental standards.
 - (m) No required water supply and sanitary sewerage facilities shall be erected, altered, or moved upon a lot or premises and used in whole or in part for a marihuana facility unless it shall be provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial, and industrial waste. All such installations and facilities shall conform to the minimum requirements Washtenaw County, and any applicable statutes, ordinances, or regulations.
 - (n) Security cameras shall be installed and maintained. Security cameras, which include recordings and all recordkeeping, shall comply with all state requirements. All security cameras shall have at least 120 concurrent hours of digitally recorded documentation. The security cameras shall be in operation 24 hours a day, seven days a week, and shall be set to maintain the record of the prior 120 hours of continuous operation. An alarm system is required that is operated and monitored by a recognized security company. A security plan shall be provided and approved by the public safety director.
 - (o) Exterior lighting shall be required for security purposes, but in accordance with the provisions of the zoning ordinance.
 - (p) Any medical marijuana provisioning center shall not have exterior signage using the word "marihuana" and/or "marijuana" or any other word, phrase or picture commonly understood to refer to marijuana. Neon signs and non-functional decorative lighting shall be prohibited. Sign(s) shall be posted stating that "No loitering is permitted" on such property.
 - (q) Marihuana establishments and facilities are not permitted to operate in a manner that results in adverse impacts on adjacent property; including excessive odor, traffic, noise, or loitering. The township may place reasonable conditions on facilities to ensure operation consistent with community norms. Failure to comply

with township regulations or conditions of approval shall be cause to revoke a local license. Odor for growers and processors shall be regulated as follows:

- (1) The building shall be equipped with an activated carbon filtration system for odor control and air scrubbing to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (2) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (3) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days, or according to manufacturer recommendations, whichever is less.
 - (4) Negative air pressure shall be maintained inside the building.
 - (5) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (6) An alternative odor control system is permitted if the special use permit applicant submits and the township accepts a report by a mechanical engineer licensed by the State of Michigan demonstrating the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The township may hire an outside expert, at the cost of the applicant, to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - (7) Secure transporters and safety compliance facilities shall also be required to submit plans for odor control for approval if in the opinion the planning commission such plans are required for the protection of the township and its residents.
- (r) If the marihuana establishment or facility ceases operation for a length of time of 90 days or greater, the conditional use shall expire.
- (s) Marihuana drive-through retail establishments and provisioning centers shall be prohibited.
- (t) All marihuana shall be contained within a structure that meets all applicable building code requirements in an enclosed, locked area. A floor plan shall be provided with the site plan application.
- (u) Application for a local marihuana facilities permit shall be made to the township clerk, or a designee. The application shall be made using forms provided by the township clerk, or a designee, for a marihuana facilities permit. The application shall be signed by the applicant verifying the truth and accuracy of all information and representations. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules of the State of Michigan. In addition to information and submittals, the application shall include payment of application fee in an amount set by the township board. Applications shall be filed according to licensing regulations, procedures, and fees established by the township board, and may be amended.
- (v) A state license is required for all marihuana establishments and facilities.
- (w) Prior to issuance of a certificate of occupancy, an authorized marihuana establishment or facility shall comply with the following regulations and shall only be operated as long as it remains in compliance with all such ordinances.
- (1) Compliance with state and township licensing requirements and proof of issuance of a state operating license and compliance with all rules promulgated there under is filed with the township.

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- (2) Compliance with all township zoning regulations with written approval of zoning compliance issued by the township zoning administrator.
 - (3) Compliance with all township construction and building ordinances and applicable police power ordinances.
 - (x) Inspections may be made by the township official's designee to confirm the marihuana establishment or facility is operating in accordance with applicable laws including, but not limited to, state law and township ordinances.
 - (y) The premises shall be open for inspection upon request by the zoning administrator, code enforcement officer, building official, fire department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
 - (z) The penalties and fees collected by the township for marihuana establishments and facilities shall be the maximum permissible by the State of Michigan unless otherwise established by the township board.

(Ord. No. 19-66, § K, 11-12-2019)

Editor's note(s)—Ord. No. 19-66, § K, adopted Nov. 12, 2019, added provisions to the Code as § 36-761. Inasmuch as there were already provisions so designated, the provisions have been redesignated as § 36-738, at the discretion of the editor.

Secs. 36-739—36-760. Reserved.

ARTICLE XXV. OFF-STREET PARKING AND LOADING/UNLOADING REQUIREMENTS

Sec. 36-761. General provisions for off-street parking.

- (a) The regulations of this article shall be met in all districts whenever any uses are established or any building or structure is erected, enlarged, or increased in capacity.
- (b) 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 and building inspector for review at the time of application for a building 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 XXVIII of this chapter, in which case this requirement shall not apply.
- (c) No parking area or parking space which exists at the time the ordinance from which this chapter is derived becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this chapter, shall thereafter be relinquished or reduced in any manner below the requirements established by this chapter.
- (d) Parking of motor vehicles, in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed three-fourths ton, shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those belonging to a church or school and parked on church or school property, is prohibited in a residence district. Parking of recreation vehicles shall be regulated as provided in section 36-703. 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 buildings.

(e) The storage of merchandise or vehicle parts in any parking lot in any district is prohibited.

(Ord. of 7-22-2013, § 61.01)

Sec. 36-762. Specifications for parking areas.

- (a) Required off-street parking facilities shall be located on the same lot as the principal building for which the parking is intended or on another lot wherein the parking facilities are within 300 feet of the building they serve.
- (b) Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following regulations:
- (1) All off-street parking spaces and all driveways shall not be closer than ten feet to any property line, unless a wall, screen, or compact planting strip is provided as a parking barrier along the property line, except in RC, AR, and all single-family zoning districts, in which case, a minimum distance is not required for residences only.
 - (2) Off-street parking spaces shall not be located in the front yard setback, or, when the lot is a corner lot, the parking spaces shall not be located within the required setback of either street.
 - (3) All off-street parking areas shall be drained so as to prevent drainage to abutting properties and surface drainage onto public streets. All parking areas shall be paved with a concrete or asphaltic surface and parking spaces shall be marked with striping. In certain circumstances, the planning commission shall be able to waive asphaltic or concrete surface requirements with a gravel surface. A cross-section of the proposed gravel parking surface must be reviewed and approved by the township engineer. The minimum cross-section shall be equal to that of a private Class B gravel road as specified in the township engineering design standards or an equivalent design as approved by the township engineer. A gravel surface may be permitted if all of the following conditions exist as defined by supporting documentation provided by the petitioner and the township engineer:
 - a. The property under consideration is zoned AR, Agricultural.
 - b. The existing or proposed use does not require more than 45 parking spaces for employee and customer parking.
 - c. Potential problems arising from dust or scattered gravel will not impact neighboring properties.
 - d. The township engineer provides an analysis that the gravel surface will be drained appropriately and will not impose adverse impacts on adjacent properties.
 - (4) Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining streets or residential lots.
 - (5) Any off-street parking area providing space for five or more vehicles shall be effectively screened on any side which adjoins a lot in any residential district by a wall, screen, or compact planting not less than four feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 - (6) All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited; provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.
 - (7) All spaces shall have adequate access by means of aisles or lanes.
 - (8) Ingress and egress to parking lots shall be provided for all vehicles by means of clearly limited and defined drives.

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- (9) Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way movements. Aisles for angle parking spaces shall have one-way movement only and shall be clearly marked for one-way movement.
 - (10) Not more than 15 parking spaces shall be permitted in a continuous row in rural and urban residential districts without being interrupted by landscaping. Not more than 20 parking spaces shall be permitted in a continuous row in business and industrial districts without being interrupted by landscaping.
 - (11) All required landscaped areas and screens shall be maintained in a healthy, neat, and orderly appearance.
 - (12) Each off-street parking space for automobiles shall not be less than 200 square feet in area, with a minimum width of ten feet, exclusive of access drives or aisles, and shall be of usable shape and condition. Maneuvering lanes and isles shall be designed to meet NEPA standards for emergency vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:
 - a. For 90 degree or perpendicular parking, the aisle shall not be less than 22 feet in width.
 - b. For 60 degree parking, the aisle shall not be less than 18 feet in width.
 - (c) Off-street parking facilities for trucks at restaurants, service stations, and similar establishments shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities.
- (Ord. of 7-22-2013, § 61.02)

Sec. 36-763. Rules for calculating required number of parking spaces.

- (a) 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 used for parking within the principal building, incidental service, storage, installations of mechanical equipment, heating systems, and similar uses need not be included.
- (b) In stadiums, sport arenas, churches and other places of assemble in which those in attendance occupy benches, pews, or other seating facilities, each 18 inches of such seating shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and added together.
- (c) 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.
- (d) For requirements stated in terms of capacity or permitted occupancy, the number shall be determined on the basis of the largest ratings by the local county or state building, fire, or health codes.
- (e) Any fractional space shall be counted as one additional required space.
- (f) The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses computed in accordance with this chapter. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as provided in subsections (g) and (h) of this section.
- (g) If a parking lot serves two or more uses where the operating hours of the uses do not overlap, the total number of required spaces may be less than the sum of requirements of each use, to a limit of the sum of one-half of the parking requirements of each use. In no case, however, shall the number of spaces required be less than the sum of the largest number of spaces required for one use plus one-half of the required spaces for each additional use. The zoning administrator shall determine the conditions of overlapping

requirements and the amount of reductions in the required number of spaces which shall be permitted, in accordance with this subsection.

- (h) Off-street parking spaces required for churches may be reduced by 50 percent where churches are located in nonresidential districts and within 300 feet of existing usable public or private off-street spaces where permission is granted. The zoning administrator shall determine if such public or private spaces qualify under this section. The required number of off-street parking spaces may also be reduced in accordance with subsection (g) of this section, if applicable.
- (i) Where a use is not specifically listed in the schedule of requirements, the parking requirements of a similar use shall apply. The zoning administrator shall make the interpretation.

(Ord. of 7-22-2013, § 61.03)

Sec. 36-764. Schedule of off-street parking requirements.

The minimum required off-street parking spaces shall be set forth as follows:

- (1) Automobile service stations: One space for each 800 square feet of floor area, plus one space for each four employees, plus five spaces for each service bay. If towing is provided by the station, an additional five spaces for each service bay shall be required.
- (2) Automobile or machinery sales and/or service establishments: One space for each 200 square feet of showroom floor area, plus five spaces for each service bay, plus one space for each two employees. If towing service is provided by the garage, an additional five spaces for each service bay shall be required.
- (3) Automobile wash, drive-in: Five spaces for each washing stall (not including space in each stall), plus one space for each employee.
- (4) Banks, business and professional offices: One space for each 200 square feet of gross floor area.
- (5) Barber shops and beauty parlors: One space for each chair, plus one space for each employee.
- (6) Bowling alleys: Five spaces for each alley.
- (7) Churches, auditoriums, stadiums, sport arenas, theaters, dancehalls other than schools: One space for each four seats.
- (8) Contractors establishments: One space for each employee, plus one space for each vehicle stored on the premises.
- (9) Dwellings, single-family: Two spaces for each family or dwelling unit.
- (10) Dwellings, mobile home park: Two spaces per unit, plus one space for each two employees of the park.
- (11) Dwellings, two-family and multiple-family: Two spaces for each family or dwelling unit.
- (12) Dwellings, senior citizens units: One space for each two dwelling units, plus one space for each employee.
- (13) Funeral homes and mortuaries: Four spaces for each parlor or one space for each 50 square feet of floor area, plus one space for each fleet vehicle, whichever is greater.
- (14) Furniture and appliance stores, household equipment and furniture repair shops: One space for each 400 square feet of floor area.
- (15) General retail sales establishments, not elsewhere classified: One space for each 200 square feet of gross floor area.

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- (16) Golf courses: Six spaces for each golf hole and one space for each employee, plus spaces as required for each accessory use, such as a restaurant.
 - (17) Hospitals: One space for each bed, excluding bassinets, plus one space for each two employees.
 - (18) Hotels, motels, lodging houses, tourist and boarding homes: One space for each living unit plus one space for each two employees.
 - (19) Junkyards: One space for each employee, plus one space for each operating vehicle stored on the premises, plus two spaces for each acre of land in the yard.
 - (20) Libraries, museums: One space for each 500 square feet of floor area.
 - (21) Manufacturing, fabricating, processing and bottling plants, research and testing laboratories: One space for each 1.5 employees on maximum shift.
 - (22) Material distribution center, truck terminal: One space for automobile parking for each person employed on the premises, including truck drivers; one space for each truck stored on the premises.
 - (23) Medical and dental offices, clinics, banks: One space for each 100 square feet of floor area, plus one space for each employee.
 - (24) Mini-warehouse, self-storage: One space for each four storage units equally distributed throughout the site; two spaces for the manager's residence; one space for each 25 storage units, to be located at the office of the storage complex.
 - (25) Nursery schools, day nurseries, child care centers: One space for each 350 square feet of floor area and one space per employee.
 - (26) Pharmacy, retail sales of medical and dental supplies and medical/dental laboratories: One space for each 400 square feet of floor area in such use, plus the parking space required for other uses of the premises.
 - (27) Private clubs, lodge halls: One space for each three persons of maximum capacity.
 - (28) Professional and business offices: One space for each 200 square feet of gross floor area.
 - (29) Roadside stands: Five spaces for each attendant.
 - (30) Restaurants, cocktail lounges, taverns and night clubs: One space for each two patrons of maximum seating capacity plus one space for each two employees.
 - (31) Retail sales in wholesale establishments: One space for each 200 square feet of retail sales floor area.
 - (32) Self-service laundry or dry cleaning stores: One space for each two washing and/or dry cleaning machines.
 - (33) Schools, private or public elementary and junior high schools: One space for each employee normally engaged in or about the building or grounds, plus one space for each 30 students enrolled.
 - (34) Schools, senior high schools and institutions of higher learning private or public: One space for each employee in or about the building or grounds, plus one space for each four students.
 - (35) Shopping centers: Five and one-half spaces for each 1,000 square feet of gross leasable floor area.
 - (36) Supermarket, self-service food and discount stores: One space for each 200 square feet of gross leasable floor area.
 - (37) Swimming pool clubs, tennis clubs, and similar uses: One space for each two-member family, plus spaces as required for each accessory use, such as a restaurant.
 - (38) Utility substations: Two spaces.

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- (39) Vehicle repair, minor: Five spaces for each service bay, plus one space for each two employees.
 - (40) Vehicle repair, major: Ten spaces for each service bay, plus one for each two employees.
 - (41) Wholesale establishments: One space for each 200 square feet of sales floor area, plus one space for each two employees, plus one space for each vehicle to be stored on the premises.
 - (42) Warehousing/storage: One space for each 2,000 square feet of floor area, plus one space for each vehicle to be stored on the premises, plus one space per employee.

(Ord. of 7-22-2013, § 61.04)

Sec. 36-765. General provisions for off-street loading facilities.

- (a) In connection with every building or part thereof hereafter erected, except single- and two-family dwellings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle shall be provided on the same lot with such buildings. Off-street loading spaces are hereby required in order to avoid interference with public use of streets and parking areas.
- (b) Plans and specifications showing required loading and unloading spaces and the means of ingress and egress and internal circulation shall be submitted to the zoning administrator for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure or at the time such spaces are added or altered, unless a site plan is required under article XXVIII of this chapter, in which case this requirement shall not apply.

(Ord. of 7-22-2013, § 61.05)

Sec. 36-766. Specifications for loading facilities.

- (a) Each off-street loading/unloading space shall not be less than the following:
 - (1) In any rural or residential district, a loading/unloading space shall not be less than ten feet in width and 25 feet in length and, if a roofed space, not less than 15 feet in height.
 - (2) In any commercial or industrial district, a loading unloading space shall not be less than ten feet in width and 55 feet in length and, if a roofed space, not less than 15 feet in height.
- (b) Subject to the limitations of subsection (e) of this section, a loading/unloading space may occupy part of any required side or rear yard; except the side yard along a side street in the case of a corner lot shall not be occupied by such space. In no event shall any part of a required front yard be occupied by such loading space.
- (c) Any loading/unloading space shall not be closer than 50 feet to any other lot located in any residence district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six feet in height, in which case such space shall not be located closer to the lot line than the required yard.
- (d) In the case of mixed uses on one lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of the various uses computed separately.
- (e) All off-street loading/unloading facilities that make it necessary to back out directly into a public road shall be prohibited. All maneuvering of trucks, autos and other vehicles shall take place on the site and not within a public right-of-way.

(Ord. of 7-22-2013, § 61.06)

Sec. 36-767. Schedule of off-street loading requirements.

- (a) Off-street loading/unloading spaces, where required, shall be provided at the rate of one space for the first 5,000 square feet of gross floor area, and one space for each additional 20,000 square feet of gross floor space, or fraction thereof.
- (b) Required off-street parking spaces shall not be included in the counting of required loading spaces.
- (c) In the case of mixed uses on one lot or parcel, the total requirements for off-street loading facilities shall be the sum of the various uses computed separately.

(Ord. of 7-22-2013, § 61.07)

Secs. 36-768—36-787. Reserved.

ARTICLE XXVI. SIGN REGULATIONS⁹

Sec. 36-788. Purpose.

The purpose of this article is to provide regulations for signs in a manner that will minimize their negative effects while allowing for creative and effective communication of information. These regulations are intended to balance the public and private interests, with the goal of promoting a safe, well-maintained, vibrant, and attractive community while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. It is a basic tenet of this article that unrestricted signage does not benefit the community. The objectives of this article are:

- (a) *Public safety.* To promote free flow of motorized and non-motorized traffic and protect motorists, passengers, and pedestrians from injury and property damage caused by, or which may be fully or partially attributable to, visual clutter that confuses or misleads traffic, obstructs vision and is potentially harmful to property values, businesses, and community appearance, and to protect public safety by prohibiting or removing signs that are structurally unsafe or poorly maintained.
- (b) *Community aesthetics.* To preserve the appearance of the township by preventing the placement of oversized signs that are out of scale with surrounding buildings and structures, or the placement of signs with materials or illumination that detracts from the character of the surrounding area, so as to protect the character of neighborhoods in the township, and to protect the public welfare.
- (c) *Effective communication.* To encourage the appropriate design, scale, and placement of signs in a manner that communicates effectively to the intended reader.
- (d) *Economic development.* To allow for adequate and effective signage for businesses to inform, identify, and communicate effectively.
- (e) *Ease of administration.* To have standards and administrative review procedures that are simple for property owners, tenants, and sign installers to understand and follow, and are easily enforceable by township staff.

⁹Editor's note(s)—Ord. No. 19-63, §§ 2, 3, adopted Apr. 9, 2019, amended Art. XXVI in its entirety to read as herein set out. Former Art. XXVI, §§ 36-788—36-805, pertained to similar subject matter. The historical notations of former §§ 36-788—36-805 have been preserved for reference purposes.

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- (f) *Reduce blight.* To reduce blight caused by poorly maintained signs and the proliferation of signs beyond what is permitted in this article.

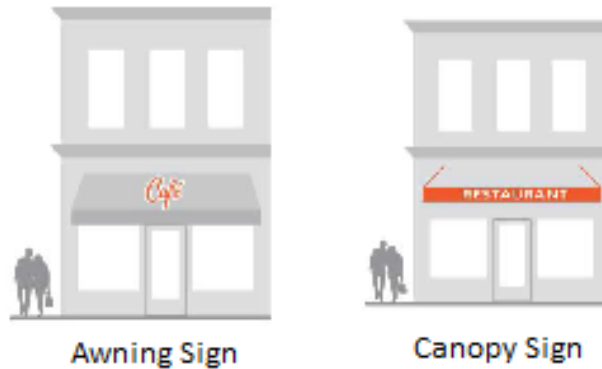
(Ord. of 7-22-2013, § 62.01; Ord. of 6-4-2014, § 62.01; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-789. Definitions.

- (a) *Sign definitions, sign types.* The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:

Animated sign means a sign that has any visible moving part either constantly or at intervals; flashing, scintillating, intermittent, or osculating lights; visible mechanical movement of any description; or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance to depict action, create an image of a living creature or person, or create a special effect or scene. An "animated sign" does not include an "electronic message sign" as defined in this chapter.

Awning sign or canopy sign means a sign that is painted on or attached to an awning or canopy.



Banner sign means a sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached flat either to a wall or temporarily to a permanent sign face.



Billboard. See outdoor advertising sign.

Building-mounted sign means a display sign that is painted on, adjacent to or attached to a building wall, door, and window or related architectural feature including building directories, canopy signs, projecting signs or marquee signs, wall signs, and window signs.

Changeable copy sign means a permanent sign or portion thereof on which the copy or symbols change, either automatically through electrical or electronic means, or manually through the placement of copy and symbols on a panel mounted in or on a track system.

Electronic message sign (EMS) means an electrically activated changeable copy sign whose variable message capability can be electronically programmed.

Festoon means a string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights, typically strung overhead and/or in loops.

Flag means a sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole or attached flat to a wall.

Freestanding sign means any sign that is affixed to the ground surface and supported by one or more uprights, poles, pylons, monuments, or braces placed in the ground and independent of any building or other structure. Signs on water towers or other elevated tanks should be considered as free standing signs.

- a. *Freestanding sign, ground sign or monument sign* means a freestanding sign supported by structures, columns, braces, or other supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A ground sign or monument sign must have a solid supporting base equal to or greater than the width of the sign face constructed of a decorative and durable material, and shall have no separations between the sign face and the base.



Monument Sign

- b. *Freestanding sign, pole sign* means a type of freestanding sign that is elevated above the ground on poles or braces.



Pole Sign

Incidental sign means a small sign, usually two square feet or less, designed and located to be read only by people within the site and generally not visible or legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity. The zoning administrator shall determine whether a sign is an incidental sign, based on the visibility of the sign from the lot line and right-of-way and/or the number of signs in close proximity of each other, and the zoning administrator may deny a incidental sign if it is a sign that is regulated by another standard in this article.

Interior sign means a sign placed within a building, but not including a window sign as defined by this article, that is not visible from any public street, sidewalk, alley, park or public property.

Mural means any image or design that is painted or otherwise attached flat to a wall that is primarily artwork and does not function like a sign. For purposes of this article, a mural shall not be considered a sign. The building official or zoning administrator shall as necessary make a determination as to whether a design is a mural or a sign.

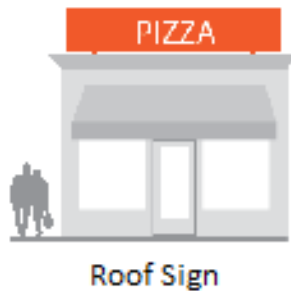
Outdoor advertising sign means a sign intended to advertise a use located on other premises and which is intended primarily for advertising purposes. Such sign, by virtue of its size and scale, would constitute the principal use of the premises on which the sign is located.

People sign means a portable sign held by a person and displayed for the purposes of expressing a message.

Projecting sign means a display sign attached to or hung from a structure projecting from and supported by the building and extending beyond the building wall, building line or street right-of-way line. A "projecting sign" is differentiated from a "wall sign" based on the distance the sign projects from the surface of the building.



Roof sign means a display sign that is erected, constructed and maintained on or above the roof of the building, or that extends above the roofline.



Street furniture sign means a sign applied to or affixed to the seat or back of a bench, lamp post, garbage can, tree, utility pole, or other public street furniture.

Temporary sign means a sign, with or without a structural frame, intended for a limited period of display.

- a. *Temporary sign, air-activated sign* means a temporary sign that is an air inflated object, which may be of various shapes, is made of flexible fabric, rests on the ground or structure and is equipped with a portable blower motor that provides a constant flow of air into the device. Air-activated signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.
- b. *Temporary sign, balloon sign* means a temporary sign that is an air inflated object, which, unlike air-activated signs, retains its shape. A balloon sign is made of flexible fabric, rests on the ground or structure, and may be equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.

- c. *Temporary sign, portable sidewalk, sandwich board, or A-frame sign* means a sign that is not permanent, not affixed to a building or structure, or permanently attached to the ground. Such sign is usually placed along the sidewalk or road frontage of a business and is capable of being moved within the zoning lot on which it is located or from one zoning lot to another. Often referred to as "sidewalk signs," sandwich board signs include, but are not limited to, so called "A" frame, "T" shaped, or inverted "T" shaped stands.
- d. *Temporary sign, support pole sign* means a temporary sign that is attached as an appendage to a sign, sign support, light pole, utility pole, or any part of a pole or support.
- e. *Temporary sign, yard sign* means a portable temporary sign or sign board that is freestanding and temporarily anchored or secured to the ground.

Vehicle sign means any sign on a vehicle, trailer, truck, and similar vehicle used for transport, where the primary purpose of the vehicle is for transportation as part of the normal course of business.

Wall sign means any sign attached parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and displays only one sign surface. A wall sign shall not project from the surface of the building wall more than 12 inches.



Window sign means a sign affixed to a window or so as to be observable from the exterior of the window to which such sign is located or affixed, including signs located inside a building but visible from the outside of the building.



(b) *Sign definitions, general.*

Abandoned sign means a sign or supporting structure that is no longer regularly maintained or a sign located on a lot with a vacant building. Whether a sign has been abandoned shall be determined by the intent of the sign owner and shall be governed by the applicable case law and statutory law on abandoned structures.

Alteration means any change in copy, color, size, or shape, which changes appearance of a sign, or a change in position, location, construction, or supporting structure of a sign, except that a non-structural copy change on a sign is not an alteration.

Awning means a fireproof space frame structure with translucent flexible reinforced vinyl or canvas covering designed in awning form, and extending outward from the building wall.

Building frontage means the length of the front (entry) portion of a building occupied by a single tenant, often facing a street fronting to the premises on which the tenant is located.

Canopy means a multi-sided overhead structure used as a common building architectural feature.

- a. *Canopy, attached* means a multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.
- b. *Canopy, freestanding* means a multi-sided overhead structure supported by columns, but not enclosed by a wall.

Clearance means the vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.

Damaged sign means a sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized, or destroyed.

Decorative display means a decorative display designed for the entertainment or cultural enrichment of the public and intended to serve as a cosmetic adornment rather than to convey a message. A decorative display shall not be considered a sign and shall be temporary in nature.

Directional sign means a sign that controls or directs traffic, pedestrian, or parking movements.

Grade, sign means the average elevation of an area within a horizontal radius, equal to the height of the sign, extending around sign base.

Height, sign means the vertical distance measured from the sign grade at the center point of the sign location to the highest point of the sign.

- a. *Height, maximum* shall be measured from sign grade to the highest edge of the sign surface or its projecting structure.
- b. *Height, minimum* shall be measured from sign grade to the lowest edge of the sign surface or its projecting structure.

Illegal sign means a sign for which no valid permit was issued by the township at the time such sign was erected, or a sign that is not in compliance with the current zoning chapter and does not meet the definition of a nonconforming sign.

Noncombustible material means any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Nonconforming sign means a sign that was lawful at the time of its construction but which is not in compliance with current ordinance provisions for signs.

Owner means a person, firm, partnership, association, company, or corporation and/or its legal heirs, successors, and assigns.

Sign means any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark, or other representation used as, or in the nature of, an announcement, advertisement, direction, or designation of any person, firm, organization, place, commodity, service, business, profession, or industry which is located upon any land attached on or attached to any building, in such manner as to attract attention from outside the premises.

Sign area means the entire area within a circle, triangle, rectangle, oval, or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or element forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed, as long as those supports do not contain signs. An awning shall not be deemed to be a sign frame.

Sign copy means the words and images constituting the message of a sign.

- a. *Sign copy, animated copy* means any type of sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means.
- b. *Sign copy, changeable* means moveable letters or other forms of sign copy, not including animated copy, that can be altered by natural, mechanical or electrical means without replacing the sign copy area.

Unsafe sign means a sign that is not properly secured; is in danger of falling or has otherwise been found to be in a condition that is hazardous to the public health, safety or welfare by the building official or code enforcement officer.

(Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-790. General sign regulations.

The following general sign regulations apply to all zoning districts within the township:

- (1) *Traffic control.* No sign shall be erected or replaced at any location where, by reason of position, size, shape, color, or illumination, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic.
- (2) *Sign character and setbacks.* 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 ground signs shall maintain a minimum setback of 15 feet from all road rights-of-way and shall be located no closer than 15 feet from the edge of the principal entrance driveway and all property lines.
- (3) *Permit required.* Unless exempt under the provisions of this article, a permit for any sign, whether freestanding or mounted on or applied to a building, including signs painted on building walls or other structures, or for any change in copy, shall be obtained from the township zoning administrator before such sign may be erected, replaced, or relocated.
- (4) *Sign height.*
 - a. No freestanding sign shall exceed a height of 15 feet above the sign grade.
 - b. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at the center of the sign grade to the top of the highest attached component of the sign.
 - c. In cases where the sign grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the sign grade at the base of the sign is equal to the

elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

- (5) *Maintenance.* All portions of signs and sign structures shall undergo maintenance as needed to keep them in good repair and working order.
- (6) *Illumination.* The following regulations shall apply to all signs.
 - a. The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect onto or into residential structures.
 - b. No sign shall have blinding, 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 or illusion of writing or printing. Illumination for electronic message signs (EMS) shall be regulated pursuant to section 36-797(6). Illumination for LED billboards shall be regulated pursuant to section 36-796(6). Nothing contained in this article shall, however, be construed as preventing the use of lighting as a decorative display.
 - c. No exposed reflective type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.

(Ord. of 7-22-2013, § 62.02; Ord. of 6-4-2014, § 62.02; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-791. Signs permitted in recreation-conservation and agricultural districts.

Signs permitted in the AR and RC zoning districts include the following:

	AR and RC Districts (Single-Family Lots)	AR and RC Districts (Residential Developments [e.g., subdivisions, site condominiums] and Non-Residential Uses only)
Permanent Freestanding Signs	Not permitted	Maximum number: 1 per street frontage Maximum area: 18 square feet per sign
Yard Signs (temporary in nature)	Maximum area (total): 24 sq. ft. per lot Maximum height: 8 feet	
Yard Signs (permanent in nature)	Maximum number: 1 per lot frontage, not to exceed 2 per lot Maximum height: 6 feet Maximum area: 6 sq. ft. per sign	Maximum number: 1 per lot or development Maximum height: 8 feet Maximum area: 32 square feet
Yard Signs (semi-permanent in nature, small)	Maximum number: 1 per lot Maximum height: 3 feet Maximum area: 3 square feet Maximum time placement: 180 days in a calendar year	

(Ord. of 7-22-2013, § 62.04; Ord. of 6-4-2014, § 62.04; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-792. Signs permitted in residential districts.

Signs permitted in the LR, MR, MHP, SR1, and SR2 zoning districts include the following:

	LR, MR, MHP, SR1, and SR2 Districts (Single-Family Lots)	LR, MR, MHP, SR1, and SR2 Districts (Residential Developments [e.g., subdivisions, site condominiums] and Non-Residential Uses only)
Permanent Freestanding Signs	Not permitted	Maximum number: 1 per street frontage Maximum area: 18 square feet per sign
Permanent Wall Signs	Not permitted	Maximum area: 32 square feet
Yard Signs (temporary in nature)	Maximum area (Total): 24 square feet per lot Maximum height: 8 feet	
Yard Signs (permanent in nature)	Maximum number: 1 per lot frontage, not to exceed 2 per lot Maximum height: 6 feet Maximum area: 6 square feet per sign	Maximum number: 1 per lot or development Maximum height: 8 feet Maximum area: 32 square feet
Yard Signs (semi-permanent in nature)	Maximum number: 1 per lot Maximum height: 3 feet Maximum area: 3 square feet Maximum time placement: 180 days in a calendar year	

(Ord. of 7-22-2013, § 62.05; Ord. of 6-4-2014, § 62.05; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-793. Signs permitted in business districts.

Signs permitted within the LC, GC, RO, WLD-D, WLD-NV, WLD-W, PSC, and RTM zoning districts include the following:

	LC and GC Districts	WLD-D, WLD-NV, and WLD-W Districts	RO, PSC, and RTM Districts
Permanent Freestanding Signs	Maximum number: 1 per street frontage of the lot Maximum area: 36 square feet per sign, except that a lot with multiple tenants may have 1 square foot per front foot of building provided the sign does not exceed 200 square feet		
Freestanding Canopy Signage	Maximum area: On a lot with an approved freestanding canopy, 6 square feet of sign area is permitted on each side of the freestanding canopy		
Permanent Wall Signs	Maximum number: 1 per building, or 1 per tenant in a multi-tenant building Maximum area: 2 square feet for each foot of length of the front wall to which the sign is affixed Minimum separation distance between wall signs: Where there are 2 or more wall signs, the minimum distance between such signs must be at least 2 feet		
Permanent Projecting Sign	Not permitted in LC and GC	Maximum number: 1 per first floor business Maximum area: 8 square feet, which is included in the total amount of wall signage for the building Minimum height (vertical clearance): 8 feet from the grade below to the bottom of the sign	Not permitted in RO, PSC, and RTM

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(Supp. No. 6)

		Maximum projection: Up to 4 feet from the face of the building	
Rear and Side Entrance Location Wall Signs	Maximum number: 1 per rear or side entrance to the building Maximum area: 4 square feet per sign, which is excluded from the total amount of wall signage for the building		
Yard Signs	Maximum area (total): 32 square feet per lot Maximum height: 8 feet		
Portable Sidewalk Signs	Maximum number: 1 per business, plus up to 1 additional sidewalk sign per business if the business has more than 160 feet of lot frontage Maximum area: 7 square feet per side of the sidewalk sign Maximum height and width: 3.5 feet Location: On the building side of the sidewalk, provided that a pedestrian travel area of at least 5 feet is maintained, that there is no obstruction of ingress or egress to any building caused by the sign, and that the sign shall not interfere with the view, access to, or use of the subject or adjacent property Duration: The sidewalk sign may only be placed outdoors when the building is open to the public		Not permitted in RO, PSC, and RTM
Window and Door Signs	Maximum area (total): 25% of the window and door area. Any area of window or door signage exceeding 25% of the window and door area shall be counted as wall signage.		

(Ord. of 7-22-2013, § 62.06; Ord. of 6-4-2014, § 62.06; Ord. No. 17-53, §§ 12, 13, 2-14-2017; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-794. Signs permitted in industrial districts.

Signs permitted within the LI and GI zoning districts include the following:

	LI and GI Districts
Permanent Freestanding Signs	Maximum number: 1 per street frontage of the lot Maximum area: 80 square feet per sign
Permanent Wall Signs	Maximum number: 1 per building, or 1 per tenant in a multi-tenant building Maximum area: 1 square foot for each foot of length of the front wall to which the sign is affixed
Rear and Side Entrance Location Wall Signs	Maximum number: 1 per rear or side entrance to the building Maximum area: 4 square feet per sign, which is excluded from the total amount of wall signage for the building
Yard Signs	Maximum area (total): 32 square feet per lot Maximum height: 8 feet

(Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-795. Signage in conjunction with an approved temporary use in the WLD, LC, GC, RO, LI, GI, PSC, RTM and non-residential PUD districts.

Banners, pennants, searchlights, balloons, or other gas-filled or fan powered figures shall be permitted in conjunction with an approved temporary use permit in the WLD, LC, GC, RO, LI, GI, PSC, RTM, and non-residential PUDs for a period not to exceed 14 days in any 30-day period. The days of display must be specified on the temporary use permit and sign permit. Each of these types of signs shall require a separate permit. Six of these types of signs (occasions) shall be permitted in any one calendar year per zoning lot. Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with traffic flow. Banners shall have a maximum area of 32 square feet. Balloons and gas-filled or fan-powered figures shall not exceed the maximum height restrictions for the district in which they are located. The setback standards of section 36-789(2) must be met for these types of signs.

(Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-796. Billboards (outdoor advertising signs).

Billboards shall be permitted in LI—limited industrial district, RTM—research/technology/manufacturing district, and GI—general industrial district, and shall be considered a principal use of the lot. In addition, billboards must meet the following regulations:

- (1) *Spacing.* Billboards shall be spaced so that not more than three billboards structures may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of the township where the particular street or highway extends beyond such boundaries.
- (2) *Display areas.* Billboards that face U.S. 23 within an appropriate district shall have a maximum surface display area of 672 square feet, known as a bulletin billboard. Billboards facing all other streets within the township within an appropriate zoning district shall have a maximum surface display area of 288 square feet, known as a poster billboard. The maximum size limitations shall apply to each side of a sign structure. Signs may be placed back to back or in V-type construction. Stacked signs and side by side shall not be permitted. If both sides of a V-type sign are visible from any one location it shall not be considered a single sign for the purposes of calculating maximum sign area.
- (3) *Height.* The billboard shall not exceed 30 feet above the average grade of:
 - a. The ground on which the billboard sits; or
 - b. The grade of the abutting roadway, whichever is higher.
- (4) *Placement on roof.* The billboard shall not be on top of, cantilevered, or otherwise suspended above the roof of any building.
- (5) *Setbacks.* No billboard shall be located closer than 50 feet to a non-right-of-way property line and must maintain a minimum of 15 feet from any right-of-way on the property. No billboard shall project over public property. Billboard signs shall be no closer than 25 feet to any other nonresidential structure on or off the same premises upon which the billboard is located. Billboards are prohibited from locating within 300 feet of a residential zone and/or existing residence. No digital or LED billboard shall be located within 1,000 feet of an existing residence.
- (6) *Illumination.* Digital or LED billboards are allowed if the digital or electronic changeable copy portion of the billboard and the billboard meet all the following additional standards:

- a. A billboard shall have automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 footcandles over ambient light levels measured at the following distance in relation to billboard size, rounded to the nearest whole square foot:

Billboard Sign Face Area (sq. ft.)	Distance from Sign (ft.)
0—300	150
301—378	200
379—671	250
672	350

- b. Any illumination shall be concentrated on the surface of the sign and is so located to avoid glare or reflection onto any portion of the street or highway, the path of on-coming vehicles, or any adjacent properties.
- c. No billboard shall have flashing, strobing, intermittent, moving, rotating, or oscillating lights or images.
- d. No digital or LED billboard shall be permitted within 4,000 feet of another digital or LED billboard or 3,000 feet of a nondigital or non-LED billboard.
- e. The rate of change between two static messages shall be one second or less.
- f. There shall be a minimum of no less than seven seconds between copy changes.
- g. The owner of a digital or LED billboard must reasonably coordinate with relevant public agencies to allow for the display of real-time emergency information such as Amber Alerts or natural disaster directives.
- h. The digital or LED billboard will not distract, endanger, or disorient motorists.
- (7) *Construction.* Billboards shall be self-supported, pole-mounted structures 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.

(Ord. of 7-22-2013, § 62.07; Ord. of 6-4-2014, § 62.07; Ord. No. 17-53, § 14, 2-14-2017; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-797. Electronic message signs.

Electronic message signs (EMS) shall be permitted within all nonresidential zoning districts, as either a free-standing or wall-mounted sign subject to the sign regulations for each zoning district and to the following additional regulations:

- (1) An electronic message sign (EMS) shall only be permitted as part of a static sign and shall be limited to 50 percent of the total sign area of the static sign.
- (2) Frequency of message change shall be no more than once every 30 seconds.
- (3) The rate of change between two static messages shall be one second or less.
- (4) Scrolling words or images are prohibited;
- (5) EMS owners shall permit township, state, and federal governments to post messages in the event of an emergency; and

- (6) 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. Maximum sign luminance shall not exceed 0.3 footcandles above ambient light measurement based upon the size of the sign rounded to the nearest whole square foot, and the distance measured perpendicular to the sign face in accordance with the following table:

Sign Face Area (sq. ft.)	Distance from Sign (ft.)*
0— 10	32
11—15	39
16—20	45
21—25	50
26—30	55
31—35	59
36—40	63
41—45	67
46—50	71
51—55	74
56+	77

* Measured in feet, perpendicular to the face of the sign.

Source: Model Code, Illuminating Engineering Society of North America

- (7) 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.
- (8) In no case shall EMS luminance exceed 0.1 footcandles above ambient light along any adjacent property line that is zoned or used for residential purposes.

(Ord. of 7-22-2013, § 62.09; Ord. of 6-4-2014, § 62.09; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-798. Exemptions.

The following types of signs shall not require a permit and are exempted from all the provisions of this article except for construction and safety regulations, the setback provisions of section 36-789(2), and the following standards:

- (1) Signs erected by an official governmental agency or a public officer in the performance of their public duty, as necessary to preserve the health, safety, and welfare of the community.
- (2) Sign copy carved into stone, concrete, or other similar material or permanent type construction and made an integral part of the structure or architecture of the building.
- (3) Signs recognizing an official national or state historical site or building.
- (4) Directional signs as necessary to direct traffic movement onto a property or within a property, not exceeding eight square feet in area for each sign. Horizontal directional signs on and flush with paved areas are exempt from these standards.
- (5) Incidental signs, subject to the approval of the zoning administrator.

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- (6) "No trespassing," "no hunting," and similar signs prohibiting invasion of private property, provided the area of such sign shall not exceed two square feet. The basis for exempting these types of signs is for the public safety benefit provided informing people that trespassing is prohibited.
 - (7) Address numbers, being essential for public safety and emergency response, with a numeral height no greater than six inches for each dwelling unit and 18 inches for any other use, including multiple-family buildings. The police chief or fire chief may approve a larger numeral height if deemed necessary for public safety and emergency response.
 - (8) Interior signs.
 - (9) Vehicle signs, provided the vehicle is licensed, registered, and lawfully parked in accordance with this article.
 - (10) Any lawful sign in a public or private right-of-way installed by an authorized public agency.
 - (11) Temporary signs authorized elsewhere within this chapter.

(Ord. of 7-22-2013, § 62.10; Ord. of 6-4-2014, § 62.10; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-799. Prohibited signs.

The following signs are prohibited anywhere within the township:

- (1) Signs which imitate an official traffic sign or signal, which contain the words "stop," "go," "slow," "caution," "danger," "warning," or similar words.
- (2) Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
- (3) Signs which are placed on a street or other public right-of-way, unless otherwise permitted by these regulations.
- (4) All temporary signs, unless authorized elsewhere within this chapter.
- (5) Abandoned signs.
- (6) Festoons, except for decorations commemorating a holiday or approved in conjunction with a temporary land use.
- (7) Street furniture signs, unless otherwise permitted within this chapter.
- (8) Signs attached to other signs, unless otherwise permitted within this chapter.
- (9) Animated signs.
- (10) Roof signs.
- (11) Illegal signs.
- (12) Damaged signs.
- (13) Unsafe signs.
- (14) People signs. The basis for prohibiting people signs is that the movement and proliferation of people signs would degrade traffic safety and community aesthetics.

(Ord. of 7-22-2013, § 62.11; Ord. of 6-4-2014, § 62.11; Ord. No. 19-63, § 3, 4-9-2019)

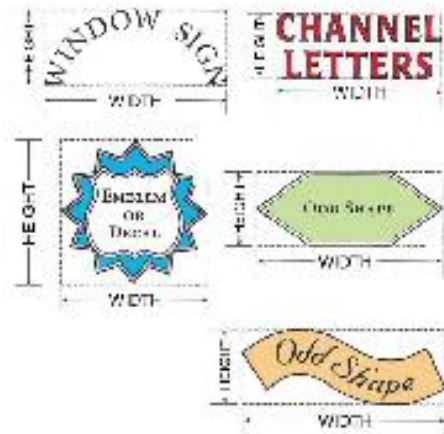
Sec. 36-800. Permit and fees.

- (a) Application for a permit to erect or replace a sign, or to change copy thereon, shall be made by the owner of the property on which the sign is to be located, or his authorized agent; to the township zoning administrator, by submitting the required forms, fees, exhibits, and information. Fees for sign permits shall be determined by resolution of the township board and no part of such fee shall be returnable to the applicant. No fee shall be required of any governmental body or agency.
- (b) The application shall contain the following information:
 - (1) The applicant's name and address in full, and a complete description of relationship to the property owner.
 - (2) The signature of the property owner concurring in submittal of said application.
 - (3) An accurate detailed drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
 - (4) A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- (c) All signs shall be inspected by the township zoning administrator for conformance to this chapter prior to placement on the site. Foundations shall be inspected by the building inspector on the site prior to pouring of the concrete for the sign support structure.
- (d) Any sign involving electrical components shall be wired by a licensed electrician in accordance with the township electrical code and the electrical components used shall bear an Underwriters Laboratories, Inc., seal of inspection.
- (e) A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. A permit may be renewed prior to expiration and no additional fee shall be collected for the renewal.
- (f) Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or copy change is made, shall not require a sign permit.
- (g) All signs shall comply with the requirements of the building code of the township.

(Ord. of 7-22-2013, § 62.12; Ord. of 6-4-2014, § 62.12; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-801. Computation of surface area.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of surface 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 that where two such faces are placed back to back, parallel to one another, and no more than 24 inches apart, the area of the sign shall be the area of one face.



(Ord. of 7-22-2013, § 62.14; Ord. of 6-4-2014, § 62.14; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-802. Removal.

- (a) The zoning administrator shall order the removal of any sign erected or maintained in violation of this article. Thirty days' notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the article. Upon failure to remove the sign or to comply with this notice, the township shall take action to force the removal of the sign. The township shall also remove a sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge shall be a lien on the property.
- (b) A sign shall be removed by the owner or lessees of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises, thereby making the sign an abandoned sign. If the owner or lessee fails to remove the sign, the township shall take action to force the removal of the sign in accordance with subsection (a) of this section. These removal provisions shall not apply where a subsequent owner or lessee agrees to maintain the signs as provided in this article, and provided the signs comply with the other provisions of this chapter.

(Ord. of 7-22-2013, § 62.15; Ord. of 6-4-2014, § 62.15; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-803. Nonconforming signs.

- (a) Copy may be changed on nonconforming signs, provided that the sign area is not increased, and provided that no structural changes are made in the sign. All nonconforming signs are subject to the provisions included in article XXIX of this chapter, pertaining to nonconformities.
- (b) Nonconforming signs must be brought into compliance with the standards of this article for all projects that require site plan approval.

(Ord. of 7-22-2013, § 62.16; Ord. of 6-4-2014, § 62.16; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-804. Responsibilities for signs.

The following regulations apply to all signs:

- (1) The sign user is hereby made responsible for copy, structure, lighting, and all other parts of a sign.
- (2) When or where applicable, signs requiring a permit shall be constructed and erected only by individuals or companies licensed in the State of Michigan for such purpose.
- (3) All signs requiring permits shall display, in a conspicuous place, evidence of the permit and containing such data as might be required by the zoning administrator, including the name of the individual or company erecting the sign.
- (4) Each individual or company erecting signs within the township shall annually provide the zoning administrator with a certificate of public liability insurance. A permit for erecting a sign shall not be issued unless such certificate is on file with the zoning administrator.
- (5) All signs and components thereof shall be kept in good repair and in a safe, clean, neat, and attractive appearance.

(Ord. of 7-22-2013, § 62.17; Ord. of 6-4-2014, § 62.17; Ord. No. 19-63, § 3, 4-9-2019)

Sec. 36-805. Registry.

The zoning administrator shall maintain an up-to-date registry of each sign erected in the township after the effective date of the ordinance from which this article is derived. The registry shall contain the following information: location of the sign, name and address of the property owner, sign user, and individual or company erecting a sign and height, dimensions, and face area, and date of placement on the site.

(Ord. of 7-22-2013, § 62.18; Ord. of 6-4-2014, § 62.18; Ord. No. 19-63, § 3, 4-9-2019)

Secs. 36-806—36-831. Reserved.

ARTICLE XXVII. CONDITIONAL USES¹⁰

Sec. 36-832. Purpose.

- (a) The formulation and enactment of this chapter is based upon the division of the unincorporated portions of the township into districts in each of which are permitted specified uses which are mutually compatible and permitted by right. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which it may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.
- (b) This chapter, therefore, requires approval of a conditional use permit of each use listed in the several zoning districts as conditional uses and specifies in this article the procedures and standards to be followed in

¹⁰State law reference(s)—Special land uses, MCL 125.3502 et seq.

granting such permits. If compliance with the procedures and standards set forth in this article and in article IV of this chapter, the schedule of district regulations, and in article XXIV of this chapter, supplemental district regulations, if applicable, are found, then the right to a conditional use permit shall exist, subject to specific safeguarding conditions as may be imposed by reason of the nature, location, and external effects of such use. No conditional use shall commence until a conditional use permit is issued therefor in accordance with this chapter.

(Ord. of 7-22-2013, § 63.01; Ord. of 6-4-2014, § 63.01)

Sec. 36-833. Authority to grant permits.

The township board shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for only those conditional uses specified in the various district provisions of this chapter.

(Ord. of 7-22-2013, § 63.02; Ord. of 6-4-2014, § 63.02)

Sec. 36-834. Application and fee.

Application for any conditional use permit permissible under the provisions of this chapter shall be made to the township board by filling in the official conditional use permit application form, submitting required data, exhibits and information, and depositing the required fee with the township clerk. Such application shall be accompanied by a fee as set by the township board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

(Ord. of 7-22-2013, § 63.03; Ord. of 6-4-2014, § 63.03)

Sec. 36-835. Data, exhibits, and information required in application.

An application for a conditional use permit shall contain the following information:

- (1) The applicant's name, address, and telephone number.
- (2) The names and address of all record owners and proof of ownership.
- (3) The applicant's interest in the property, and if not the fee simple owner, a signed authorization from the owner for the application.
- (4) Legal description, address, and tax parcel number of the property.
- (5) A scaled and accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives and other improvements.
- (6) A detailed description of the proposed use.
- (7) A site plan, meeting the requirements of a preliminary site plan, as set forth in section 36-865.
- (8) A written statement from the zoning administrator regarding the existing conditions of the property and its compliance with this chapter.

(Ord. of 7-22-2013, § 63.04; Ord. of 6-4-2014, § 63.04)

Sec. 36-836. Public hearing; establishing date.

Upon receipt of the application and information from the township clerk, the zoning administrator shall set a date for a public hearing thereon, and shall notify the township clerk and applicant of the date. The clerk will then give notice of the public hearing as described in article XXXIII of this chapter.

(Ord. of 7-22-2013, § 63.05; Ord. of 6-4-2014, § 63.05)

Sec. 36-837. Planning commission action.

The planning commission shall review the application for a conditional use permit in reference to the standards and findings required herein and in relation to the information provided at the public hearing. The planning commission shall recommend approval, approval with conditions, or denial of a conditional use permit application and shall transmit its recommendations, together with a report, to the township board. The report shall contain the planning commission's analysis of the application in relation to the required standards and findings, and shall include a summary of the findings made as a result of the public hearings.

(Ord. of 7-22-2013, § 63.06)

Sec. 36-838. Required standards and findings for making determinations.

The planning commission and the township board shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and with respect to any additional standards set forth in article XXIV of this chapter, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel:

- (1) Will be harmonious with and in accordance with the general objectives, intent and purposes of this chapter;
- (2) Will 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;
- (3) Will be compatible with the natural environment and existing and future land uses in the vicinity;
- (4) Will be compatible with the township land use development plan;
- (5) Will be served adequately by essential public facilities and services, such as highways, streets, police, and fire protection, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- (6) Will not be hazardous or disturbing to existing or future neighboring uses; and
- (7) Will not create excessive additional requirements at public cost for public facilities and services.

(Ord. of 7-22-2013, § 63.07)

Sec. 36-839. Conditions of approval.

In approving a conditional use permit, the township board may impose conditions it deems necessary to achieve the objectives and standards of this chapter, the standards of the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and the public health, safety and welfare of the township. Failure to comply with any such conditions shall be a violation of this chapter. An approved conditional use permit, including all attached conditions, shall run with the land in the approval and shall be binding upon all successors and assigns.

The conditions shall remain unchanged except upon mutual consent of the township board and the landowner. Any such changes shall be entered into township records and recorded in the minutes of the township board meeting at which the action occurred. A public hearing shall be held on any proposed changes, as required for original application.

(Ord. of 7-22-2013, § 63.08)

Sec. 36-840. Continuation and expansion.

- (a) Continuation. Any use lawfully existing on the date of adoption of the ordinance from which this chapter is derived, or an amendment thereof, and that is permitted as a conditional use under this chapter or amendment shall be deemed a conforming use, and may continue without approvals required in this article.
- (b) Expansion of a conditional use shall require a conditional use permit.

(Ord. of 7-22-2013, § 63.09)

Sec. 36-841. Re-application.

No application for a conditional use permit which has been denied wholly or in part by the township board shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions found by the township board to be valid.

(Ord. of 7-22-2013, § 63.10)

Sec. 36-842. Revocation of permit.

The township board may, after hearing and cause shown, revoke a conditional use permit in case of false statement or misrepresentation of fact on which the permit was approved, or in case of failure to correct violations of this chapter, or in case of lack of compliance with the approved site plan or any conditions of the permit.

(Ord. of 7-22-2013, § 63.11)

Secs. 36-843—36-862. Reserved.

ARTICLE XXVIII. SITE PLAN REVIEW¹¹

Sec. 36-863. Purpose.

It is the purpose of this article to require site plan approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this article to achieve, through site plan review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural

¹¹State law reference(s)—Submission and approval of site plan, MCL 125.3501.

features and resources. It is further the intent of this article to delegate all aspects of site plan review authority to the township planning commission, within the standards and requirements set forth in this article.

(Ord. of 7-22-2013, § 64.01)

Sec. 36-864. Site plan approval.

- (a) 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 site plan is approved and preliminary zoning compliance has been issued.
- (b) Site plan review and approval is required for all proposed uses and structures within the township except for individual single-family dwellings. Farm buildings and structures shall not be exempt from the site plan review and approval process except where buildings or structures conform to and are regulated by an applicable generally accepted agricultural management practices (GAAMP) as adopted and published by the state commission on agriculture, or its successor, and as amended from time to time. Further, such buildings and structures shall be exempt from the site plan approval process only as to those details, regulations and requirements which are specifically delineated and set forth in the applicable GAAMP.
- (c) Site plan review and approval is required for existing uses or structures, except individual single-family detached dwellings and farm buildings, where an alteration to the existing use or structure would result in one of the following:
 - (1) An increase or reduction of the floor area of a structure or land area occupied by the use.
 - (2) A change of use, even if the change of use is permitted in the subject zoning district.
 - (3) A variance from the provisions of this chapter, regardless of its size.
- (d) The zoning administrator shall not issue a zoning compliance permit for construction of, or an addition to, any subject buildings or developments until the site plan has been reviewed and approved by the township planning commission.
- (e) When required, site plan review shall follow either the administrative review procedures pursuant to section 36-865 or the full site plan review procedures pursuant to section 36-866. The appropriate procedure will be determined during the project concept meeting as described in the township site plan process manual.

(Ord. of 7-22-2013, § 64.02)

Sec. 36-865. Administrative review.

The township zoning administrator may review a site plan without submission to the planning commission, subject to all of the criteria, requirements and standards set forth in this article and the following standards:

- (1) The zoning administrator may review and consider approval, conditional approval or denial of site plans without submission to the planning commission in the following cases:
 - a. Expansion or reduction to an existing conforming structure or use of 2,000 square feet or less or five percent of the floor area of the structure, whichever is less.
 - b. Provision for additional parking, loading/unloading spaces and landscape improvements as required by ordinance.
- (2) The zoning administrator is authorized to employ the township planner, township engineer or other experts to assist in the review of site plans submitted under this section.

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- (3) At the direction of the zoning administrator, any information required in the township site plan process manual may be required for administrative site plan approval. The township site plan process manual is explicitly incorporated and made a part of this ordinance by reference, requiring amendment of the ordinance to amend the manual. However, at a minimum, submissions of a site plan shall include the following information:
- a. Proprietors', applicants', and owners' names, addresses and telephone numbers.
 - b. Date (month, day, year), including revisions.
 - c. Title block and scale.
 - d. North point.
 - e. Proposed and existing structures, utilities, parking areas, etc., on the parcel, and within 100 feet of the parcel.
- (4) The zoning administrator shall consider the criteria set forth in section 36-866 in the review of the site plans submitted under this section.

(Ord. of 7-22-2013, § 64.03)

Sec. 36-866. Final site plan review procedure.

- (a) *Project concept meeting.* Prior to formal site plan application, all projects requiring site plan review (either administrative or full site plan review) shall schedule a project concept meeting with the township planner and township engineer. During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on the availability of public infrastructure are discussed. Township planning staff and other such township representatives as appropriate, including a member of the planning commission, may attend this informal meeting. At this meeting, the applicant or his representative is also presented with the applicable procedures required by this chapter for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the zoning board of appeals for a variance. Fees for the project concept will be based on the current township fee schedule.
- (b) *Application.* Any person may file a request for full site plan approval by filing with the township planning and zoning secretary the completed site plan application, site plan, as well as other data, exhibits and information hereinafter required as set forth in the township site plan process manual. The township site plan process manual is explicitly incorporated and made a part of this chapter by reference, requiring amendment of the chapter to amend the manual. Upon receipt of the application, the site plan drawings shall be processed in accordance with the procedures set forth in the site plan process manual. At this time, all applicable fees shall be paid in full.
- (c) *Effect of approval.*
- (1) Approval of a site plan authorizes the owner or applicant to apply for a preliminary zoning compliance certificate. Please note that a preconstruction meeting shall be required prior to the issuance of a preliminary zoning compliance certificate. Prior to the issuance of preliminary zoning compliance certificate, all applicable fees shall be paid, including any required utility tap fees.
 - (2) Upon approval of the final site plan, the applicant and/or owner of record, and the township clerk or his designee, shall sign four copies of the approved plan along with the township planner and planning commission secretary. The township clerk shall transmit two such signed copies of the approved final site plan to the applicant. Two such copies shall be retained in the township files.

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- (3) Approval shall expire and be of no effect after 365 days following approval by the planning commission unless a building permit, when required, is applied for and granted within that time period. Approval shall expire and be of no effect 545 days following the date of approval by the planning commission unless construction has begun and is being diligently pursued to completion. The planning commission may extend the time limits upon a showing of good cause.

(Ord. of 7-22-2013, § 64.04)

Sec. 36-867. Criteria of site plan review.

The site plan shall be reviewed and approved upon a finding that the following criteria are met:

- (1) The proposed use will not be injurious to the general health, safety and welfare of the township and surrounding neighborhood.
- (2) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
- (3) The design of storm sewers, stormwater facilities, roads, parking lots, driveways, water mains, sanitary sewers and other site improvements meets the design and construction standards of the township and other appropriate agencies.
- (4) Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
- (5) Site planning and design of specific improvements will accomplish the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, floodplains, steep slopes, groundwater, trees, and wooded areas, including associated shrubs, small trees, and ground cover.
- (6) The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.
- (7) The proposed development will meet the requirements and preventative soil erosion and sedimentation provisions of the governing body. The drainage plan is adequate to handle anticipated stormwater runoff in accordance with the rules of the county drain commissioner's office and township engineer.
- (8) A stormwater management system and facility will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, waterbody or watercourse, or cause alterations which could increase flooding or water pollution on or off site.
 - a. The rules of the county drain commissioner's standards shall be used for the review and approval of all stormwater management systems.
 - b. The county drain commissioner's office shall provide review comments on the stormwater management system of all site plans for the consideration of the planning commission when county drains are involved. Comments shall be provided for all site plans.
 - c. Site plan approval shall not be granted until approval or notice of no jurisdiction is granted by the drain commissioner's office with regard to the stormwater management plan.

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- (9) Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality, and shall conform to the township community wastewater utility systems ordinance.
 - (10) Sites which include storage of hazardous materials, waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, to the air, to groundwater, or to nearby waterbodies, with a specific plan to achieve such objectives being incorporated as part of the site plan.
 - (11) The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with good design standards for the lot size, shape and general location.
 - (12) Landscaping, including grass, trees, shrubs and other vegetation, is provided to maintain and improve the aesthetic quality of the site and area.
 - (13) The means of ingress and egress to and from the site shall be planned with the objective of achieving recognized planning, engineering and safety standards, and shall not result in an unreasonable risk of danger to persons and/or property on the site and/or off site. In general, this standard shall be met based upon the design of ingress and egress in terms of the number, location and design of accesses, and utilization of acceleration, deceleration and passing lanes and approaches. The planning commission shall review the ingress and egress proposed for the purpose of promoting and protecting traffic safety, and shall require improvements accordingly.
 - (14) The site plan complies with all township ordinances and design standards, and any other applicable laws.

(Ord. of 7-22-2013, § 64.05)

Sec. 36-868. Phasing of development.

An applicant may divide a proposed development into two or more phases with the approval of the planning commission. Such phasing shall be in conformance with section 36-867. Future development beyond approved phases shall not appear on the approved site plan. Any changes to the approved phasing plan shall be subject to section 36-869.

(Ord. of 7-22-2013, § 64.06)

Sec. 36-869. Amendment of approved site plan.

A site plan may be amended upon application and in accordance with provisions and the procedures in section 36-866 for a site plan. Site plans amended in order to be brought into compliance with the requirements of governmental agencies of authority, other than the township, are subject to the provisions of this article. The township zoning administrator shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan.

(Ord. of 7-22-2013, § 64.07)

Sec. 36-870. Modifications of plan during construction.

All improvements shall conform to the approved site plan. If the applicant chooses to make any changes in the development in relations to the approved site plan, he shall do so at his own risk, without any assurance that the township will approve the changes. It shall be the responsibility of the applicant to notify the zoning

administrator of any such changes. The zoning administrator may require the applicant to correct the changes so as to conform to the approved site plan.

(Ord. of 7-22-2013, § 64.08)

Sec. 36-871. Inspection.

- (a) All subgrade improvements, such as utilities subbase and base installations for drives and parking lots, and similar improvements, shall be inspected by the building inspector and approved prior to covering. The zoning administrator shall be responsible for the inspection of all improvements for conformance to the approved site plan. The zoning administrator is authorized to employ the township planner, township engineer, or other township departments or experts to assist in the inspection of all site improvements required by the approved site plan.
- (b) The applicant shall be responsible for requesting the necessary inspections. The zoning administrator shall notify the building inspector and the planning commission, in writing, when a development for which a site plan was approved has passed inspection with respect to the approved site plan. The zoning administrator shall notify the building inspector and the planning commission, in writing, of any development for which a site plan was approved which does not pass inspection with respect to the approved site plan, and shall advise the planning commission of the steps to be taken to achieve compliance. In such case, the zoning administrator shall periodically notify the planning commission of progress towards compliance with the approved site plan, and when compliance is achieved.

(Ord. of 7-22-2013, § 64.09)

Sec. 36-872. Performance guarantees.

- (a) Irrevocable bank letters of credit, cash deposits, or other security, acceptable to the township board, 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 include, among other items, the following: streets and drives, parking lots, sidewalks, grading, required landscaping, required visual screens, storm drainage, exterior lighting and utilities.
- (b) The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to amount by the township engineer. The form of the guarantee shall be approved by the township attorney.
- (c) 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 be entitled to enter upon the site and complete the improvements. The township board may reimburse itself for the cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
- (d) If a cash deposit is used, the applicant and township clerk 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.
- (e) The zoning administrator 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

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occupancy shall be signed by the zoning administrator upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

(Ord. of 7-22-2013, § 64.10)

State law reference(s)—Performance guarantee, MCL 125.3505.

Sec. 36-873. Fees.

Fees for the review of site plans and inspections as required by this article shall be established and may be amended by resolution of the township board.

(Ord. of 7-22-2013, § 64.11)

Sec. 36-874. As-built drawings.

- (a) The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the township building inspector, and shall be approved by the township engineer prior to the release of any performance guarantee or part thereof covering such installation.
- (b) 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 catchbasins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- (c) 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.

(Ord. of 7-22-2013, § 64.12)

Sec. 36-875. Violations.

The approved final site plan shall become part of the record of approval and all subsequent action relating to the site in question shall be consistent with the approved final site plan, unless the planning commission agrees to such changes as provided in this article. Any violation of the provisions of this article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this chapter as provided in section 36-979, and shall be subject to all penalties therein.

(Ord. of 7-22-2013, § 64.13)

Secs. 36-876—36-898. Reserved.

ARTICLE XXIX. NONCONFORMITIES¹²

¹²State law reference(s)—Nonconforming uses or structures, MCL 125.3208.

Sec. 36-899. General.

Certain existing lots, structures, and uses of lots and structures were lawful before the ordinance from which this chapter is derived was adopted, but have become nonconforming under the terms of this chapter and its amendments. It is the intent of this article to permit such nonconformities 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 nonconformities to conforming status. Nonconforming uses and structures 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. Nonconforming uses and structures are declared by this article to be incompatible with the structures and uses permitted in the various districts.

(Ord. of 7-22-2013, § 65.01)

Sec. 36-900. Nonconforming lots of record.

- (a) A permitted principal structure and use, and customary accessory structures and uses, may be erected or placed on any single lot of record at the effective date of adoption or amendment of the ordinance from which this chapter is derived. Such lots must be in separate ownership and not contiguous with other lots in the same ownership. 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 requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the zoning board of appeals.
- (b) If two or more lots or combinations of lots and portions of lots, which are contiguous and in single ownership, are of record at the time of adoption or amendment of the ordinance from which this chapter is derived, and if all or part of the lots do not meet the requirements established for low width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area less than the requirements stated in this chapter.
- (c) Upon application of any person claiming to be the owner of the legal or equitable title to a parcel to land which was the subject of a deed or land contract not recorded in the office of the register of deeds on the effective date of the ordinance from which this chapter is derived, the board of appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him to have the parcel treated as a lot of record. The board shall grant said variance when it finds by a preponderance of the evidence that the instrument purporting to transfer title to the parcel to said owner was executed prior to the effective date of the ordinance from which this chapter is derived. In making its determination, the board is authorized to consider all matters it deems relevant, including, but not limited to, the tax roll of the township, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses. Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other conditions set forth in section 36-973 in order that a building permit be granted.

(Ord. of 7-22-2013, § 65.02)

Sec. 36-901. Nonconforming structures.

- (a) A nonconforming structure shall be a structure which was lawful prior to the effective date of adoption or amendment of the ordinance from which this chapter is derived and which does not conform to the new ordinance regulation currently in effect.
- (b) A nonconforming structure may continue after the effective date of adoption or amendment of the ordinance from which this chapter is derived. Where a nonconforming status applies to a structure, intentional removal or destruction of the structure of more than 50 percent shall eliminate the nonconforming status of the lot. Should any nonconforming structure be destroyed by causes beyond the control of the owner or occupant, such building or structure may be replaced provided such replacement does not result in any enlargement or expansion of the nonconformity. Replacement may occur provided such replacement is commenced within three years of the date of damage and is diligently pursued to completion. Failure to complete replacement shall result in the loss of legal, nonconforming status. Such replacement shall be subject to the provisions of article XXVIII of this chapter.
- (c) A nonconforming structure which is moved within a site or to another site shall conform, after it is moved, to the regulations of the district in which it is located.
- (d) Expansion of nonconforming structures. Nonconforming structures may be expanded in compliance with the following regulations:
 - (1) Nonconforming buildings used in farm operations may be expanded if approved by the zoning official subject to the following requirements:
 - a. Farming shall be a permitted use and the intended use of the structure shall be a permitted use in the district in which it is located.
 - b. The expansion shall meet all requirements of the zoning district in which it is located. The existing structure and the expansion shall not exceed the lot coverage or floor area ratio limits of the district in which they are located.
 - (2) A single-family detached residential dwelling unit and accessory buildings may be expanded if approved by the zoning official subject to the following requirements:
 - a. The single-family residence shall be a permitted use in the district in which it is located.
 - b. The new portion of the expansion shall meet all yard requirements of the zoning district in which it is located.
 - (3) All other nonconforming structures may be expanded upon approval of the zoning official provided such expansion does not increase the nonconformance of the structure. The township may attach conditions to the approval of the expansion of a nonconforming structure. Conditions imposed shall be designed to protect the public health, safety and welfare of individual users of the site, those immediately adjacent property owners, and community as a whole.
- (e) A nonconforming structure may be altered to decrease its nonconformity.

(Ord. of 7-22-2013, § 65.03)

Sec. 36-902. Nonconforming uses.

Where on the date of adoption or amendment of the ordinance from which this chapter is derived, a lawful use exists that is no longer permissible under the regulations of this chapter, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

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- (1) An existing building or structure devoted to a use not permitted by this chapter in the district in which it is located shall not be enlarged, constructed, reconstructed, moved, or structurally extended or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is located.
 - (2) When a nonconforming use of a lot or building or structure is discontinued for more than 365 consecutive days, except where government action prevents access to the premises, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
 - (3) When any nonconforming lot, structure, or lot and structure in combination is converted to a permitted use, it shall thereafter conform to the regulations for the district. The zoning official shall be authorized to establish a reasonable time schedule within which the lot and/or structure shall be required to conform to the district regulations as required herein, assuming that such corrections as required will be commenced at the earliest time that weather conditions permit.
 - (4) Where a nonconforming status applies to a lot and structure in combination, intentional removal or destruction of the structure shall eliminate the nonconforming status of the lot. Should any building or structure devoted to a use not permitted by this chapter in the district in which it is located be destroyed by causes beyond the control of the owner or occupant, such building or structure may be replaced provided such replacement does not result in any enlargement or expansion. Such replacement shall be subject to the provisions of article XXVIII of this chapter.
 - (5) A nonconforming use of a lot shall not be enlarged, expanded or extended to occupy a greater area of the lot than was occupied on the date of adoption or amendment of the ordinance from which this chapter is derived, and no accessory use, building, or structure shall be established therewith.
 - (6) In commercial and industrial districts and provided no increase in the number of families residing therein results, a nonconforming residential use may expand to occupy the floor area necessary for living purposes and any customary accessory uses or structures may be established therewith as long as such expansion meets the yard and setback requirements of the zoning district in which it is located subject to zoning board of appeals' approval.
 - (7) A nonconforming use in any zoning district may expand into a part of the building originally designed and constructed for such use. After approval by the zoning board of appeals, provided that no structural alterations are made, the floor area of the building is not increased, and that such use shall not be extended to occupy any land outside such buildings.

(Ord. of 7-22-2013, § 65.04)

Sec. 36-903. Repairs and maintenance.

- (a) Except as provided in sections 36-901 and 36-902, alteration or repair work may be done on a nonconforming structure with or without a nonconforming use in any period of 12 consecutive months to an extent not to exceed 25 percent of the replacement cost of the nonconforming structure at the time of the repair, provided that the floor area or volume of such building, or the number of families housed therein, or the dimensions, height, or number of stories of such structure as it existed on the date of adoption or amendment of the ordinance from which this chapter is derived shall not be increased. No other alterations or repairs shall be permitted unless the structure or use is made to conform to all requirements of this chapter.
- (b) Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety.

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- (c) In a nonconforming building or structure, or a portion of a building or structure containing a nonconforming use which has structurally deteriorated to an extent that has been condemned by any duly authorized official and the cost of repair of which to meet standards for occupancy exceeds 50 percent of the structure's replacement costs, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
 - (d) A single-family or two-family residential dwelling that is substantially damaged or destroyed by accidental causes, and was determined to be a legal nonconforming use, may be repaired or replaced in all zoning districts provided such replacement does not result in any enlargement or expansion of the nonconforming dwelling.

(Ord. of 7-22-2013, § 65.05; Ord. of 6-4-2014, § 65.05)

Sec. 36-904. Change of tenancy or ownership.

There may be a change of tenancy, ownership, or management of an existing nonconforming use, building or structure.

(Ord. of 7-22-2013, § 65.06)

Sec. 36-905. Expansion and substitution.

- (a) *Requirements of expansion.* Where the zoning board of appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the following provisions shall apply:
 - (1) *Limitations.* The reasons for the nonconformity shall be limited to minimum lot area, lot width, required yard, and off-street loading and parking requirements. In no case shall a building or structure that is nonconforming because of lot coverage, floor area ratio, or height requirements be permitted to expand without removing the nonconformity, except as permitted under a variance.
 - (2) *Permitted uses.* The existing and proposed uses of such buildings and structures must be among those permitted in the district in which situated.
 - (3) *Conformance required.* The proposed improvement shall conform to all requirements of the district in which situated.
 - (4) *Determinations.* The board of appeals shall determine the following in approving a request:
 - a. That the retention of the nonconforming building or structure is reasonably necessary for the proposed improvement or that requiring removal of such building or structure would cause unnecessary hardship.
 - b. That the proposed improvement is reasonably necessary for the continuation of activities on the property.
 - c. That the enlarged or otherwise improved nonconforming building or structure will not adversely affect the public health, safety and welfare.
 - (5) *Authority of board.* The board of appeals shall have authority to require modification of the nonconformity, where such is reasonable, as a condition for approval. The board of appeals may attach other conditions for its approval which it deems necessary to protect the public health, safety, and welfare.
 - (6) *Site plan approval required.* All expansions under this section, subject to the requirements of article XXVIII of this chapter, if a site plan is required.

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- (b) *Substitutions enumerate.* A nonconforming building or structure shall not be substituted for, or replace, another nonconforming building or structure. A nonconforming use of a building or structure may be substituted for another nonconforming use upon permission by the board of appeals, as set forth in article XXX of this chapter; provided that no structural alterations are made and that such other nonconforming use is equal to or more appropriate than the existing nonconforming use in the district in which it is located. In permitting such change, the board of appeals may require appropriate conditions and safeguards in accordance with the provisions and intent of this chapter. A nonconforming use not including a building or structure shall not be substituted for another nonconforming use not including a building or structure unless the proposed nonconforming use is less nonconforming than the existing nonconforming use in the district in which it is located.

(Ord. of 7-22-2013, § 65.07)

Sec. 36-906. Acquisition of nonconformities.

The township may acquire private property or an interest in private property to remove a nonconformity as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. of 7-22-2013, § 65.08)

Sec. 36-907. Nonconforming extraction operations.

- (a) A nonconforming extraction operation legally existing at the effective date of adoption or amendment of the ordinance from which this chapter is derived shall be a legal nonconforming use of a parcel of land and may continue subject to the following provisions:
- (1) Extraction may be extended within the property based upon the property lines of record at the time this chapter was adopted or amended; provided, however, that such extension shall not cross a public road.
 - (2) All extensions to be commenced following the effective date of adoption or amendment of the ordinance from which this chapter is derived shall first comply with all provisions of this section, and section 36-700.
 - (3) Any extension of operations shall not exceed the depth of extraction of the portion existing at the effective date of adoption or amendment of the ordinance from which this chapter is derived unless extraction to a greater depth is specifically approved by the township planning commission.
 - (4) Plans for the future extension of operations and restoration of the site shall be filed with the township planning commission within one year of the date of adoption or amendment of the ordinance from which this chapter is derived. Failure to file said plans within the one-year period shall authorize the township planning commission to refuse any extensions for the site following the one-year period. Failure to file may also be grounds for determining intent to abandon extraction operations for the remainder of the site.
- (b) If a nonconforming extraction operation ceases for any reason for a period of 270 consecutive days or more within any one calendar year, or for a period of two consecutive years, the extraction operation shall not be resumed and the subsequent use of such parcel shall thereafter conform to the regulations of the district in which it is located.
- (c) The equipment and processes of a legal, nonconforming extraction operation may be upgraded periodically in order to maintain the operation in a modern condition and in order to meet contemporary pollution

control standards. Such changes shall be permitted, even if they will result in an increase of production, provided the following conditions are met:

- (1) The changes in equipment and processes shall not have the effect of changing the nature or character of the operation into a use prohibited in the district in which located.
- (2) The noise, dust, odors, and other objectionable attributes of the operation shall not be increased beyond the levels existing at the effective date of adoption or amendment of the ordinance from which this chapter is derived.
- (3) The owner of the extraction operation shall notify the township in writing of each change prior to the installation of such change.
- (4) Building permits for any structure shall be obtained prior to installation or construction.

(Ord. of 7-22-2013, § 65.09)

Secs. 36-908—36-932. Reserved.

ARTICLE XXX. ZONING BOARD OF APPEALS¹³

Sec. 36-933. Board established.

A zoning board of appeals, hereinafter referred to as "board of appeals," is hereby established in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. of 7-22-2013, § 66.01)

Sec. 36-934. Membership and terms.

- (a) The board of appeals shall consist of five members appointed by the township board. The first member shall be a member of the township planning commission. The remaining members shall be selected from the electors of the township residing in the unincorporated area of the township. The members selected shall be representative of the population distribution and of the various interests present in the township. One member of the board of appeals shall be a member of the township board. The township board may appoint not more than two alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called as specified in the zoning ordinance to serve as a regular member for the zoning board of appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two or more consecutive meetings of the zoning board of appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals.
- (b) The term of office of each member shall be for three years, except for members serving because of their membership on 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 month after the term of the

¹³State law reference(s)—Zoning board of appeals, MCL 125.3601 et seq.

preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

- (c) A member shall abstain from voting on any question on which he has a conflict of interest. Failure of a member to abstain in such cases shall constitute misconduct of office.

(Ord. of 7-22-2013, § 66.02)

Sec. 36-935. General procedures for the board of appeals.

- (a) *Rules.* The board of appeals shall adopt rules and regulations to govern its procedures. The board of appeals shall elect a chairperson, vice-chairperson, and secretary from its membership. A chairperson and a secretary shall be elected at the beginning of the first meeting of the new fiscal year.
- (b) *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.
- (c) *Representation.* Any persons may appear on their own behalf at a hearing or may be represented by an agent or attorney.
- (d) *Time limit.* The board of appeals shall decide upon all matters within a reasonable time, not to exceed 90 days 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. The time limit may be extended by written agreement between the applicant or appellant and the board of appeals.
- (e) *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 of approval, facts, and other relevant factors, and all its official actions. The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting. All meetings and records shall be open to the public. All minutes shall be filed in the office of the township clerk.
- (f) *Oaths.* The chair of the board of appeals, or, in the chair's absence, the acting chair, may administer oaths and compel the attendance of witnesses.

(Ord. of 7-22-2013, § 66.03)

Sec. 36-936. Powers and duties of board of appeals.

- (a) The board of appeals shall perform its duties and exercise its powers as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.), so that the objectives of this chapter shall be attained, the public health, safety, and welfare served, and substantial justice done. The board of appeals shall hear and decide, as provided herein:
 - (1) Appeals of any administrative decision of any official or body on any requirement of this chapter.
 - (2) Variances.
 - (3) Expansion of nonconforming buildings and structures.
 - (4) Substitution of nonconforming uses.
- (b) Notwithstanding the preceding, the board of appeals shall not hear and shall have no authority regarding any issue that involves a conditional use permit or a planned unit development. 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 chapter, and shall not take any action that would result in making a legislative change.

(Ord. of 7-22-2013, § 66.04)

Sec. 36-937. Fees.

A schedule of fees of the zoning board of appeals shall be established by resolution of the township board and shall be paid at the time of application.

(Ord. of 7-22-2013, § 66.05)

Sec. 36-938. Public hearings.

The board of appeals shall hold a public hearing on each appeal for administrative review, and on each application for expansion of a nonconforming use, conditional use permit, and variance. The chair of the board of appeals shall fix a reasonable time and date for the hearing. The notice shall be provided in accordance with article XXXIII of this chapter. If the notice is delivered by mail, an affidavit of mailing shall be filed with the board of appeals by the township clerk prior to public hearing. Where the hearing, as determined by the board of appeals, concerns matters of general applicability in the township and does not concern only individual lots or parcels, such notice shall be given in a newspaper of general circulation within the township.

(Ord. of 7-22-2013, § 66.06)

Sec. 36-939. Expansion and substitution of nonconformities.

The board of appeals shall hear and decide upon applications for expansion of nonconforming structures and substitution of one nonconforming use for another such use in accordance with the provisions of section 36-905. An application for such expansion or substitution shall be filed with the township clerk. The application shall consist of a complete application form and fee, and shall contain adequate information to assist the board of appeals in reaching a decision in accordance with section 36-905. The clerk shall transmit the application and information to each member of the board of appeals within three days of the filing date.

(Ord. of 7-22-2013, § 66.07)

Sec. 36-940. Administrative review.

The board of appeals shall hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator in the interpretation and enforcement of this chapter. The board of appeals shall interpret zoning district boundaries according to the provisions of section 36-50.

(Ord. of 7-22-2013, § 66.08)

Sec. 36-941. Duties on matters of appeal.

All questions concerning the application of the provisions of this chapter 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 the law.

(Ord. of 7-22-2013, § 66.09)

Sec. 36-942. Procedures.

- (a) Appeals concerning administrative review may be made within such time as prescribed by the board of appeals by general rule, by filing with the zoning administrator and the board of appeals a notice of appeal specifying the grounds thereof. 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. The appellant shall submit a clear description of the order, requirement, decision, or determination for which appeal is made, and may be required by the board of appeals to submit additional information to clarify the appeal.
- (b) Appeals may be taken by any person aggrieved by a decision of the zoning administrator.
- (c) The fee shall be paid to the township clerk at the time of the filing the appeal.
- (d) An appeal stays all proceedings in the furtherance of the action appealed from, unless the zoning administrator certifies to the board of appeals after the notice is filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the zoning administrator from whom the appeal is taken, and on due cause shown.
- (e) The board of appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made. To that end, the board of appeals shall have the powers of the public official from whom the appeal is taken.

(Ord. of 7-22-2013, § 66.10)

Sec. 36-943. Variances.

- (a) *Authority.* The board of appeals shall have the authority to provide relief from the provisions of this chapter in specific cases. To this end, the board of appeals may grant a dimensional or non-use variances to provide relief from specific requirements in this chapter relating to area, height, setbacks, or other non-use standards which will not be contrary to the public health, safety and general welfare and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in a practical difficulty.
- (b) *Filing.* An application for a variance shall be filed with the township clerk by the record owner of the property in question or by a persons 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 three days of the filing date.
- (c) *Information required.* An application for a variance shall contain the following information:
 - (1) Legal description, address, and tax parcel number of the subject property.
 - (2) Boundary survey, showing all property lines, dimensions, and bearings of angles correlated with the legal description; all existing and proposed structures and uses on the property; existing zoning of subject and adjacent property; dimensions of structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this chapter. Such drawings shall also include well and septic locations, easements, and significant trees and wetlands if they exist on the site.

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- (3) Name and address of the applicant, property owners, interest of the applicant in the property, and signature of the property owner, if other than the applicant, concurring in the submittal of the application.
 - (4) Written statement of reasons for the variance request, demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and are not applicable to other lands, structures or buildings in the same district.
 - b. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.
 - c. That literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this chapter.
 - d. That granting the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.
- (d) *Standards of determination.* A dimensional variance shall not be granted by the board of appeals unless the board of appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this chapter. In determining whether a practical difficulty exists, the board of appeals must find that the following conditions are met:
- (1) Strict compliance with restrictions governing area, setback, frontage, height, lot coverage, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with those restrictions unnecessarily burdensome.
 - (2) The variance will provide substantial justice to the applicant, as well as other property owners in the district.
 - (3) The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
 - (4) The need for the variance is due to unique circumstances that are peculiar to the land, structure or building involved and not generally applicable in the area or to other properties in the same zoning district.
 - (5) The problem and resulting need for the variance has been created by strict compliance with the zoning ordinance, and not by the applicant or applicant's predecessors; it is not self-created.
 - (6) The variance will be in harmony with the spirit and intent of this chapter, will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety and welfare.

Further, the existence of nonconforming uses of neighboring lands, structures, or buildings in the same district, any permitted or nonconforming uses of lands, structures or buildings in other districts, and nonconforming structures, shall not be considered grounds for the issuance of a variance.

(Ord. of 7-22-2013, § 66.11; Ord. No. 16-51, §§ 1—3, 7-12-2016)

Sec. 36-944. Voiding of variance.

Each variance granted under the provisions of this chapter shall become null and void unless the construction authorized by such variance has been commenced within 180 days after granting of such variance and pursued diligently to completion, or the occupancy of land or buildings authorized by such variance has taken place within 180 days after the granting of such variance.

(Ord. of 7-22-2013, § 66.12)

Sec. 36-945. Reapplication for variance.

An application for a variance which has been denied wholly or in part by the board of appeals shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence of changed conditions found by the board of appeals to be valid.

(Ord. of 7-22-2013, § 66.13)

Sec. 36-946. Site plan requirements.

If an application or appeal to the board of appeals requires site plan approval by the planning commission, the applicant or appellant shall first apply for preliminary site plan approval as set forth in article XXVIII of this chapter. The planning commission shall review said plan and shall determine the layout and other features required to obtain approval of said plan. The planning commission shall then transmit the plan and the commission's findings thereon to the board of appeals. The board of appeals shall, upon deciding on the application or appeal, return the plan and its decision thereon to the planning commission for commission action on the preliminary site plan.

(Ord. of 7-22-2013, § 66.14)

Sec. 36-947. Appeals to courts.

Any decision of the board of appeals may be appealed through the courts, as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. of 7-22-2013, § 66.15)

Sec. 36-948. Conditions of approval.

The board of appeals may attach conditions to any affirmative decision; provided such conditions are in accordance with the requirements of this ordinance and Public Act No. 110 of 2006 (MCL 125.3101 et seq.). Such conditions shall be consistent with procedures, requirements, standards and policies of the township board, township planning commission and other township agencies, where applicable. Violation of any condition imposed shall be deemed a violation of this chapter and punishable under article XXXI of this chapter.

(Ord. of 7-22-2013, § 66.16)

Secs. 36-949—36-969. Reserved.

ARTICLE XXXI. ADMINISTRATION AND ENFORCEMENT

Sec. 36-970. Zoning administrator.

The office of zoning administrator is hereby created. The zoning administrator shall be hired by the township board.

(Ord. of 7-22-2013, § 67.01)

Sec. 36-971. Duties and powers of the zoning administrator.

The zoning administrator shall have the following duties and powers:

- (1) The zoning administrator shall administer and enforce all provisions of this chapter and shall issue all necessary notices or orders to ensure compliance with said provisions, except as otherwise provided elsewhere in this chapter.
- (2) The zoning administrator shall receive applications for and issue certificates of zoning compliance in accordance with this chapter and shall issue certificates of occupancy as required herein.
- (3) The zoning administrator shall make all inspections required by this chapter, and all inspections necessary to enforce this chapter, and may engage the assistance of the township fire chief and building inspector as deemed necessary in making such inspections. The zoning administrator may engage other experts to assist in making such inspections, subject to approval by the township board.
- (4) The zoning administrator shall identify and process violations of the chapter. The zoning administrator shall be responsible for making periodic inspections of the township or parts thereof for the purpose of identifying violations of this chapter.
- (5) The zoning administrator shall keep official records of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.
- (6) The zoning administrator shall submit to the township board and planning commission a quarterly report in which a summary of the activities of the office is presented.

(Ord. of 7-22-2013, § 67.02)

Sec. 36-972. Certificates of zoning compliance.

- (a) Applications for certificates of zoning compliance shall be made to the zoning administrator. Each application shall include a site plan as required in article XXVIII of this chapter and all information necessary to determine zoning compliance.
- (b) All plans to be submitted to the building inspector 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 development and is in effect.
- (c) In all cases in which an occupancy permit is required, but a building permit is not required, the occupancy permit shall not be issued unless a certificate of zoning compliance has been issued by the zoning administrator and is in effect.
- (d) A certificate of zoning compliance shall not be issued for any use or structure unless said use or structure and the lot on which situated meet all requirements of this chapter; provided, however, that a certificate of zoning compliance shall be issued for a use or structure and the lot on which situated on which one or more legal nonconformities exist. In such case, the certificate of zoning compliance shall not be issued for any use or structure and the lot on which situated if any illegal nonconformity exists thereon.
- (e) Application for a certificate of zoning compliance may be made by the owner or lessee of the structure or lot, or agent of either, or 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 agent thereof that the application and the proposed work or operation is authorized by the owner in fee. The full name and address 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.

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- (f) Subject to limitations of subsection (h) of this section, approved amendments to a plan, application, or other records accompanying the same may be filed at any time with the zoning administrator before completion of the work for which the certificate was approved and before a certificate of occupancy is issued; and such amendments, when approved, shall be deemed part of the original application and shall be filed therewith.
 - (g) The zoning administrator shall examine or cause to be examined all applications for certificates of zoning compliance and amendments thereto within a reasonable time after filing. If an application or the plans do not conform to all requirements of this chapter, the zoning administrator shall reject such application in writing, stating the reasons therefor. If the application and plans do so conform, the zoning administrator shall promptly issue the preliminary certificate of zoning compliance. The zoning administrator shall attach his signature to every certificate or may authorize a subordinate to affix such signature. The zoning administrator shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved."
 - (h) An application for a certificate of zoning compliance shall be deemed to have been abandoned six 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 one or more extensions of time for additional periods not exceeding 90 days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six months after time of commencing the work.
 - (i) In 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 issued thereto shall be deemed null and void.
 - (j) Issuance of a certificate of zoning compliance shall be subject to the following conditions:
 - (1) No certificate shall be issued until the required fees have been paid.
 - (2) All work shall conform to the approved application and plans, including approved site plans, for which the certificate has been issued and any approved amendments thereto.
 - (k) An application for a certificate of zoning compliance shall be accompanied either by a site plan as required in this section, or be a site plan as required under article XXVIII of this chapter, whichever applies. If a site plan is not required under article XXVIII of this chapter, a site plan shall be submitted as required by this section. A required site plan shall be drawn to scale, submitted in two copies, and shall provide the following information:
 - (1) Scale, date, and north point.
 - (2) Location, shape, and dimensions of the lot.
 - (3) Dimensioned location, outline, and dimensions of all existing and proposed structures, and the location and extent of all uses not involving structures.
 - (4) A clear description of existing and intended uses of all structures.
 - (5) Additional information as required by the zoning administrator for the purposes of determining compliance with the provisions of this chapter.

(Ord. of 7-22-2013, § 67.03)

Sec. 36-973. Building permits.

No building permit shall be issued for the erection, alteration, moving, placement, or repair of any structure or part thereof that does not comply with this chapter and unless a preliminary certificate of zoning compliance has been issued therefor by the zoning administrator and is in effect. No structure shall be erected, moved, placed

on a lot, added to, or structurally altered unless a building permit shall have been issued therefor by the building inspector.

(Ord. of 7-22-2013, § 67.04)

Sec. 36-974. Certificate of occupancy.

- (a) *Requirement; issuance.* It shall be unlawful to use or occupy or to permit the use or occupancy of any structure or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the building inspector. A certificate of occupancy shall not be issued until it has been signed by the zoning administrator, said signature signifying compliance with all provisions of this chapter. A certificate of occupancy shall not be issued for any building or structure or a part thereof, or for the use of land, which does not comply with all provisions of this chapter. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this chapter, and shall list each legal nonconformity existing on the premises. Failure to obtain a certificate of occupancy when required shall be a violation of this chapter and punishable under section 36-979.
- (b) *Use of lot without structure.* Any lot vacant at the effective date of the ordinance from which this chapter is derived shall not be used, nor may any use of a lot without a structure existing at the effective date of the ordinance from which this chapter is derived be changed to any other use, unless a certificate of occupancy shall have first been issued for the new or different use. A certificate of occupancy shall not be required for agriculturally used lands, such as cropland, pasture land, and woodland.
- (c) *Change in structure.* A structure, or part thereof, shall not be changed to or occupied by a use different from that existing at the effective date of the ordinance from which this chapter is derived unless a certificate of occupancy is first issued for the different use.
- (d) *New or altered structure.* Any structure, or part thereof, which is erected or altered after the effective date of the ordinance from which this chapter is derived, shall not be occupied or used for occupancy or use, cause to be done, until a certificate of occupancy is issued for such structure.
- (e) *Existing structure and use.* A certificate of occupancy shall be issued, upon request of the owner, for an existing structure or part thereof, or for an existing use of land, including legal nonconforming uses and structures, if after inspection of the premises, it is found that such structures or uses comply with all provisions of this chapter, or otherwise have legal, nonconforming status. All legal nonconformities shall be clearly described on the certificate of occupancy. A certificate of occupancy shall not be issued for any premises on which illegal nonconformities exist.
- (f) *Accessory structures.* An accessory structure shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the principal structure, when such accessory structure is completed under the same building permit as the principal structure.
- (g) *Application.* Application for certificates of occupancy shall be made in writing to the building inspector on forms furnished therefor.
- (h) *Certificates to include zoning.* Certificates of occupancy as required by the state construction code for new buildings or structures, or parts thereof, or for alterations or repairs to existing buildings or structures shall also constitute certificates of occupancy as required by this chapter; provided said certificates are signed by the zoning administrator.
- (i) *Temporary certificates.* Where permitted under the state construction code, a temporary certificate of occupancy may be issued provided that the temporary certificate is signed by the zoning administrator.

(Ord. of 7-22-2013, § 67.05)

Sec. 36-975. Inspection.

The applicant for a certificate of occupancy shall notify the zoning administrator and the building inspector when inspection is desired. The zoning administrator shall sign the certificate of occupancy within ten days after inspection of such application if the zoning administrator finds, after inspection, that the building or structure, or part thereof, or the use of land, complies with the provisions of this chapter and with all approved site plans. If the zoning administrator refuses to issue such certificate, he shall notify the applicant in writing of such refusal and the reasons therefor, within the aforesaid ten-day period.

(Ord. of 7-22-2013, § 67.06)

Sec. 36-976. Records.

The zoning administrator and building inspector shall each maintain records of all certificates and permits issued under this chapter and said records shall be open for public inspection.

(Ord. of 7-22-2013, § 67.07)

Sec. 36-977. Fees.

The township board shall establish by resolution a schedule of fees for administering this article. The schedule of fees shall be posted on public display in the office of the zoning administrator and may be changed only by the township board. No certificate or permit shall be issued unless required fees have been paid in full.

(Ord. of 7-22-2013, § 67.08)

Sec. 36-978. Compliance with plans.

Building permits and certificates of zoning compliance issued on the basis of plans and applications approved by the zoning administrator and the building inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter and punishable as provided by this article.

(Ord. of 7-22-2013, § 67.09)

Sec. 36-979. Violations and penalties.

- (a) *Notice of violation.* The zoning administrator shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, use, or occupancy of a structure or lot in violation of the provisions of this chapter, or in violation of a site plan or application approved hereunder, or in violation of a zoning compliance certificate issued hereunder, and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- (b) *Prosecution of violation.* If the notice of violation is not complied with promptly, the zoning administrator is hereby authorized to issue an appearance ticket to the suspected violator pursuant to Public Act No. 175 of 1927 (MCL 760.1 et seq.). The zoning administrator shall also request the township attorney to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the lot or structure in violation of the provisions of this chapter or the order or direction made pursuant thereto.

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- (c) *Violation penalties.* Any person who shall violate a provision of this chapter or shall fail to comply with any of the requirements thereof or who shall erect construct, alter, or repair a structure in violation of an approved site plan or directive of the zoning administrator or of a zoning compliance certificate issued under the provisions of this chapter, shall be guilty of a misdemeanor.
 - (d) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the township attorney from institution of appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct, business, or use of a structure or premises.
 - (e) *Stop-work order.* Upon notice from the zoning administrator that work on any structure or premises is being prosecuted contrary to this chapter, such work shall be immediately stopped. The stop-work order shall be posted on the property. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop-work order, except such work as such person is directed by the zoning administrator to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than \$100.00 per day.
 - (f) *Public nuisance per se.* Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of the ordinance from which this chapter is derived, in violation of any of the provisions herein is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Ord. of 7-22-2013, § 67.10)

Secs. 36-980—36-1001. Reserved.

ARTICLE XXXII. AMENDMENTS¹⁴

Sec. 36-1002. 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 chapter. Amendments may be initiated by the township board, the township planning commission, or by petition of one or more of the property owners of the township, or by one or more persons acting on behalf of a property owner of the 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.

(Ord. of 7-22-2013, § 68.01; Ord. of 6-4-2014, § 68.01)

Sec. 36-1003. Fees.

The township board shall establish, by resolution, fees for zoning amendment petitions. The fee shall be paid in full to the township clerk at the time of filing of the petition and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments requested by any government agency or body.

¹⁴State law reference(s)—Amendment to zoning ordinance, MCL 125.3403.

(Ord. of 7-22-2013, § 68.02; Ord. of 6-4-2014, § 68.02)

Sec. 36-1004. Amendment procedure.

- (a) The procedure for amending this chapter shall be in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (b) The original petition and 11 copies thereof shall be filed with the township clerk. The clerk shall transmit the petition and ten copies thereof to the township planning commission for review and report to the township board. The zoning administrator shall set a date for a public hearing, and shall notify the township clerk and applicant of the date. The clerk will then give notice of the public hearing as described in article XXXIII of this chapter. Public hearing requirements shall also apply to amendments initiated by the township board, the township planning commission and by any other governmental agency or body.
- (c) The planning commission shall report its findings, and its recommendations for disposition of the petition to the township board following the public hearing. The report shall include a summary of comments received at the public hearing.

(Ord. of 7-22-2013, § 68.03; Ord. of 6-4-2014, § 68.03)

Sec. 36-1005. Information required.

- (a) When the petition involves an amendment to the official zoning map, the petitioner shall submit ten copies of the following information the following information to the township clerk:
 - (1) A legal description of the property, including a street address and the tax code numbers.
 - (2) A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - (3) The name and address of the petitioner.
 - (4) The petitioner's interest in the property; if the petitioner is not the record owner, the name and address of the record owner, and that owner's signed consent to the petition.
 - (5) Signatures of petitioners and owners, certifying the accuracy of the information.
 - (6) Identification of the zoning district requested and the existing zoning classification of property.
 - (7) A vicinity map showing the location of the property, and adjacent land use and zoning districts.
 - (8) General description of natural resources on the site such as woodlands, wetlands, etc.
- (b) When a petition involves a change in the text of this chapter, the petitioner shall submit the following information to the township clerk:
 - (1) A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in this chapter necessary to accommodate the proposed amendment.
 - (2) Name and address of the petitioner.
 - (3) Reasons for the proposed amendment.

(Ord. of 7-22-2013, § 68.04; Ord. of 6-4-2014, § 68.04)

Sec. 36-1006. Findings of fact required.

- (a) In reviewing any petition for a zoning amendment, the planning commission shall identify and evaluate all factors relevant to the petition. The planning commission shall report its findings in full, along with its recommendation for action on the petition, to the township board. The factors to be considered by the planning commission shall include, but shall not be limited to, the following:
- (1) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted, or by an error in the original ordinance.
 - (2) The precedents, and the possible effects of such precedents, which might result from approval or denial of the petition.
 - (3) The capacity of the township or any other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
 - (4) Effect of approval of the petition on the condition and/or value of property in the township or in adjacent municipalities.
 - (5) Relation of the petition to the adopted land use development plan of the township, and of other government units where applicable.
- (b) All findings of fact shall be made a part of the public records of the meetings of the planning commission.
- (Ord. of 7-22-2013, § 68.05; Ord. of 6-4-2014, § 68.05)

Sec. 36-1007. Conditional rezoning of land.

As an alternative to a rezoning amendment as described in section 36-1002, 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 Public Act No. 110 of 2006 (MCL 125.3101 et seq.). 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 in this section.

- (1) The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to this article.
- (2) In addition to the procedures as noted in section 36-1004, 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 or persons acting on behalf of 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 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 XXX of this chapter.

- d. Conditional rezoning shall not grant conditional land use approval. The process for review and approval of conditional land uses must follow the provisions of article XXVII of this chapter.
 - 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 36-1005, the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this chapter, 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 chapter for site plan review and approval, or subdivision or site condominium approval, as the case may be.
- (3) Time limits and reversion of land to previous district.
- a. If the proposed conditions offered by the owner of rezoning are acceptable to the township, the township may establish a time during which the conditions apply to the property and must be met. If the conditions are not met within the time established by the township or as 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 36-1004.
 - b. If the township does not set a time period during which the conditions applied must be met, then the default period for reversion shall be 365 days from the date of approval or acceptance by the township
 - c. Unless a reversion of the zoning takes place as described in above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.
 - d. Upon approval of a conditional zoning, a copy of the written agreement between the property owner and township shall be filed with the 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.
 - e. The township may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
 - f. The time limits specified and approved by the township may be extended upon the application of the landowner and approval of the township.
- (4) Review procedures. The factors found in section 36-1006 must be considered in any conditional rezoning request.

(Ord. of 7-22-2013, § 68.06; Ord. of 6-4-2014, § 68.06)

Sec. 36-1008. Publication.

Following township board approval of a petition to amend this chapter, notice of the amendment shall be published within 15 days after adoption in a newspaper of general circulation within the township. The notice of adoption shall include the following information:

- (1) Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- (2) The effective date of the amendment.
- (3) The place and time where a copy of the ordinance may be purchased or inspected.

(Ord. of 7-22-2013, § 68.07; Ord. of 6-4-2014, § 68.07)

Sec. 36-1009. Referendum.

Within 30 days following the adoption of an amendment to this chapter, a petition signed by a number of qualified and registered voters residing in the unincorporated portion of the township equal to not less than eight percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, may be filed with the township clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of the township for their approval.

(Ord. of 7-22-2013, § 68.08; Ord. of 6-4-2014, § 68.08)

Sec. 36-1010. 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.

(Ord. of 7-22-2013, § 68.09; Ord. of 6-4-2014, § 68.09)

Secs. 36-1011—36-1033. Reserved.

ARTICLE XXXIII. PUBLIC NOTICE

Sec. 36-1034. Public notification.

All applications for development approval requiring a public hearing shall comply with the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and the provisions of this section with regard to public notification.

- (1) *Responsibility.* When the provisions of this chapter or the Michigan zoning enabling act require that notice be published, the township clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the township and having it mailed or delivered as provided in this section.
- (2) *Content.* All mail, personal and newspaper notices for public hearings shall:

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- a. Describe the nature of the request. Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation, or other purpose.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. Street addresses are not required to be listed when the request is for an ordinance interpretation not involving a specific property.
 - c. When and where the request will be considered. Indicate the date, time, and place of the public hearing.
 - d. Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by an agent or other representative.
 - e. Provide information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- (3) *Personal and mailed notice.*
- a. General. When the provisions of this chapter or state law require that personal or mailed notice be provided, notice shall be provided to:
 1. The owners of property for which approval is being considered, and the applicant, if different than the owners of the property.
 2. Except for an ordinance interpretation request that does not involve a specific property or for any action of the zoning board of appeals as noted below; notice shall be given to all persons whom real property is assessed within 600 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the township. For action of the zoning board of appeals pursuant to section 36-941, notice shall be given to all persons whom real property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four 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.
 - b. Notice by mail/affidavit. Notice shall be deemed to be given when personally delivered or mailed by its deposit in the United States mail, first class, or other public or private delivery service during normal business hours, properly addressed, postage paid. The township clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.
- (4) *Timing of notice.* Unless otherwise provided in the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), or this chapter where applicable, notice of a public hearing shall be

provided as follows: For a public hearing on an application for rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation, not less than 15 days before the date the application will be considered for approval.

- (5) *Posting of signage.* To ensure that residents are made aware of certain public hearings that relate to land use, the posting of signage shall be required for rezoning, (map amendment), conditional land use, and planned unit development. A variance, administrative appeal, ordinance interpretation, and/or zoning text amendment are exempt from these sign posting requirements.
- a. For any proposed zoning change or land use requiring the posting of a sign, property proposed for the zoning change or land use shall place a sign with a minimum area of four feet by four feet along the frontage of the property, which abuts a street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.
 - b. If the property proposed for the zoning change or land use does not abut a street, the sign shall be placed on any contiguous land owned by the applicant or owner of such parcel, which does abut a street.
 - c. If no such contiguous property abutting a street is owned by the applicant or owner of the property proposed for zoning change or land use the signs shall be placed in such locations on the property that the zoning administrator deems will best inform the public of the proposed zoning change or land use. If the zoning administrator determines that there is no location where a sign could be placed that would be visible to the public, the zoning administrator may waive the requirement of posting.
 - d. Each sign shall be erected at least 15 days before the planning commission's public hearing on the petition for the subject zoning change or land use.
 - e. Each sign shall be removed from the property no later than three business days following the public hearing or the adjourned or continued date thereof, whichever is later.
 - f. Each sign shall have lettering easily readable from the abutting street. Each sign shall contain the words "Public Hearing" and shall state the purpose of the public hearing, give the street address or tax code parcel numbers, acreage and diagram of the property proposed for the subject zoning change or land use, state the current zoning of the property, state the purpose of the request and the date, time, and place of the public hearing.
 - g. Signs erected under this section 36-1034(5) are exempt from other provisions of this chapter regulating signs.
 - h. Failure to comply with any provision of this section 36-836(b) shall not constitute grounds for invalidating or setting aside action on an application, but shall require adjourning and rescheduling the public hearing.

(Ord. of 7-22-2013, § 69.01; Ord. of 5-14-2014(2), § 69.01; Ord. No. 17-55, § 2, 7-11-2017)