

Chapter 36 - ZONING⁽¹⁾

Footnotes:

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State Law reference— Michigan zoning enabling act, MCL 125.3101 et seq.; municipal planning, MCL 125.31 et seq.; township planning, MCL 125.321 et seq.

ARTICLE I. - IN GENERAL

Sec. 36-1. - Purposes.

This chapter is established for the purposes of:

- (1) Promoting and protecting the public health, safety, and general welfare;
- (2) Protecting the character and stability of the recreational, agricultural, residential, commercial and industrial areas within the township;
- (3) Promoting and regulating growth of the township to obtain orderly and beneficial development;
- (4) Conserving life, property, and natural resources;
- (5) Conserving the expenditure of funds for public improvements and services;
- (6) Providing adequate light, air, and privacy to property;
- (7) Lessening and avoiding congestion on highways and streets, and providing safe and convenient access for property; and
- (8) Conserving the taxable value of land, buildings, and structures of the township.

(Ord. No. 275, § 1.03, 10-21-2003)

Sec. 36-2. - 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 parcel, lot, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building, or structure not specifically included in said ruling.

(Ord. No. 275, § 1.04, 10-21-2003)

Sec. 36-3. - 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. No. 275, § 1.05, 10-21-2003)

Sec. 36-4. - Rules of interpretation.

For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:

- (1) The term "person" includes a firm, association, organization, partnership, trust, corporation, or company as well as an individual.
- (2) The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.
- (3) The term "shall" is mandatory; the term "may" is permissive.
- (4) The term "used" or "occupied" includes the terms "intended," "designed," or "arranged to be used" or "occupied."

(Ord. No. 275, § 2.01, 10-21-2003)

Sec. 36-5. - 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 or ancillary use of a building, facility or structure means a use, building, facility or structure, on the same lot with, and of a nature customarily incidental to, ancillary to, or associated with, and subordinate to, the principal use, building or structure.

Accessory or ancillary oil and gas well use or structure means a use or structure used incidental to or in association with the exploration, drilling, operation, or completion of an oil or gas well, or use or structure used for or incidental to or in association with the processing, production, handling, loading/unloading, or transmitting of natural gas, oil, related hydrocarbons, or other associated substances; including, but not limited to, water wells, pipelines, flowlines, gathering lines, storage, handling, mixing, hauling, transport, transport structures, production or sweetening facilities, processing or compression facilities, or other ancillary and/or accessory buildings, structures, facilities or equipment. This definition includes all accessory and/or ancillary oil and gas structures and uses regardless of whether the structure or use is located on the same lot with the oil and gas well or other principal use, building, or structure.

Adult-oriented commercial enterprise means an establishment which draws its customers from one or more segments of the public, including, but not limited to, the following:

- (1) *Adult book store.* An establishment which has a substantial or significant portion of its stock in trade sexually explicit verbal material. Sexually explicit verbal material is defined as a book, pamphlet, magazine, video, movie, printed matter reproduced in any manner, or sound recording that contains an explicit and detailed verbal description or narrative account of sexually explicit activity.
- (2) *Adult cabaret.* An establishment whose principal activity is the conducting or presenting of any sexually explicit performance. Sexually explicit performance is defined as a motion picture, video, digital presentation, exhibition, show, representation, or other presentation that, in whole or in part, depicts sexually explicit activity.
- (3) *Adult video/motion picture theater.* An establishment, which, as its principal activity, presents or offers for sale or rents, any sexually explicit visual material. Sexually explicit visual material is defined as a picture, photograph, drawing, sculpture, motion picture film, or similar visual representation that depicts sexually explicit activity, or a book, magazine, or pamphlet that contains such a visual representation. An undeveloped photograph, mold or similar visual material

may be sexually explicit material notwithstanding that processing or other acts may be required to make its sexually explicit content apparent.

- (4) *Adult retail store.* An establishment which has a substantial or significant portion of its stock in trade in items used or advertised as sexually explicit entertainment gimmicks, novelties, paraphernalia, any sexually explicit matter or any combination thereof. Sexually explicit matter is defined as any sexual explicit verbal material, sexually explicit visual material, or sexually explicit performance.
- (5) *Body painting or nude modeling studio.* Any building, structure, premises or part thereof used primarily as a place which offers as its principal activity the providing of models to exhibit, display or perform any sexually explicit performance for a fee, or which provides the services of body painting of the human body in conjunction with any sexually explicit activity.
- (6) *Escort.* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (7) *Escort agency.* A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (8) *Pawnbrokers and pawnshops.* The term "pawnbroker" as used herein is defined as any person, corporation or member or members of a copartnership or firm, who loans money on deposit, or pledge of personal property, or other valuable things, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price. The term "pawnshop" is defined as any location where a pawnbroker conducts business.
- (9) *Sexually explicit activity.* Sexually explicit activity is defined as any presentation, exhibition, narrative, show, representation, depiction, or other description of any of the following:
 - a. *Erotic fondling.* The touching of a person's clothed or unclothed genitals, pubic area, buttocks or, if the person is female, breasts, for the purpose of sexual gratification or stimulation.
 - b. *Nudity.* The showing of the male or female genitals, pubic area, vulva, anus, the showing of the female breast with less than a fully opaque covering of any part of the nipple, the showing of the covered male genitals in a discernibly turgid state or any lewd display of the human male or female genitals or pubic area.
 - c. *Sadomasochistic abuse.* Means either of the following:
 1. Flagellation, or torture, for sexual stimulation or gratification, by or upon a person who is nude or clad only in undergarments or in a revealing costume; or
 2. The condition of being fettered, bound, or otherwise physically restrained for sexual stimulation or gratification, of a person who is nude or clad only in undergarments or in a revealing costume.
 - d. *Sexual excitement.* The condition of human male or female genitals when in a state of sexual stimulation or arousal.
 - e. *Sexual intercourse.* Intercourse, real or simulated, whether genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between a human and an animal; or any intrusion, however slight, into the genital or anal openings of another's body.
- (10) *Tattoo/body-piercing branding parlor.* An establishment which provides external body modification, through the application of a tattoo, body-piercing, or branding.
 - a. *Body-piercing.* The perforation of human tissue other than an ear for a nonmedical purpose.
 - b. *Branding.* A permanent mark made on human tissue by burning with a hot iron or other instrument.

- c. *Tattoo*. An indelible mark made upon the body of another individual by the insertion of a pigment under the skin or an indelible design made upon the body of another by production of scars other than by branding.

Ambient noise shall mean regularly occurring background noise not produced by the object or device in question.

Animal means a nonhuman zoological species, classified for purposes of this chapter as follows:

- (1) *Class I animal*. Domesticated household pets weighing less than 150 pounds.
- (2) *Class II animal*. An animal which is normally part of the livestock maintained on a farm, including:
 - a. Bovine and like animals, such as cows.
 - b. Equine and like animals, such as horses.
 - c. Swine and like animals, such as pigs and hogs.
 - d. Ovis (ovine) and like animals, such as sheep and goats.
 - e. Other animals, similar to those listed in subsection (2)a—d of this definition, weighing in excess of 75 pounds, and not otherwise specifically classified herein.
- (3) *Class III animal*. Rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as waterfowl, such as pheasant, quail, geese or grouse, and other animals weighing less than 75 pounds not specifically classified herein.

ANSI means the American National Standards Institute.

Attached wireless communications facilities means wireless communications facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

Banquet/meeting hall means a building or part of a building used for the purposes of entertaining a large group of people where food and beverage may be provided; and where a caterer's establishment may be included only if it is in conjunction with a banquet/meeting hall. This use shall also include a building or part thereof in which facilities are provided for such purposes as meeting, for groups of civic, educational, political, religious or social purposes.

Base flood means a flood having a one percent chance of being equaled or exceeded in any given year.

Basement means that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than or equal to the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. (See Figure 1 in appendix A.)

Berm means a landscaped mound of earth which blends with the surrounding terrain.

Billboard. See *Sign, outdoor advertising*.

Bluff means bank that rises at a slope of 33 degrees or greater from within 50 feet of the river's edge. The top of the bluff is the first riverward facing area (approximately parallel to the river) that breaks to a slope of less than 18 degrees for a distance away from the river of at least 25 feet.

Buffer means a landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.

Building means a structure erected on-site, a mobile home or mobile structure, a premanufactured or precut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building height means the vertical distance measured from grade to the highest point of flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs. (See Figure 2 in appendix A.)

Campground means a parcel in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for tents or recreational vehicles. The term "campground" shall not include a "seasonal mobile home park" licensed under Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

Campground, modern, means a campground where water flush toilets and water under pressure are available at a service building or where a water outlet and a sewer connection are available at each site.

Campground, primitive, means a campground where a service building or where a water outlet and a sewer connection are available at each site.

Campground, temporary, means a campground used on a temporary or shortterm basis not to exceed a period of four weeks.

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

Collocation means the location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communications antennas within the community.

Communications tower means a structure that is intended to hold apparatus which transmits or receives radio, television, pager, or telephone communications, excluding those used exclusively for amateur radio operations, dispatch communications associated with an individual business establishment or domestic radio or television reception.

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.

Community wastewater utility system or systems (CWUS) means a facility which is owned by a nongovernmental 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.

Conditional use means a use which may be permitted after recommendation by the planning commission and approval by the township board. A conditional use may be granted in a zoning district only when there is a specific provision for such conditional use in this chapter. A conditional use is also referred to as a special land use as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

Condominium. Condominiums shall include the following elements:

- (1) *Condominium act*. Refers to Public Act No. 59 of 1978 (MCL 559.101 et seq.).
- (2) *Condominium documents*. The master deed, recorded pursuant to the Michigan 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*. The condominium unit, including the contiguous limited common element surrounding the condominium unit, which shall be considered a lot as defined by this chapter.
- (4) *Condominium unit*. The portion of a 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.

- (5) *General common element.* The common elements other than the limited common elements reserved in the master deed for use by all of the co-owners.
- (6) *Limited common element.* A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (7) *Master deed.* The condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference with the bylaws for the project and the condominium subdivision plan for the project.
- (8) *Site condominium.* A condominium development in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit. Such developments are also described in the master deed.

Conservation easement means a voluntary agreement between a private landowner and a municipal agency or qualified not-for-profit corporation to restrict the development, management, or use of land. That agency holds the interest and is empowered to enforce its restrictions against the current landowner and all subsequent owners of the land.

Crematorium means a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

Critical root zone means the circular area surrounding a tree which is considered to contain tree roots within 18 inches of the ground surface. The radius of the critical root zone is, in feet, the same numerical value as the tree's diameter at breast height (DBH) in inches and is measured outward from the center of the tree. For example, the critical root zone of a 12-inch DBH tree has a radius of 12 feet.

Day care facility means the following:

- (1) *Day care center.* 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, and where the parents or guardians are not immediately available to the child. The term "day care center" includes a facility which 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 or drop-in center. The term "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 in attendance for not greater than three hours per day for an indefinite period, or not greater 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 cared for not greater 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 day care home.* 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 day care home" includes a home that gives care to an unrelated child for more than four weeks during a calendar year. Child family day 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 day care home.* 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 day 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.* 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.

dB(A) shall mean A-weighted decibels. This is the unit used to measure environmental noise.

Deck means a structure without a roof having a foundation to hold it erect, and attached to or abutting one or more walls of a building or constructed separately from a building, with or without direct access to the ground, the floor of which is above finished grade, and intended for use as an outdoor living area.

Density, residential, means the number of dwelling units in relation to the number of acres of the lot on which such units are situated. The lot area to be used in the calculation shall be limited to the portion of the lot zoned for the district for which said density regulation applies, and shall not include any area in any street or other right-of-way, any area of such lot devoted to on-site sewage treatment facilities, or any area required for, or allocated to, any other lot.

Department means the State of Michigan Department of Licensing and Regulatory Affairs (LARA).

Diameter breast height (D.B.H.) means a tree's diameter in inches measured by diameter tape at 4½ feet above the ground. On multi-stem trees, the largest diameter stem shall be measured.

Drive-through facility means an establishment that is designed to permit customers to receive products or services while remaining seated in a motor vehicle.

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

Dwelling, multiple-family, means a building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Dwelling, single-family, means a building containing not more than one dwelling unit.

Dwelling, single-family attached, means a building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term "single-family attached dwelling" is intended primarily for such dwelling types as townhouses and duplexes.

Dwelling unit means one or more rooms connected together with principal kitchen and bathroom facilities designed as a unit for residence by only one family for living and sleeping purposes, constituting a separate, independent housekeeping establishment, and physically separated from any other rooms or dwelling units which might be in the same structure.

Dwelling unit, mobile home. See *Mobile home.*

Easement means the right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses. In the context of this chapter, private road easements shall be designated for purposes of vehicle ingress and egress.

Essential services means the erection, construction, alterations, or maintenance by public utilities or municipal departments, commissions, or boards, or by other government agencies of underground, surface, or overhead gas, electric, steam, or water transmission or distribution system, collection, communications, supply or disposal systems, dams, weirs, culverts, bridges, canals, locks, poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, law enforcement call boxes,

traffic signals, or signs and fire hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or other government agencies, or for the public health, safety, or general welfare, but not including buildings other than those buildings which are primarily enclosures or shelters for the installed central services equipment.

Family means:

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

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

Farm animals means 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. It 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's sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when allowed by applicable local, state, and federal regulations.

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

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

Fence means an enclosure, especially an enclosing barrier erected to prevent straying from within or intrusion.

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

Flood hazard area means land which on the basis of available floodplain information is subject to one percent or greater chance of flooding in any given year.

Flood hazard boundary means the official map issued by the federal emergency management agency, where the boundaries of the areas of special flood hazards have been designated.

Flood insurance rate map or *FIRM* means the official map of the township, dated August 3, 1989, on which the federal emergency management agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the federal emergency management agency containing flood profiles, the water elevation of the base flood, and may include a flood boundary-floodway map.

Floodplain means lands which are subject to periodic flooding and have been defined by the Corps of Engineers, Soil Conservation Service of the U.S. Department of Agriculture, or by any other relevant state or federal agency to have alluvial soil deposits, indicating that such flooding has taken place; or as defined by any registered engineer or land surveyor and accepted by the township board as such a floodplain.

Floodway means the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

Floor area means the sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior of the face of the exterior walls, plus that area, similarly measured, of all other floors, except basements, 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 cover means the total floor area of a building or buildings divided by the area of the lot on which it is located, calculated as a percentage.

Floor area, dwelling unit, means the floor area as defined preceding, except that only those parts of a dwelling unit that are permanent, structural parts of the dwelling, meet all requirements of the Michigan State Construction Code, and are designed, constructed, and heated for yearround human occupancy, may be included in the computation of floor area used to meet minimum floor area requirements.

Foster care facilities, adult, 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 or 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*. 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*. 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*. 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*. 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*. 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 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.* 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.

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

Generally accepted agricultural and management practices (GAAMPs) means as defined in the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).

Grade means the degree of rise or descent of a sloping surface. (See Figure 3 in appendix A.)

Grade, finished, means the final elevation of the ground surface after development.

Grade, natural, means the elevation of the ground surface in its natural state, before manmade alternations.

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

Hazardous substances includes hazardous chemicals as defined by the state department of environmental quality; flammable and combustible liquids as defined by the department of state police, fire marshal division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the state department of environmental quality. Petroleum products and waste oil are subject to regulation under this section.

High volume water removal means the removal and use of 100,000 gallons or more per day over a 30-day average of water and or water mixed with chemicals or other substances from any water source, such as an aquifer, groundwater, creeks, streams, or lakes, where 25 percent or more of the water is not returned within 48 hours to the land surface overlying the aquifer from which the water is removed. It does not include large volume removal or use for farming and agriculture on contiguous land from which it is removed provided that the water is not diverted or transferred and used in another watershed and meets the less than 25 percent return requirement.

Home occupation means an occupation that is carried on in the home by resident members of the family, being clearly incidental and secondary to the principal residential use, provided:

- (1) That such home occupation shall be carried on within the dwelling or within a building accessory thereto;
- (2) 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;
- (3) That there shall be no exterior storage of materials or equipment;
- (4) That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matter at any time;
- (5) That no hazard of fire, explosion or radioactivity shall exist at any time.

The term "home occupation" shall include, but not be limited to, giving instruction in a craft or fine art within the residence.

Hospital, general, means an installation providing health services primarily for inpatient medical or surgical care of the sick or injured, and includes related facilities such as laboratories, outpatient

departments, training facilities, central service facilities and staff offices which are integral parts of the facilities.

Housing for the elderly means a building or group of buildings containing dwellings intended for, and solely occupied by, elderly persons as defined by the Federal Fair Housing Amendments Act of 1988. Housing for the elderly may include independent and/or assisted living arrangements but shall not include convalescent or nursing facilities regulated by the state.

Invasive tree(s) shall mean trees that are non-native and/or undesirable as they are likely to cause harm to local ecosystems by crowding out natives and/or desirable trees thus reducing the diversity of the ecosystem. The following trees shall be considered invasive.

Alder (European Black)	<i>Alnus glutinosa</i>
Buckthorn (Common)	<i>Rhamnus cathartica</i>
Elm (Siberian)	<i>Ulmus pumila</i>
Locust (Black)	<i>Robinia pseudoacacia</i>
Maple (Norway)	<i>Acer platanoides</i>
Mulberry (Russian, White)	<i>Morus alba</i>
Olive (Russian)	<i>Elaeagnus angustifolia</i>
Poplar (Lombardy)	<i>Populus nigra var. italic</i>
Poplar (Silver, White)	<i>Populus alba</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Willow (Corkscrew)	<i>Salix matsudana</i>
Willow (Crack)	<i>Salix fragilis</i>
Willow (Gray)	<i>Salix cinerea</i>
Willow (Laurel/Bay-leaved)	<i>Salix pentandra</i>

ISO means the International Organization for Standardization.

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, containers, etc. are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking and structural steel materials and equipment and including 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, structure, enclosure or premises where five or more dogs or cats, six months of age or older, are kept for commercial purposes, including boarding, breeding, or sale, or the rendering of services for profit. For the purposes hereof, five animals over six months of age kept and maintained as a hobby kennel or for any other purpose, shall be deemed and considered a commercial kennel.

Kennel, hobby, means any building, structure, enclosure or other premises where four or fewer dogs or cats, six months of age or older, are kept, harbored or maintained:

- (1) For showing in recognized dog shows, obedience trails, or field trails.
- (2) For working and hunting.
- (3) For improving the variety or breed with a view to exhibition in shows and trials.
- (4) For household pets.

Landmark tree shall mean a woody plant, in a healthy, live condition (has a health and condition standard factor of over 50% based on standards established by the International Society of Arboriculture), as listed in the following table that meets or exceeds the size (DBH) requirement:

COMMON NAME	BOTANICAL NAME	Sz.—D.B.H.
Arborvitae	Thuja	18"
Basswood	Tilia	20"
Beech, American	Fagus grandifolia	18"
Birch	Betula	18"
Black Tupelo	Nyssa sylvatica	12"
Black Walnut	Juglans nigra	20"
Blue Beech	Carpinus caroliniana	8"
Butternut	Juglans cinerea	12"
Cedar	Juniperus	12"
Cedar of Lebanon	Cedrus	8"
Cherry, Black	Prunus serotina	20"

Cherry, flowering	Prunus	12"
Chestnut	Castanea	8"
Crabapple	Malus	12"
Dawn redwood	Metasequoia glyptostroboides	16"
Dogwood, Flowering	Cornus florida	8"
Douglas Fir	Pseudotsuga menziesii	18"
Elm	Ulmus	18"
Fir	Abies	18"
Ginkgo	Ginkgo	18"
Hackberry	Celtis occidentalis	18"
Hawthorn	Crataegus	12"
Hemlock	Tsuga	12"
Hickory	Carya	18"
Honey Locust	Gleditsia triacanthos	20"
Hop Hornbeam /Ironwood	Ostrya virginiana	8"
Horse Chestnut/Buckeye	Aesculus	18"
Kentucky Coffeetree	Gymnocladus dioicus	18"
Larch/Tamarack	Larix	12"
London Planetree/American Sycamore	Platanus	18"
Magnolia	Magnolia	12"

Maple (Red)	Acer rubrum	18"
Maple (Silver)	Acer saccharinum	24"
Maple (Sugar)	Acer saccharum	18"
Maple (Mountain/Striped)	Acer spicatum/pensylvanicum	8"
Oak (All species)	Quercus	18"
Paw Paw	Asimina triloba	8"
Pear	Pyrus	16"
Persimmon	Diospyros virginiana	16"
Pine (All species)	Pinus	18"
Poplar	Populus except for P. deltoides, alba	24"
Redbud	Cercis canadensis	8"
Sassafras	Sassafras albidum	12"
Serviceberry	Amelanchier	8"
Spruce	Picea	18"
Sweetgum	Liquidambar styraciflua	18"
Tulip Poplar	Liriodendron tulipifera	20"
Yellowwood	Cladrastis lutea	12"

Large scale retail establishment means a retail establishment, commonly referred to as a "big box" store, which exceeds 50,000 square feet in gross floor area.

Livestock means horses, cattle, sheep, and swine.

Livestock production facility means a facility where farm animals as defined in the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.), are confined with a capacity of 50 animal units or greater and/or the associated manure storage facilities. Pasture systems are excluded.

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.

Lodging means a series of attached, semidetached or detached rental units containing bedroom, bathroom and closet space. Such units shall provide for overnight lodging, are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Lot means the contiguous land in the same ownership that is not divided by a street right-of-way or a street or drive easement, including any part thereof subject to any easement for any purpose other than a street or drive, and excluding any portion thereof in a street right-of-way or a street or drive easement of at least sufficient size to meet minimum requirements of the zoning district in which it is located. Such lot shall have frontage on a public street, or on a private street approved by the township board, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) Any combination of complete and/or portions of lots of record;
- (4) A parcel of land described by metes and bounds; or
- (5) Any parcel of land which constitutes or is treated as a condominium unit in accordance with the Michigan condominium act, being Public Act No. 59 of 1978, as amended, shall be defined and treated as a lot for all purposes of this chapter provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this chapter.

Lot area means the area within the lot lines, except any portion of a lot in a street right-of-way, a street or drive easement shall not be included in measuring minimum lot area necessary to meet district regulations.

Lot coverage means the percentage of the lot area covered by the ground floor of principal and accessory buildings.

Lot depth means the distance between the midpoints of the straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. (See Figure 4 in appendix A.)

Lot frontage means the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage. For the purpose of determining minimum lot width, the frontage of only one street shall be used.

Lot of record means a lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded in the office of the county register of deeds prior to the effective date of the ordinance from which this chapter is derived; or a parcel of land described by metes and bounds which is the subject of a deed or land contract recorded in said office prior to said date.

Lot types (see Figure 5 in appendix A):

- (1) *Corner lot*. A lot located at the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- (2) *Interior lot*. A lot other than a corner lot with only one frontage on a street.
- (3) *Through lot*. A lot other than a corner lot with frontage on more than one street, and may be referred to as a double frontage lot.

Lot width means the required distance between the side lot lines, measured in a straight line at the two points where the required front setback intersects the side lot lines. For lots located on the turning circle of a cul-de-sac, the lot width may be reduced to 80 percent of the required lot width. (See Figure 4 in appendix A.)

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

Material change includes, but is not limited to, any commencement of mining, excavation, grading, or land clearance; deposit of refuse, waste, or fill on land not already used for that purpose or permitted to be used for that purpose by this chapter, or which extends the height of any existing deposit above the level of the land adjoining the site; alteration of a shore, bank, or floodplain of a river, stream, or of any lake or pond, natural or artificial.

Medical marihuana cultivation, use and distribution. The following terms associated with medical marihuana cultivation, use and distribution as a home occupation (section 36-100) are defined as follows:

- (1) *Act* means MCL 333.26421 et seq., and Michigan Administrative Rules, R333.101 et seq.
- (2) *Department* means the State of Michigan Department of Community Health.
- (3) *Distribution* means the physical transfer of any amount of marihuana in any form by one person to any other person or persons, whether or not any consideration is paid or received.
- (4) *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.
- (5) *Facility or premises* means one premises having a separate or independent postal address.
- (6) *Marihuana* means the substance or material defined in section 7106 of the Public Health Code, 1976 PA 368, MCL 333.7106 et seq.
- (7) *Primary caregiver or caregiver* means a person as defined under MCL 333.26423(g), and who has been issued and possesses a registry identification card under the Medical Marihuana Act.
- (8) *Principal residence* means the place where a person resides more than half of the calendar year.
- (9) *Qualifying patient or patient* means a person as defined under MCL 333.26423(h) of the Medical Marihuana Act.
- (10) *Registry identification card* means the document defined under MCL 333.26423(i).

Mobile home means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. The term "mobile home" does not include a recreational vehicle.

Mobile home pad means that part of a mobile home site specifically designated for the placement of a mobile home.

Mobile home park means a parcel or tract of land under the control of a person on which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a seasonal mobile home park.

Mobile home site means the entire area which is designated for use by a specific mobile home.

Motor home means a self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.

Natural features means a wetland, as defined and regulated by the state and a watercourse, including a lake, pond, river, stream or creek, which has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

Nature and wildlife preserve means a parcel of land which is established for the purpose of preserving and protecting natural communities of plants and animals for their scientific and/or aesthetic interest.

Neighborhood service retail shall mean small-scale service and retail uses that are located immediately adjacent to the residential area that they serve. Uses shall be limited to those permitted uses of the C-2 General Commercial district pursuant to subsection 36-74(12)b.

Neighborhood service retail (NSR) uses shall be limited to a maximum lot area of 1.0 acre and a maximum floor area of 8,000 s.f. NSR uses shall have direct access to a public road with a minimum future right-of-way width of 86 feet or greater pursuant to the future right-of-way plan found within the township master plan.

Nonconforming building or structure means a structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated.

Nursing or convalescent home means a state-licensed facility for the care of children, of the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under state law even through state law has different size regulations.

Oil and gas well means any natural gas, oil, or related hydrocarbon well, or other wells drilled for oil or gas exploration purposes. It does not include mineral mining and extractive operations subject to regulation under section 36-145 of this Code.

Opacity means the state of being impervious to sight.

Open space means any parcel or area of land including wetland that is unimproved and set aside, dedicated, designated, or reserved for preservation purposes, and/or public or private use or enjoyment.

In addition to unimproved areas, open space may also include the following:

- (1) Stormwater detention or retention ponds and facilities meeting the low impact design criteria of the Washtenaw County Water Resources Commission. In addition, to be considered open space all stormwater detention or retention ponds and facilities must be constructed using vegetation native to this area and in a way that appears to be a natural feature of the subject site.
- (2) Outdoor recreational facilities including but not limited to bike paths, trails, golf courses, community swimming pools, playgrounds, ball fields, court games, and picnic areas.
- (3) All buffer and greenbelt areas. Required setbacks for individual residential parcels shall not be included as open space.

Ordinary high-water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence of action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as a result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

Parcel means a piece or tract of land.

Park means a public or private area dedicated to recreation use and generally characterized by its natural, historic, and landscape features. It is used for both passive and active forms of recreation and may be designed to serve the residents of a neighborhood, community, or region. For purposes of this chapter, the following more specific definitions shall apply:

- (1) *Community park*. A park which is designed and equipped to serve the township, as well as neighboring residential areas.
- (2) *Neighborhood park*. A park which is designed and equipped to primarily serve neighboring residential areas.
- (3) *Regional park*. A park which is designed and equipped to serve areas outside the township, as well as the township.

Parking facility, off-street, means a land surface or area 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 motor vehicles.

Parking space means one unit of parking facility provided for the parking of one vehicle.

Plant material means a collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

Private road means an area of land which is privately owned, has not been dedicated to public use other than access by emergency and public safety vehicles, is maintained by its private owners, and vehicular access to more than one lot, unless otherwise specified herein.

Protected tree means a woody plant that is not an "invasive tree" as defined herein, is at least 15 feet tall, in a healthy, live condition (has a health and condition standard factor of over 50 percent based on standards established by the International Society of Arboriculture) and has a single stem trunk of six inches DBH or greater, or a multi-stem trunk system where one or more of the stems is four inches DBH or greater.

Public road means a traffic way dedicated to either the county road commission or the state, which provides vehicular access to abutting thoroughfares.

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 sewer facilities.

Quarry means any pit, excavation, or mining operation for the purpose of searching for, or removing, any earth, sand, gravel, clay, stone, slate, marble or other nonmetallic 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, structure, or roadway.

Recreational equipment means equipment designed and used primarily for recreational use such as boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases and boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Regulatory flood datum means the 100-year floodplain contour line synonymous with base flood elevation.

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

- (1) *Carryout restaurant*. A restaurant whose method of operation involves the sale of food, beverages and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- (2) *Drive-in restaurant*. A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- (3) *Drive-through restaurant*. A restaurant whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- (4) Standard restaurant. A restaurant that does not include a drive-through component as defined by this chapter, and the operation of which involves either:
 - a. The delivery of prepared food by wait staff to customers seated at tables within a completely enclosed building; or
 - b. The acquisition by customers of prepared food at a cafeteria line and its subsequent consumption by the customers at tables within a completely enclosed building.

- (5) *Tavern*. A type of restaurant which is operated primarily for the dispensing of alcoholic liquors, although the sale of prepared food or snacks may also be permitted. If a tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

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

River's edge means, in the case of the Huron River, the annual water line of the Huron River within the unincorporated portion of the township. In the case of Mill Creek, the annual water line of Mill Creek within the unincorporated portions of the township.

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.

Salvage yard means an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. The term "salvage yard" includes automobile wrecking yards and any area of more than 200 square feet used for the storage, keeping or abandonment of salvaged materials, but does not include uses established entirely within enclosed buildings.

Screen means a structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. The term "screen" may also consist of shrubs or other living materials.

Self-storage facility means a building consisting of individual, small self-contained units that are leased for the storage of personal and household goods.

Shopping center means a coordinated grouping of retail commercial and service establishments located on a single site or contiguous group of sites with common parking and access.

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 or in any building, in such manner as to attract attention from outside the premises; except signs not exceeding one square foot in area bearing only property numbers, post box numbers, or names of occupants of premises. The following additional definitions shall apply in the regulation of signs:

- (1) *Abandoned sign*. A sign which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
- (2) *Billboard*. See *Outdoor advertising sign*.
- (3) *Business center*. A group of two or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.
- (4) *Canopy or marquee sign*. Any sign attached to or constructed within or on a canopy or marquee.
- (5) *District*. Zoning district as established by this chapter.
- (6) *Freestanding sign*. A sign supported by a structure independent of any other structure.
- (7) *Height of sign*. The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- (8) *Identification sign*. A sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise, such situated, or on which the principal product is offered for sale.

- (9) *Off-site sign (off-premises sign)*. A sign other than an on-site sign.
- (10) *On-site sign (on-premises sign)*. A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.
- (11) *Outdoor advertising sign*. A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.
- (12) *Portable sign*. Any sign not permanently attached to the ground or a building.
- (13) *Temporary sign*. A sign that is intended to be displayed for a limited period of time.
- (14) *Wall sign*. A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.
- (15) *Window sign*. A sign installed on or in a window for the purposes of viewing from outside the premises. This term does not include merchandise located in a window.

Sound pressure means an average rate at which sound energy is transmitted through a unit area in a specified direction as measured at a receiver.

Stable, commercial, means a stable with a capacity of five or more horses, mules or donkeys which are rented, hired, used or boarded on a commercial basis or for compensation. For the purpose hereof, five or more animals kept and maintained as a hobby stable, or for any other purpose, shall be deemed and considered a commercial stable.

Stable, hobby, means a stable with a capacity of four or fewer horses, mules or donkeys which are used by the owners of the property.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it.

Story, one-half, means a story under the gable, hip, or gambrel roof, the wall plates on which at least two opposite exterior walls are not more than two feet above the floor of such story and the floor area shall not exceed two-thirds of the area of the floor below.

Stream bank means the sides of a stream channel, encompassing the area from that exposed during the lowest flow of the typical year (operationally defined as the seven-day minimum flow based on a ten-year data record) to the top of the bank, defined as that level where water spills out of the channel and into the floodplain (operationally defined as the 1.5-year recurrence flow based on a ten-year data record).

Stream channel means an area that contains continuously or periodically flowing water that is confined by banks and a stream bed.

Stream, ephemeral, means a feature that carries flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral streams may or may not have a well-defined channel, and the aquatic bed is located above the water table yearround. Stormwater runoff is the primary source of water for stream flow and groundwater is not a source for the stream.

Stream, intermittent, means a feature that carries flowing water during certain times of the year, typically during winter and spring when groundwater is high. Intermittent streams have a well-defined channel, and the aquatic bed is located below the water table during winter and spring months. The flow is primarily groundwater but may be heavily supplemented by stormwater runoff. During dry spells, intermittent streams may not have flowing water.

Stream, perennial, means a feature that carries flowing water yearround during a typical year. Perennial streams have a well-defined channel, and the aquatic bed is located below the water table for most of the year. Groundwater is the primary source of water for stream flow, but can be supplemented by runoff from rainfall.

Street means a public or private traffic way which provides vehicular access to abutting property.

Street line means the right-of-way line of a public street or the easement line of a private street approved by the township board.

Structure means anything constructed or erected which requires a fixed location on or under the ground or attachment to something having such location, including, without limitation, a principal, accessory, and/or ancillary walled or roofed building, mobile home, storage facility, tower, deck, pumps, fence, or facilities.

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 or is being restored, before the damage occurred. For the purpose of this definition, such term does not include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are necessary solely for the reason of assuring safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Temporary living quarters, as related to camping, means a recreational unit or a building within a modern camp, which is occupied or used for more than four hours between the hours of 10:00 p.m. to 6:00 a.m., which is not intended to be occupied or used in excess of three consecutive months.

Time limits means calendar days, unless otherwise specified herein.

Travel trailer means a vehicular, portable structure built on a nonmotorized chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

Tree means any self-supporting, woody plant of a species which normally grows to an overall height of 15 feet or more and/or has a minimum D.B.H of three inches.

Tree/woodland survey. In the site plan review process, the scale of the tree/woodland survey shall be the same as either the site survey and/or the site plan itself. For reviews under any other procedure, the tree/woodland survey shall be a scaled drawing and the scale shall not exceed 100 feet to the inch.

The tree/woodland survey shall contain the following:

- (1) Location of all protected trees and landmark trees plotted by accurate techniques;
- (2) Common and botanical names of those trees, their size in inches at their DBH, and a description of each tree's health;
- (3) All protected and landmark trees shall be numbered and non-corrosive tags bearing that number shall be attached to each respective tree.
- (4) The tree/woodland survey must be sealed by a landscape architect or a forester registered in the State of Michigan, or an International Society of Arboriculture certified arborist or a forester certified by the Society of American Forestry.

Truck stop means a facility which offers specialized and transient services for trucks, including: gasoline, diesel fuel, truck/auto repair, food services, lodging or truck parking areas.

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.

Variance means a relaxation of the terms of this 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 this chapter would result in unnecessary and undue hardship.

Vehicle means, unless specifically indicated otherwise, a motorized vehicle intended to be driven on roads or trails, such as cars, pickup trucks, vans and motorcycles, and other vehicles defined as motor vehicles by the Michigan vehicle code.

Vehicle collision repair facility includes any procedure that is employed for the purpose of repairing, restoring, replacing, or refinishing, whether wholly or separately, any structural, life safety, or cosmetic

component of a motor vehicle to a condition approximating or replicating the function, use, or appearance of the component prior to a collision.

Vehicle filling station means a building or premises used primarily for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles; together with the sale of minor accessories and services for motor vehicles such as filling tires with air, checking fluid levels, adding water to batteries or radiators, and similar activities; as well as selling convenience foods and other such items through a convenience store. Minor or major automobile repair is expressly excluded from this definition.

Vehicle repair facility, major, means a facility which offers and provides for, repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs, including: transmission repair shops, shops used for the internal repair or engine components and drive train repair, and radiator repair shops.

Vehicle repair facility, minor, means a facility which offers or provides for, repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs. Collision shops, transmission repair shops, shops used for the internal repair of engine components and drivetrain repair, and radiator repair, are expressly excluded from this definition.

Vehicle sales and service facility means a building or premises used primarily for the sale, lease or rental of new and/or used vehicles. These facilities may also provide both minor and major repair services in a completely enclosed building as an ancillary service.

Vehicle wash means a building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

Water feature means a natural water body containing water at least part of the year and includes the following features that are natural in origin, even if subsequently modified by human activities: (i) perennial, intermittent, and ephemeral streams that have formed a channel; (ii) rivers, and lakes and ponds that are five acres or greater in size. This definition does not include wholly artificial channels or canals.

Water feature/wetland buffer means a natural or enhanced vegetated area lying adjacent to a water feature and/or wetland which is managed to maintain the integrity of stream channels and shorelines, to reduce the impact of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals, and to supply food, cover, and thermal protection to fish and other wildlife.

Wetland means a protected wetland as defined in chapter 16, article V, pertaining to wetland and watercourse.

Wind energy conversion system (WECS) shall mean any device such as a turbine, windmill or charger that converts wind energy to a usable form of energy. The following definitions are to be used in relation to wind energy conversion systems:

Commercial wind energy conversion system shall mean any WECS that is designed and built to provide electric power to the electric utility grid rather than the electric power consumer on site.

Meteorological tower means a freestanding tower containing instrumentation such as anemometer that is designed to provide present movement wind data for use by the supervisory control and data acquisition (SCADA) system. Such towers are used on a temporary basis to determine the feasibility of installing a wind energy conversion system (WECS) on site.

On-site wind energy conversion system shall mean a WECS which is used for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.

Shadow flicker means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

Wireless communication support structures means structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be 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.

Wireless communications facilities means all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; shortwave receiving facilities; amateur (ham) radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Woodland Stewardship Plan means a written document listing activities that enhance or improve woodland resources (wildlife, timber, soil, water, recreation and aesthetics) on private land over a five-year period. All Woodland Stewardship Plans must be prepared by a qualified forester. Qualified foresters are registered foresters or a conservation district forester. Contents of a Woodland Stewardship Plan must meet the requirements for plans by the State of Michigan's Forest Stewardship Program.

Yard, front , means an open, unoccupied space extending the full width of the lot and situated between the street line and the front building line and parallel to the street line.

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

Yard, rear , means an open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear building line and parallel to the rear lot line.

Yard, side , means an open, unoccupied space situated between the side building line and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard and parallel to the side lot line. (See Figure 6 in appendix A.)

(Ord. No. 275, § 2.02, 10-21-2003; Ord. No. 3386, § 2, 7-21-2006; Ord. No. 2009-01, § II, 1-27-2009; Ord. No. 2010-01, § 1, 2-23-2010; Ord. No. 2011-06, § 1, 12-13-2011; Ord. No. 2012-05, § 1, 8-28-2012; [Ord. No. 2013-01, § 1, 4-23-2013](#) ; [Ord. No. 2015-03, 4-28-2015](#) ; [Ord. No. 2015-06, § 1, 7-28-2015](#) ; [Ord. No. 2016-4, 8-23-2016](#) ; [Ord. No. 2016-05](#) , § 1(A), 9-27-2016)

Secs. 36-6—36-28. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 36-29. - Zoning official.

The office of zoning official is hereby created. The zoning official shall be appointed by the township board.

(Ord. No. 275, § 3.01, 10-21-2003)

Sec. 36-30. - Duties and powers of the zoning official.

The zoning official, or authorized designees, shall have the following duties and powers:

- (1) The zoning official shall interpret, 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 official shall receive applications for and issue certificates of zoning compliance in accordance with this chapter and shall authorize issuance of certificates of occupancy by the building official as required herein.
- (3) The zoning official shall make all inspections required by this chapter, and all inspections necessary to enforce the provisions of this chapter and may engage the assistance of the

township fire chief, building official, planner and engineer as deemed necessary in making such inspections. The zoning official may engage other expert opinion to assist in making such inspections, subject to approval of the township board.

- (4) The zoning official shall identify and process all violations of this chapter. The zoning official shall be responsible for making inspections of the township or parts thereof for the purpose of identifying violations of this chapter.
- (5) The zoning official shall keep official records of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.
- (6) The zoning official shall submit to the township board and planning commission an annual report in which a summary of the activities of the office is presented.

(Ord. No. 275, § 3.02, 10-21-2003)

Sec. 36-31. - Certificates of zoning compliance.

- (a) *Where building permits are required.* All plans to be submitted to the building official for a building permit shall first be submitted for review and approval to the zoning official to determine compliance with the requirements of this chapter. No building permit shall be issued unless a preliminary certificate of zoning compliance has been issued by the zoning official.
- (b) *Where occupancy permits are required.* Where an occupancy permit is required, the occupancy permit shall not be issued unless a final certificate of zoning compliance has been issued by the zoning official.
- (c) *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 zoning compliance shall have first been issued for the new or different use. A certificate of zoning compliance shall not be required for agriculturally used lands, such as cropland, pasture land, and woodland.
- (d) *Change in use of structure.* A structure, or part thereof, shall not be changed to or occupied by a use different from the use that is existing at the effective date of the ordinance from which this chapter is derived unless a certificate of zoning compliance is first issued for the different use.
- (e) *New or altered structure.* A structure, or part thereof, which was erected or altered after the effective date of the ordinance from which this chapter is derived, shall not be occupied by, or devoted to a use different from the use that is existing at the effective date of the ordinance from which this chapter is derived, unless a final certificate of zoning compliance is issued for the different use, or unless the zoning official shall have established a reasonable time schedule for corrections pursuant to section 36-401(3).
- (f) *Nonconforming uses, lots or structures.* A certificate of zoning compliance shall be issued for a legally nonconforming use or structure. A certificate of zoning compliance shall not be issued for any illegal nonconforming use or structure.
- (g) *Application requirements.* Applications for certificates of zoning compliance shall be made to the zoning official. Each application shall include a plan if required in subsection (i) of this section, and all information necessary to determine zoning compliance.
- (h) *Applicants.* Application for a certificate of zoning compliance may be made by the owner, or authorized agent of the owner, of the use or structure. 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 authorized agent of the owner that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, authorized agent of the owner, shall be stated in the application.

- (i) *Plan requirements.* An application for a certificate of zoning compliance shall be accompanied either by a plot plan as required in this section, or by a site plan as required under article VI of this chapter, whichever applies. If a site plan is not required under article VI of this chapter, plot plan shall be submitted, with the following information:
 - (1) Scale, date, and north directional arrow.
 - (2) Location map showing major intersections, and dimensioned diagram of the parcel.
 - (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, including documentation of any legal nonconforming uses and structures.
 - (5) Additional information as required by the zoning official for the purposes of determining compliance with the provisions of this chapter.
- (j) *Plan amendments.* Subject to the limitations of subsection (n) of this section, approved amendments to a plan, application, or other records accompanying the same may be filed at any time with the zoning official 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.
- (k) *Review.* The zoning official shall examine all applications for a certificate of zoning compliance and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to all requirements of this chapter, the zoning official shall reject such application in writing, stating the reasons therefor. If the application or plans conform, the zoning official shall issue a certificate of zoning compliance. The zoning official shall attach his signature to every certificate. The zoning official shall stamp and endorse all sets of corrected and approved plans submitted with such application as "Approved."
- (l) *Abandonment and extensions.* 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 official 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.
- (m) *False statements or misrepresentation.* 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.
- (n) *Conditions for issuance.* 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 or use shall conform to the approved application and plans for which the certificate has been issued and any approved amendments thereto.
 - (3) All work or use shall conform to the approved final site plan, if required.

(Ord. No. 275, § 3.03, 10-21-2003)

Sec. 36-32. - Building permits.

- (a) No building permit shall be issued for the erection, structural alteration, moving or repair of any structure or part thereof which does not comply with all provisions of this chapter and unless a preliminary certificate of zoning compliance has been issued by the zoning official. No structure shall

be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefor by the building inspector.

- (b) Where repairs to a single-family dwelling and/or residential accessory building are exclusive of structural, mechanical or electrical modifications, the zoning official shall not require a preliminary certificate of zoning compliance.

(Ord. No. 275, § 3.04, 10-21-2003)

Sec. 36-33. - Certificates of occupancy.

- (a) It shall be unlawful to use or occupy all or a portion of a building, structure and/or premises, or both, or part thereof hereafter created, erected, changed converted, or enlarged until a certificate of occupancy shall have been issued by the building inspector. A certificate of occupancy shall not be issued for any building, structure and/or premises which does not comply with all provisions of this chapter. The certificate shall state that the building, structure, and/or premises conform to the requirements of this chapter, and shall list each legal nonconformity existing on the premises.
- (b) The applicant for a certificate of occupancy shall notify the zoning official and the building official when a final inspection is desired. The zoning official shall sign a final certificate of zoning compliance within five days after inspection if the zoning official finds that the building, structure, or other site improvements and/or the use of the premises, comply with the provisions of this chapter and with all approved site plans.

(Ord. No. 275, § 3.05, 10-21-2003)

Sec. 36-34. - Records.

The zoning official and building official shall maintain records of all certificates and permits issued under this chapter and said records shall be open for public inspection.

(Ord. No. 275, § 3.06, 10-21-2003)

State Law reference— Freedom of information act, MCL 15.231 et seq.

Sec. 36-35. - Fees.

The township board shall establish a schedule of fees by resolution from time to time for administering this chapter. The schedule of fees shall be on public display in the office 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. No. 275, § 3.07, 10-21-2003)

Sec. 36-36. - Compliance with plans.

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the building official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter.

(Ord. No. 275, § 3.08, 10-21-2003)

Sec. 36-37. - Performance guarantees.

- (a) The township may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township covering the estimated cost of improvements be deposited with the township. The guarantee shall be provided after a final site plan is approved but prior to issuance of a final certificate of zoning compliance for the property involved. The guarantee shall cover site improvements as shown on the approved final site plan, which will not be completed prior to issuance of the final certificate of zoning compliance. Site improvements shall mean streets and drives, parking lots, sidewalks, grading, required landscaping, required screening, 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. The form of the guarantee shall be approved by the township.
- (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 shall be entitled to enter upon the site and complete the improvements. The township may defray the cost thereof from the deposited security or may require performance by the bonding company.
- (d) If a cash deposit or irrevocable bank letter of credit is used, the applicant may request that a rebate be made when a reasonable proportion of the work is completed, as determined by the township.
- (e) The zoning official shall not issue a final certificate of zoning compliance until compliance with the approved final site plan is achieved, or until adequate security is deposited as provided herein.

(Ord. No. 275, § 3.09, 10-21-2003)

State Law reference— Performance guarantee, MCL 125.3505.

Sec. 36-38. - Violations and penalties.

- (a) *Notice of violation.* The zoning official shall serve a notice of violation or order on the person responsible for the erection, construction, structural alteration, extension, structural 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 official is hereby authorized to issue either a municipal civil infraction citation or a municipal civil infraction violation notice pursuant to section 1-8 of the Scio Township Code of Ordinances. The zoning official may also request the township attorney to institute appropriate legal or equitable action to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the lot or structure.
- (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 make structural repairs in violation of an approved site plan or directive of the zoning official or of a zoning compliance certificate issued under the provisions of this chapter, shall be guilty of a municipal civil infraction.
- (d) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the township attorney from instituting legal or equitable 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 official that work on any structure or premises is being pursued contrary to the provisions of this chapter, such work shall be immediately stopped. The stop

work order shall be in writing and shall be given to the owner of the property involved, 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 he is directed by the zoning official to perform to remove a violation or unsafe conditions, shall be subject to the schedule of civil fines pursuant to section 1-8(i) of the Scio Township Code of Ordinances.

- (f) *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 nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Ord. No. 275, § 3.10, 10-21-2003; [Ord. No. 2015-09, § 1, 8-25-2015](#))

Sec. 36-39. - Completion of construction.

- (a) Nothing in this chapter shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this chapter is derived and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.
- (b) Where a building permit has been issued in accordance with the law prior to the 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 may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion, be occupied by the use for which it was originally designated, subject thereafter to the provisions of article XIII of this chapter, if applicable. No basement, cellar, garage, or any incompletely constructed structure in use as a dwelling at the effective date of the ordinance from which this chapter is derived shall be used as a dwelling for more than 12 months following said date, unless such structure has been completed in conformance with the regulations of the district in which it is located.

(Ord. No. 275, § 3.11, 10-21-2003)

Secs. 36-40—36-66. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

Sec. 36-67. - Establishment of districts.

The following districts are hereby established:

Recreation-Conservation (R-C)

General Agricultural (A-1)

Estate Residential (E-R)

Single-Family Residential (R-1)

Single-Family Residential (R-2)

Single-Family Residential (R-3)
Single-Family Residential (R-4)
Single-Family Attached/Detached (MR-1)
Multiple-Family Residential (MR-2)
Multiple-Family Residential (MR-3)
Mobile Home Park (MHP)
General Commercial (C-2)
Highway Commercial (C-3)
Composite Commercial (C-4)
Office Service District (OS)
Limited Industrial (I-1)
General Industrial (I-2)
Heavy Industrial (I-3)
Industrial Research Park (IRP)
Planned Unit Development (PUD).

(Ord. No. 275, § 4.01, 10-21-2003)

Sec. 36-68. - Provision for official zoning map.

- (a) The official zoning map, with all explanatory matter thereon, is hereby made a part of this chapter. 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 Scio Township Zoning Ordinance of 1972, as amended," together with the effective date of the ordinance from which this chapter is derived.
- (b) 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 entered on the official zoning map by the township supervisor promptly after the ordinance authorizing such change shall have been adopted and published. No change of any nature shall be made to the official zoning map except in conformity with the procedures set forth herein. Any changes in corporate boundaries within the township shall be recorded on the official zoning map by the township supervisor, with his signature and date and attestments attached thereto.
- (c) 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, which shall be located in the office of the township supervisor and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the township.
- (d) Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules for interpretation shall govern:
 - (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 line 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 located 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 actual shoreline.
- (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 parallel to, or an extension of, a feature indicated in subsections (d)(1) through (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 (d)(1) through (8) of this section the board of appeals shall interpret the location of the zoning district boundary.
- (10) Where a district boundary line divides a lot which is a single ownership at the time of adoption of the ordinance from which this chapter is derived, the board of appeals may permit the 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.

(Ord. No. 275, § 4.02, 10-21-2003)

Sec. 36-69. - Application of regulations.

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district.

(Ord. No. 275, § 4.03, 10-21-2003)

Sec. 36-70. - Scope of provisions.

- (a) Except as may otherwise be provided in article XIII 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) Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or is similar to such listed uses. All other uses are prohibited. Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses, and if such uses are clearly incidental to the permitted principal uses. Conditional uses are permitted as listed or if similar to the listed conditional uses and if the required conditions are met.
- (c) All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this chapter.

- (d) No part of a yard, open space, off-street parking or loading space required in compliance with this chapter, shall be included as part of a yard, open space, or off-street parking lot or loading space required for any other use, building, or structure.
- (e) No yard or lot existing at the time 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 at least the minimum requirements established herein.
- (f) No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the ordinances of the township and statutes of the state as applicable.
- (g) Yards shall be measured from the exterior faces of a structure. Architectural features such as chimneys, bay windows, eaves, gutters, roof overhangs and cornices that project one foot or less from the exterior face shall not be included in the yard measurements. Air conditioning units are not considered an architectural feature and shall not encroach into the required yard measurements.
- (h) Front and corner side yards that abut a public or private street, shall be measured from existing street right-of-way or private street easement lines, unless otherwise noted herein.
- (i) On Jackson Road where future street rights-of-way have been adopted, more specific setback restrictions are set forth in section 36-75, note 1.

(Ord. No. 275, § 4.04, 10-21-2003; Ord. No. 3381, § 1, 4-19-2005)

Sec. 36-71. - Exemptions from area, placement, and height regulations.

- (a) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as set forth herein:
 - (1) Roof structures and screening devices for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, shall not exceed the height limit by more than ten feet of the district in which the use is located.
 - (2) Fire or parapet walls and skylights shall not exceed the height limit by more than five feet of the district in which the use is located.
 - (3) Steeples, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts or similar structures shall not exceed the height limit by more than 15 feet of the district in which the use is located.
 - (4) A structure which is permitted by this chapter to exceed the height limit shall have a total area no greater than ten percent of the roof area of the building; nor shall such structure be used for any residential, commercial, or industrial purpose whatsoever other than a service use incidental to the main use of the building. In no event may persons occupy such a structure.
 - (5) Farm buildings and structures used on a farm or in a farm operation shall be subject to the area, placement and height regulations of this chapter established for the district in which the building or structure is located, unless such building or structures are specifically regulated by a GAAMP as adopted and published by the state commission of agriculture, or its successor, and as amended from time to time.

The aforementioned exempt structures and appurtenances shall not include commercial communication towers, as defined and regulated by this chapter.

- (b) A deck, terrace or patio which is associated with a residential structure shall not occupy any required side or front yard area or any perimeter buffer required in a planned unit development, but shall be permitted to encroach in a required rear yard by no more than ten feet and shall be subject to the following restrictions:

- (1) The portion of a deck which occupies the required rear yard shall not be above the elevation of the first floor of the residence;
- (2) The portion of a deck, terrace or patio which occupies the required rear yard shall not contain any enclosed or covered structures, such as a gazebo or screened porch;
- (3) A deck, terrace or patio shall be subject to lot coverage limitations.

(Ord. No. 275, § 4.05, 10-21-2003; Ord. No. 2009-01, § III(A), 1-27-2009)

Sec. 36-72. - Lot ratio.

The ratio of lot depth to lot width shall not exceed 4:1.

Sec. 36-73. - Fence regulations.

- (a) *General 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. A permit to construct a fence shall not be required.
- (b) *Location of fences.*
 - (1) All fences shall be located entirely on the property of the owner of the fence. Adjoining property owners may jointly install a fence on the common property line.
 - (2) No fence shall be located within a public easement in which public utilities are located or are proposed to be located without first receiving the approval of the public utility responsible.
- (c) *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 setback or in a required side setback adjoining a public or private street and shall not exceed four feet in height.
 - b. Fences located in any required side setback not adjoining a street or in any required rear setback shall not exceed seven feet in height.
 - (2) Fences on any commercial or office lot shall not exceed six feet in height. Fences in a front setback or a street setback shall not be permitted in a commercial or office commercial 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 land used for agricultural purposes shall be exempt from the regulations of this subsection (c).
 - (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.
- (d) *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 land used for agricultural purposes, 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.

- (3) Fences may be constructed of woven wire, metal, wood, plastic, 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.
- (e) *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.
- (f) *Public utility fences.* Fences that enclose public utility installations shall not be located in any required setback where the lot is located in a residential zoning district. Such fences may be located in any required setback where the lot is located in any other zoning district. Such fences shall comply with all other provisions of this chapter.
- (g) *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 zoning administrator 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, specify the repairs or modifications required to make the fence safe, or 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.
- (h) *Exemptions.* Fences enclosing land used for agricultural purposes shall be exempt from the regulations and requirements of this section.
- (i) *Fences in special districts.* Fences located on a lot in a PUD 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. No. 275, § 4.06, 10-21-2003; Ord. No. 283, 11-16-2004)

Sec. 36-74. - Intent; permitted uses and conditional uses within zoning districts.

The following subsections set forth the intent, permitted uses and conditional uses with each zoning district:

(1) *Recreation-Conservation District (R-C).*

- a. *Intent.* The value to the public of certain areas of the township is derived from the natural condition of these areas. It is recognized by this chapter that the best use of such areas is the development, management and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this chapter has established, based upon well-considered plan, this zoning district which is designed to preserve and enhance these natural amenities. It is the intent of this district to permit those uses, buildings and structures which can operate, or be located, in areas of natural amenities in a compatible manner and to prohibit those uses, buildings, or structures which might detract from or injure or destroy these amenities. It is further the intent of this district to permit compatible uses, buildings and structures only at a low density as an added guarantee of compatibility.
- b. *Permitted uses.*
 - 1. Public or private forest preserve, nature or wildlife preserve, game refuge, park, or similar recreation areas of low density and which utilize the natural features of the land.
 - 2. Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
 - 3. Farms and farming operations.
 - 4. Raising or growing of plants, trees, shrubs and nursery stock for commercial purposes.
 - 5. Accessory uses subject to the provisions of section 36-93.

c. *Conditional uses.*

1. Single-family dwellings.
2. Public or private camping facility, subject to the standards set forth in section 36-141.
3. Golf course, swim club, and country club house. Golf driving ranges and sale of food, beverages, and recreation equipment shall only be permitted incidental to a permitted principal recreation use.
4. Facilities for toboggans, and cross country skis.
5. Commercial stables, subject to the provisions of section 36-135.
6. Community wastewater utility systems, subject to the provisions of section 36-318.

(2) *General Agriculture District (A-1).*

a. *Intent.* This district is intended to protect and preserve agricultural land uses, maintain rural character, minimize population density, and minimize the burden on public facilities and services. It is also the intent of this district to allow only low density residential use which promotes open space preservation and is compatible with and maintains existing agricultural operations. Accordingly, the A-1 district allows both agriculture uses and single-family dwellings.

b. *Permitted uses.*

1. Single-family dwelling provided that the overall density permitted as of right shall meet the requirements set forth in section 36-75, Schedule of regulations, Note 3.
2. Family day care homes.
3. Adult foster care homes, foster family homes, and foster family group homes.
4. Farms and farming operations.
5. 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 remuneration or sale, but incidental to the use of a parcel principally for single-family residential purposes, and further subject to the provisions of section 36-135.
6. Public or private forest preserve, nature or wildlife preserve, game refuge, park, or similar recreation areas of low density and which utilize the natural features of the land.
7. The retail sale of produce in connection with a farm or farm operation, subject to the conditions set forth in section 36-146 hereof.

c. *Conditional uses.*

1. Single-family dwellings located within a rural open space development subject to the density restrictions and the provisions of section 36-130, open space development.
2. Mineral mining and extractive operations subject to the provisions of section 36-145.
3. Governmental buildings.
4. Group day care homes subject to the provisions of section 36-128.
5. Bulk feed and fertilizer outlets.
6. Commercial stables, subject to the provisions of section 36-135.
7. Commercial kennels, subject to the provisions of section 36-135.
8. Neighborhood and community parks.
9. Golf courses, country clubs, and swim clubs, subject to the provisions of section 36-142.

10. Community wastewater utility systems, subject to the provisions of section 36-318.
11. Agricultural commercial/tourism business, subject to the provisions of section 36-149.
12. Accessory or ancillary oil and gas well use or structures, as defined in section 36-5, subject to site plan approval under article VI, regulations in article X, and performance standards under section 36-150, and other applicable ordinance provisions, except that such approval shall not regulate or control the drilling, completion, production, or operation of any oil and gas well or oil and Environmental Protection Act, MCL 325.61501 et seq., or its duly promulgated rules and regulations; and subject to filing of any permits, certificates, or approvals required by federal, state, or other township laws, regulations, or ordinances.

(3) *Estate Residential (E-R).*

- a. *Intent.* This district is intended to provide for single-family dwellings on large parcels suitable for on-site wells and septic systems. Low density is provided for in this district in order to preserve the rural qualities of the community and to reduce the need for public services. Platting is permitted in this district.
- b. *Permitted uses.*
 1. Single-family dwelling provided that the overall density permitted as of right shall meet the requirements set forth in section 36-75, Schedule of regulations, Note 3.
 2. Family day care homes.
 3. Adult foster care homes, foster family homes, and foster family group homes.
 4. Farms and farming operations.
 5. A parcel may be used for the maintenance of animals, not as a part of a farm or farm operation and not for the purpose of remuneration or sale, but incidental to the use of a parcel principally for single-family residential purposes, and further subject to the provisions of section 36-135.
 6. Nature and wildlife preserves.
 7. The retail sale of produce in connection with a farm or farm operation, subject to the conditions set forth in section 36-146 hereof.
- c. *Conditional uses.*
 1. Governmental buildings.
 2. Day care and group day care homes, subject to the provisions of section 36-128.
 3. Primary, middle and secondary schools.
 4. Churches, synagogue, cathedral, mosque, temple or similar building used for religious worship, subject to the provisions of section 36-136.
 5. Neighborhood and community parks.
 6. Golf courses, country clubs, and swim clubs, subject to the provisions of section 36-142.
 7. Community wastewater utility systems, subject to the provisions of section 36-318.

(4) *Single-Family Residential District (R-1).*

- a. *Intent.* This district is established to provide areas for single-family dwellings on lots suitable for private septic fields and water wells. It is designed to preserve a predominantly low density character, protect natural features and reduce the need for public services.
- b. *Permitted uses.*

1. Single-family dwelling.
 2. Family day care homes.
 3. Adult foster care homes, foster family homes, and foster family group homes.
 4. Nature and wildlife preserves.
- c. *Conditional uses.*
1. Golf courses, country clubs, and swim clubs, subject to the provisions of section 36-142.
 2. Neighborhood and community parks.
 3. Churches, synagogue, cathedral, mosque, temple or similar building used for religious worship, subject to the provisions of section 36-136.
 4. Governmental buildings.
 5. Day care and group day care homes, subject to the provisions of section 36-128.
 6. Community wastewater utility systems, subject to the provisions of section 36-318.
- (5) *Single-Family Residential District (R-2).*
- a. *Intent.* This district is established to provide for single-family residential dwellings at a moderate density. The district is intended for those areas in which public sanitary sewer and water services are available.
- b. *Permitted uses.*
1. Single-family dwelling.
 2. Family day care homes.
 3. Adult foster care homes, foster family homes, and foster family group homes.
 4. Nature and wildlife preserves.
- c. *Conditional uses.*
1. Golf courses, country clubs, and swim clubs, subject to the provisions of section 36-142 herein.
 2. Neighborhood and community parks.
 3. Churches, synagogue, cathedral, mosque, temple or similar building used for religious worship, subject to the provisions of section 36-136.
 4. Governmental buildings.
 5. Day care and group day care home subject to the provisions of section 36-128.
 6. Primary, middle and secondary schools.
 7. Community wastewater utility systems, subject to the provisions of section 36-318.
 8. Neighborhood service retail.
- (6) *Single-Family Residential District (R-3).*
- a. *Intent.* This district is established to provide for single-family dwellings with smaller lots than are permitted in the R-2 district. The district is intended for those areas in which public sanitary sewer and water services are available.
- b. *Permitted uses.*
1. Single-family dwelling.
 2. Family day care homes.

3. Adult foster care homes, foster family homes, and foster family group homes.
 4. Nature and wildlife preserves.
- c. *Conditional uses.*
1. Golf courses, country clubs, and swim clubs, subject to the provisions of section 36-142.
 2. Neighborhood and community parks.
 3. Churches, synagogue, cathedral, mosque, temple or similar building used for religious worship, subject to the provisions of section 36-136.
 4. Governmental buildings.
 5. Day care and group day care homes, subject to the provisions of section 36-128.
 6. Primary, middle and secondary schools.
 7. Community wastewater utility systems, subject to the provisions of section 36-318.
 8. Neighborhood service retail.
- (7) *Single-Family Residential District (R-4).*
- a. *Intent.* This district is established to provide for single-family dwellings on small lots. The district is intended for those areas served by public sanitary sewer and water.
- b. *Permitted uses.*
1. Single-family dwelling.
 2. Family day care homes.
 3. Adult foster care homes, foster family homes, and foster family group homes.
 4. Nature and wildlife preserves.
- c. *Conditional uses.*
1. Golf courses, country clubs, and swim clubs, subject to the provisions of section 36-142.
 2. Neighborhood and community parks.
 3. Churches, synagogue, cathedral, mosque, temple or similar building used for religious worship, subject to the provisions of section 36-136.
 4. Governmental buildings.
 5. Day care and group day care homes, subject to the provisions of section 36-128.
 6. Primary, middle and secondary schools.
 7. Community wastewater utility systems, subject to the provisions of section 36-318.
 8. Neighborhood service retail.
- (8) *Single-Family Attached/Detached Residential District (MR-1).*
- a. *Intent.* This district is established to provide for owner-occupied single-family attached and/or detached dwellings occupying a common lot. It is intended to be used as a buffer between single-family and multiple-family areas and for scattered vacant lots in older residential areas where single-family residences are not likely to be built. It is intended to be established only in those areas in which public sanitary sewer and water services are available.
- b. *Permitted uses.*

1. Single-family dwelling, subject to the provisions of the R-3 district set forth in section 36-75.
 2. Single-family attached dwelling, subject to the provisions of section 36-132.
 3. Family day care homes.
 4. Adult foster care homes, foster family homes, and foster family group homes.
 5. Nature and wildlife preserves.
- c. *Conditional uses.*
1. Golf courses, country clubs, and swim clubs, subject to the provisions of section 36-142.
 2. Neighborhood and community parks.
 3. Churches, synagogue, cathedral, mosque, temple or similar building used for religious worship, subject to the provisions of section 36-136.
 4. Governmental buildings.
 5. Day care and group day care homes, subject to the provisions of section 36-128.
 6. Community wastewater utility systems, subject to the provisions of section 36-318.
 7. Neighborhood service retail.
- (9) *Multiple-Family Residential District (MR-2).*
- a. *Intent.* This district is established to provide areas for townhouses and similar types of single-family attached dwelling units and for low density multiple-family dwelling units. This district is to be used only in those areas of the township which are served by public water and sanitary sewer facilities, and are accessible to public services needed to support the permitted density.
 - b. *Permitted uses.*
 1. Single-family dwelling, subject to the provisions of the R-3 district set forth in section 36-75.
 2. Single-family attached and multiple-family dwellings, subject to the provisions of section 36-132.
 3. Family day care homes.
 4. Adult foster care homes, foster family homes, and foster family group homes.
 5. Nature and wildlife preserves.
 - c. *Conditional uses.*
 1. Golf courses, country clubs, and swim clubs, subject to the provisions of section 36-142.
 2. Neighborhood and community parks.
 3. Church, synagogue, cathedral, mosque, temple or similar building used for religious worship, subject to the provisions of section 36-136.
 4. Governmental buildings.
 5. Day care and group day care homes, subject to the provisions of section 36-128.
 6. Adult foster care group home serving more than six persons and adult foster care congregate facilities, subject to the provisions of section 36-129.
 7. Community wastewater utility systems, subject to the provisions of section 36-318.

8. Neighborhood service retail.

(10) *Multiple-Family Residential District (MR-3).*

- a. *Intent.* This district is established to provide areas for multiple-family dwelling units. This district is to be used only in those areas of the township which are served by public water and sanitary sewer facilities, and are accessible to public services needed to support the permitted density.
- b. *Permitted uses.*
 1. Single-family dwelling, subject to the provisions of the R-3 district set forth in section 36-75.
 2. Single-family attached and multiple-family dwellings, subject to the provisions of section 36-132.
 3. Family day care homes.
 4. Adult foster care homes, foster family homes, and foster family group homes.
 5. Nature and wildlife preserves.
- c. *Conditional uses.*
 1. Golf courses, country clubs, and swim clubs, subject to the provisions of section 36-142.
 2. Neighborhood and community parks.
 3. Church, synagogue, cathedral, mosque, temple or similar building used for religious worship, subject to the provisions of section 36-136.
 4. Governmental buildings.
 5. Day care homes and group day care homes, subject to provisions of section 36-128.
 6. Adult foster care group home serving more than six persons and adult foster care congregate facilities, subject to the provisions of section 36-129.
 7. Community wastewater utility systems, subject to the provisions of section 36-318.
 8. Neighborhood service retail.

(11) *Mobile Home Park District (MHP).*

- a. *Intent.* The purpose of this district is to provide for mobile home parks, and to require that such mobile home parks be developed with the character of residential neighborhoods. It is the intent of this chapter that mobile home parks be located in areas that are adequately served by essential public facilities and services such as streets, police and fire protection, public water and sanitary sewer services, and storm drainage facilities. This chapter recognizes that mobile homes in mobile home parks require locations, services, and facilities similar to any other single-family and multiple-family dwelling units that are developed at urban densities. It is further the intent of this chapter that various supporting uses common to urban residential areas, as well as those that are unique to mobile home communities, be permitted in this district.
- b. *Permitted uses.*
 1. Mobile home parks, subject to the provisions of section 36-133.
 2. Family day care homes.
 3. Adult foster care homes, foster family homes, and foster family group homes.

4. Management office, laundry facilities, indoor and outdoor recreation areas and facilities, meeting rooms, and similar uses and structures provided to serve only the residents of a mobile home park and their invited guests.
5. Nature and wildlife preserves.

c. *Conditional uses.*

1. Church, synagogue, cathedral, mosque, temple or similar building used for religious worship, subject to the provisions of section 36-136.
2. Day care and group day care homes, subject to the provisions of section 36-128.
3. Golf courses, county clubs, and swim clubs, subject to the provisions of section 36-142.
4. Neighborhood and community parks.
5. Governmental buildings.
6. Community wastewater utility systems, subject to the provisions of section 36-318.
7. Neighborhood service retail.

(12) *General Commercial District (C-2).*

- a. *Intent.* This district is established to provide suitable locations for general retail, service and office establishments. Retail establishments in this district are of the comparison shopping type serving the township. Therefore, it is important for the C-2 district to be located in areas which are centrally located and readily accessible to the majority of township residents.

It is the intent of this district to encourage consolidation of commercial uses, to lessen traffic congestion, reducing the number of driveways, and to ensure the efficient use of public utilities and services.

This district is to be used only in those areas of the township which are served by public water and sanitary sewer facilities, and where storm drainage is sufficient to handle an intense level of development.

b. *Permitted uses.*

1. Retail sales such as baked goods, groceries, produce and meat, hardware, drug, clothing, gifts, notions, and beverages.
2. Personal services such as barber and beauty shops; tailor; watch and shoe repair; laundry and dry cleaning establishments and similar establishments.
3. Business, professional, medical and dental offices, and medical emergency clinics.
4. Standard and carryout restaurants, and establishments that serve alcohol.
5. Government buildings.
6. Small appliance repair such as radios, televisions, clocks, etc.
7. Large appliance and furniture sales.
8. Funeral homes.
9. Church, synagogue, cathedral, mosque, temple or similar building used for religious worship, subject to the provisions of section 36-136.
10. Banks, credit unions, savings and loan associations.

c. *Conditional uses.*

1. Minor vehicle repair facility, subject to the provisions of section 36-137.
2. Commercial kennels, subject to the provisions of section 36-135.

3. Veterinarian hospital and animal clinics.
4. Sales of recreational vehicles subject to the provisions of section 36-139.
5. Garden centers.
6. Large appliance repair such as stoves, refrigerators, microwaves and washer and dryers.
7. Vehicle wash, subject to the provision of section 36-137.
8. Indoor theatres and performance space for artistic expression.
9. Crematoriums.
10. Community wastewater utility systems, subject to the provisions of section 36-318.
11. Multiple-family residential pursuant to section 36-74(10), when made a part of an overall mixed-use development. Multiple-family residential shall not be permitted as a stand-alone use.
12. Large scale retail establishment, subject to the provisions of section 36-134.

(13) *Highway Commercial District (C-3).*

- a. *Intent.* This district is intended to provide convenient facilities to serve the motoring public in proximity to the I-94 freeway interchanges. This district is to be used only in those areas of the township which are served by public water and sanitary sewer facilities, and where storm drainage is sufficient to handle an intense level of development.
- b. *Permitted uses.*
 1. Vehicle filling station, vehicle wash and minor vehicle repair facility subject to the provisions of section 36-137.
 2. Lodging.
 3. Standard restaurants and establishments that serve alcohol.
 4. Law enforcement and fire stations and public office buildings.
 5. Roadside stands, subject to the provisions of section 36-146.
- c. *Conditional uses.*
 1. Truck stop facilities, subject to the provisions of section 36-137.
 2. Indoor recreation such as bowling, gymnasiums, ice and/or roller skating rinks, tennis clubs and court sports and similar recreational uses.
 3. Fast food and carryout restaurants.
 4. Lodging
 5. Large scale retail establishment, subject to the provisions of section 36-134.
 6. Community wastewater utility systems, subject to the provisions of section 36-318.

(14) *Composite Commercial District (C-4).*

- a. *Intent.* This district is intended for uses which are typically characterized by outdoor display and sales areas, and require expansive land area. Such uses require a visible location along a major thoroughfare with high traffic volumes. Common points of ingress and egress between adjacent parcels are encouraged.

This district is to be used only in those areas of the township which are served by public water and sanitary sewer facilities, and where storm drainage is sufficient to handle an intense level of development.

b. *Permitted uses.*

1. New and used vehicle sales and recreational vehicle sales, subject to the provisions of section 36-139.
2. Building material, sales and home improvement centers, subject to the provisions of section 36-139.
3. Garden centers, subject to the provisions of section 36-139.
4. Indoor recreation such as bowling gymnasiums, ice and/or roller skating rinks, tennis clubs, and court sport facilities and similar recreational uses.
5. Outdoor commercial recreation facilities such as miniature golf and golf driving ranges.
6. Indoor theatres and performance space for artistic expression.
7. Accessory or ancillary oil and gas well use or structures, as defined in section 36-5, subject to site plan approval under article VI, regulations in article X, and performance standards under section 36-150, and other applicable ordinance provisions, except that such approval shall not regulate or control the drilling, completion, production, or operation of any oil and gas well or oil and Environmental Protection Act, MCL 325.61501 et seq., or its duly promulgated rules and regulations; and subject to filing of any permits, certificates, or approvals required by federal, state, or other township laws, regulations, or ordinances.

c. *Conditional uses.*

1. Major vehicle repair facilities and vehicle collision repair facilities, subject to the provisions of section 36-137.
2. Self-storage facilities, subject to the provisions of section 36-140.
3. Equipment or vehicle rental, subject to the provisions of section 36-139.
4. New and used manufactured and mobile home sales and repair, subject to the provisions of section 36-139.
5. Contractor wholesale supply when in conjunction with general retail sales of items, including electrical, plumbing, lumber, nursery stock and garden supplies.
6. Large scale retail establishment, subject to the provision of section 36-134.
7. Banquet halls and meeting facilities.
8. Standard restaurants and establishments that serve alcohol.
9. Community wastewater utility systems, subject to the provisions of section 36-318.
10. Multiple-family residential pursuant to subsection 36-74(10), when made a part of an overall mixed-use development. Multiple-family residential shall not be permitted as a stand-alone use.

(15) *Office Service District (OS).*

- a. *Intent.* The intent of the office service district is to provide locations for low intensity uses which primarily include office uses, and business and personal services uses which are dependent on and supportive of an office environment. The office service district is intended for smaller sites with minimum road frontage and lot depth which may be located between residential areas and commercial areas and/or thoroughfares.

The district shall be characterized by uses which: generally operate during normal business hours; produce a low volume of traffic, are a compatible transitional use between commercial and residential areas and/or between thoroughfares and residential areas; and, are located in buildings which are architecturally compatible with the residential community.

The office service district is not intended to permit commercial retail uses that generate a large traffic volume. A limited range of service uses are permitted for the benefit of official personnel, tenants and visitors, provided that offices remain the predominant use within the district.

This district is to be used only in those areas of the township which are served by public water and sanitary sewer facilities, and where storm drainage is sufficient to handle an intense level of development.

b. *Permitted uses.*

1. Office buildings for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales.
2. Medical and dental offices, including clinics and medical laboratories.
3. Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens are permitted.
4. Governmental offices.
5. Banks, credit unions, savings and loan associations.
6. Publicly owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices.
7. Training and/or educational centers where such centers are designed and intended to provide training at the business, technical, and/or professional level.
8. Data processing and computer centers, including the servicing and maintenance of electronic data processing equipment.
9. Employee services. Employee services such as a cafeteria, snack bar or exercise gym may be permitted as an accessory use to a permitted or conditional land use in the O-2 district, provided such services are contained wholly within the principal structure and are offered to employees only.

c. *Conditional uses.*

1. The following uses may be considered for approval as conditional uses when included as part of a building or development containing a permitted use:
 - (i) Standard restaurants.
 - (ii) Personal service establishments, such as barber and beauty shops, watch and shoe repair, tailor and similar establishments.
 - (iii) Laundry and dry cleaning customer outlets, provided that dry cleaning or laundry plants serving more than one customer outlet shall be prohibited.
 - (iv) Florists.
 - (v) Pharmacies, including stores selling or renting durable medical equipment.
 - (vi) Photographic studios.
 - (vii) Retail office supply, computer and business machine sales.
 - (viii) Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
2. Private service clubs, fraternal organizations and lodge halls.
3. Retail sales when conducted in conjunction with a permitted land use. Floor area devoted to retail sales shall not exceed ten percent of gross floor area.

4. General or specialty hospitals.
5. Funeral homes.
6. Nursing and convalescent centers.
7. Day care, subject to the provisions of section 36-128.
8. A church, synagogue, cathedral, mosque, temple, or similar building used for religious worship, subject to the provisions of section 36-136.
9. Community wastewater utility systems, subject to the provisions of section 36-318.
10. Multiple-family residential pursuant to subsection (10) herein, when made a part of an overall mixed-use development. Multiple-family residential shall not be permitted as a stand-alone use.

(16) *Limited Industrial (I-1).*

a. *Intent.*

1. This district is intended for limited assembly and manufacturing industrial operations and facilities. The district is designed to create a low density development with spacious yards to provide attractive settings as well as to help ensure compatibility with nonindustrial neighboring lots. This district is intended to permit only those uses which emit a minimum of noise, vibration, smoke, dust and dirt, gases or offensive odors, glare, and radiation. Uses which involve the storage or handling of explosive or highly flammable gases or liquids in other than de minimus quantities are not permitted in this district. Storage of materials, supplies, products, and equipment, shall be within the primary structure.
2. The I-1 district is so structured as to permit, along with any specific uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, is not permitted.
3. The district is to be used only in those areas of the township which are served by public water and sanitary sewer facilities, and where storm drainage is sufficient to handle intense development.

b. *Permitted uses.*

1. All uses permitted as of right in the OS district.
2. Manufacturing, research, assembly, testing and repair of components, devices, equipment and systems of professional, scientific and controlling instruments, photographic and optical goods, and electronic and electrical equipment, including the following:
 - (i) Communication, transmission and reception and equipment such as coils, tubes, semiconductors, navigation control equipment and systems guidance equipment.
 - (ii) Data processing equipment and systems.
 - (iii) Graphics and art equipment.
 - (iv) Metering instruments.
 - (v) Optical devices, equipment and systems.
 - (vi) Phonographs, audio units, radio equipment and television equipment.
 - (vii) Photographic equipment.
 - (viii) Radar, infra-red and ultra-violet equipment systems.

- (ix) Scientific and mechanical instruments such as calipers and transits.
 - (x) Testing equipment.
 - (xi) Electrical machinery, equipment and supplies, electronic components and accessories.
 - (xii) Office, computing and accounting machines.
3. Manufacturing, processing, packaging or assembling of pharmaceutical preparations, cosmetics, and toiletries.
 4. Manufacturing, processing or packaging of plastic products such as laminate, pipe, plumbing products, and miscellaneous molded or extruded products.
 5. Research and design centers where said centers are intended for the development of pilot or experimental products, together with related office buildings for such research facilities where said offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel.
 6. Printing, publishing and related activities.
 7. Artist, pottery and recording studios.
 8. Employee services. Employee services such as a cafeteria, snack bar or exercise gym may be permitted as an accessory use to a permitted or conditional land use in the this district, provided such services are contained wholly within the principal structure and are offered to employees only.
 9. Office and warehouse of skilled trade contractor such as electrical, heating, and plumbing contractors.
 10. Office and warehouse of service contractor such as cleaning services and home maintenance and repair.
- c. *Conditional uses.*
1. Tool and die and machine shops.
 2. Office and warehouse of skilled trade contractors such as electrical, heating and plumbing contractors.
 3. Office and warehouse of service contractors such as cleaning services and home maintenance and repair.
 4. Retail sales when conducted in conjunction with a principal permitted or a conditional use. Floor area devoted to retail sales shall not exceed ten percent of gross floor area.
 5. Self-storage facilities, subject to the provisions of section 36-140.
 6. Wireless communication facilities, subject to the provisions of section 36-143.
 7. Private indoor recreation uses such as bowling establishments, gymnasiums, ice skating rinks, tennis clubs, roller skating rinks, court sport facilities, and similar recreational uses.
 8. Warehousing, wholesaling, refrigerated and general storage.
 9. Standard restaurants.
 10. Indoor theaters and performance space for artistic expression, not including motion picture theaters.
 11. Community wastewater utility systems, subject to the provisions of section 36-318.
 12. Large scale retail establishment, subject to the provisions of section 36-134.
 13. Minor vehicle repair facilities subject to the provisions of section 36-137.

(17) *General Industrial (I-2).*

a. *Intent.*

1. This district is intended for manufacturing, assembly and material distribution facilities. The permitted uses in this district tend to have a more intensive use of products and chemicals than those permitted in the IRP and I-1 districts.
2. Manufacturing, processing, or assembling shall be permitted, provided that the materials, equipment, and processes utilized are clean, quiet, to a considerable extent, and free from objectionable or dangerous nuisance or hazard. Limited outdoor storage is permitted if screened from the public. I-2 districts are not intended to be located adjacent to residential or agricultural districts.
3. The district is to be used only in those areas of the township which are served by public water and sanitary sewer facilities, and where storm drainage is sufficient to handle intense development.

b. *Permitted uses.*

1. All uses permitted as of right in the I-1 district.
2. Manufacturing, processing, packaging or assembling of the following:
 - (i) Stone, clay, glass and leather products.
 - (ii) Food products, bakery goods, candy and beverages.
 - (iii) Prefabricated buildings and structural members.
 - (iv) Appliances.
3. Tool and die and machine shops.
4. Metal fabrication.
5. Fabrication of paper and wood products such as office supplies, bags, books, cabinets, furniture and toys.
6. Warehousing, wholesaling, refrigerated and general storage.
7. Packaging operations, but not including baling of discarded or junk materials, such as, but not limited to, paper, cloth, rags, lumber, metal or glass.
8. Printing, publishing, and related activities.
9. Manufacture and repair of signs, and heating and ventilating equipment.
10. Tool and die and machine shops.
11. Office and warehouse of skilled trade contractors such as electrical, heating and plumbing contractors.
12. Accessory or ancillary oil and gas well use or structures, as defined in section 36-5, subject to site plan approval under article VI, regulations in article X, and performance standards under section 36-150, and other applicable ordinance provisions, except that such approval shall not regulate or control the drilling, completion, production, or operation of any oil and gas well or oil and Environmental Protection Act, MCL 325.61501 et seq., or its duly promulgated rules and regulations; and subject to filing of any permits, certificates, or approvals required by federal, state, or other township laws, regulations, or ordinances.

c. *Conditional uses.*

1. Trucking and cartage facilities.
2. Heavy construction and farm equipment sales.

3. Contractor establishments.
4. Major vehicle repair facilities and vehicle collision repair facilities, subject to the provisions of section 36-137.
5. Wireless communication facilities, subject to the provisions of section 36-143.
6. Standard restaurant.
7. Adult business, subject to the provisions of section 36-144.
8. Self-storage facilities, subject to the provisions of section 36-139.
9. Community wastewater utility systems, subject to the provisions of section 36-318.

(18) *Heavy Industrial (I-3).*

a. *Intent.*

1. This district is intended for manufacturing and nonmanufacturing industrial activities which are more intense and produce greater environment disturbances than those permitted in any other zoning district. Outdoor storage is permitted in this district.
2. The district is to be used only in those areas of the township which are served by public water and sanitary sewer facilities, and where storm drainage is sufficient to handle intense development.

b. *Permitted uses.* Permitted uses in the I-3 district shall be all principal permitted and conditional uses in the I-2 district, except adult businesses.

c. *Conditional uses.*

1. Salvage yards, subject to the provisions of section 36-138.
2. Mineral mining and extractive operations, subject to the provisions of section 36-145.
3. Concrete and concrete products plants.
4. Asphalt and other bituminous plants.
5. Plating shops.
6. Bulk storage of petroleum and chemical products, flammable liquids or gases.
7. Collection center for household waste materials to be recycled.
8. Solid waste processing and transfer facilities.
9. Community wastewater utility systems, subject to the provisions of section 36-318.

(19) *Industrial and Research Office Park District (IRP).*

a. *Intent.*

1. The Industrial and Research Office Park District (IRP) is designed to accommodate a variety of light industrial, applied technology, research and related office uses within a planned environment through the coordinated application of development standards such as access control, signage, landscaping and other unifying elements.
2. The IRP district is so structured as to permit, along with any specific uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, is not permitted.
3. The uses permitted in this district and the application of required development standards will create compatible and orderly development of the area and will promote both safe and convenient vehicular and pedestrian traffic.

4. The district is to be used only in those areas of the township which are served by public water and sanitary sewer facilities, and where storm drainage is sufficient to handle an intense development. All uses in the IRP district shall also be subject to special development standards set forth in section 36-131.
- b. *Permitted uses.*
1. All uses permitted as of right in the I-1 district.
 2. Warehousing, wholesaling, refrigerated and general storage, when conducted in conjunction with another permitted use.
 3. Training and/or educational centers where such centers are designed and intended to provide training at the business, technical, and/or professional level.
- c. *Conditional uses.*
1. Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services, when included as part of a building or development containing a permitted use.
 2. Computer and business machine sales when conducted in conjunction with an accessory to a permitted principal use.
 3. Warehousing, wholesaling, refrigerated and general storage, when conducted as a principal use, but not including self-storage facilities.
 4. Tool and die and machine shops.
 5. Retail sales when conducted in conjunction with a principal permitted or a conditional use. Floor area devoted to retail sales shall not exceed ten percent of gross floor area.
 6. Wireless communication facilities, subject to the provisions of section 36-143.
 7. Community wastewater utility systems, subject to the provisions of section 36-318.

(20) *Planned unit development.*

- a. *Intent.* The PUD district regulations are set forth in article VIII of this chapter.
- b. *Conditional uses.* Community wastewater utility systems, subject to the provisions of section 36-318.

(Ord. No. 275, § 4.07, 10-21-2003; Ord. No. 283, 11-16-2004; Ord. No. 3386, §§ 3—22, 7-21-2006; Ord. No. 2009-01, § III(B)—(H), 1-27-2009; Ord. No. 2010-01, § 1, 2-23-2010; Ord. No. 2011-04, § 1, 11-22-2011; Ord. No. 2011-06, § 1, 12-13-2011; Ord. No. 2012-05, § 1, 8-28-2012; [Ord. No. 2013-04, § 1, 8-27-2013](#); [Ord. No. 2015-06, § 1, 7-28-2015](#).)

Sec. 36-75. - Schedule of regulations.

District	Min. Lot Area	Min. Lot Width	Max. Lot Cover	Max. Floor Area Cover	Max. Height	Min. Yards	Note Requirements
R-C	5 ac.	300'	20%	20%	2.5 stories 35' (3)	Front 60' Side 30' Rear 50' C/S 60'	1, 2, 5, 11

A-1	2.5 ac.	200'	10%	20%	2.5 stories 35'	Front 50' Side 30' Rear 50' C/S 50'	1, 2, 3, 5
E-R	2.5 ac.	200'	10%	20%	2.5 stories 35'	Front 50' Side 30' Rear 50' C/S 50'	1, 2, 3, 5
R-1	1 ac.	150'	20%	20%	2.5 stories 35'	Front 50' Side 20' Rear 50' C/S 50'	1, 2, 5
R-2	22,000 s.f.	100'	20%	30%	2.5 stories 35'	Front 35' Side 15' Rear 35' C/S 35'	1, 2, 4, 5
R-3	15,000 s.f.	85'	20%	30%	2.5 stories 35'	Front 35' Side 15' Rear 35' C/S 35'	1, 2, 4, 5
R-4	10,000 s.f.	70'	20%	30%	2.5 stories 35'	Front 35' Side 10' Rear 35' C/S 35'	1, 2, 4, 5
MR-1	1 ac.	150'	20% (25%) 12	20% (25%) ¹²	2.5 stories 35'	Front 35' Side 15' 35' Rear 35' C/S 35'	1, 2, 5, 8, 12
MR-2	5 ac.	150'	20% (25%) 12	20% (25%) ¹²	2.5 stories 35'	Front 35' Side 15' 35'	1, 2, 5, 8, 12

						Rear 35' C/S 35'	
MR-3	5 ac.	300'	25% (30%) ₁₂	25% (30%) ¹²	2.5 stories 35'	Front 50' Side 20' 50' Rear 50' C/S 50'	1, 2, 5, 8, 12
MHP	-	-	-	-	-	-	1, 5, 9
C-2	1 ac.	150'	15% (20%) ₁₂	30% (40%) ¹²	2.0 stories 30'	Front 50' Side 20' Rear 50' C/S 50'	1, 5, 10, 12
C-3	1 ac.	150'	15% (20%) ₁₂	30% (40%) ¹²	2.0 stories 30'	Front 50' Side 20' Rear 50' C/S 50'	1, 5, 10, 12
C-4	1 ac.	150'	15% (20%) ₁₂	30% (40%) ¹²	2.0 stories 30'	Front 50' Side 20' Rear 50' C/S 50'	1, 5, 10, 12
O-S	1 ac.	150'	15% (20%) ₁₂	30% (40%) ¹²	2.0 stories 30'	Front 50' Side 20' Rear 50' C/S 50'	1, 5, 10, 12
I-1	1 ac.	150'	20% (25%) ₁₂	40% (50%) ¹²	2.0 stories 36'	Front 50' Side 20' Rear 35' C/S 50'	1, 5, 12
I-2	2 ac.	200'	20% (25%) ₁₂	40% (50%) ¹²	2.0 stories 36'	Front 50' Side 30' Rear 50' C/S 50'	1, 5, 12

I-3	5 ac.	250'	15% (20%) 12	15% (40%) ¹²	2.0 stories 40'	Front 85' Side 50' Rear 50' C/S 85'	1, 5, 12
IRP	1 ac./10 ac.	150'	20% (25%) 12	40% (50%) ¹²	2.0 stories 36'	Front 50' Side 20' Rear 35' C/S 50'	5, 6, 12
PUD	-	-	-	-	-	-	5, 12

Section note requirements to section 36-75.

NOTE:

1. Specific setback restrictions.
 - a. On Jackson Road where future street rights-of-way have been adopted, the following shall apply relative to front yard setback lines which shall be measured from future rights-of-way:
 - (i) In determining the placement of a structure on a lot, including off-street parking and loading, the front minimum yard line shall be measured from the future right-of-way line in accordance with the Jackson Road Concept Plan prepared by Pollack Design & Hedberg Associates and adopted by the board of trustees on September 9, 1991, and the preliminary engineering plans prepared by Midwestern Consulting and adopted by the board of trustees on March 11, 1992, and as amended by the township board from time to time. This provision relates solely to the measurement made for locating a structure, parking and loading on a lot, and is not intended to limit use of the property in other respects. Unless and until the area between the existing and future right-of-way lines is taken or dedicated for public use, such area shall, in all respects, be considered to be private property for private use. Thus, for determining density of use and other calculations relating to the layout and substantive use rights of the property, the existing right-of-way line shall be applicable.
 - (ii) In the event that application of this provision, in combination with other dimensional requirements under this chapter, results in a loss of the right to construct a structure, including parking, of the size which would be permitted if measurement were made from the existing right-of-way line, variance relief may be available upon application to the zoning board of appeals provided that all applicable grounds for relief are demonstrated.
 - b. No building, structure, parking or loading space shall be located less than the required yard, or 110 feet from the centerline of the following roads, whichever results in the greater setback:
 - Zeeb Road
 - Baker Road
 - Scio Church Road
 - Dexter Ann Arbor Road, Dexter Village limits to Zeeb Road

Wagner Road, Jackson to Scio Church Roads

Joy Road, Dexter Village limits to Zeeb Road

Liberty Road, Zeeb to the boundary with the City of Ann Arbor

Parker Road, Scio Church to Dexter Chelsea Roads

2. With livestock, subject to the restrictions set forth in section 36-135.
3. Single-family dwelling on lots a minimum 2½ acres in size provided that the overall density permitted as of right upon a parcel existing as of March 31, 1997, shall be restricted to the following:
 - a. For a parcel of ten acres or less, existing as of March 31, 1997 up to a total of four dwelling units.
 - b. For a parcel of greater than ten acres, up to and including 120 acres, existing as of March 31, 1997 one additional dwelling for each whole ten acres in excess of the first ten acres, up to a maximum of 11 dwellings.
 - c. For parcels of greater than 120 acres existing as of March 31, 1997 one additional dwelling for each whole 40 acres in excess of the first 120 acres.
 - d. For a parcel of not less than 20 acres existing as of March 31, 1997 two additional dwellings may be permitted, if one of the following conditions apply:
 - (i) Because of the establishment of one or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsections 3.a through c of this section or this subsection 3.d are created or required.
 - (ii) One of the resulting parcels under subsections 3.a through c of this section and this subsection 3.d comprises not less than 60 percent of the area of the parent parcel or parent tract.
4. With public sewer and water. Otherwise, the minimum lot area shall be one acre.
5. Sites which are adjacent to I-94 and M-14 shall maintain a minimum 50-foot undisturbed buffer measured from the right-of-way. If existing vegetation is not sufficient to provide a landscape screen, the planning commission may require additional landscaping in accordance with section 36-345(b)(3).
6. The minimum site area for an IRP development shall be ten acres. The minimum area for individual lots within an IRP development shall be one acre. Nonconforming lots of record which do not meet minimum site area requirements may be developed provided all other IRP district requirements are met.
7. See section 36-132 for specific standards and requirements.
8. See section 36-133 for specific standards and requirements.
9. Front yard setbacks (minimum yards) in all commercial districts fronting on the northwest side of Dexter-Chelsea Road from the Dexter Village limits to the intersection of Parker Road, shall be 25 feet.
10. There shall be no minimum lot size for uses such as a public or private forest preserve, game refuge, park, recreation area, or public or private conservation area.
11. See article VIII of this chapter for specific standards and requirements.
12. The maximum lot coverage and maximum floor area cover percentages within the parenthesis may be used if at least two best management practices (BMPs) are used on the site plan to improve the quality of stormwater runoff. The best management practices should be selected from the following list:
 - a. Green roofs on buildings or structures built over parking areas. A green roof consists of an elevated roof structure covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. Additional layers, such as a root barrier and drainage and irrigation

systems may also be included. Green roofs retain the majority of the water that falls on them, with the remainder of the water being released slowly after percolating through the vegetative and soil layers of the roof.

- b. Vegetated swales or filter strips (biofilters-rainwater garden). Vegetated swales and filter strips are open channel vegetated systems used for conveying and treating stormwater flows. By conveying stormwater runoff in vegetated systems, additional treatment, storage and infiltration can be provided prior to discharge.
- c. Vegetated retention areas (bioretention-rainwater garden). Bioretention systems are a variation of a surface sand filter, where the sand filtration media is replaced with a planted soil bed. Stormwater flows into the bioretention area, ponds on the surface, and gradually infiltrates in the soil bed. These systems are designed to mimic the functions of a natural forest ecosystem for treating stormwater runoff.
- d. Porous pavement. Porous pavement is a permeable paving surface with an underlying reservoir area that temporarily stores surface runoff before infiltrating it into the soil below.
- e. Rain water cisterns and grey water systems for use of the collected water. Rain water cisterns are tanks where stormwater runoff from roofs and pavement may be stored to be reused for irrigation, to flush toilets, and other acceptable grey (untreated) water uses.
- f. Constructed wetlands. Constructed wetlands are defined as constructed systems explicitly designed to mitigate the stormwater quality and quantity impacts associated with development. They do so by temporarily storing stormwater runoff in shallow pools that create growing conditions suitable for emergent and riparian wetland plants. The runoff storage, complex microtopography and emergent plants in the stormwater facilities that couple ponds and constructed wetlands together form an ideal system for the removal of urban pollutants.
- g. Infiltration basins, trenches, or dry wells. Infiltration basins are designed to capture a stormwater volume and infiltrate it into the ground over a period of days. Infiltration basins are almost always placed offline, and are designed to only intercept a certain volume of runoff. Any excess volume will be bypassed. The basin may or may not be vegetated. Vegetated infiltration systems help to prevent the migration of pollutants and the roots of the plants improve the permeability of the soil.
- h. Filtration systems. A filtration system is a device that uses a media such as sand, gravel, peat or compost to remove a fraction of the constituents (sediment or other particulate contaminants) from stormwater.
- i. Creation of a prairie meadow or savannah landscape covering the open landscape areas on the site. The creation of a native landscape such as a prairie meadow or savannah can substantially reduce stormwater runoff by slowing its lateral movement, taking up substantial quantities of water, and creating soil conditions that absorb and infiltrate more water.
- j. Reforestation of the open landscape areas on the site (well beyond the minimum requirements of the landscape ordinance). The creation of a native landscape such as woodland can substantially reduce stormwater runoff by intercepting and slowing the falling precipitation, taking up substantial quantities of water, and creating soil conditions that absorb and infiltrate more water.

(Ord. No. 275, § 4.08, 10-21-2003; Ord. No. 3381, § 2, 4-19-2005; Ord. No. 2010-01, § 1, 2-23-2010; [Memo. of 2-18-2018](#))

Sec. 36-76. - Jackson Road Overlay District (JROD).

- (a) *Purpose* . The Jackson Road Overlay District (JROD) is established to promote mixed uses with an emphasis on retail, office and research uses, along with high density residential uses consistent with the Township Master Plan. It is also the purpose of the district to enhance the streetscape, create pedestrian pathways and outdoor spaces, and promote high quality architecture; and provide for vehicular and pedestrian circulation patterns that support the boulevard design for Jackson Road.

(b) *Application of requirements.*

(1) The provisions of this section shall apply to all new uses, structures, and additions that require full site plan approval pursuant to section 36-177(c) of the Scio Township Zoning Ordinance, with the following exceptions:

- a. Uses, structures, or other site alterations that can be accommodated through the administrative site plan review process pursuant to section 36-178 are exempt from the JROD standards, but shall meet all required setback standards including the required front yard greenbelt buffer for the zoning district in which the parcel is found.
- b. Large scale retail establishments as defined by this chapter shall meet the provisions of section 36-134 of this chapter and shall be exempt from the specific provisions of the JROD standards.
- c. Expansion of existing principle and accessory structures of less than 50 percent of the existing floor area of all principle and accessory structures shall be exempt from the JROD standards.
- d. Where expansion to an existing use or structure exceeds 50 percent of the floor area of the existing structure all of the JROD standards shall apply, with the possible exceptions as noted below.

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.
- e. Exempt projects shall meet all required zoning and setback standards including the required front yard greenbelt buffer for the zoning district in which the proposal is found.

(c) *District boundaries.* The boundaries of the Jackson Road Overlay District shall be that which is displayed on The Official Zoning Map and as described in the following text.

The Jackson Road Overlay District includes all properties with a lot width of 150 feet or more, having direct frontage on the following roads:

- Jackson Road, between Wagner Road and Parker Road
- Wagner Road, from Liberty Road north to I-94
- Zeeb Road, from Park Road north to Pratt Road
- Staebler Road, from the southern edge of the Kirkway of Scio site condominium north to I-94
- Baker Road, from Jackson Road north to Marshall Road
- Parker Road, from Jackson Road north to I-94

The roads within the overlay district are organized into three distinct overlay segments:

- (1) The East Jackson Road segment (from Wagner to Staebler);
- (2) West Jackson Road segment (from Staebler to Parker);

- (3) Connector segments (as previously described that include portions of Wagner Road, Zeeb Road, Staebler Road, Baker Road and Parker Road).
- (d) *Permitted land uses.* All stand-alone uses within the Jackson Road Overlay District shall be restricted to those listed as either permitted principal uses and/or conditional uses in the underlying zoning district.

Mixed-use developments may be permitted within the JROD in accordance with the Township Master Plan and in the following circumstances:

- (1) *As a planned unit development (PUD).* A mixed-use PUD may be submitted pursuant to Article VIII and in accordance with the Township Master Plan.
- (2) *As a conditional land use.* Permitted uses contained within the C-2 general commercial, C-3 highway commercial, OS office service, and I-1 limited industrial district may be allowed anywhere in the JROD if included as an overall mixed-use development. All mixed-use developments within the JROD shall be considered a conditional land use and be reviewed pursuant to Article VII Conditional Use Review. A use permitted by the underlying zoning district must be included in a mixed-use development.
- (e) *Setbacks .* For non-exempt projects pursuant to subsection (b)(1) of this section, the Jackson Road Overlay District is composed of the three overlay segments intended to guide the development and 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.
 - (1) The following standard front yard greenbelt setbacks shall be met.

Overlay Segments	Front Greenbelt Setback
East Jackson Road Segment	30 feet
West Jackson Road Segment	50 feet
Connector Road Segment	40 feet

- (2) *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 R.O.W. when a knee wall is installed as described in subsection (f)(4) of this section. No structure may encroach within this area; the above mentioned exemption is for parking only.
- (f) *Design standards.* In addition to complying with the design standards set forth in this section, all proposed development and construction within the Jackson Road Overlay District shall be consistent with the goals and objectives of the Jackson Road Sub-Area Plan contained in the Township Master Plan.
 - (1) *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 IX, Access, Circulation and Parking of this chapter.
 - a. 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.

- b. 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 36-278(d) of this chapter.
- (2) *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 in accordance with section 36-277, pedestrian and non-motorized access and circulation.
- (3) *Community design feature.* Unless described as an exemption pursuant to section 36-75(b), a community design feature as described below shall be required for new development with frontage along the Jackson Road intersections of Wagner Road, Zeeb Road, Staebler Road, Baker Road, and Parker Road.
- a. At the intersections noted above, a pedestrian plaza shall be provided that is similar to the design elements found in figure 18 of Appendix A. 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.
 - b. 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 compliment the architecture of the space and adjacent buildings.
 - c. Any pedestrian areas shall have direct access to the site's pedestrian circulation system, connect to the Jackson Road pathways and shall use a variety of design elements including lighting, landscaping, pavement, arches, and furnishings to define the pedestrian spaces.
- (4) *Landscaping and screening.* In addition to meeting the minimum landscape and screening requirements of section 36-345, landscaping, greenbelts, buffers and screening, the following additional standards shall be followed within the Jackson Road Overlay District:
- a. 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 figure 19 of Appendix A. The planning commission has the discretion to allow other similar options as proposed by the applicant.
- At least one-half of the trees required in the greenbelt landscape section of this chapter shall be considered street trees and shall be planted within the Jackson Road R.O.W. a minimum of five feet from the edge of the sidewalk, where conditions allow. Street trees shall be deciduous trees with seven-foot minimum branching and shall be of a species that is known to grow and thrive in proximity to road systems. Street trees shall be located in accordance with the standards of the Washtenaw County Road Commission. In addition, street trees shall meet all other requirements set forth in section 36-345.
- (5) *Building design and orientation.*
- a. New principal structures shall be located no more than 75 feet from the greenbelt line. Large scale retail establishments shall be exempt from this maximum setback, but must meet the building design and orientation standards found in section 36-134.
 - b. 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.

- c. 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.
 - d. Roofs shall exhibit one or more of the following features depending upon the nature of the roof and building design:
 - 1. *Flat roofs.* Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required in accordance with section 36-345(b)(1).
 - 2. *Pitched roofs.*
 - i. Overhanging eaves on pitched roofs are 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.
 - iii. All rooftop equipment shall be screened in accordance with section 36-345(b)(1).
 - e. Building materials and colors:
 - 1. 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.
 - 2. All facade colors and systems (including neon) shall be reviewed and approved by the planning commission as part of the full site plan review process.
 - f. 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.
- (6) *Signage* . All signs permitted within the Jackson Road Overlay District shall be subject to the provisions of Article XII, Sign Regulations, of this chapter.
- (7) *Lighting* . All lighting permitted within the Jackson Road Overlay District shall be subject to the provisions of section 36-315.

(Ord. No. 2011-02, 5-24-2011; [Ord. No. 2013-05, § 1, 9-24-2013](#); [Ord. No. 2019-05](#), § 1, 8-27-2019)

Secs. 36-77—36-91. - Reserved.

ARTICLE IV. - GENERAL REGULATIONS

Sec. 36-92. - Purpose.

It is the purpose of this article to provide regulations which may generally apply to all uses regardless of the particular zoning district.

(Ord. No. 275, § 5.01, 10-21-2003)

Sec. 36-93. - Accessory buildings.

No accessory building shall be used prior to occupancy of the principal building or use, except as a construction facility for the principal building. A building attached to a principal building of a lot shall be

considered a structural part thereof, shall comply with the provisions of the district in which it is located, and shall not be considered an accessory building. Accessory buildings shall be subject to the minimum yard requirements of section 36-75 for the zoning district within which they are located, except in the R-3 district where the rear yard minimum shall be ten feet when accessory structure is less than 120 square feet.

(Ord. No. 275, § 5.02, 10-21-2003)

Sec. 36-94. - Temporary dwelling structures.

- (a) No cabin, garage, cellar, basement, or any temporary structure, whether of a fixed or movable nature may be erected, altered, or moved upon and used in whole or in part for any dwelling purpose whatsoever for any length of time whatsoever, except as provided in this section.
- (b) During construction of a new residence, or if a dwelling is destroyed or damaged to the extent that it is uninhabitable for a period of time, by a natural or manmade event, such as fire, flood, windstorm, or tornado, a mobile home or other temporary dwelling approved by the zoning official may be moved onto the premises for use as a temporary dwelling during construction or repair of the permanent dwelling after obtaining a permit therefor from the zoning official. Application for said permit shall be filed with the township clerk along with all fees established by resolution of the township board. The building official, prior to approval of such temporary structure, shall determine that the proposed structure is safe for habitation and is adequately served by public utilities. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which located. Where municipal water and/or sanitary sewage disposal systems are not available, such on-site services shall be approved by the county health department.
- (c) The zoning official shall establish a reasonable date for removal of the temporary dwelling, said date not to exceed two years from the date of said destruction or damage or the date of issuance of a building permit for new construction; however, the temporary dwelling shall be removed from the premises within six months (180 days) of the date of issuance of an occupancy permit for the permanent dwelling. All utility connections shall be severed and temporary dwelling permit shall expire on issuance of an occupancy permit for the permanent dwelling.

(Ord. No. 275, § 5.03, 10-21-2003)

Sec. 36-95. - Temporary construction structures.

Temporary buildings and/or structures may be used as construction facilities provided that a permit is obtained for such use from the zoning official. The zoning official shall, in each case, establish a definite time limit on the use of such facilities.

(Ord. No. 275, § 5.04, 10-21-2003)

Sec. 36-96. - Essential services and other public property.

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 provisions of this chapter, as follows:

- (1) Essential services shall be permitted in any district.
- (2) Buildings constructed in conjunction with an essential service, shall constitute and be treated as conditional uses in any zoning district pursuant to the requirements of article VII of this chapter.

- (3) Property owned, leased, or operated by the state or the United States, shall be exempted from the provisions of this chapter only to the extent that said property may not be constitutionally regulated by the township.
- (4) Communication towers shall not be regulated as an essential service and are subject to the provisions of section 36-143. Communication towers owned by a governmental agency shall be regulated as a conditional use in all districts.

(Ord. No. 275, § 5.05, 10-21-2003)

Sec. 36-97. - Dwelling unit standards.

- (a) Each dwelling unit and any addition thereto shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If the dwelling is a mobile home, as defined herein, such dwelling and any addition shall be installed pursuant to the manufacturer's instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission and shall have a perimeter wall as required above. If the dwelling unit is a mobile home, as defined herein, each unit shall be installed with the towing system, axles, wheels and undercarriage or chassis removed.
- (b) The minimum floor area per dwelling unit shall be in accordance with the schedule, set forth in section 36-98.
- (c) Each dwelling unit shall be connected to public water and sanitary sewer lines, or to on-site water and sanitary sewerage facilities approved by the county health department.
- (d) Each dwelling unit shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwellings or 100 square feet, whichever shall be less.
- (e) Each dwelling unit shall have a roof overhang of not less than six inches on all sides; a roof drainage system concentrating roof drainage at collection points along the sides of the dwelling; not less than two exterior doors, with the second door being in either the rear or side of the dwelling; and steps connected to the exterior door areas or to porches connected to the door areas, where a difference in elevation requires the same.
- (f) Each dwelling unit shall contain no additions or rooms or other areas which are not constructed with similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and construction of and attachment to a foundation as required herein.
- (g) Each dwelling unit and any addition thereto shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 1700 et seq., and 24 CFR 3280 et seq. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (h) All construction shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
- (i) Not more than one single-family dwelling shall be permitted on a lot, except in a planned unit development, a mobile home park, as a temporary dwelling as provided in section 36-94, or unless otherwise permitted in this chapter.
- (j) No dwelling unit shall be removed from a foundation until a permit therefor has been issued by the building official, in accordance with the Michigan State Construction Code.

- (k) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in the ordinance of the township pertaining to such parks.

(Ord. No. 275, § 5.06, 10-21-2003)

Sec. 36-98. - Dwelling unit floor area.

The minimum floor area per dwelling unit shall be as follows:

Type of Dwelling Unit	First Floor Area (in square feet)	Total Floor Area (in square feet)
Single-family		
One story	1,000	1,000
One and one-half stories	850	1,000
Two stories	800	1,600
Two- and multiple-family		
Efficiency/one bedroom	N/A	600
Two bedroom	N/A	800
Three bedroom	N/A	1,000

(Ord. No. 275, § 5.07, 10-21-2003)

Sec. 36-99. - Utility engineering and construction.

All proposed design and construction of utilities, pavement, drives, and sidewalks, and stormwater management facilities shall comply with township engineering and construction standards.

(Ord. No. 275, § 5.08, 10-21-2003)

Sec. 36-100. - Home occupation.

- (a) It shall be unlawful for any person, firm, or corporation to establish a home occupation on any property within the township, except in accordance with these regulations. A zoning compliance permit to

establish a home occupation shall be required. The owner of the subject property (if different than the applicant) must sign the zoning compliance permit.

(b) A home occupation shall comply with the requirements set forth in the definition of a home occupation found in section 36-5 of this Code and shall further be subject to the following additional requirements:

- (1) A home occupation shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- (2) A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
- (3) There shall be no outside display of any kind, or any external or visible evidence of the conduct of a home occupation, with the exception of a home occupation sign pursuant to section 36-370.
- (4) The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation use, shall be prohibited.

(c) *Medical marihuana cultivation, use and distribution as a home occupation.* In addition to meeting the provisions of subsection (b) above, medical marihuana cultivation, use and distribution as a home occupation shall meet the following provisions.

- (1) A registered primary caregiver if in compliance with the general rules of the State of Michigan Department of Licensing and Regulatory Affairs (LARA), the Michigan Medical Marihuana Act (MCL 333.26423(d)), and the requirements of this section, shall be allowed as a home occupation. The township regulations are designed to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization of the limited cultivation, distribution, and use of marihuana for medical purposes; and to regulate in a manner that does not conflict with the act to address issues that would otherwise expose the community and its residents to significant adverse conditions including the uninspected installation of unlawful plumbing and electrical facilities that create dangerous health, safety, and fire conditions.

Nothing in this section shall grant to any person immunity from criminal prosecution or property forfeiture under state or federal law for growing, selling, consuming, using, distributing, or possessing marihuana in a manner that does not comply with the act or the general rules.

(2) The following requirements for a registered primary caregiver shall apply:

- a. The medical use of marihuana as a home occupation shall comply at all times and in all circumstances with the state Act and the general rules of the Michigan Department of Community Health, as they may be amended from time to time:
- b. A home occupation related to the cultivation, use, or distribution of medical marijuana shall not be located:
 1. Within a 1,000-foot radius from any school, or library, as defined by the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7410, to ensure community compliance with federal "Drug-Free School Zone" requirements.
 2. Within 1,000 feet of an adult use, as defined in section 36-5.
 3. Within 1,000 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 who resides at such residence.

Measurements for purposes of this subsection shall be made from property boundary to property boundary.

- (3) Not more than one caregiver shall be permitted to service qualifying patients at each individual home occupation location. All medical marijuana plants cultivated shall be contained within a fully enclosed legally existing primary or accessory structure and inaccessible on the exterior and accessible only by the registered primary caregiver.
- (4) Not more than five qualifying patients shall be assisted with the medical use of marijuana at each home occupation location.
- (5) All medical marijuana cultivation, and all assistance of a patient in the use of medical marijuana by a caregiver, shall occur within the confines of a facility, and such activities shall not be 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.
- (6) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a residential structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing or harvesting of marijuana are located.
- (7) Unless the home occupation is 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.

([Ord. No. 2015-03, 4-28-2015](#) ; [Ord. No. 2016-4, 8-23-2016](#) ; [Ord. No. 2018-01, 2-13-2018](#))

Secs. 36-101—36-126. - Reserved.

ARTICLE V. - SUPPLEMENTARY REGULATIONS

Sec. 36-127. - Purpose.

It is the purpose of this article to provide regulations for specific uses, which may be regulated as either a permitted or conditional land use.

(Ord. No. 275, § 6.01, 10-21-2003; Ord. No. 2007-02, § 1(6.01), 6-12-2007)

Sec. 36-128. - Day care facilities.

- (a) *Intent.* It is the intent of this section to establish standards for day 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 day care home shall be considered a residential use of property and a permitted use in all residential districts. Family day 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 day care homes and day care centers as specified in district regulations and subject to the standards herein.
- (c) *Standards for group day care homes.* Group day care homes shall be considered as a conditional land use subject to the requirements and standards of article VII 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.
 - (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 day care home family shall be provided.
 - (6) Appropriate licenses with the state shall be maintained.
- (d) *Standards for day care centers.* Day care centers shall be considered as a conditional land use subject to the requirements and standards of article VII 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. No. 275, § 6.02, 10-21-2003; Ord. No. 2007-02, § 1(6.02), 6-12-2007)

State Law reference— Zoning for family day care homes and group day care homes, MCL 125.3206; licensing of child care organizations, MCL 722.111 et seq.

Sec. 36-129. - 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 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 homes serving more than six persons in the MR-2 and MR-3 districts. 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-2 and MR-3 districts. Such facilities shall be prohibited in all other districts.
- (c) *Standards for adult foster care homes serving more than six persons.* Such homes shall be considered as a conditional land use subject to the requirements and standards of article VII of this chapter and the following additional standards:
 - (1) A site plan, prepared in accordance with article VI 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, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or caregivers.
 - (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 screening in accordance with section 36-345 is required.
 - (6) Appropriate licenses with the State of Michigan shall be maintained.
- (d) *Standards for adult foster care congregate facilities.* Such facilities shall be considered as a conditional land use in the MR-2 and MR-3 districts, subject to the requirements and standards of article VII of this chapter and the following standards:
- (1) A site plan, prepared in accordance with article VI 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, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or caregivers.
 - (3) Parking requirements as required for convalescent homes and similar facilities, set forth in article IX of this chapter shall be met.
 - (4) All landscape requirements set forth in section 36-345 shall be met.
 - (5) Appropriate licenses with the state shall be maintained.

(Ord. No. 275, § 6.03, 10-21-2003; Ord. No. 2007-02, § 1(6.03), 6-12-2007)

State Law reference— Zoning for adult foster care facilities and foster family homes, MCL 125.3206; adult foster care facility licensing act, MCL 400.701 et seq.; licensing of child care organizations, MCL 722.111 et seq.

Sec. 36-130. - Open space developments.

- (a) *Intent.* It is the intent of this section to promote the goals of the township master plan and to permit the development of single-family dwellings in patterns which will:
 - (1) Protect and preserve rural character, open space, and productive agricultural lands.
 - (2) Minimize demand for public services.
 - (3) Encourage a more creative approach to single-family residential development than conventional land divisions and allow greater flexibility in the siting of units.
 - (4) Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands and vegetation, water bodies and other natural assets.
 - (5) Reduce the number of driveways accessing county primary and local roads.
 - (6) Minimize light levels and light pollution.
- (b) *Where applicable.* The open space preservation option shall be a permitted use in the RC, A-1, E-R and R-1 districts and in the R-2 and R-3 districts, where sanitary sewers are provided.
- (c) *Criteria.* In the review of a proposed development under this section, the township shall make a finding that the intent of the open space preservation option, as set forth in subsection (a) of this section, and one or more of the standards set forth in this subsection are met:

- (1) The parcel contains natural assets which would be preserved through the use of open space preservation. Such assets may include woodlands; natural habitat for wildlife; wetlands; bodies of water (i.e., streams, rivers, and lakes); unusual topographic features; or other natural assets which are to be preserved.
 - (2) The parcel contains productive agricultural lands which would be preserved through the use of cluster development.
 - (3) When completed, the development shall have at least 50 percent of the land area remaining left perpetually in an undeveloped state, i.e., a conservation easement, plat dedication, restrictive covenant, or other legal means that run with the land.
- (d) *Project density.* Land found within the districts noted in subsection (b) of this section may be developed, at the option of the land owner, with the same number of dwelling units on a portion of land that, as determined by the township, could otherwise be developed, under existing ordinances, laws and rules, on the entire land area.
- (1) The following special density standards shall apply to land found within the A-1, General agriculture district. The number of dwelling units permitted under the open space preservation option on property zoned A-1 shall not exceed the overall density permitted as of right as set forth in section 36-75, note 3, of the schedule of regulations, plus additional density based upon the application of one of the following criteria, whichever results in the least number of additional dwelling units:
 - a. Two dwelling units for the first ten acres plus one dwelling unit for each whole ten acres in excess of the first ten acres of the parcel; or
 - b. Seven dwelling units, or ten dwelling units if one of the resulting lots or parcels comprises not less than 60 percent of the area of the parcel being developed.
 - (2) For the remainder of the districts in which the open space preservation option is permitted, the number of dwelling units permitted under the open space preservation option shall not exceed the overall density permitted as of right for each of the districts under a conventional development.
- (e) *Site design requirements.* All open space developments submitted under this option shall conform to the following site design requirements:
- (1) *Type of dwelling unit permitted.* Development is restricted to single-family detached and two-family dwelling units. Projects may be proposed as subdivisions or site condominiums, although portions of projects may include land divisions allowable under state law. In no case shall allowable project density be exceeded.
 - (2) *Common access and road frontage.* No lot or parcel shall have direct driveway access to county-designated primary or local roads. All lots or parcels shall have frontage or direct access to a public or private interior road which meets one of the following conditions:
 - a. A public street which has been accepted for maintenance by the county road commission.
 - b. A permanent and unobstructed private road approved and built in accordance with the township standards for private roads or a road which is part of a condominium development where design, construction, and perpetual maintenance of the road have been approved by the township.
 - c. The extent of road frontage shall be determined by the township, in its discretion, taking into consideration: the extent and importance of natural resources, topographical conditions, floodplains, and wetlands to be preserved on the property, the size and shape of the development site, public safety, aesthetics, and impact upon the surrounding developments.
 - (3) *Water supply and sewage disposal.*
 - a. An applicant shall demonstrate that all lots proposed under the open space preservation option are capable of meeting applicable county and/or state agency approvals for on-site water supply and sewage disposal. Inasmuch as the capability of the parcel for on-site water

supply and sewage disposal is material to the determination of potential development density, the township shall require percolation tests, soil borings and other information to determine suitability of soils for on-site sewage disposal. These tests must be conducted under the supervision of a registered engineer, certified sanitarian, or other competent licensed professional in accordance with uniform procedures established by the department of environmental quality.

- b. Pursuant to subsection (d) of this section, a preliminary site plan with a conventional layout is required in order to demonstrate project density. The township board may waive the requirement for percolation tests, soil borings and other information on each individual lot of the preliminary site plan with a conventional layout, when it can be demonstrated by the applicant that one or more of the following conditions exist:
 - 1. Conduct of the necessary testing would result in unreasonable damage to significant natural resources and features that are intended to be preserved through the application of the rural open space development option.
 - 2. Previous studies acceptable to the township board have been conducted on the site which verify the suitability of soils and subsurface conditions for on-site water supply and sewage disposal.
- (4) *Setbacks.* 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 resources and other features intended to be preserved. 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 (SINGLE-FAMILY RESIDENTIAL)**

Setbacks/districts	R-C	A-1	E-R	R-1	R-2	R-3
Front and rear						
Front	50	40	40	35	35	35
Rear	40	40	40	25	25	25
Total front and rear	100	90	70	70	70	70
Side						
Least	20	15	15	10	10	10
Total of same lot	50	40	40	25	25	25
Distance between adjacent dwellings	50	40	40	25	25	25

MINIMUM SETBACKS AND LOT WIDTH PER DWELLING UNIT (IN FEET)
 IN REGULAR CONDOMINIUMS FOR TWO-FAMILY ATTACHED UNITS

Setbacks/districts	R-C	A-1	E-R	R-1	R-2	R-3
Minimum setbacks*						
Internal drives/street	50	50	50	35	35	35
Edge of water**	50	50	50	50	50	50
Distance between bldg.						
(Side to side)	40	40	40	20	20	20
(Side to front), (side to rear)	55	55	55	35	35	35
(Front to front), (front to rear), (rear to rear)	70	70	70	50	50	50

*Where the cluster development contains drives or streets without a recorded easement, setbacks shall be measured from a point 33 feet from the centerline of the drive or street.

**In addition to these minimum requirements, setbacks must be in conformance with the township's natural rivers setback and maintenance regulations.

- (5) *Open space.* When completed, the balance of the parent parcel that is not specifically devoted to development associated with dwelling units shall be left in an undeveloped state.
 - a. The percentage of land to be left in an undeveloped state shall be no less than 50 percent of the parent parcel.
 - b. The term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
 - c. Approval of an open space preservation option under this section shall be conditioned upon recording appropriate conservation easements, deed restrictions, plat dedications, restrictive covenants, or other instruments for the purpose of providing for longterm maintenance and preservation of the areas to be left in an undeveloped state. Such easement and/or other instrumentation shall be in a form and contain the content approved by the township attorney and shall run with the land.
- (6) *Greenbelt adjacent and parallel to I-94, M-14, county primary and local roads.* It is the intent of the township that rural open space developments shall not appear to be more intense than conventional developments as viewed from off-site. In addition to any required minimum setback specified in subsection (e)(5) of this section, a greenbelt, having the minimum width of 100 feet,

shall be required along any adjacent county primary or local road. The greenbelt shall be measured from the future right-of-way line. The township planning commission, at its discretion, may permit either minor reductions in width 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.

- (7) *Transition from adjacent parcels.* In order to provide an orderly transition of density when an open space development abuts a single-family residential district of equal or lower density, the township, at its discretion, shall require designation of open space and/or the addition of landscape screening along the common boundaries.
- (f) *Procedure for review and approval.*
- (1) *Application requirements.* The application for an open space development shall meet all appropriate review requirements under article VI of this chapter, pertaining to site plan review or the subdivision ordinance codified in chapter 20, article III, whichever is applicable.
 - (2) *Preapplication conference.* Prior to submitting a preliminary site plan or a tentative preliminary plat, a pre-application conference shall be conducted in accordance with article VI of this chapter. All open space preservation options shall be required to submit a preliminary site plan review and approval, as set forth in article VI of this chapter. A tentative preliminary plat shall meet the requirements of article VI of this chapter.
 - (3) *Plan requirements.* In the satisfaction of the requirements of article VI of this chapter and this section, the applicant shall be required to submit the following:
 - a. *Project narrative and site analysis.* A summary explanation and graphic illustration of the development concept and the manner in which the criteria in subsections (a) and (c) of this section are met.
 - b. *Density concept plan.* A plan which illustrates achievable development of the property without application of the rural open space development option and with all applicable ordinances and laws observed, including proof of water supply and sewage disposal as set forth in subsection (e)(4) of this section.
 - c. *Open space development preliminary plan.* A plan which illustrates developments of the property with application of the open space development option.

(Ord. No. 275, § 6.04, 10-21-2003; Ord. No. 2007-02, § 1(6.04), 6-12-2007)

State Law reference— Open space preservation, MCL 125.3506.

Sec. 36-131. - IRP district development standards.

- (a) *Uses to meet minimum site area requirements.* All uses in the IRP districts shall be located within a subdivision, site condominium or other unified form of land development meeting the minimum site area requirements set forth in section 36-75. However, this provision is not intended to exclude the development of individual sites for the use of a single corporate entity, provided all regulations contained herein are met.
- (b) *Development standards.* All IRP developments shall meet the following development standards:
 - (1) *Landscaping.* An IRP development, including individual sites located within a subdivision or site condominium, shall meet the applicable requirements of section 36-345. In addition, landscape plans shall contain the following specific elements:
 - a. *Street trees.* The frontage of all internal public or private streets shall be landscaped with the equivalent of one tree for every 50 lineal feet, or fraction thereof. Such street trees shall meet the minimum size and spacing requirements set forth in section 36-345 and shall be an

appropriate species for a street environment. The planning commission may determine that existing trees which are preserved will meet all or part of the street tree requirement.

- b. *Screening between residential uses.* Where an IRP District directly abuts a residentially zoned or used property, a landscaped buffer, a minimum of 50 feet in width, shall be provided. Said landscape buffer shall be in addition to any other required setback. The landscape buffer shall provide screening in accordance with section 36-345.
 - c. *Other site improvements.* The landscape plans shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, and any other site improvement which would be enhanced through the addition of landscaping.
- (2) *Signage.* In addition to meeting the requirements of article XII of this chapter, a comprehensive sign plan illustrating identification, directional, traffic safety signs shall be submitted.
 - (3) *Architectural control.* Proposed language to be included either in deed restrictions or condominium documents which specify minimum architectural standards for the development of individual lots within the subdivision or site condominium shall be submitted.
 - (4) *Outdoor storage.* Outdoor storage shall not be permitted.
 - (5) *Access.* For sites developed as subdivisions, site condominiums or other unified form of land development, lot access shall only be provided from internal public or approved private roads. The planning commission may approve access by other means than a public or private road for sites developed for the use of a single corporate entity.
 - (6) *Mechanical and roof-mounted equipment.* All mechanical and roof-mounted equipment shall be screened.
 - (7) *Underground utilities.* All telephone, gas, electric and cablevision utilities shall be placed underground.

(Ord. No. 275, § 6.05, 10-21-2003; Ord. No. 2007-02, § 1(6.05), 6-12-2007))

State Law reference— Planned unit development, MCL 125.3503.

Sec. 36-132. - Single-family attached and multiple-family dwellings.

Single-family and multiple-family dwellings located within the MR-1, MR-2 and MR-3 districts shall be subject to the following:

- (1) *Lot area and density.*
 - a. Every lot in the MR-1 district on which single-family attached dwellings are erected shall provide a minimum lot area of one acre. Every lot in the MR-2 and MR-3 districts on which multiple-family dwellings are erected shall have a minimum lot area of five acres.
 - b. The maximum density of dwelling units per acre shall be as follows:
 1. MR-1, 4 units per acre.
 2. MR-2, 8 units per acre.
 3. MR-3, 10 units per acre.
 - c. Single-family detached dwellings in the MR-1, MR-2 and MR-3 districts shall meet all of the area and setback requirements of the R-3 district.
- (2) *Yard requirements.*
 - a. Front, side and rear yards shall comply with section 36-75.

- b. If more than one building shall be constructed on the same site, the minimum distance between buildings shall be:
 - 1. When front to rear, front to front, and/or rear to rear, 70 feet.
 - 2. End to end, 30 feet.
 - 3. End to front and/or end to rear, 50 feet.
 - c. No required yard space or minimum distance between buildings shall be used for required parking, drives or aisles, except that a maximum of 15 percent of these required distances between buildings and required yards may be used for parking, after the off-street parking requirements of this chapter have been met.
- (3) *Maximum units per building.* No more than four dwelling units per building shall be built in the MR-1 districts.
 - (4) *Minimum floor area per dwelling unit.* Each dwelling unit shall comply with the requirements set forth in section 36-98.

(Ord. No. 275, § 6.06, 10-21-2003; Ord. No. 2007-02, § 1(6.06), 6-12-2007)

Sec. 36-133. - Mobile home park requirements.

- (a) The mobile home code, as established by the manufactured housing commission under the authority of the Michigan mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.), regulates development of mobile home parks.
- (b) In addition to the rules and standards of the state, the township imposes the following conditions:
 - (1) Mobile home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Michigan mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.), and subsequently adopted rules and regulations governing mobile home parks.
 - (2) Mobile home parks shall not be permitted on parcels less than ten acres in size.
 - (3) Individual mobile home sites within a mobile home park shall have a minimum lot size of 5,500 square feet per mobile home being served. This 5,500 square foot minimum may be reduced by 20 percent, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through this reduction of the site below 5,500 square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.
 - (4) The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above-mentioned equipment.
 - (5) Mobile home parks shall be landscaped as follows:
 - a. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - b. If the park abuts a nonresidential development, the park need not provide screening.
 - c. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

The landscaping shall consist of evergreen trees or shrubs a minimum three feet in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described in this subsection (b)(5).

- (6) Mobile home parks shall be subject to preliminary plan review requirements in accordance with Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- (7) A permit shall not be required for the construction or erection of canopies or awnings which are open on three sides. A building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

(Ord. No. 275, § 6.07, 10-21-2003; Ord. No. 2007-02, § 1(6.07), 6-12-2007)

Sec. 36-134. - Large scale retail establishment.

(a) *Intent.*

- (1) It is the intent of this section to regulate large 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 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 compatible with the residential character of the township and complement the substantial public investment made in the Jackson Road Corridor by the Downtown Development Authority and other public agencies.

(b) *Location.* Large retail establishments shall be located as a conditional use within the I-1, C-2, C-3 and C-4 district on sites having direct frontage on Jackson Road or abutting property which will provide a site with direct access to Jackson Road.

(c) *Minimum area and width.* Large scale retail stores developed individually or in combination shall have a minimum area of ten acres. Sites of less than ten acres may be approved, in the sole discretion of the township board, when it is demonstrated by the applicant that the following conditions are met:

- (1) The site will be developed without the need for variances from the requirements for maximum lot cover, maximum floor area cover, maximum height, or minimum yard (setback) requirements of the districts in which the site is located.
- (2) All design standards set fourth in subsection (d) of this section are met.
- (3) Sufficient area is available to meet all landscaping and buffering standards set forth in section 36-345.

(d) *Design standards.* The applicant shall demonstrate in the submission of a site plan and supportive material 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.
 - b. *Roofs.* Roofs shall exhibit one or more of the following features depending upon the nature of the roof and building design:
 - 1. *Flat roof.* Parapets concealing flat roofs and rooftop equipment such as 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.
 - c. *Materials and colors.*
 - 1. Predominant exterior building materials shall be of 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 featuring 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 crosswalks.
- (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 within the front yard and between the front facade of the principal building and the abutting streets.
 - 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 crosswalks.
 - c. *Pedestrian circulation.*
 - 1. Sidewalks at least eight 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 site. 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. Sidewalks, no less than eight 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 walkways shall be designed to accommodate shopping carts.
 - d. *Central features and community space.* Each large scale retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the township, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
 - e. *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. Delivery/loading operations shall be setback a minimum of 50 feet from adjacent residentially zoned property.
- (e) *Traffic impact.* The applicant shall submit a detailed traffic study in a form that is acceptable to the township, prepared by a recognized and independent traffic engineer, demonstrating the impact of the large scale retail establishment on the transportation network. Based on the results of the traffic impact study, the applicant shall propose methods of mitigating any adverse impacts to the transportation

network and show to what degree the proposed methods maintain or improve the operating levels of the impacted streets and intersections.

(Ord. No. 275, § 6.08, 10-21-2003; Ord. No. 2007-02, § 1(6.08), 6-12-2007; Ord. No. 2009-01, § IV(A), 1-27-2009)

Sec. 36-135. - Regulation of animals.

(a) *General standards.*

- (1) Class I animals may be maintained in any zoning classification district, subject to specific restrictions herein.
- (2) Where farm animals are maintained coincident with a farm or farm operation, then and in such event, such farm animals and/or any associated livestock production facility shall be exempt from the regulations herein where a livestock production facility and/or any associated manure storage facilities are regulated, operated, managed and conducted in accordance with a GAAMP as adopted and published by the state commission of agriculture, or its successor, and as amended from time to time. Where a farm or farm operation proposes new and/or expanding livestock production facilities at a capacity of fewer than 50 animal units, such farm or farm operation and/or livestock production facility shall request and received sitting verification from the state department of agriculture.
- (3) Where class II and class III animals are not maintained coincident with a farm or farm operation, then the following regulations shall apply:
 - a. Class II animals may be maintained in the RC, A-1 and ER districts, subject to the following conditions:
 1. The minimum lot area required to maintain class II animals is five acres. One class II animal, except horses, shall be permitted for the first five acres. Thereafter, one additional class II animal except horses shall be permitted for each full one acre in excess of five acres.
 2. The minimum lot area required to maintain horses is five acres. Two horses shall be permitted for the first five acres. Thereafter, two additional horses shall be permitted for each full 2½ acres.
 3. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this chapter.
 4. Structures housing class II animals shall be located no nearer than 200 feet to any dwelling which exists on an adjacent lot and no nearer than 100 feet to any adjacent lot line. Fenced areas shall be located no nearer than 50 feet from any dwelling which exists on an adjacent lot.
 5. 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.
 6. 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.
 - b. Class III animals may be maintained in the RC, A-1 and ER districts, subject to the following conditions:
 1. The minimum lot area required to maintain class III animals shall be 2½ acres. Ten class III animals shall be permitted for the first 2½ acres. Thereafter, one additional class III animal shall be permitted for each full one-quarter acre in excess of 2½ acres.

2. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this chapter. Fenced areas shall be located no nearer than 50 feet from any dwelling which exist on an adjacent lot.
 3. Structures housing class III animals shall be located no nearer than 100 feet to any dwelling which exists on an adjacent lot and no nearer than 50 feet to any adjacent lot line.
 4. 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.
 5. 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.
- (4) Except as authorized in a wildlife preserve approved by the township, wild animals shall not be permitted to be maintained in the township, temporarily or permanently. For purposes of this section, the term "wild animal" shall mean an animal not otherwise defined as a class I, II, or III animal, and which is not customarily domesticated and customarily devoted to the service of mankind in the township. The term "wild animal" also means any animal which a person is prohibited from possessing by law. The characterization of an animal as being wild shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.

(b) *Hobby and commercial kennels.*

- (1) Hobby kennels shall be permitted as an accessory use in any zoning district where single-family dwellings are permitted uses.
- (2) Commercial kennels shall be a conditional use in the C-2, RC and A-1 districts subject to the following conditions:
 - a. A minimum lot size of five acres in the C-2 district and ten acres in the RC and A-1 districts shall be maintained.
 - b. Any building or fenced area where animals are kept shall be located a minimum of 200 feet from any public right-of-way, 100 feet from any property line, and 150 feet from any residential dwelling located off the premises.
 - c. The kennel shall be established and maintained in accordance with all applicable state, county and township sanitation regulations. Odor, dust, noise, drainage or insects shall not constitute a nuisance to adjoining properties.
 - d. A site plan shall be submitted in accordance with article VI of this chapter.

(c) *Hobby and commercial horse stables.*

- (1) An indoor riding arena, whether for a hobby or commercial horse stable, shall require a minimum of ten acres.
- (2) Hobby stables shall be permitted as an accessory use in the RC, A-1 and ER districts subject to the restrictions set forth in subsection (a)(2) of this section.
- (3) Commercial stables shall be a conditional use in the RC and A-1 districts, subject to the restrictions set forth in subsection (a)(2) of this section, and the following additional conditions:
 - a. The minimum lot area required for a commercial stable shall be ten acres. Six horses shall be permitted for the first ten acres. Thereafter, one additional horse shall be permitted for each full one acre in excess of ten acres.
 - b. A commercial stable shall be established and maintained in accordance with all applicable state, county and township sanitation regulations.

- c. A site plan shall be submitted in accordance with article VI of this chapter.

(Ord. No. 275, § 6.09, 10-21-2003; Ord. No. 2007-02, § 1(6.09), 6-12-2007; Ord. No. 2009-01, § IV(B), 1-27-2009)

Sec. 36-136. - Religious institutions.

- (a) *Lot width.* The minimum lot width for religious institutions shall be 200 feet.
- (b) *Lot area.* The minimum lot area for religious institutions shall be 2.5 acres.
- (c) *Parking setback.* Off-street parking shall be prohibited in the front setback area. Off-street parking shall have a setback of no less than 20 feet from any property boundary.
- (d) *Building setback.* Religious institutions shall comply with the required setbacks in the district in which located provided setbacks are no less than the following:
 - (1) Front yard, 50 feet.
 - (2) Side yard, 25 feet.
 - (3) Rear yard, 50 feet.
- (e) *Frontage and access.* Religious institutions shall have frontage on and direct access to a paved public road.
- (f) *Landscaping.* Religious institutions shall comply with the landscaping requirements set forth in section 36-345.
- (g) *Ancillary facilities.* Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex.
 - (1) The seating capacity of such incidental use areas shall not exceed that of the sanctuary or principal worship area of the church complex.
 - (2) Such incidental facilities must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. They shall not be used, leased, or rented for commercial purposes.

(Ord. No. 275, § 6.10, 10-21-2003; Ord. No. 2007-02, § 1(6.10), 6-12-2007)

Sec. 36-137. - Vehicle filling stations, vehicle wash, truck stop facilities, and major and minor vehicle repair facilities.

- (a) Vehicle filling stations shall be subject to the following:
 - (1) The lot for the vehicle service station shall have 150 feet of frontage on the principal street serving the station.
 - (2) The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location or the location of its driveways:
 - a. As compared to similar uses;
 - b. Considering turning movements to its driveways in relation to other buildings or proposed buildings on or near the site and the traffic pattern from such buildings;

- c. Considering its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital, or other public use or place of public assembly; or
 - d. Considering its location and proximity to other surrounding uses.
 - (3) The maximum width of all driveways at the right-of-way line shall be no more than 30 feet. Whenever possible, a combined driveway for both service station and an adjacent commercial property shall be designated and provided.
 - (4) If a separate automobile wash is proposed, it must comply with the standard set forth in subsection (b) of this section.
 - (5) Additional screening or noise buffering may be required at the discretion of the township taking into consideration adjacent land uses.
 - (6) All buildings must be oriented so that service bay doors face away from any abutting residentially zoned or used property.
 - (7) If a canopy is proposed over the gasoline pumps, the canopy design must relate to the facade design of the main building, and shall not exceed 14 feet in height. Where design permits, the pump island canopy structure shall be attached to and made an integral part of the main building structure. The location of the canopy must meet all minimum setback requirements for the district. Canopy lighting shall meet the requirements of section 36-315.
 - (8) All vending machines, except ice machines and telephone booths, shall be located inside the building. Ice machines located outside the principal building shall be located immediately adjacent to the building in an enclosure designed to be an integral part of the building and improved for such purpose.
 - (9) All outside display racks and outside storage of products for sale are prohibited.
- (b) Vehicle washes shall be subject to the following:
- (1) All washing activities shall be carried on within a building. Vacuuming activities shall be located at least 25 feet from adjacent residentially zoned or used property.
 - (2) All maneuvering areas, stacking lanes, and exit aprons shall be located on the vehicle wash site. Streets shall not be used for maneuvering or parking by vehicles to be serviced by the wash. A minimum distance of 50 feet shall be maintained between the exit doors of the wash structure to the nearest exit driveway to permit adequate time for excess water to drip off of the vehicle. Adequate drainage shall be provided to collect excess water from vehicle washing.
 - (3) Automatic vehicle wash facilities shall have a mechanical dryer operation at the end of the wash cycle. The use of such dryers shall be mandatory during subfreezing weather. In the case of a self-service or manual car wash, sufficient space shall be provided for drying of the vehicle undercarriage during subfreezing weather prior to exiting onto the public thoroughfare.
 - (4) All vehicle car wash facilities must provide a heated concrete exit ramp for each wash bay at least 20 feet in length and of a width equal to that of the exit drive.
- (c) Vehicle repair facilities and collision repair facilities shall be subject to the following:
- (1) The outside storage of permitted automobiles shall be screened as follows: All vehicles shall be screened from off-site view by solid walls (including building walls) or fences at least eight feet in height. However, a screening wall or fence less than eight feet high, but not less than six feet high, existing on the date of enactment of this provision may serve in lieu of such eight-foot wall or fence. The material and surface of such walls or fences shall be approved by the body responsible for site plan review, vine-covered or otherwise improved by the use of planting. All outside storage areas shall be specifically shown on the site plan, and be approved by the township.

- (2) Wrecked, damaged or otherwise inoperable motor vehicles shall be stored in said parking/storage area for a period not to exceed 72 hours. No more than a total of three such vehicles per service bay shall be stored at any time.
 - (3) Adequate means of sanitary disposal of any waste material shall be provided.
 - (4) Storage of materials, supplies, equipment or similar items shall be in an enclosed building.
 - (5) Dismantling and/or salvaging of vehicles for parts recovery in this district is prohibited.
 - (6) Vehicle service shall not take place in required loading areas or in required parking spaces, aisles and drives.
 - (7) There shall be no retail sales of salvaged auto parts.
 - (8) The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance area.
- (d) Truck stops shall be subject to the following regulations:
- (1) All buildings established in relation to a truck stop shall be no closer than 500 feet from residentially zoned or used property.
 - (2) The width of any driveway intended to accommodate truck traffic shall not exceed 36 feet wide at the right-of-way line.
 - (3) The facility shall provide adequate parking for truck layover, truck scales and adequate space for queuing at gas/fuel islands.
 - (4) Outdoor storage of disabled vehicles is prohibited.
 - (5) Outdoor storage of truck parts or supplies is prohibited.
- (e) Vehicle towing service, only as an accessory service to a vehicle filling station, vehicle repair facility, or vehicle collision repair facility, shall be subject to the following conditions:
- (1) A screened area, removed from on-site traffic circulation patterns, shall be provided for the exclusive parking of the tow trucks and the storage of vehicles waiting to be serviced. Outdoor storage of tow trucks and vehicles being repaired shall be screened as follows: All vehicles shall be screened from off-site view by a solid wall (including building walls) or fence at least eight feet in height. However, a screening wall or fence less than eight feet high, but not less than six feet high, existing on the date of enactment of this provision may serve in lieu of such eight-foot wall or fence. The material and surface of such walls or fences shall be approved by the body responsible for site plan approval.
 - (2) Wrecked, damaged or otherwise inoperable motor vehicles serviced by said tow trucks shall be stored in said parking/storage area for a period not to exceed 72 hours. No more than a total of three such vehicles per service bay shall be stored at any time.
 - (3) Vehicle impoundment facilities for the acceptance and storage of impounded cars are prohibited.

(Ord. No. 275, § 6.11, 10-21-2003; Ord. No. 2007-02, § 1(6.11), 6-12-2007; Ord. No. 2011-06, § 1, 12-13-2011)

Sec. 36-138. - Salvage yards.

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

- (1) All materials stored outside shall be enclosed within a solid, unpierced fence or wall at least eight feet in height, and not less in height than the materials. The fence or wall shall meet all setback requirements of the district in which the salvage yard is located. All gates, doors, and accessways

through said fence or wall shall be of solid, unpierced materials. In no event shall any materials to be stored in the area between the lines of said lot and the solid, unpierced fence or wall.

- (2) All ingress or egress shall be limited to one entrance to a major thoroughfare as identified in the township master plan.
- (3) On the lot on which a salvage yard is to be operated, all roads, driveways, parking lots, and loading and unloading areas shall be paved, so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.

(Ord. No. 275, § 6.12, 10-21-2003; Ord. No. 2007-02, § 1(6.12), 6-12-2007)

Sec. 36-139. - Outdoor display and sales.

- (a) Outdoor sales and display areas shall be located behind the front face of the building. Outdoor sales and display areas shall be permitted within the required side or rear yard setbacks provided a minimum ten-foot setback is maintained between the sales and display area and the side and rear lot lines of abutting properties.
- (b) Outdoor sales and display areas which abut residentially zoned or used property shall be screened in accordance with section 36-345.
- (c) All areas intended for the outdoor sales and display of vehicles and manufactured and mobile homes shall be designed and constructed in accordance with section 36-278(i).
- (d) Outdoor storage of vehicle parts, parts salvage or supplies is prohibited.
- (e) Strings of flags, pennants, or bare bulbs are prohibited.

(Ord. No. 275, § 6.13, 10-21-2003; Ord. No. 2007-02, § 1(6.13), 6-12-2007)

Sec. 36-140. - Self-storage facilities.

- (a) No activity other than rental of storage units and the rental of outside storage space for recreational vehicles shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
- (b) The storage of any toxic, corrosive, flammable or hazardous materials is prohibited.
- (c) Other than the storage of recreation vehicles, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with section 36-345.
- (d) Exterior walls of all storage units shall be of masonry construction.
- (e) All storage units must be accessible by safe circular drives clearly marked to distinguish direction and designed to accommodate fire trucks, as well as other trucks that will customarily access the site. A minimum drive of 24 feet shall be provided between buildings and 18 feet when a drive is serving a single row of buildings.

(Ord. No. 275, § 6.14, 10-21-2003; Ord. No. 2007-02, § 1(6.14), 6-12-2007)

Sec. 36-141. - Campgrounds.

Campgrounds shall be subject to the following:

- (1) The minimum site area shall be 20 acres.
- (2) The site shall have direct accessibility to a paved public road.

- (3) A minimum 100-foot setback shall be established around the perimeter of the property for the purpose of buffering a private campground or recreational vehicle park in relation to adjacent residentially zoned or used properties. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contours are insufficient to buffer a private campground or recreational vehicle park in relation to surrounding properties, the township may require additional setback, landscaping and/or berming.
- (4) Temporary campgrounds are strictly prohibited.
- (5) Mobile homes shall not be permitted to be located within a campground.
- (6) The use and occupancy of a campground shall be in strict compliance with the current laws and requirements of the state governing such uses.
- (7) Any proposed sound system shall be reviewed by the planning commission to ensure that it does not impact on adjacent land uses. In no case shall outdoor speakers be directed towards residentially zoned or used property.

(Ord. No. 275, § 6.15, 10-21-2003; Ord. No. 2007-02, § 1(6.15), 6-12-2007)

State Law reference— Campground licensing and registration, MCL 333.12501 et seq.

Sec. 36-142. - Golf courses, country clubs, and swim clubs.

Golf courses, country clubs, and swim clubs shall be subject to the following:

- (1) Golf courses may also include accessory clubhouses, driving ranges, pro shops and maintenance buildings.
- (2) Country clubs and swim clubs may also include accessory clubhouses and maintenance buildings.
- (3) The location of structures, such as the clubhouse and accessory buildings, and their operations shall be reviewed by the planning commission to ensure minimum disruption of the adjacent properties. In no case shall any structure be located any closer than 50 feet from adjacent residentially zoned or used property.
- (4) All storage, service and maintenance areas, when visible from adjoining residentially zoned or used land, shall be screened from view in accordance with section 36-345.
- (5) Any proposed lighting and sound systems shall be reviewed by the planning commission to ensure that they do not impact on adjacent land uses. Outdoor speakers or lighting shall not be directed towards residentially zoned or used property.

(Ord. No. 275, § 6.16, 10-21-2003; Ord. No. 2007-02, § 1(6.16), 6-12-2007)

Sec. 36-143. - Wireless communication facilities.

(a) *Purpose and intent.*

- (1) It is the general purpose and intent of the township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the township to provide for such authorization in a manner which will protect the public health, safety and welfare and retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

- (2) Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:
- a. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
 - b. Establish predetermined districts in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
 - c. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
 - d. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
 - e. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
 - f. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
 - g. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, the use of structures which are designed for compatibility, and the use of existing structures.

(b) *Authorization.*

- (1) *As a permitted use.* In all zoning districts, a proposal to establish a new wireless communication facility shall be deemed a permitted use in the following circumstances, subject to the standards set forth in subsections (c) through (e) of this section:
- a. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not proposed to be either materially altered or changed in appearance.
 - b. A proposed collocation upon an attached wireless communication facility which has been approved by the township for such collocation.
 - c. An existing utility pole structure located within a right-of-way, which will also serve as an attached wireless communication facility where the existing pole is not proposed to be materially altered or changed in appearance.
- (2) *As a conditional use.*
- a. Subject to the standards and conditions set forth in subsections (c) through (e) of this section, wireless communication facilities shall be a conditional use in the following districts: I-1, I-2, I-3 and IRP.
 - b. If it is demonstrated by an applicant that a wireless communication facility, in order to operate, is required to be established outside of an area identified in either subsection (b)(1) or (b)(2)a of this section, such wireless communication facilities may be considered elsewhere in the township as a conditional use, subject to the following:
 - 1. At the time of the submittal, the applicant shall demonstrate that a location within the districts identified in subsection (b)(1) or (b)(2)a of this section cannot reasonably meet the coverage and/or capacity needs of the applicant.

2. Wireless communication facilities shall be of a design such as, without limitation, a steeple, bell tower, or the form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the township.
3. Locations outside of the areas identified in subsection (b)(1) or (b)(2)a of this section shall be permitted on the following sites, subject to application of all other standards contained in this section:
 - (i) Municipally owned site.
 - (ii) Other governmentally owned site.
 - (iii) Religious or other institutional site.
 - (iv) Public or private school site.
4. All other criteria and standards set forth in subsections (d) and (d) of this section are met.

(c) *General regulations.*

- (1) *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions:
 - a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - b. Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.
 - c. Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - d. Applicants shall demonstrate an engineering justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - e. The following additional standards shall be met:
 1. The maximum height of the new or modified support structure and antenna shall not exceed 180 feet and shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. Additional height over 180 feet may be permitted, in the sole discretion of the township board, when it can be demonstrated by the applicant that additional height is required to permit collocation. Evidence of collocation shall be provided by the applicant if additional height over 180 feet is requested. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 2. The setback of the support structure and accessory structures shall be 500 feet from the boundary of any residentially zoned property. Otherwise, the setback shall be equal to the height of the support structure from an adjacent property boundary. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the support structure.
 3. There shall be unobstructed access to the support structure, for police, fire and emergency vehicles, and, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall meet the requirements for class C roads set forth in chapter 24, pertaining to private roads.
 4. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

5. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks. Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure proposed as a roof appliance or penthouse on the building shall be designed, constructed and maintained to be architecturally compatible with the principal building.
 6. The township shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. If lighting is required by the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, or other governmental agencies, unless otherwise required, it shall be red between sunset and sunrise, white between sunrise and sunset, and shall blink or flash at the longest permitted intervals.
 7. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer licensed in the state. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be submitted by the applicant in the original application for approval. The applicant shall furnish a written certification from the manufacturer or designer of the support system that the support system has been evaluated by a registered professional engineer and that the support system can safely accommodate attached antennas under expected weather conditions.
 8. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the longterm, continuous maintenance to a reasonably prudent standard. Such plans shall include the names, pager number, if any, business and home telephone numbers, mobile telephone numbers, if any, and identity of no fewer than two persons who can be contacted at any hour of the day or night who have full authority to act on behalf of the applicant in the event of a malfunction or emergency. Such list of persons shall be kept current and updated or confirmed to the township in writing at least every four months, and shall be posted prominently on the premises so as to afford convenient viewing to a person on the outside of the premises where the facility is located.
- (2) *Standards and conditions applicable to conditional land use facilities.* Applications for wireless communication facilities which may be approved as conditional land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in subsection (c)(1) of this section and in accordance with the following standards:
- a. The applicant shall demonstrate the need for the proposed facility based upon one or more of the following factors:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial, and/or other business centers.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. Other specifically identified reason creating facility need.

b. The proposal shall be reviewed in conformity with the collocation requirements of this section.

(d) *Application requirements.*

- (1) A site plan prepared in accordance with article VI of this chapter shall be submitted, showing the location, size, screening, lighting and design of all buildings and structures.
- (2) The site plan shall also include a detailed landscape plan prepared in accordance with section 36-345. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of six feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- (3) The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection (f) of this section. In this regard, the security shall be posted and maintained in the form of:
 - a. Cash;
 - b. Surety bond;
 - c. Irrevocable letter of credit; or
 - d. Other security arrangement accepted by the township board.
- (4) The application shall include a map showing existing and known proposed wireless communication facilities within the township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with MCL 15.243(1)(g). This chapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
- (5) The name, address identity, home and business telephone numbers, pager number, if any, and mobile home number, if any, of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated or confirmed in writing to the township no less than every four months, during all time the facility is on the premises.

(e) *Collocation.*

- (1) *Statement of policy.* It is the policy of the township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in subsection (a) of this section, pertaining to purpose and intent. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the township that all users should collocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in subsection (a) of this section. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the township.

(2) *Feasibility of collocation.* Collocation shall be deemed to be feasible for purposes of this section where all of the following are met:

- a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the township, taking into consideration the several standards contained in subsections (b) and (c) of this section.

(3) *Requirements for collocation.*

- a. The construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
- c. The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- d. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the township, and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the township for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the zoning board of appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(f) *Removal.*

- (1) A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after the construction of an approved tower.
- (2) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - a. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - b. Six months after new technology is available at reasonable cost as determined by the township board, which permits the operation of the communication system without the requirement of the support structure.

- (3) The situations in which removal of a facility is required, as set forth in subsection (f)(2) of this section, may be applied and limited to portions of a facility.
- (4) Upon the occurrence of one or more of the events requiring removal, specified in subsection (f)(2) of this section, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the zoning administrator.
- (5) If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

(Ord. No. 275, § 6.17, 10-21-2003; Ord. No. 2007-02, § 1(6.17), 6-12-2007)

Sec. 36-144. - Adult-oriented businesses.

In the preparation and enactment of this chapter, it is recognized that there are some uses, which, because of their very nature, have operational characteristics that have a serious and deleterious impact upon residential, office and commercial areas. Regulation of the locations of these uses is necessary to ensure that the negative secondary impact that such businesses have been documented to have will not cause or contribute to the blighting or downgrading of the township's residential neighborhoods, community uses which support a residential environment, and commercial centers. The regulations in this section are for the purpose of locating these uses in areas where the adverse impact of their operations may be minimized by the separation of such uses from one another and from residential neighborhoods and places of public congregation. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

- (1) *Regulated uses.* Uses subject to these controls are as follows (hereinafter referred to as "regulated uses"):
 - a. Adult-oriented commercial enterprises.
 - b. Escort services and/or escort agencies.
 - c. Massage parlors and/or massage establishments.
 - d. Pawnbrokers and/or pawnshops.
 - e. Tattoo and/or body-piercing and/or branding studios.
- (2) *Location.* The location of regulated uses within the township shall be subject to the following conditions:
 - a. No regulated use shall be permitted within a 1,000-foot radius of an existing regulated use. Measurement of the 1,000-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses are or would be situated.
 - b. No regulated use shall be permitted with within a 1,000-foot radius of a school, library, park, playground, license group daycare home or center, or church, convent, monastery, synagogue or similar place of worship. Measurement of the 1,000-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses are or would be situated.

- c. No regulated use shall be permitted within a 500-foot radius of any residential zone. Measurement of the 500-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses/zones are or would be situated.

(3) *Miscellaneous requirements.*

- a. No person shall reside in or permit any person to reside in the premises of a regulated use.
- b. An adult-oriented commercial enterprise use is in violation of this section if:
 - 1. The merchandise or activities of the establishment are visible from any point outside the establishment.
 - 2. The exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity.
- c. The provisions of this section regarding massage establishments shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor and osteopath licensed to practice their respective professions in the state, or who are permitted to practice temporarily under the auspices of an associate who is duly licensed in the state and is normally on the same premises.

(Ord. No. 275, § 6.18, 10-21-2003; Ord. No. 2007-02, § 1(6.18), 6-12-2007)

Sec. 36-145. - Mineral mining and extractive operations.

- (a) *Purpose and intent.* It is the purpose and intent of this section to promote the underlying spirit and intent of this entire zoning chapter, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited, and to ensure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and, to ensure that mineral mining activities are consistent with the public health, safety and welfare of the township.
- (b) *Use restriction.* Mineral mining and extractive operations may be considered as a conditional use in the A-1 and I-3 districts. The extraction, removal, and/or processing of sand, gravel, stone and/or other mineral mining in the township shall be prohibited unless first authorized by the grant of a conditional use approval application by the township in accordance with this section, and article VII of this chapter.
- (c) *Exemption.* Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this section.
- (d) *Application.* An application shall be filed with the zoning official and shall include the following:
 - (1) Site plan prepared in accordance with article VI of this chapter;
 - (2) Vertical aerial photograph, enlarged to a minimum scale of one inch equals 200 feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of on-site trees; provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:
 - a. All land anticipated to be mined in the application, together with adjoining land owned by the applicant.
 - b. All private and public roads from which access to the property may be immediately gained, including means of vehicular access to property and the proposed operation.
 - (3) Boundary survey of the property;

- (4) Site topography and natural features including location of watercourses within the planned mining area;
 - (5) Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site;
 - (6) Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:
 - a. Property within a radius of one-half mile around the site; and
 - b. The property fronting on all vehicular routes within the township contemplated to be utilized by trucks which will enter and leave the site.
 - (7) Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
 - a. All anticipated impact to the qualitative and quantitative aspects of surface water, groundwater, and drainage during and subsequent to the operation to the geographical extent reasonably expected to be affected; and
 - b. Opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a suitable water level at the level proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public.
 - (8) Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, the anticipated noise and vibration levels.
- (e) *Review procedure.*
- (1) The zoning official shall forward the original of the application to the township clerk for the file, and forward the copies to the members of the planning commission, the township engineer, the township planner, and to the road commission.
 - (2) The township engineer and the township planner shall each file a report with the zoning official, together with a recommendation on the need for additional experts. The zoning official shall retain the original of these reports for the file, and forward copies to the planning commission.
 - (3) The zoning official shall request a report from the road commission regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare for areas located both within and outside of the township.
 - (4) After receiving all reports, including any additional reports of experts recommended by the township engineer and/or planner, if deemed appropriate the planning commission shall consider the application in accordance with the procedures set forth in article VII of this chapter.
 - (5) Reasonable conditions may be required with the approval of the application for the conditional land use, to ensure that public services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.
- (f) *Requirements and standards.* The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in the discretion of the planning commission, and if the application is approved, such standards and requirements shall be maintained as a condition to continued operation and use by the applicant:
- (1) Demonstration by the applicant that the proposed land use shall not result in a probable impairment to, pollution of, unreasonable impact upon and/or destruction of the following:

- a. The water table and/or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
 - b. The course, quantity, and quality of surface water, groundwater, and/or the watershed anticipated to be impacted by the operation.
 - c. The surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration.
- (2) The proposed land use shall not be incompatible with such surrounding uses, based upon an application of generally accepted planning standards and principles.
 - (3) The proposed land use shall not unreasonably burden the capacity of public services and facilities.
 - (4) The proposed land use shall have immediate and direct access to a paved road having a planned right-of-way not less than 120 feet and having necessary and appropriate loadbearing and traffic volume capacity in relation to the proposed intensity of the use.
 - (5) All activities conducted in connection with the operation shall occur at least 160 feet from the nearest property line. All processing and stockpiling shall be conducted at least 200 feet from the nearest property line.
 - (6) The hours of operation shall be restricted to Monday through Saturday, 6:00 a.m. to 7:00 p.m. except during daylight saving when the closing time can be extended to 8:00 p.m.
 - (7) The maximum duration of the proposed use, if conducted in or immediately adjacent to a residential zoning district, shall be ten years.
 - (8) The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels.
 - (9) The total area being mined at any given time shall not exceed 40 percent of the entire parcel.
 - (10) The proposed transportation route or routes within the township shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the township at the time of application, and thereafter.
- (g) *Mineral mining and extractive operations reclamation.* Reclamation of the site shall be in accordance with a reclamation plan approved by the township as part of the application review process. There shall be no final slopes having a grade in excess of a minimum ratio of one foot vertical to five feet horizontal, and, for permanent water areas, for a distance of not less than ten feet nor more than 50 feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one foot vertical to seven feet horizontal; the entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site. As a part of the reclamation plan, all abandoned water wells shall be closed (plugged) in accordance with state and county standards. Verification of proper closure shall be a condition of any reclamation plan. Temporarily abandoned wells shall also be secured in accordance with state and county standards. The township board shall have the right to impose performance bonds or letters of credit to ensure that the reclamation and restoration plans as submitted are implemented.
 - (h) *Inspection.* The township shall be entitled to make periodic inspection to determine compliance with this section.

(Ord. No. 275, § 6.19, 10-21-2003; Ord. No. 3381, § 3, 4-19-2005; Ord. No. 2007-02, § 1(6.19), 6-12-2007)

Sec. 36-146. - Roadside stands or farm markets.

A roadside stand or farm market shall be incidental to a farm or farm operation provided the following standards are met:

- (1) The agricultural produce or product marketed for sale shall result from a farm or farming operation upon the property on which the roadside stand or farm market is located.
- (2) A roadside stand or farm market, and/or the buildings or structures housing such use, shall not be greater than 500 square feet in area.
- (3) Suitable trash containers shall be placed on the premises for public use.
- (4) Any building or structure containing or associated with a roadside stand or farm market shall not be located within any setback as established for the zoning district in which such use is located. See the supplementary district regulations contained in section 36-75.
- (5) Adequate off-street parking shall be provided and may be allowed in the required front setback area. Parking shall conform to the regulations in article IX of this chapter, except that hard-surfacing and screening shall not be required.
- (6) Two signs not to exceed eight square feet each may designate such use. Such signs shall not create a traffic hazard and shall not be located closer than 25 feet to the nearest edge of the roadway. Such signs shall be deemed temporary in nature, non-illuminated, and approved as to safety and stability by the township zoning official.
- (7) Any other signage or advertising media, including but not limited to flags, strings of lights, pennants, banners, search lights, bare light bulbs, moving or twirling signs or any portion thereof, balloons, and/or other similar advertising devices, shall be prohibited.

(Ord. No. 275, § 6.20, 10-21-2003; Ord. No. 2007-02, § 1(6.20), 6-12-2007; Ord. No. 2009-01, § IV(C), 1-27-2009)

Sec. 36-147. - Condominium project regulations.

- (a) *Intent.* Pursuant to the authority conferred by the condominium act, site plans for all condominium projects shall be regulated by the provisions of this chapter and approved by the township.
- (b) *General requirements.*
 - (1) Where a site condominium is proposed, each site condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
 - (2) Relocation of boundaries between adjoining site condominium lots, if permitted in the condominium documents, as provided in section 48 of the condominium act (MCL 559.148), shall comply with all regulations of the zoning district in which located and shall be approved by the zoning official. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
 - (3) Each site condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in section 49 of the condominium act, shall comply with all regulations of the zoning district in which located, and shall be approved by the zoning official. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
 - (4) No permit for construction shall be issued until final engineering plans have been approved and all applicable permits and approvals have been secured from other governmental entities.
- (c) *Site plan approval.* Approval of the site plan and condominium documents by the township shall be required as a condition to the right to construct, expand or convert a condominium project. The following information shall be submitted for site plan approval:

- (1) A site plan in accordance with the standards and procedures set forth in article VI of this chapter.
 - (2) Master deed and bylaws, which shall be reviewed with respect to all matters subject to regulation by the township, including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.
 - (3) Engineering plans and information in sufficient detail to determine compliance with all applicable laws, codes, ordinances, rules and regulations for the construction of the project.
 - (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 township shall not approve a site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.
- (d) *Monuments.* Monuments shall be established in the manner required by the condominium act.
- (e) *Approval required prior to occupancy.*
- (1) Following construction of the condominium development, and prior to the issuance of any certificates of occupancy, the applicant shall submit to the township:
 - a. A copy of the recorded master deed and bylaws, including exhibits.
 - b. Two copies of an as-built plan or survey for required improvements, including streets, utilities and drainage facilities.
 - c. A copy of the site plan on photographic hardcopy, laminated photostatic copy or Mylar sheet of at least 13 by 16 inches with an image not to exceed 10½ by 14 inches and a scale of at least one inch equals 100 feet.
 - (2) The zoning official shall review the information submitted to ensure that the condominium development has been constructed in accordance with the approved condominium plan, approved condominium documents, applicable township ordinances and township engineering standards and any other applicable laws or regulations. The zoning official may refer any documents to the township attorney, planner, or engineer for review.
 - (3) In the event required monuments, stormwater drainage facilities, sewage disposal facilities, water supply facilities, or any other required improvements are not completed at the time the request for occupancy is made, the township board may allow temporary occupancy permits for a specified period of time, and for any part of the condominium development, provided that a deposit in the form of cash, bond, certified check, or irrevocable letter of credit be made with the township, in form and amount as determined by the township, to ensure the installation and/or completion of such improvements without cost to the township, in accordance with section 36-37. Financial guarantees shall not be required for improvements under the jurisdiction of other governmental agencies provided the applicant can prove that appropriate guarantees are in place.
- (f) *Revision of site condominium plan.* If the condominium subdivision plan is revised, the site plan shall be revised accordingly and submitted for review and approval or denial by the township before any building permit may be issued, where such permit is required.
- (g) *Amendment of condominium documents.* Any amendment to a master deed or bylaws that affects the approved site plan, or any conditions of approval of a site plan, shall be reviewed and approved by the township before any building permit may be issued, where such permit is required. The township 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 site plan.

(Ord. No. 2007-02, § 1(6.21), 6-12-2007)

Sec. 36-148. - Wind energy conversion systems.

- (a) *Intent.* It is the intent of the township to permit the effective and efficient use of wind energy conversion systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of WECS.
- (b) *Approval required.* It shall be unlawful to construct, erect, install, alter, or locate any WECS within the township except in compliance with this section. A building permit is required for any WECS pursuant to section 36-32 and this section.
- (c) *Permitted accessory use.*
 - (1) Roof-mounted WECS shall be considered a permitted accessory use and may exceed the height limit of the district in which the system is located by 15 feet.
 - (2) On-site WECS (non-roof-mounted) and meteorological towers less than 70 feet in height shall be considered a lawful accessory use on parcels with an area of 2.5 acres or greater in the following zoning districts pursuant to this section: RC, A-1, E-R, and R-1.
- (d) *Conditional use.*
 - (1) In all zoning districts, on-site WECS and/or meteorological towers not in conformance with subsection (c)(2) (as specified above) shall be allowed only as a conditional use subject to the provisions of this section and article VII, conditional use review.
 - (2) Commercial WECS and associated meteorological towers shall be considered a conditional use in the RC, A-1, and I-3 districts and shall be subject to the provisions of this section and article VII, conditional use review.
- (e) *Application.* On-site WECS and associated meteorological towers as an accessory use. The application for an on-site WECS when permitted as an accessory use shall include the following:
 - (1) *Applicant information.* Name, address and contact information.
 - (2) *Project description.* A general description of the proposed project as well as a legal description (property identification number) of the property on which the project would be located.
 - (3) *Plot plan and documentation.* The plot plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The plot plan shall include all informational requirements of subsection 36-31(i), certificates of zoning compliance, as well as the following additional information:
 - a. The project area boundaries.
 - b. The location, height and dimensions of all existing and proposed structures and fencing.
 - c. Distance of proposed structure from all property lines and permanent structures.
 - d. The location, grades and dimensions of all temporary and permanent on-site access roads.
 - e. Sufficient information (spot elevations) to determine site topography. Full site topography is not required.
 - f. Water bodies, waterways, wetlands, and drainage ditches, and drains.
 - g. All new infrastructure above ground related to the project.
 - h. The location of all overhead utility wires.
 - (4) *Additional documentation.*
 - a. *Insurance.* Proof of the applicant's appropriate liability insurance.
 - b. *Sound pressure level.* Documentation of the manufacturers designed sound pressure levels (decibels) for unit to be installed.

- c. *Grant of authority.* The applicant shall provide evidence of ownership of the land on which the WECS is to be located and the written consent of the land owner if different from the applicant. If the applicant is leasing land the applicant shall provide a copy of the lease agreement and the land owner's written authorization for the applicant to construct the structure.
- (f) *Application—On-site WECS and associated meteorological towers as conditional use.* The application for an on-site WECS and associated meteorological towers when permitted as a conditional use shall meet all of the requirements for a conditional use permit application. The information noted in subsection (e)(3) above is required in lieu of a full site plan unless (i) the proposed WECS involves changes to the site outside the footprint of the WECS, or (ii) the zoning administrator finds that the intent of section 36-176 (Purpose of site plan review) warrants the submission of a full site plan.
- (g) *Application—Commercial WECS and associated meteorological towers conditional use.* The application for a commercial WECS shall meet the provisions of subsection (l) herein, the provisions of article VII, conditional use review and shall include a complete site plan in accordance with article VI site plan review.
- (h) *Standards and requirements.* All on-site WECS, and commercial WECS shall meet the standards and findings of the criteria of site plan review pursuant to section 36-180 and the following additional standards and requirements:
 - (1) *Property setbacks.*
 - a. The distance between a WECS and the nearest property line shall be at least 1.5 times the height of the WECS.
 - b. No part of the WECS structure, including guy wire anchors, may extend closer than ten feet to the owner's property line.
 - c. The distance between a WECS and a private road easement or a public right-of-way shall be at least 1.5 times the height of the WECS.
 - d. Roof-mounted WECS that extend no more than 15 feet above the height of the structure are exempt from the setback provisions above.
 - (2) *Height.* On-site WECS shall be less than 175 feet in height. Height shall be measured from the existing grade to the tip of the turbine blade at its highest point. The applicant shall demonstrate compliance with all FAA lighting regulations and the Michigan Tall Structures Act as part of the approval process, if applicable.
 - (3) *Noise.* Wind energy conversion systems (WECS) shall not exceed the noise levels permitted and found in section 36-311 (Noise) of this chapter.
- (i) *Construction codes, towers and interconnections standards.* Every WECS shall comply with all applicable federal, state, and local building and construction codes.
- (j) *Safety.*
 - (1) *Design safety certification.* The safety of the design of every WECS shall be certified by the applicant's professional engineer registered in the State of Michigan and reviewed by the township. If WECS construction is approved, the professional engineer shall certify that the construction and installation of the WECS meets or exceeds the manufacturer's construction and installation standards, and any applicable state and federal laws and regulations prior to operation.
 - (2) *Controls and brakes.* Every WECS shall be equipped with controls to limit rotation of blades to a speed not to exceed the designed limits of the WECS. The applicant's professional engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the township.
 - (3) *Lightning.* Every WECS shall have lightning protection.

- (4) *Guy wires.* If an on-site WECS is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. Every commercial WECS must be of a freestanding monopole design and guy wires shall not be used.
 - (5) *Grade clearance.* The minimum vertical blade tip clearance from grade shall be 25 feet for any WECS employing a horizontal axis rotor.
 - (6) *Color.* Towers and blades shall be of a non-reflective neutral color designated on the application and approved by the township or as otherwise required by law.
- (k) *Removal of abandoned on-site WECS.* In the event an on-site WECS is abandoned or unused for a period of 180 days, or if a WECS is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall be considered a violation of this chapter pursuant to section 36-38. In addition, by accepting a permit for the on-site WECS, the applicant and land owner agree that in the event the tower and equipment is not removed as required, after 30 days notice from the township, the township may undertake such removal and bill the costs to the applicant and land owner plus an administrative fee of 15 percent which if not paid within 30 days shall be assessed against the land on which the tower and equipment is located and collected in the same manner as delinquent taxes.
- (l) *Additional requirements for commercial WECS.* The following standards and requirements shall apply to every commercial WECS:
- (1) *Warnings.* A visible warning sign of high voltage shall be placed at the base of every commercial WECS. The sign must have at least six-inch letters with three-quarter-inch stroke. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.
 - (2) *Signage.* In addition to warning signs and signs required by law, every commercial WECS shall be equipped with a sign containing owner identification and contact information. No other signs or advertising are permitted.
 - (3) *Liability insurance.* The owner or operator of a commercial WECS shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the township pertaining to installation and operation of the commercial WECS. The amount and terms of the policy shall be established as a condition of conditional use permit approval. The township and land owner shall be named as additional insureds. Certificates of insurance shall be provided to the township annually.
 - (4) *Security.* The application shall include a description of security to be posted at the time of receiving a building permit for the WECS to ensure removal of the WECS when it has been abandoned or is no longer needed, as provided in subsection (10) below. The security shall be the form of: (i) cash; (ii) letter of credit; or, (iii) an escrow agreement, in an amount approved by the township engineer and in a form approved by the township attorney providing for timely removal of the commercial WECS as required under this section, and payment of any costs and attorney fees incurred by the township in connection with such removal.
 - (5) *Visual appearance; lighting; powerlines.* The design of the WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend WECS components with the natural setting and existing environment. For commercial WECSs exceeding minimum FAA height requirements for lighting, minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.
 - (6) *Wildlife impact.* The applicant shall submit an avian study by a qualified professional, such as an ornithologist or wildlife biologist, describing the potential impact of the commercial WECS on migratory birds or bats and threatened or endangered species.

- (7) *Annual inspection; maintenance.* The WECS and surrounding area shall be maintained in accordance with industry standards including painting and landscaping. Every WECS must be inspected annually by an authorized factory representative or professional engineer to certify that the WECS is in good working condition and is not a hazard to persons or property. Certification records shall be submitted annually to the township.
- (8) *Shadow Flicker.* The applicant shall conduct an analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify impacted areas where shadow flicker may affect occupants or users of the structures or properties in the impacted area. The analysis shall describe measures that will be taken to eliminate or mitigate negative impacts.
- (9) *Sound pressure level.* As part of the application and prior to installation of any commercial WECS, the applicant shall provide modeling and analysis that will confirm that the commercial WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the commercial WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the operation of the project.
- (10) *Safety.* Commercial WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the commercial WECS. A sign shall be posted near the tower that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 25 feet for a wind energy system employing a horizontal axis rotor.
- (11) *Removal.* A commercial WECS shall be removed by the owner of the WECS or land when the commercial WECS has been abandoned or unused for 180 days ("non-use period"). For purposes of this section, the damage, destruction or removal of any part of WECS equipment, or the cessation of operations shall be considered as the beginning of a non-use period. The WECS owner or applicant shall notify the township of the beginning of any non-use period or any removal of equipment. The end of the non-use period may be sooner than 180 days after commencement if the WECS or any portion of the facility becomes a nuisance or is dangerous to the public health, safety and welfare.
 - a. At the end of the non-use period, the owner of the WECS or the land shall immediately apply for and obtain any applicable demolition or removal permit, and shall immediately proceed with and complete the demolition and removal of the WECS and restoration of the land to the condition existing prior to installation, to the extent reasonably feasible.
 - b. If the required demolition, removal and restoration of the WECS has not been lawfully completed within 60 days after the end of the non-use period, then after 15 days prior written notice to the land owner and the WECS owner, the township may remove or secure the removal of the WECS and related equipment and the township's costs, expenses, attorneys fees and consultants fees, plus a 15 percent administrative charge may be drawn and collected from the security described in (4) above, and any costs and fees in excess of the amount of the security shall constitute a lien on the land on which the WECS is located and may be collected in the same manner as delinquent taxes.
- (m) *Public inquiries and complaints.* Should an aggrieved property owner allege that a WECS is not in compliance with the noise requirements of this chapter, the procedure to address the allegation shall be as follows:
 - (1) Notify the township in writing regarding concerns about noise level.

- (2) If the complaint is deemed sufficient by the township to warrant an investigation, the township will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this chapter.
- (3) If the test indicates that the noise level is within ordinance noise requirements, the township will use the deposit to pay for the test.
- (4) If the WECS owner(s) is in violation of the ordinance noise requirements, the owner(s) shall reimburse the township for the noise level test and take immediate action to bring the WECS into compliance which may include ceasing operation of the WECS until ordinance violations are corrected. The township will refund the deposit to the aggrieved property owner.

(Ord. No. 2010-01, § 2, 2-23-2010)

Sec. 36-149. - 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 A-1 zoning district. It is also the intent to:

- Promote and maintain local farming and the provision of open space within the township.
- Maintain both an agricultural heritage and rural character.
- Encourage new agriculturally based businesses that contribute to the general economic conditions of the township and surrounding region.

(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) The following agricultural commercial/tourism businesses may be permitted after conditional land use review, pursuant to section 36-224 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) Bed and breakfast operation in accordance with the State Construction Code, Act 230 of 1972.
- (4) 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 or processed, or merchandised products are produced by the farm operator.
- (5) U-pick operations in accordance with section 36-146.
- (6) Community supported agriculture or CSA.
- (7) Uses (1) through (6) listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
 - a. Value-added agricultural products or activities, such as education 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.
 - 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.
- (8) Other commercial/tourism business that are complementary and accessory to the primary agricultural land use of the subject property, including but not limited to: a) small-scale entertainment (e.g., music concert, car show, art fair), b) organized meeting space (e.g., for use by weddings, birthday parties, and corporate events), c) designated, permanent parking for more than 20 vehicles.
- (d) *Supplemental regulations.*
- (1) Minimum lot area of ten acres.
 - (2) The uses listed in subsections (c)(1), (2), (7), and (8) of this section must have direct access to one of the following road types as described in the functional road classification of the township master plan:
 - a. Rural minor collector.
 - b. Rural major collector.
 - c. Rural minor arterial.
 - d. Rural other principal arterial.

All other uses permitted by this section, not noted above, may have access on any road type within the township with the condition that the increase in traffic shall not create a nuisance 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 36-345(b)(3).
 - (5) Must provide off-street parking to accommodate use as outlined in article IX, section 36-278.
 - 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 zoning ordinance.
- (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.
 - 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. No. 2012-05, § 1, 8-28-2012)

Sec. 36-150. - Ancillary oil and gas uses and structures.

- (a) *Purpose and intent.* In accordance with the Supreme Court of Michigan 1990 decision in *Addison Township v. Gout*, it is the purpose and intent of these provisions to regulate the location of ancillary oil and gas uses and structures to minimize and or mitigate any nuisance caused by these uses and structures on the land, water, roads, public utilities of the township, and the residentially zoned and used areas of Scio Township. These provisions are intended to protect the health, safety, and welfare of Scio Township by allowing ancillary oil and gas uses and structures in areas of Scio Township characterized as non-residential agriculture or vacant land as well as general or heavy industrial lands.

It is the further intent of these provisions to only regulate these uses to the extent authorized by the Michigan Zoning Enabling Act and that any other provision of the section notwithstanding the provisions of the zoning ordinance do not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes.

- (b) *Location*. Ancillary oil and gas uses and structures shall be allowed in the following zoning districts:
- (1) Ancillary oil and gas uses and structures shall be considered a permitted use in the C-4 composite commercial, I-2, general industrial district and the I-3 heavy industrial district, subject to the supplementary regulations of subsection (d) of this section.
 - (2) Ancillary oil and gas uses and structures shall be considered a conditional land use in the A-1 general agriculture district, subject to the supplementary regulations of subsection (d) of this section.
- (c) *Supplementary regulations.* Ancillary oil and gas uses and structures: In addition to other applicable provisions of this section, the following additional provisions shall apply to ancillary oil and gas uses or structures.
- (1) *Lot area and setbacks.*
 - a. Ancillary oil and gas uses and structures shall have minimum lot size of at least six acres.

- b. Ancillary oil and gas uses and structures shall be and set back at least 250 feet from adjacent lot lines.
- c. Ancillary oil and gas uses and structures shall have minimum set back from the ordinary high water mark of all surface waters of 1,320 feet.
- d. Buffering between ancillary oil and gas uses and structures shall be required in accordance with section 36-345(3) of this chapter.

(2) *Performance standards.*

- a. Impact statement on high volume water removal, supply and water resources, such as a scientifically reliable hydrogeological study shall be submitted to demonstrate that the proposed quantity, nature, scope and extent of any proposed water removal, use, transfers will not materially diminish adjacent groundwater wells, adjacent land uses dependent on water supply or sources, and not materially diminish or impair any groundwater or surface water. The impact statement required by this section must be prepared by a registered professional engineer licensed with the State of Michigan.
- b. Chemical handling, storage, transport, and mixing shall meet the provisions of section 36-313, use, storage and handling of hazardous substances. Detailed plans for transporting, handling, storage and mixing or use of chemicals or mixtures of water, chemicals and/or other materials or substances shall be submitted. Emergency response to release, spill, accident with respect to such transport, handling, storage and mixing shall be submitted. The water impact study required above shall include identification of groundwater flow direction, connection of groundwater to any wetland, creek, lake, or stream, and any potential pathway to groundwater or such surface waters. A groundwater monitoring plan before, during, and after such handling, storage, mixing, or transport shall be submitted.
- c. *Stormwater control.* All facilities shall meet the provisions of section 36-341, stormwater management, of this chapter. Evidence of appropriate sedimentation and soil erosion as permits shall be provided from Washtenaw County.
- d. In addition to the required information of this section, the following information and exhibits shall be provided:
 - 1. Flowlines, gathering lines, pipelines, road and/or driveway access, alternative road access, truck and vehicle traffic routes, truck and vehicle terminals and off-street parking, and the location of the oil and/or gas well to which these ancillary structures or facilities are connected.
 - 2. A plan showing all ancillary structures, pits, storage and mixing areas, tanks, vents, flares, and identification of potential air emissions or pollutants or hazardous substances that may escape or be released from such ancillary land uses, structures or their operation.
 - 3. Demonstration that air emissions, pollutants, odors will not exceed any federal and state standard for air pollution, hazardous substance, or nuisance under federal and/or state law or regulations.
 - 4. Submission of aerial information map, topographical survey, overall plan and hours of operation, reclamation and restoration plan demonstrating how the property will be brought back to its pre-development state after production of the oil and gas well or wells to which the ancillary use or structure is associated or connected, or at time of permanent removal of such ancillary uses or structures. Performance bond adequate in amount and terms to cover the cost and expense to complete any and all of the requirements of this or other applicable provisions of the section to be provided by the applicant for conditional land use and as approved by the township with regard to amount of bond required federal, state, and local permits and approvals for any ancillary oil and gas uses or structures shall be submitted as part of application, and if approved

made a condition of any permit and are enforceable by the township as a violation of a permit and this section.

- e. *Access* . Access drives to all facilities shall meet the township private road ordinance standards pursuant to chapter 24 of the Scio Township Code.
 - f. Access roads utilized for exploratory wells shall be constructed to class C private road standards. Access roads utilized for production wells shall be constructed to class A private road standards. The private road shall be reviewed as part of the site plan review process for ancillary oil and gas uses and structures.
- (d) *Review and approval*. Ancillary oil and gas uses and structures shall follow the following application process:
- (1) When a permitted use in the C-4 composite commercial, I-2 general industrial district, and the I-3 heavy industrial district, ancillary oil and gas uses and structures shall be subject to the provisions of article VI, site plan review, in addition to the supplementary regulations of this section.
 - (2) When a conditional use in the A-1 general agricultural district, ancillary oil and gas uses and structures shall be subject to the provisions of article VII, conditional use review, and article VI, site plan review, in addition to the supplementary regulations of this section.
- (e) Any provision of this section may be appealed to the township zoning board of appeals pursuant to article XIV, zoning board of appeals.
- (f) *Violation of this considered civil infraction subject to section 1-8 municipal civil infraction*. Violation(s) of these provisions shall be subject to a \$4,000.00 fine. Each day that the violation of this section continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

([Ord. No. 2015-06, § 2, 7-28-2015](#))

Secs. 36-151—36-175. - Reserved.

ARTICLE VI. - SITE PLAN REVIEW^[2]

Footnotes:

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State Law reference— Submission and approval of site plan, MCL 125.3501.

Sec. 36-176. - 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 features and resources. It is further the intent of this article to delegate certain aspects of site plan review authority to the township planning commission and township board of trustees, within the standards and requirements set forth in this article.

(Ord. No. 2007-02, § 1(7.01), 6-12-2007)

Sec. 36-177. - 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 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 official 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 by the township planning commission and approved by the township board of trustees.
- (e) When required, site plan review shall follow either the administrative review procedures pursuant to section 36-178 or the full site plan review procedures pursuant to section 36-179. The appropriate procedure will be determined during the project concept meeting as described in the township site plan process manual.

(Ord. No. 2007-02, § 1(7.02), 6-12-2007; Ord. No. 2009-01, § V, 1-27-2009)

Sec. 36-178. - Administrative review.

The township zoning official 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 official may review and consider for 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 official is authorized to employ the township planner, township engineer or other experts to assist in the review of site plans submitted under this section.
- (3) At the direction of the zoning official, any information required in the township site plan process manual may be required for administrative site plan approval. 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 official shall consider the criteria set forth in section 36-180 in the review of the site plans submitted under this section.

(Ord. No. 2007-02, § 1(7.03), 6-12-2007)

Sec. 36-179. - Full 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 and the availability of public infrastructure are discussed. Township planning staff and such other 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 are 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. 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 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.
 - (3) Approval shall expire and be of no effect after 365 days following approval by the township board 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 township board, unless construction has begun and is being diligently pursued to completion. The township board may extend the time limits upon a showing of good cause.

(Ord. No. 2007-02, § 1(7.04), 6-12-2007)

Sec. 36-180. - 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, water body 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. 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.
- (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 codified in chapter 34, article III, division 3.
- (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 water bodies, 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 the 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. No. 2007-02, § 1(7.05), 6-12-2007)

Sec. 36-181. - Phasing of development.

An applicant may divide a proposed development into two or more phases with the approval of the planning commission and the township board. Such phasing shall be in conformance with section 36-180. 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 36-182.

(Ord. No. 2007-02, § 1(7.06), 6-12-2007)

Sec. 36-182. - Amendment of approved site plan.

A site plan may be amended upon application and in accordance with provisions and the procedures provided in section 36-179 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 chapter. The township zoning official shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan.

(Ord. No. 2007-02, § 1(7.07), 6-12-2007)

Sec. 36-183. - Modifications during construction.

All improvements shall conform to the approved site plan. If the applicant chooses to make any changes in the development in relation 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 official of any such changes. The zoning official may require the applicant to correct the changes so as to conform to the approved site plan.

(Ord. No. 2007-02, § 1(7.08), 6-12-2007)

Sec. 36-184. - Site engineering.

Utility plans for a particular site which involve any grading or other utilities shall be submitted to the township utilities department for review and approval. Proposed utilities shall conform to township approved standards.

(Ord. No. 2007-02, § 1(7.09), 6-12-2007)

Sec. 36-185. - 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 official shall be responsible for the inspection of all improvements for conformance to the approved site plan. The zoning official 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 official shall notify the township board, 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 official shall notify the building inspector, the township board, 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 board and commission of steps taken to achieve compliance. In such case, the zoning official shall periodically notify the township board and planning commission of progress towards compliance with the approved site plan, and when compliance is achieved.

(Ord. No. 2007-02, § 1(7.10), 6-12-2007)

Secs. 36-186—36-216. - Reserved.

ARTICLE VII. - CONDITIONAL USE REVIEW^[3]

Footnotes:

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State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 36-217. - General.

The formulation and enactment of this chapter is based upon the division of the township into districts in which certain specified uses are permitted by right. In addition to permitted uses, there are certain other conditional uses which may be necessary or desirable to allow in certain locations but, due to their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated.

(Ord. No. 275, § 8.01, 10-21-2003; Ord. No. 2007-02, § 1(8.01), 6-12-2007)

Sec. 36-218. - 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 all conditional uses specified in the various district provisions of this chapter.

(Ord. No. 275, § 8.02, 10-21-2003; Ord. No. 2007-02, § 1(8.02), 6-12-2007)

Sec. 36-219. - Application and fee.

Application for a conditional use permit shall be made to the township office, along with the required information and the required fee. After receipt for filing, the clerk shall transmit a copy of the application form and the required information to the township planning commission.

(Ord. No. 275, § 8.03, 10-21-2003; Ord. No. 2007-02, § 1(8.03), 6-12-2007)

Sec. 36-220. - Information required.

- (a) The following minimum information is required for all conditional use applications:
- (1) The applicant's name, address, and telephone number.
 - (2) The names and addresses of all owners of record and other parties of interest.
 - (3) The applicant's interest in the property, and if the applicant is not the fee simple owner, the owner's signed authorization for the application.
 - (4) Recorded legal description, address, and tax parcel number of the property.
 - (5) A scaled and accurate survey drawing, correlated with the recorded legal description, and showing all existing buildings, drives, and other improvements.
 - (6) A detailed written description of the proposed use, addressing the standards set forth in section 36-224.
 - (7) A site plan consisting of an overall plan for the entire development. The sheet size shall be at least 24 inches by 36 inches with a maximum scale of one inch equals 50 feet.
 - (8) The shape, size and location of existing and proposed buildings, parking areas and service drives, loading zones, location of existing and proposed public streets serving the property, and natural features such as topography, soils, woodlands, wetland, floodplain, and drainage courses which affect the property.
 - (9) The location of all existing and proposed water and sewage treatment systems serving the property.
 - (10) Zoning classification and land use of the petitioner's property as well as all adjacent properties.
 - (11) Change to any interior plumbing fixtures or additions or deletions therein.
 - (12) Any other information deemed necessary to properly illustrate the development concept to the planning commission.
- (b) Conditional use with full site plan review. In those cases where a conditional use is proposed as a part of a new development, or which propose the expansion of an existing structure of over 1,000 square feet, or where a conditional land use requires the provision of new parking to accommodate the use, full site plan review pursuant to section 36-179 shall be required after the conditional use is approved by the township board of trustees. This shall be considered a second step to this process.

(Ord. No. 275, § 8.04, 10-21-2003; Ord. No. 2007-02, § 1(8.04), 6-12-2007)

Sec. 36-221. - Planning commission public hearing.

- (a) *Notification requirements.*
- (1) The planning commission shall hold a public hearing on all applications for a conditional use permit. A notice of the public hearing shall be published once in a newspaper which circulates in the township. A notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (2) The notice shall be given not less than 15 days before the date of the public hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- (b) *Contents of notification.* The notice of public hearing shall:
- (1) Describe the nature of the conditional use request.

- (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- (3) State the date, time and place of the public hearing.
- (4) Indicate when and where written comments will be received concerning the request.

(Ord. No. 275, § 8.05, 10-21-2003; Ord. No. 2007-02, § 1(8.05), 6-12-2007)

Sec. 36-222. - 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 may request additional information it deems necessary to make a decision. The planning commission shall recommend approval, approval with conditions or denial of the application for a conditional use permit and shall transmit its recommendations, together with a report thereon, 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 hearing.

(Ord. No. 275, § 8.06, 10-21-2003; Ord. No. 2007-02, § 1(8.06), 6-12-2007)

Sec. 36-223. - Township board action.

The township board shall review the recommendation and report of the planning commission and shall approve, approve with conditions, or deny an application for a conditional use permit. The township board's decision, the basis for the decision, and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting at which action is taken.

(Ord. No. 275, § 8.07, 10-21-2003; Ord. No. 2007-02, § 1(8.07), 6-12-2007)

Sec. 36-224. - Required standards and findings.

- (a) The planning commission and township board shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel meets the following standards:
 - (1) Will be harmonious, and in accordance, with the objectives and regulations of this chapter.
 - (2) Will be compatible with the natural environment and existing and future land uses in the vicinity.
 - (3) That the proposed use will be served adequately by essential public facilities and disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
 - (4) That the proposed use will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, persons, property or the public welfare.
 - (5) That the proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
 - (6) Will be compatible with the township's adopted general development plan.
- (b) If the facts do not establish that the findings and standards set forth in this chapter will apply to the proposed use, the township board shall not grant a conditional use permit.

- (c) 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 the date of such denial, except on grounds of new evidence or proof of changed conditions found by the township board to be valid.

(Ord. No. 275, § 8.08, 10-21-2003; Ord. No. 2007-02, § 1(8.08), 6-12-2007)

Sec. 36-225. - Conditions of approval.

In granting 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 considered a violation of this chapter. An approved conditional use permit, including all attached conditions, shall run with the parcel in the approval and shall be binding upon all successors and assigns.

(Ord. No. 275, § 8.09, 10-21-2003; Ord. No. 2007-02, § 1(8.09), 6-12-2007)

Secs. 36-226—36-243. - Reserved.

ARTICLE VIII. - PLANNING AND DEVELOPMENT REGULATIONS FOR PLANNED UNIT DEVELOPMENT (PUD) DISTRICT⁴

Footnotes:

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Editor's note— Ord. No. 2013-01, § 2, adopted Apr. 23, 2013, amended Art. VIII in its entirety to read as herein set out. Former Art. VIII pertained to similar subject matter. For prior history, see the Code Comparative Table.

State Law reference— Planned unit development, MCL 125.3503.

Sec. 36-244. - 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. No. 2013-01, § 2, 4-23-2013](#))

Sec. 36-245. - 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 is located within the township water and sewer district.
- (b) *Uses permitted.* Any land use authorized in this chapter may be included in a PUD, subject to: 1) the restriction of nonresidential and mixed use developments to the township water and sewer districts; 2)

the adequate protection of public health, safety, and welfare; and 3) 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:
- (1) The intent of section 36-244 is met.
 - (2) Approval of the PUD will result in one or more of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations;
 - b. Protection and preservation of natural resources and natural features of a quantity and/or quality that can be clearly demonstrated, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
 - c. A nonconforming use shall, to a material extent, be rendered more conforming to, and compatible with, the zoning district in which it is situated.
 - (3) 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.
 - (4) The proposed development shall be consistent with the public health, safety, and welfare of the township.
 - (5) The proposed development shall minimize any negative environmental impact of the subject site or surrounding land.
 - (6) The proposed development shall minimize any negative impact upon surrounding properties.
 - (7) The proposed development shall be consistent with the goals and policies of the Township Master Plan.

([Ord. No. 2013-01, § 2, 4-23-2013](#))

Sec. 36-246. - 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 features for protection of 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 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. No. 2013-01, § 2, 4-23-2013](#))

Sec. 36-247. - Project densities.

(a) *Residential density.*

- (1) The total number of dwelling units in a PUD project shall not exceed the number of dwelling units permitted in the underlying zoning districts or the density as proposed in the Township Master Plan. However, a density bonus of up to 25 percent shall be permitted if all of the following elements are included in the plan and a density bonus of up to 15 percent if no less than two of these elements are included:
 - a. A high level of clustered development, where at least 60 percent of the PUD is left in open space as defined.
 - 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 pursuant to section 36-341, stormwater management and addresses at least two BMPs of section 36-75 (note 12).
- (2) For the calculation of the density on the site, including the possible density bonus, the applicant shall be required to submit a conventional (non-open space) layout using the underlying zoning classification and applicable township regulations demonstrating a practical project for the subject parcel.
- (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 use(s) 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, appropriate residential density shall be based upon the current township master plan, existing and planned residential densities in the surrounding area, the availability of utilities and service and the natural features and resource of the subject parcel.

(c) *Non-residential component.* A PUD may incorporate a non-residential component into an exclusively residential development, provided that all of the following are met:

- (1) The non-residential 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 non-residential land uses may not exceed ten percent of the gross area of the development.
- (2) All non-residential uses shall be compatible with the residential area of the PUD.
- (3) The architectural design of the structure(s) is compatible with the balance of the development.
- (4) All non-residential structures are connected to a pedestrian access system servicing the project.

- (5) All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any approved public or private roadway, except that up to 25 percent of the minimum number of required parking spaces may be located in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted in accordance with section 36-345(4)b.2.

([Ord. No. 2013-01, § 2, 4-23-2013](#))

Sec. 36-248. - Design standards.

(a) *Open space preservation.*

- (1) When completed, the PUD shall have significant areas, but not less than 30 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. While it is the intention that the required open space be included in the project area, up to 50 percent of the required open space may be non-contiguous to the project area. Non-contiguous open space must be within Scio Township and must contain important natural features as determined by the planning commission and the township board to be considered.
 - (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, sidewalks, 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) To ensure that open space is maintained in perpetuity, the following shall apply:
 - 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 may be assessed to the property owner and/or homeowners association.
- (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.* 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 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. 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 features 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 non-motorized traffic.
 - (3) Pedestrian access shall be provided in accordance with section 36-277, pedestrian and non-motorized access and circulation. 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 feature information of the site. Informal trails may be constructed of gravel, wood chip or other similar material.
 - (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, as found necessary by the township.
- (f) *Stormwater drainage/erosion control.* All stormwater drainage and erosion control plans shall meet the standards adopted by the township for design and construction pursuant to section 36-341, stormwater management.

([Ord. No. 2013-01, § 2, 4-23-2013](#))

Sec. 36-249. - Application and processing procedures.

- (a) *Effects* . The granting of a PUD application shall require an amendment of the zoning ordinance 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 the zoning ordinance.
- (b) *Concept review meeting.* Prior to the submission of an application for PUD, the applicant shall meet with zoning administrator, a member of the planning commission, and such consultants or staff as deemed appropriate. Additional concept review meetings may be requested by the applicant or township. The applicant shall present at such meeting, or meetings, a sketch plan of the PUD, and the following information:
- (1) A legal description of the property in question.
 - (2) The total number of acres to be included in the project.
 - (3) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
 - (4) The approximate number of acres to be occupied and/or devoted to or by each type of use.
 - (5) Departures from the regulations of the ordinance which may be requested.
 - (6) The number of acres to be preserved as open space or recreation space.
 - (7) All known natural resources and natural features.
 - (8) The location of all existing and proposed water and sewage treatment systems serving the property.
- (c) *Preliminary PUD plan application—Submission and content.* Following the above meeting or meetings, 16 copies of the application and all required materials for preliminary PUD plan shall be submitted. The submission shall be made to the township clerk for distribution to the zoning administrator 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 contain the following information:

- (1) Date, north arrow, and scale which shall not be more than 1" = 100'.
 - (2) Location 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, parking areas, including total number of spaces and typical dimensions.
 - (10) General size and location of all areas devoted to open space.
 - (11) Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
 - (12) All areas within the 100-year floodplain, wetland areas or bodies of water.
 - (13) Generalized topographical information including contours and/or spot elevations which illustrate drainage patterns.
 - (14) Preliminary phasing lines of PUD if applicable.
 - (15) A narrative describing:
 - 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 objectives of the PUD District pursuant to section 36-245(c).
 - 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 review the preliminary PUD plan according to the provisions of sections 36-245 through 36-248 herein. 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 article. 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. If at any time after the public hearing the preliminary PUD becomes inactive (no new information or plans submitted) for a period of six months, the preliminary PUD submittal shall become null and void.
- (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 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 pursuant to section 36-249(c) along with the following information and any information specifically requested by the planning commission in its review of the preliminary PUD plan:
 - (1) All applicable information contained in Appendix 3—Site Plan Review Checklist of the Scio Township Site Plan Process Manual.
 - (2) All applicable information contained in Appendix 4—Landscape Plan Review Checklist of the Scio Township Site Plan Process Manual.
 - (3) All applicable information contained in Appendix 5—Detailed Construction and Engineering Plans Checklist of the Scio Township Site Plan Process Manual.
 - (4) Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
 - (5) Proposed phases of project and projected timetable.
 - (6) Site plan criteria contained in section 36-180.
- (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 final PUD is in substantial compliance with the approved preliminary PUD and still meets the intent of the PUD district along with all development standards outlined in sections 36-245 through 36-248.
- (j) *Township board review and determination—Final PUD plan and rezoning.* After receiving the recommendation of the planning commission and considering the comments of the public, 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 Washtenaw 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 open space along with a plan stating how the open 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 non-compliance.

([Ord. No. 2013-01, § 2, 4-23-2013](#))

Sec. 36-250. - 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 zoning 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. No. 2013-01, § 2, 4-23-2013](#))

Sec. 36-251. - 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 be 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 article. 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. No. 2013-01, § 2, 4-23-2013](#))

Sec. 36-252. - 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 non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the township board after recommendation from the planning commission.

- (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 PUD or zoning application shall be required, and shall be reviewed in light of the existing and applicable law and ordinance provisions prior to any construction

([Ord. No. 2013-01, § 2, 4-23-2013](#))

Sec. 36-253. - Performance guarantees.

The planning commission may require a performance bond or similar guarantee in accordance with section 36-37 in order to ensure completion of the required improvements.

([Ord. No. 2013-01, § 2, 4-23-2013](#))

Sec. 36-254. - 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 amendment 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 non-residential 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 taken together 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. No. 2013-01, § 2, 4-23-2013](#))

Secs. 36-255—36-271. - Reserved.

ARTICLE IX. - ACCESS, CIRCULATION AND PARKING

Sec. 36-272. - Intent and purpose.

This article is intended to ensure that the parking and circulation aspects of all developments are well designed with regards to safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within developments and to and from surrounding areas. Sidewalk or bikeway extensions off site may be required based on needs created by the proposed development. This article is also intended to ensure off-street parking and loading facilities are sufficient in number, adequately sized and properly designed to meet the of needs and demands associated with land uses now in place in the township or with land uses allowed by this chapter.

(Ord. No. 275, § 10.01, 10-21-2003)

Sec. 36-273. - Access to public and private 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 complying with the provisions of chapter 24, pertaining to private roads, except as provided in subsection (c) of this section. 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 chapter 24, pertaining to private roads, or is not serviced by a dedicated public road, the township zoning official shall not issue a zoning compliance permit for the proposed structure.
- (c) Two or more contiguous parcels of commercially zoned land used for commercial, industrial, office, or multiple-family residential purposes may share driveway access provided all other standards are met. Where shared driveway access is proposed, evidence of the appropriate access easement agreements shall be provided.

(Ord. No. 275, § 10.02, 10-21-2003)

Sec. 36-274. - Visibility at intersections.

On any corner lot, no fence, wall hedge, screen, structure, planting or other obstruction to vision shall be placed in such a manner as to materially impede vision between a height of 2½ and ten feet above the centerline grades of the intersecting streets in the triangular area formed at the intersection of street right-of-way lines. The triangular shall be measured a distance of 25 feet along each right-of-way line from the point of intersection. (See Figure 7 in appendix A.)

(Ord. No. 275, § 10.03, 10-21-2003)

Sec. 36-275. - Traffic impact analysis.

The township shall require a traffic impact analysis for development proposals requiring full site plan approval and all planned unit development (PUD) projects in order to analyze the effect of development upon existing street traffic as outlined in the Washtenaw County Road Commission's Driveway Standards, section 3.5. The traffic impact analysis shall examine existing and proposed traffic flows, trip generation studies, impacts on major intersections, turning movement analysis, roadway capacity, parking generation and site ingress/egress. The traffic impact analysis shall be prepared by a registered professional engineer or transportation planner, and shall be reviewed and approved by both the township engineer and the Washtenaw County Road Commission.

(Ord. No. 275, § 10.04, 10-21-2003; [Ord. No. 2016-3, 6-28-2016](#))

Sec. 36-276. - Access management standards.

- (a) *Applicability.* All principal permitted and conditional uses that are subject to site plan review shall meet the requirements set forth in this section. Access to public roads shall be controlled in the interest of public safety.
- (b) *Access barrier.* Each building or group of buildings, parking and/or service areas, shall be physically separated from public roads by a curb, or other suitable barrier against unchanneled motor vehicle access or egress, except for driveway access authorized herein. In addition to providing the access barrier, greenbelt requirements shall be provided in accordance with section 36-345.
- (c) *Driveway access standards.* Driveways shall conform to the following performance standards or to standards adopted by the county road commission, whichever is more stringent:
 - (1) 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.
 - (2) There must be sufficient on-site storage to accommodate at least three queued vehicles waiting to park or exit without using a portion of the public right-of-way obstructing existing vehicle sight distance, or otherwise interfering with street traffic.
 - (3) Provisions for circulation between adjacent parcels are encouraged through coordinated or joint parking systems.
 - (4) 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.
 - (5) Loading and unloading activities shall not hinder vehicle ingress or egress.
 - (6) Driveway placement must be such that an exiting vehicle has an unobstructed sight distance according to the minimum adopted by the county road commission.
- (d) *Driveway spacing.*
 - (1) Driveway spacing will be determined as a function of operating speeds of the adjacent public road. These spaces are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation. Spacing will be measured from the midpoint of each driveway. Spacing will be determined according to the following minimum standards or to standards adopted by the county road commission, whichever is more stringent:

Speed Limit (mph)	Minimum Spacing (feet)
25	105

30	125
35	150
40	185
45	230
50	275

- (2) In the event that a particular parcel lacks sufficient road frontage to maintain adequate spacing, the applicant shall have one of two options:
- a. A variance can be sought from the zoning board of appeals from minimum spacing, but in no case can the variance be greater than the minimum required to provide safe access to a site while still meeting the intent of this section.
 - b. The adjacent landowners may agree to establish a common driveway. The township may require maintenance agreements between owners of a common driveway.
- (3) Number of driveways per parcel.
- a. 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.
 - b. Based on the recommendation of the county road commission and/or township engineer that an additional driveway is in the interest of safe traffic operation, the planning commission may permit one additional driveway entrance along a continuous site with frontage in excess of 300 feet or two additional driveway entrances along a continuous site with frontage in excess of 600 feet.
- (4) Driveway approaches.
- a. At a minimum, all uses or proposed uses which are subject to site plan review requirements shall provide paved driveway tapers to provide access to and from paved or gravel roadways.
 - b. Acceleration, deceleration, and passing lanes for driveway approaches entering on a public roadway may be required, as determined by the township, based upon the following considerations:
 1. Traffic volumes, accident data, horizontal and vertical alignment, and sight distance conditions of the public roadway upon which a driveway is entering.
 2. Other unique site conditions such as land use, topography, or other natural conditions.
 3. Traffic generated by the proposed use.
 - c. Driveway tapers and acceleration, deceleration, and passing lanes shall be designed and constructed in accordance with the standards of the county road commission for roadways under their jurisdiction and the state department of transportation for roadways under their jurisdiction.

Sec. 36-277. - Pedestrian and nonmotorized access and circulation.

- (a) *General standard.* The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians and transit, throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide continuity, street crossings, visual interest and security as defined and connect to a township's network.
- (b) *Safety paths.* For any development subject to site plan review, the following regulations shall apply if the development is located on or adjacent to a proposed safety path, where the township has adopted a plan for such paths:
 - (1) All plans submitted to the township for development review shall include a plan and specifications, for a safety path consistent with the township's safety path master plan, subject to subsection (b)(6) of this section.
 - (2) The safety path shall be constructed as part of the site improvements of the development, in accordance with the specifications in this article, subject to subsection (b)(6) of this section.
 - (3) The safety path shall be constructed within the right-of-way, in a location immediately adjacent to the property line of the approved development. If the safety path is constructed on the property of the development, an easement for the use, maintenance, repair and replacement of the safety path shall be dedicated to the township following construction and approval by the township.
 - (4) All safety paths shall be six feet in width and shall be constructed of concrete. The thickness of the concrete safety path shall be a minimum of six inches where vehicular traffic will access the path, and a minimum of four inches in all other locations. All safety paths shall be built on a four-inch compacted sand subbase.
 - (5) Where unique and peculiar circumstances are present, such as extreme topography, dense mature trees and/or wetlands, the township shall be authorized to vary the location, construction, and/or specifications of the safety path so as to minimize or avoid a safety hazard and/or adverse impact upon natural features. In consideration of a variation from such standards, the township planning commission shall consider the longterm cost of maintenance, repair and replacement. Moreover, during the course of construction, the township planning commission may permit minor deviations in the interest of safety and natural feature preservation, and provide for orderly development of a coordinated network of safety paths. Any and all required approvals from other governmental entities shall be obtained by the developer with respect to all variances permitted by the township.
 - (6) Where it can be established that the safety path would not be connected to any other segment of safety path and that it would not likely be so connected for a period of at least ten years, the township board may permit the developer to establish a cash escrow with the township treasurer, to be used for construction of the safety path at a time to be determined by the township board. If an escrow is established, it shall be in an amount determined by the township engineer to reflect the estimated cost of constructing the safety path in question. The developer shall also dedicate an easement for construction, use, maintenance and repair of the safety path, if it is to be located on private property.
- (c) *Development standards.* All developments shall meet the following standards:
 - (1) *Safety considerations.* To the maximum extent feasible, pedestrians shall be separated from vehicles.
 - a. Where complete separation of pedestrians and vehicles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, median refuge areas, landscaping, lighting or other traffic calming measures to clearly delineate pedestrian areas, for both day and night use.

- b. Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of pedestrian and bicycle traffic volumes that are anticipated. A minimum width of eight feet shall be required and shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines. Additional width of up to four feet may be required to accommodate higher volumes of bicycle and pedestrian traffic.
- (2) *Curb cuts and ramps.* Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists and for people pushing strollers or carts. The location and design of curb cuts and ramps shall meet the requirements of the Michigan barrier free code and the Americans With Disabilities Act ramp standards and shall avoid crossing or funneling pedestrian traffic through loading areas, drive-in lanes and outdoor trash storage/collection areas.
 - (3) *Site amenities.* Development plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Development plans for any commercial and office site shall include one bike rack for each 5,000 square feet of floor area. Site amenities may also include drinking fountains, canopies and benches.
 - (4) *Walkways.*
 - a. *Directness and continuity.* Walkways within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. Walkways shall link safety paths with building entries through parking lots. Such connecting walkways shall either be grade separated from the parking lot or clearly delineated as to avoid pedestrian/vehicular conflicts with a paved surface not less than six feet in width. Drive aisles leading to main entrances shall have walkways on at least one side of the drive aisle.
 - b. *Street crossings.* Where it is necessary for the pedestrian access to cross drive aisles or internal roadways, crossings shall emphasize and place priority on pedestrian access and safety. The pedestrian crossings must be well-marked using such pavement treatments, signs, striping, signals, lighting, techniques as special, median refuge areas, landscaping, and other traffic calming techniques.

(Ord. No. 275, § 10.06, 10-21-2003)

Sec. 36-278. - Off-street parking.

- (a) *Applicability.*
 - (1) In all zoning districts, off-street parking facilities for the parking of motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or expanded after the effective date of the ordinance from which this chapter is derived, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this chapter.
 - (2) No parking facility or parking space which exists at the time the ordinance from which this chapter is derived becomes effective or which subsequent hereto is provided for the purpose of complying with provisions of this chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this chapter.
- (b) *Parking and vehicle storage restrictions.*
 - (1) *Residential districts.*
 - a. Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and no more than one commercial vehicle of the light, delivery type, not to exceed three-fourths

ton, shall be permitted for each dwelling unit. The parking of any other type of commercial vehicle, except those belonging to a church or school and parked on church or school property, is prohibited in this district. Parking spaces for all types of uses may be provided either in garages or parking areas conforming to the provisions of this chapter.

- b. Unlicensed operative and licensed or unlicensed inoperative automotive vehicles or trailers of any type shall not be parked or stored in residentially zoned property other than in completely enclosed buildings.
- c. No major recreational equipment shall be parked or stored in the front yard of any lot in a residential district, except for a period not to exceed 72 hours during loading or unloading. No such equipment shall 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.

(2) *Other districts.*

- a. In any commercial or office zoning district, parking or storage of semitrailers, except semitrailers owned and operated by the principal use of the lot, shall be prohibited for a period of more than 24 hours in a month.
- b. Storage of products, materials, or equipment in semitrailers shall be prohibited in any zoning district.
- c. Sales of products, merchandise, or other materials from semitrailers shall be prohibited in any zoning district.

(c) *Location of parking.*

- (1) *One- and two-family dwellings.* The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or parcel of ground as the building they are intended to serve, but shall not be considered a parking facility under the provisions of this article.
- (2) *All other uses.* Off-street parking required for all uses, other than one- and two-family dwellings shall be located on the same lot or parcel as the building or buildings they are intended to serve, and within 500 feet of the main entrance of the building intended to be served, unless otherwise modified by subsection (g)(4) of this section.

(d) *Required greenbelt, setbacks, and screening.*

- (1) Off-street parking facilities, including maneuvering lanes, shall not be located within the front greenbelt required in accordance with section 36-345. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum ten-foot setback is maintained between off-street parking and the abutting side and rear lot lines.
- (2) Off-street parking shall be landscaped and screened in accordance with section 36-345.

(e) *Units and methods of measurement.* For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- (1) *Floor area.* Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, excluding such floor area within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses.
- (2) *Employees.* For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- (3) *Places of assembly.* In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 24 inches of such shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

(f) *Parking duration.* The requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not intended to provide for the storage or prolonged parking in any such parking area. Except when land is used as storage space in connection with the business of a motor vehicle repair or service garage, a 24-hour time limit for parking in nonresidential off-street parking areas shall prevail.

(g) *Off-street parking requirements.*

(1) *New uses or buildings.* The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the schedule set forth in subsection (h) of this section, no more or less parking may be approved except under the flexibility provisions found in subsection (g)(4) of this section. Parking requirements listed in subsection (h) of this section shall not include off-street stacking spaces for drive-through facilities set forth in section 36-280.

(2) *Similar uses and requirements.* When a use is not specifically mentioned, the requirements of off-street parking for similar use shall apply.

(3) *Collective provisions.* Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with subsection (h) of this section.

(4) *Flexibility in application.*

a. The township recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in subsection (h) of this section may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space.

b. The planning commission may permit deviations from the requirements of subsection (h) of this section and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

c. The planning commission may attach conditions to the approval of a deviation from the requirement of subsection (h) of this section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the planning commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, if needed. 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.

(h) *Schedule of off-street parking requirements.*

Use	Required Number of Parking Spaces per Each Unit of Measure
Residential:	
Single- or two-family dwelling	2 per each dwelling unit
Multiple-family dwelling	2 per each dwelling unit plus 1 per each ten dwelling units

Senior citizen housing	1 per each dwelling unit
Places of assembly/institutional:	
Churches	1 per each 3 seats based on maximum seating capacity in the main place of assembly therein
Private clubs and lodges	1 per 5 individual members allowed within the maximum occupancy load as established by fire and/or building codes
Hospitals	1 per each 2 beds
Convalescent homes, homes for the aged, nursing homes, children's' homes	1 per 3 beds
High schools, trade schools, colleges, and universities	8 per each classroom
Elementary and middle schools	5 per each classroom
Child care centers, day nurseries, or nursery schools	1 per each 10 students, plus 1 per each employee
Stadiums, sports arenas, auditoriums, banquet halls and meeting facilities	1 per each 4 seats, based on maximum seating capacity
Libraries and museums	1 per each 500 sq. ft. of floor area
General commercial:	
Retail stores, except as otherwise specified herein	1 per 200 sq. ft. of floor area
Supermarkets, drugstores, and other self-serve retail establishments	1 per 250 sq. ft. of floor area

Convenience stores	1 per 200 sq. ft. of floor area
Planned shopping center	1 per 200 sq. ft. of floor area
Furniture, appliances, hardware and household equipment sales	1 per each 600 sq. ft. of floor area
Lodging	1 per each guest bedroom, plus amount required for accessory uses, such as a restaurant or cocktail lounge
Fast food restaurant	1 per each 75 sq. ft. of floor area
Sitdown restaurant	1 per each 3 seats, based on maximum seating capacity
Taverns and cocktail lounges (other than fast food restaurants)	1 per each 3 persons allowed within maximum occupancy load as established by fire and/or building codes
Garden stores and building material sales	1 per each 800 sq. ft. of floor area
Open air business, not otherwise provided for herein	1 per each 800 sq. ft. of lot area used for said business
Movie theaters	1 per each 3 seats based on the maximum seating capacity
Wholesale stores, machinery sales	1 per each 1,000 sq. ft. of floor area
Automotive:	
Auto sales	1 per each 200 sq. ft. of showroom floor area plus 3 per each service stall
Automobile repair facilities	3 per each service stall plus 1 per each service vehicle
Gasoline stations without convenience store	1 per pump unit, plus 3 per each service stall

Gasoline stations with convenience store	1 per pump unit, plus 3 per each service stall, plus 1 per each 200 sq. ft. of floor area devoted to retail sales and customer retail sales and customer service
Car washes (self-serve)	2 per each wash stall, plus 1 per each vacuum station
Car washes (automatic)	1 per 200 sq. ft. of floor area of customer waiting and service area, 1 per vacuum station
Collision or bump shop, and other	3 per each stall or service area
Office and service:	
Medical and dental offices	1 per each 200 sq. ft. of floor area
Business and professional offices	1 per each 300 sq. ft. of floor area
Banks	1 per each 250 sq. ft. of floor area
Barbershops and beauty shops	3 per each chair
Recreational:	
Bowling alleys	3 per bowling lane, plus amount required for accessory uses such as a restaurant or cocktail lounge
Private tennis, swim or golf clubs or other similar uses	1 per each 2 memberships, plus for accessory uses such as a restaurant or cocktail lounge
Golf course, open to the general public	5 per each hole, plus amount required for accessory uses such as a restaurant or cocktail lounge
Industrial:	

Industrial, manufacturing or research establishments	1 per each 500 sq. ft. of floor area
Warehouse and storage buildings	1 per each 1,500 sq. ft. of floor area
Contractors office	1 per 300 sq. ft. of floor area

(i) *Off-street parking design and construction.*

- (1) The construction of any parking facility shall be in accordance with the requirements of this chapter. Plans for the development of any parking lot must comply with article VI of this chapter.
- (2) All such parking facilities, driveways, or loading areas required for uses other than single- or two-family residential shall be hard surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a certificate of occupancy being issued. The planning commission shall have the discretion of waiving certain hard surface paving requirements provided the following conditions are met:
 - a. The proposed driveways, loading, turnaround, or storage areas will receive only limited use and are not used for employee parking, customer parking, or primary access.
 - b. Gravel surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties.
- (3) All illumination for all such parking facilities shall meet the standards set forth in section 36-315.
- (4) Adequate ingress and egress to the parking facility, by means of clearly defined drives, shall be provided for all vehicles.
- (5) Connecting curbs shall be provided and located to prevent any vehicle from encroaching upon necessary pedestrian walkways or damaging required landscaping.
- (6) Landscaping shall comply with section 36-345(b)(4).
- (7) Plans for the layout of automobile off-street parking facilities shall be in accordance with the following minimum regulations (see Figures 8—11 in appendix A):

Parking pattern	Maneuvering Lane Width (in feet)		Parking Space Dimensions (in feet)	
	One-Way	Two-Way	Width	Length
0—parallel	12	20	9	24
30°—53°	16	22	9	18
54°—74°	16	22	9	18

75°—90°	20	22	9	18
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- (8) Truck parking. 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. Such truck space shall not be less than ten feet in width and 55 feet in length.
- (9) Barrier-free parking. Off-street barrier-free parking facilities shall be provided in accordance with requirements of the state.
- (10) Parking lots and associated stormwater runoff shall be constructed to meet the standards found in section 36-341. The use of best management practices (BMPs) as described in section 36-341 to reduce impervious surfaces and promote the infiltration of stormwater shall be strongly encouraged.
- (j) *Bicycle parking requirement.* One bicycle parking space must be provided for every 20 automobile parking spaces, with a minimum of two required for all sites.

(Ord. No. 275, § 10.07, 10-21-2003; Ord. No. 3381, § 5, 4-19-2005)

Sec. 36-279. - Off-street loading requirements.

- (a) On the same premises with every building or use involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained adequate space for standing, loading and unloading services in order to avoid undue interference with street or parking facilities.
- (b) Such loading and unloading space shall have sufficient area and height clearance to accommodate vehicles using the loading space, based upon evidence supplied by the applicant and shall be provided according to the following schedule:

Gross Floor Area (sq. ft.)	Loading and Unloading Spaces Required
0—2,000	None
2,001—20,000	One space
20,001—100,000	One space plus one space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,001—500,000	Five spaces plus one space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000	15 spaces plus one space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

- (c) Required greenbelt, setbacks, and screening.

- (1) Off-street loading areas, including maneuvering aisles, shall not be located within the front greenbelt required in accordance with section 36-345. Off-street loading shall be permitted within the required side or rear yard setbacks, provided a minimum 50-foot setback is provided adjacent to residentially zoned or used properties and a minimum ten-foot setback is provided adjacent to nonresidential property.
 - (2) Off-street loading which abuts residentially zoned or used property shall be screened in accordance with section 36-345.
 - (3) Any loading space shall not be closer than 50 feet to any lot located in any residential 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.
- (d) Double count. Off-street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

(Ord. No. 275, § 10.08, 10-21-2003)

Sec. 36-280. - Off-street stacking space for drive-through facilities.

All businesses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space within a defined stacking lane which meets the following requirements. (See Figure 12 in appendix A.)

- (1) Each stacking lane shall be a minimum of 12 feet in width. Each stacking space shall be computed on the basis of 20 feet in length.
- (2) Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety, and does not interfere with access to parking and maneuvering lanes.
- (3) For all drive-through facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be served.
- (4) The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

Use	Stacking Spaces per Service Lane
Banks	4
Photo service	4
Dry cleaning	4
Fast food restaurants	8
Car washes (self-service):	
Entry	3

	Exit	1
Car washes (automatic):		
	Entry	6
	Exit	3

(Ord. No. 275, § 10.09, 10-21-2003)

Secs. 36-281—36-308. - Reserved.

ARTICLE X. - ENVIRONMENTAL REGULATIONS⁽⁵⁾

Footnotes:

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State Law reference— Natural resources and environmental protection act, MCL 324.101 et seq.

Sec. 36-309. - Purpose.

Environmental performance regulations are established in order to preserve the shortterm and longterm environmental health, safety, and quality of the township. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this chapter may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district which does not conform to the following regulations of use, occupancy, and operation. These regulations are established as minimum requirements to be maintained. Nothing contained herein is intended to restrict farming operations in accordance with the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).

(Ord. No. 275, § 11.01, 10-21-2003)

Sec. 36-310. - Airborne emissions.

- (a) *Smoke and air contaminants.* It shall be unlawful for any person to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by federal clean air standards and those standards promulgated by the state.
- (b) *Odors.* Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.

- (c) **Gases.** The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

(Ord. No. 275, § 11.02, 10-21-2003)

Sec. 36-311. - Noise.

- (a) Noise which is objectionable as determined by the township due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled, subject to the following schedule of maximum noise levels permitted:

Octave Band in Cycles Per Second	Along Residential District Boundaries Maximum Permitted Sound Level (in Decibels)	Along All Nonresidential District Boundaries Maximum Permitted Sound Level (in Decibels)
0 to 150	70	70
150 to 300	60	66
300 to 600	52	60
600 to 1,200	46	53
1,200 to 2,400	40	47
above 2,400	34	41

- (b) In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be so controlled so as not to become a nuisance to adjacent uses.
- (c) Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

(Ord. No. 275, § 11.03, 10-21-2003)

Sec. 36-312. - Vibration.

- (a) No use shall generate any ground transmitted vibration in excess of the limits set forth in subsection (d) of this section. Vibration shall be measured at the nearest adjacent lot line.
- (b) The instrument used to measure vibrations shall be a three compartment measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

- (c) The vibration maximums set forth in subsection (d) of this section are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration in inches

The maximum velocity shall be the vector sum of the three components recorded.

- (d) Table of maximum ground-transmitted vibration.

Particle Velocity, Inches per Second	
Along Nonresidential District Boundaries	Along Residential District Boundaries
0.10	0.02

- (e) The values stated in subsection (d) of this section may be multiplied by two for impact vibrations (i.e., noncyclic vibration pulsations not exceeding one second in duration and having a pause of at least two seconds between pulses).
- (f) Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

(Ord. No. 275, § 11.04, 10-21-2003)

Sec. 36-313. - Use, storage and handling of hazardous substances.

- (a) It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
- (b) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall obtain the appropriate permits or approval from the state, and/or other designated enforcing agencies.
- (c) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances or petroleum products shall complete a hazardous chemicals survey and a pollution incidence protection plan (PIPP) in conjunction with the following:
- (1) Upon submission of a site plan.
 - (2) Upon any change of use or occupancy of a structure or premises.
 - (3) Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.

- (d) All business and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to or greater than 25 gallons or 220 pounds) shall comply with the following standards:
- (1) *Aboveground storage and use areas for hazardous substances.*
 - a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - b. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
 - c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
 - d. Areas and facilities for loading/unloading of hazardous substances, as well as areas where such materials are handled and used, shall be designated and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater, or soils.
 - (2) *Underground storage tanks.*
 - a. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency and the state police fire marshal division.
 - b. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the state police fire marshal and the township. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
 - c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the state police's fire marshal division, the state department of environmental quality, and the township.
 - (3) *Loading and unloading areas.* Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.
- (e) All site plans for business or facilities which use, stores or generate hazardous substances shall be reviewed by the township fire department, township engineer and any other appropriate experts determined necessary by the planning commission prior to approval by the planning commission.

(Ord. No. 275, § 11.05, 10-21-2003)

State Law reference— Hazardous waste management act, MCL 324.11101 et seq.; hazardous materials transportation act, MCL 29.417 et seq.

Sec. 36-314. - Electrical disturbance, electromagnetic, or radio frequency interference.

No use shall:

- (1) Create any electrical disturbance that adversely affects any operation or equipment other than those of the creator of such disturbance.
- (2) Cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

(Ord. No. 275, § 11.06, 10-21-2003)

Sec. 36-315. - Glare and exterior lighting.

- (a) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
- (b) 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.
- (c) 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. Any operation, which produces intense glare or heat, shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- (d) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.
- (e) On-site lighting (i.e., parking, building lights, etc.) shall conform to the following regulations:
 - (1) It is the goal of the township to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote dark skies in keeping with the rural character of the township.
 - (2) When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site effects.
 - (3) Only non-glare, color-corrected lighting shall be permitted. For all nonresidential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building- and pole-mounted fixtures shall be parallel to the ground. Wall-pak type lighting shall be prohibited.
 - (4) Illumination levels.
 - a. Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.1 footcandle along property lines. Lighting for uses adjacent to nonresidential properties shall be designed and maintained such that illumination levels do not exceed 0.3 footcandle along property lines.
 - b. Where lighting is required, 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 township board, after receiving a recommendation from the planning commission, may allow for an increased level of lighting above maximum permissible levels when the board determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes.
 - c. For the purposes of this chapter, all lighting measurements shall be taken at ground level.
 - (5) 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 18 feet measured from the ground level to the centerline of the light source.

- (6) Signs shall be illuminated only in accordance with the regulations set forth in this chapter. In addition, signs within residential districts shall not be illuminated.
- (7) Building- or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.
- (8) Subdivision or site condominium street lighting is not permitted. The township board, after receiving a recommendation from the planning commission may allow for street lighting when the board determines that the applicant has demonstrated a need for such lighting.

(Ord. No. 275, § 11.07, 10-21-2003)

Sec. 36-316. - Fire hazard.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

(Ord. No. 275, § 11.08, 10-21-2003)

State Law reference— State fire prevention code, MCL 29.1 et seq.

Sec. 36-317. - Safety.

Existing hazards or potential hazards and nuisances, such as construction sites, junkyards, landfills, sanitary landfills, demolition sites, unused basements, abandoned wells or cisterns and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare.

(Ord. No. 275, § 11.09, 10-21-2003)

Sec. 36-318. - Sewage treatment and disposal.

- (a) Community wastewater systems shall require a conditional use permit from the township board in accordance with the procedures and standards set forth in article VII of this chapter. Community wastewater utility system 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 longterm protection of natural resources and environmental features.
- (b) 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 36-224 shall be met.
 - (2) All operations shall be completely enclosed by a fence not less than six feet high.
 - (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 community wastewater system and at least 200 feet from a property line shared with an adjacent property. Landscape buffering in accordance with section 36-345(b)(3) 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 community wastewater utility system shall be located a minimum of:
 - a. Fifteen hundred feet from another approved community wastewater utility system.
 - b. Two thousand feet from an established public well head protection area.
 - c. Two hundred feet from a wetland.
 - d. Two hundred feet from the ordinary high-water mark of any body of water.
- (5) A community wastewater utility system 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 community wastewater utility system shall not be used to satisfy open space required by any other provisions of this chapter.
- (7) Community wastewater utility systems shall also be subject to the provisions of chapter 34, article III, division 3.

(Ord. No. 275, § 11.10, 10-21-2003; Ord. No. 3386, § 23, 7-21-2006)

State Law reference— Waterworks systems, sewers and disposal plants, MCL 324.4301 et seq.

Secs. 36-319—36-339. - Reserved.

ARTICLE XI. - NATURAL RESOURCE PROTECTION AND ENHANCEMENT REGULATIONS⁶¹

Footnotes:

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State Law reference— Natural resources and environmental protection act, MCL 324.101 et seq.

Sec. 36-340. - Purpose.

The purpose of this article is to ensure that property is used in a manner which is consistent with the goals and objectives of the master plan and is designed in a manner which protects and enhances natural resources and features. The regulations of this article are intended to achieve the mutually compatible objectives of reasonable use of land and protection of the township's natural resource and features.

(Ord. No. 275, § 12.01, 10-21-2003)

Sec. 36-341. - Stormwater management.

- (a) *Purpose.* It is the intent of this chapter to encourage the use of structural, vegetative, or managerial practices, commonly referred to as best management practices (BMPs), designed to treat, prevent, or reduce degradation of water quality due to stormwater runoff. All development projects subject to review under the requirements of this chapter shall be designed, constructed, and maintained using BMPs to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic value of the project. The particular facilities and measures proposed on site shall reflect and incorporate the existing grade, natural features, wetlands, and watercourses on the site to the maximum extent feasible.

(b) *Stormwater drainage/erosion control.* All stormwater drainage and erosion control plans shall meet the standards of the Office of the Washtenaw County Water Resource Commissioner (WCWRC) and shall, to the maximum extent feasible, utilize nonstructural control techniques, including, but not limited to the following:

- (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;
- (5) Use of infiltration devices.

(c) *General standards.*

- (1) Stormwater management systems shall be designed to prevent flooding and the degradation of water quality related to stormwater runoff and soil erosion from the proposed development. The Office of the Washtenaw County Water Resource Commissioner (WCWRC) shall provide review comments on the stormwater management system(s) of all development proposals that fall within their jurisdiction for the consideration of the planning commission. Where the WCWRC has jurisdiction for stormwater management, site plan approval shall not be granted by the Scio Township Board of Trustees until approval of the stormwater management plan is granted by the WCWRC.

The township engineer shall review all stormwater management plans based on the standards of the WCWRC with the following exception: sites that increase total impervious surface by less than five percent of the total pervious surface or 1,500 square feet, whichever is less, may be exempt or partially exempt from these standards based upon the recommendation of the township engineer and the approval of the planning commission.

- (2) All properties that are platted subdivisions, site condominiums, or private road lot splits and have more than five lots shall submit for their plan to the Office of the Washtenaw County Water Resource Commissioner (WCWRC) for review and shall be subject to the establishment of a county drainage district. Lot splits resulting in five or less lots will be evaluated by the township engineer on a case-by-case basis and may be required to submit to the WCWRC for review.
- (3) All properties which are subject to this chapter shall provide for on-site stormwater management and storage facilities. Facilities shall be designed to provide pretreatment, infiltration, detention or retention, and discharge rates that meet the standards of the WCWRC.
- (4) Priority shall be placed on site design which maintains natural drainage patterns. Alterations to natural drainage patterns shall not create flooding or degradation in water quality for adjacent or downstream property owners.
- (5) The use of swales and buffer strips vegetated with desirable native materials, in accordance with the standards of the WCWRC is encouraged as a method of stormwater conveyance so as to decrease runoff velocity, allow for bio-filtration, allow suspended sediment particles to settle, and to remove pollutants. Tolerance for water saturation, sunlight, pesticides, metals, and salts shall be required in determining appropriate plantings in these areas.
- (6) Drainage systems shall be designed to be visually attractive. The integration of stormwater conveyance systems and retention or detention ponds in the overall landscape concept is recommended. Ponds with a naturally contoured design and appearance shall be required.
- (7) Where large amounts of fats, oils, and/or grease may accumulate, as in the case of commercial/industrial developments, the use of mechanical separators (i.e., an oil/water separator) shall be required and may be required to be tied into the sanitary sewer system. Parking lot runoff adjacent to these areas shall be pre-treated with a mechanical separator prior to reaching a pond or BMP.

- (8) For sites that store or use chemicals, a spill response plan shall be submitted and approved by the township.
- (d) *Use of wetlands.* Wetlands may be used for stormwater management if all of the following conditions are met:
- (1) Wetlands shall be protected from impairment due to the discharges of stormwater. Measures shall be taken to reduce erosive velocities of stormwater and to remove sediment and other pollutants prior to discharge to a wetland. All regulations of the WCWRC shall be met, including the use of forebays to address sedimentation, as noted above.
 - (2) Wildlife, fish, or other beneficial aquatic organisms and their habitat within the wetland will not be impaired.
 - (3) The wetland has sufficient holding capacity for stormwater, based upon calculations prepared by the proprietor and reviewed and approved by the township.
 - (4) On-site erosion control shall be provided to protect the natural function of the wetland.
 - (5) Provisions approved by the township shall be established so as to ensure that the wetland is not disturbed or impaired in the future relative to the needed storage capacity.
 - (6) Applicable permits from the Michigan Department of Environmental Quality are obtained.
- (e) *Impervious surface reduction/infiltration enhancement.*
- (1) The township recognizes that, due to the specific requirements of any given development, inflexible application of the design standards may result in development with excessive paving and stormwater runoff and a waste of space which could be left as open space.
 - (2) Either through procedures prescribed by ordinance or creative land development techniques permitted by ordinance, the township may permit deviations from the requirements allowing for reduction in impervious surfaces whenever it finds that such deviations are more likely to meet the intent and standards of this chapter and to accommodate the specific characteristics of the use in question.
 - (3) The township may attach conditions to the approval of a deviation that bind such approval to the specific use in question. Measures that reduce impervious surface and increase infiltration may include, but are not limited to, the following:
 - a. *Streets and access.*
 1. Design residential streets with the minimum required pavement width needed to support travel lanes, on-street parking, and emergency, maintenance, and service vehicle access and function based on traffic volumes.

Decrease the total length of residential streets by examining alternative street layouts to determine the best option for increasing the number of homes per unit length.
 2. Minimize the number of street cul-de-sac and where cul-de-sacs do exist, provide landscaped center islands.
 3. Use vegetated open channels in the street right-of-way/private road easements to convey and treat stormwater runoff.
 4. Use alternative driveway surfaces and materials and/or shared driveways that connect two or more sites.
 - b. *Parking .*
 1. Base parking requirements on the specific characteristics of the use and/or land bank parking in open space areas as required to satisfy chapter requirements.

2. Reduce the overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and using pervious materials in the spillover parking areas where possible.
 3. Encourage shared parking between compatible users.
- c. *Site design.*
1. Direct rooftop runoff to pervious areas such as yards, open channels, or vegetated areas and avoid routing rooftop runoff to paved surfaces and the directly to the stormwater conveyance system downstream of a BMP or detention/retention pond.
 2. Create a naturally vegetated buffer system which may vary in width as determined by the township along all drainage ways. Critical environmental features such as the 100-year floodplain, steep slopes, and wetlands shall be considered.
 3. Minimize clearing and grading of woodlands and native vegetation to the minimum amount needed to build lots, allow access, and provide fire protection.
 4. Conserve trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native plants.
- (f) *Maintenance.* Whenever a landowner is required to provide on-site stormwater retention and/or surface drainage to wetlands, or whenever other protective environmental measures, including monitoring devices, are required, such measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide assurance to the township that the landowner will bear the responsibility and cost of providing and maintaining such methods or facilities, by written agreement, suitable for recording at the office of the county register of deeds, that will act as a perpetual restriction on the land, the form and content of which shall be approved by the township attorney. A maintenance plan shall be provided, including notation and description of maintenance requirements and timelines.

(Ord. No. 275, § 12.02, 10-21-2003; Ord. No. 3381, § 6, 4-19-2005; [Ord. No. 2016-3, 6-28-2016](#))

State Law reference— Soil conservation districts law, MCL 324.9301 et seq.; soil erosion and sedimentation control, MCL 324.9101 et seq.

Sec. 36-342. - Water feature and wetland buffer protection.

- (a) *Authority.* This regulation is enacted pursuant to the authority of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.101 et seq.); the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.); Mich. Const. art. 4, § 52; and Mich. Const. art. 7, § 34, to protect the public health, safety, property, and welfare of the citizens of the township, and to preserve and enhance the environmental, ecological, and aesthetic values of waterbodies in the township, the Huron River Watershed, and the Lake Erie Drainage of the Great Lakes Basin.
- (b) *Intent.* It is the intent of this section to require a minimum buffer adjacent to water features and wetlands, and to regulate property within such buffer, in order to prevent physical harm, impairment and/or destruction of or to a water feature or wetland. It is also the intent of this section to establish and preserve a minimum buffer adjacent to water features and wetlands in order to preserve the relationship between them and the buffer area in terms of plant species, animal species, surface and subsurface hydrology, water table, and water quality. If a greater buffer or prohibition is required by other ordinances, or other provisions of this chapter, such a greater buffer or prohibition shall apply.
- (c) *Applicability.*
- (1) The provisions of this section shall apply to all lands that are within the jurisdiction of the township and that border water features and wetlands as indicated on the water feature and wetland buffer

map unless, and to the extent, it is determined to be in the public interest not to maintain such buffer. This map is diagrammatic, and may not show all water features and wetlands subject to this section, particularly intermittent and ephemeral streams. Actual water and wetland features require field verification to ensure that they meet the definitions in this section.

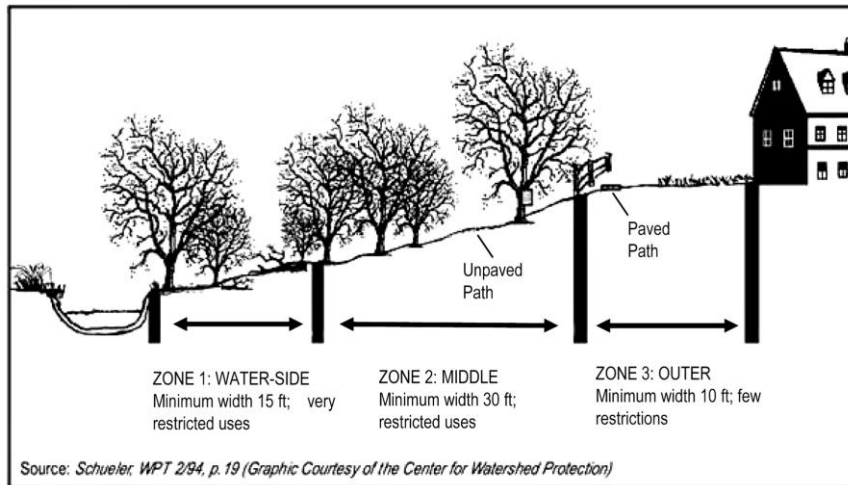
- (2) The provisions of this section shall apply to any land development or any earth disturbance activity resulting from or in connection with activities or uses requiring any of the following:
 - a. Township board approval.
 - b. Planning commission approval.
 - c. Zoning compliance.
- (3) The following land uses are exempt from this section:
 - a. Existing land uses, except when changes are proposed that require township approval through the township board, planning commission and/or zoning compliance.
 - b. Maintenance, repair or operation of gas or oil pipelines, electric transmission and distribution lines and construction of gas or oil pipelines having a diameter of six inches or less, and maintenance or repair of designated county drains, if the pipelines or drains are constructed, maintained or repaired in a manner to ensure that any adverse effect on the water feature/wetland buffer will be otherwise minimized.
 - c. Construction of a single-family residence that is part of a plat for a subdivision or approved site plan prior to the adoption of the ordinance from which this section is derived.
 - d. Other uses permitted under the natural resources and environmental protection act or the federal Clean Water Act, section 404, provided that they are consistent with all best management practices established by the state department of environmental quality and the U.S. Environmental Protection Agency.
 - e. Notwithstanding the above, all exempted uses, structures or activities shall comply with the requirements of part 91, pertaining to soil erosion and sedimentation control, of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.9101 et seq.) and all applicable best management practices and shall not diminish water quality as defined by the state natural resources and environmental protection act and federal Clean Water Act.

(d) *Authorization and prohibition.*

- (1) In conjunction with the approval and/or compliance processes listed in subsection (c) of this section, a buffer area as set forth in subsection (e) of this section for a water feature and subsection (f) of this section for a wetland shall be required.
- (2) Within an established water feature/wetland buffer, unless and only to the extent determined to be in the public interest by the body responsible for approval and/or compliance as described in subsection (c) of this section, there shall be no construction, removal, or deposit of any structures or soils, including dredging, filling or land balancing. This prohibition shall not apply to permitted or exempted activities set forth in subsections (i) and (j) of this section.
- (3) In determining whether proposed construction or operations are in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other operation. The following general criteria shall be applied in making a determination:
 - a. The relative extent of the public and private need for the proposed activity.
 - b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.

- c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the water feature, wetland, and/or water feature/wetland buffer provides.
 - d. The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities in the water features and/or wetlands to be protected.
 - e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health.
 - f. The size and quantity of the water feature/wetland buffer being considered.
 - g. The amount and quantity of the remaining water feature/wetland buffer.
 - h. Proximity of the proposed construction or operation to the water feature and/or wetland, taking into consideration the degree of slope, general topography in the area, soil type and the nature of the feature to be protected.
 - i. Economic value of the proposed construction or operation.
 - j. The necessity for the proposed construction and/or operation.
- (e) *Water feature buffer zones.* Unless otherwise determined by the body responsible for approval and/or compliance as described in subsection (c) of this section, a water feature buffer zone shall be located adjacent to a water feature as defined in section 36-5, as identified on the water feature and wetland buffer map, and as determined by required field investigation and/or natural feature inventories as required in article VI of this chapter. The water feature buffer zone shall consist of three distinct areas requiring the following minimum widths and vegetative targets:
- (1) Zone 1—Water-side zone.
 - a. Undisturbed vegetated area aims to protect the physical and ecological integrity of the particular water ecosystem.
 - b. Begins at the edge of the stream bank of the channel, lake or pond shore, and extends a minimum distance of 15 feet, measured horizontally on a line perpendicular to the watercourse or water body.
 - c. The vegetative target for the water-side zone is undisturbed native woody species with native plants forming canopy, understory, and ground layer; where such forest does not grow naturally, then native vegetative cover appropriate for the area (such as grasses, forbs or shrubs) is the vegetative target.
 - (2) Zone 2—Middle zone.
 - a. This managed area of native vegetation protects key components of the water ecosystem and provides distance between upland development and the water-side zone.
 - b. Extends immediately from outer edge of zone 1 for a minimum distance of 30 feet.
 - c. The vegetative target for the middle zone is either undisturbed or managed native woody species or, in its absence, native vegetative cover of shrubs, grasses or forbs. Undisturbed forest, as in zone 1, is encouraged strongly to further protect water quality and the water ecosystem.
 - (3) Zone 3—Outer zone.
 - a. This zone prevents encroachment into the buffer area, filters runoff from adjacent land, and encourages sheet flow of runoff into the buffer.
 - b. Extends a minimum of ten feet immediately from outer edge of zone 2.

- c. The vegetative target for the outer zone is native woody and herbaceous vegetation to increase the total width of the buffer. While native grasses and forbs are preferred, mown lawn is permitted, but not encouraged.



- (4) Where land uses such as agriculture or silviculture within the area of the buffer are proposed to be converted to other uses, the full three-zone buffer shall be reestablished in accordance with this subsection (e) and subsection (g) of this section. In reestablishing the buffer, management measures shall be undertaken to provide native woody, shrub, and/or herbaceous vegetation that ensures the buffer functions as set forth in this section. For specifications on plant type, spacing and density, refer to the USDA NRCS Technical Guide, section IV, Statewide Riparian Forest Buffer 391, available from the township offices.
- (f) *Wetland buffer zone.* Unless otherwise determined by the body responsible for approval and/or compliance as described in subsection (c) of this section, a wetland buffer zone shall be located adjacent to wetlands identified on the water feature and wetland buffer map, and shall consist of the following minimum width and vegetative targets:
- (1) Undisturbed vegetated area aims to protect the physical and ecological integrity of the particular water ecosystem.
 - (2) Begins at the wetland edge and extends a minimum distance of 30 feet, measured horizontally on a line perpendicular to the wetland boundary.
 - (3) The vegetative target for the wetland buffer is undisturbed native woody species with native plants forming canopy, understory, and ground layer; where such forest does not grow naturally, then native vegetative cover appropriate for the area (such as grasses, forbs or shrubs) is the vegetative target.
- (g) *Width requirements of the water feature buffer.* The width of the water feature buffer shall be established as the greatest of the following:
- (1) The total combined width of zones 1, 2, and 3 shall be no less than 55 feet on each side of a water feature as defined in section 36-5, with minimum required distances as given in subsection (e) of this section.
 - (2) The buffer width shall be modified if there are steep slopes which are within 200 feet of a water feature. In those cases, zone 3 of the buffer width shall be adjusted, as given in the table below:

WIDTH FOR ZONE 3 VEGETATION IN A WATER FEATURE BUFFER

Percent Slope	Width (feet)
0—8	10
9—15	15
> 15	20

Adapted from the USDA NRCS Technical Guide, section IV, Statewide Riparian Forest Buffer 391.

- (h) *Existing nonconforming structures and uses in buffer.* All nonconforming uses and structures existing at the effective date of the ordinance from which this section is derived located within a buffer that are not permitted under this regulation may be continued but shall not be changed or enlarged unless in accordance with article XIII of this chapter, pertaining to nonconforming uses, structures and lots of record.
- (i) *Permitted uses.* Where buffers are required or regulated, the following activities shall be permitted within the water feature/wetland buffer areas as follows:
- (1) The buffer, including wetlands and floodplains, shall be managed to enhance and maximize the unique value of these resources.
 - (2) Zone 1—Water-side zone and wetland buffer.
 - a. Open space uses that are passive primarily in nature, such as wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and educational/public awareness signs. The area encompassed for any such use on a lot shall not include buildings and shall not result in disturbance of soil or vegetation that exceeds 20 percent of the area of the buffer on that lot.
 - b. Reforestation and stream stabilization.
 - c. Removal of dead or diseased trees, and those causing safety concerns.
 - d. Water quality monitoring and stream gauging.
 - e. Designated historic building reconstruction.
 - f. Flood control structures and utility rights-of-way.
 - g. Installation of seasonal recreational structures for water use.
 - (3) Zone 2—Middle zone.
 - a. Uses listed in subsection (i)(2) of this section.
 - b. Public and/or private biking and hiking paths constructed with pervious materials. While not required, property owners are encouraged to consider providing public trails for passive recreation activities such as biking, walking, and jogging within this zone.
 - c. Public access easements.
 - d. Stormwater management facilities.
 - e. Recreational uses that do not involve impervious surfaces or encourage concentrated flow of stormwater into the buffer.

- f. Limited forestry management techniques and timber harvesting.
- (4) Zone 3—Outer zone.
 - a. Uses listed in subsections (i)(2) and (i)(3) of this section.
 - b. There shall be no septic systems, permanent structures or impervious cover, with the exception of paths that measure eight feet or less in width and overhead clearance of eight feet or less.
 - c. Fences; provided that such fences must be constructed so as not to impede floodwaters.
- (j) *Exemptions.* The following activities shall be exempted:
 - (1) Maintenance of previously established lawn areas.
 - (2) Grading and filling necessary in order to conform to express requirements imposed by the township engineer.
 - (3) Planting of native trees and other indigenous vegetation.
 - (4) Removal of exotic invasive vegetation including buckthorn, honeysuckle, and multiflora rose, or noxious vegetation including poison ivy, poison sumac, and poison oak. See section 36-345(b)(10) for a list of prohibited invasive plant species.
 - (5) Selected trimming of indigenous vegetation for filtered sight lines. Note that clearcutting, cutting down, or removal of existing native tree, shrub, and ground layer species is not allowed within the water feature and wetland buffer zones.
- (k) *Application form.* If the activity is associated with a proposal that will require consideration by the planning commission and/or township board, no application in addition to materials already required for review of the proposal (such as site plan review or others) shall be required. If the proposed activity requires zoning compliance review only, application for activities proposed within the water feature/wetland buffer shall be made under this section on the form approved by the township board and provided by the zoning official.
- (l) *Water feature and wetland buffer plan and grading plan requirements.*
 - (1) As part of any submission that requires planning commission and/or township board consideration, a water feature and wetland buffer plan containing the following information must be provided:
 - a. Water feature and wetland buffers, field-delineated and surveyed by professional environmental consultants.
 - b. Steep slopes greater than 12 percent for areas adjacent to and within 200 feet of streams, wetlands, or other waterbodies.
 - c. A narrative describing the species and distribution of existing vegetation within the buffer.
 - d. A note stating, "There shall be no clearing, grading, construction or disturbance of vegetation within the water feature and/or wetland buffer except as permitted through the site plan review process of Scio Township."
 - e. A note stating, "Any water feature and/or wetland buffers shown on this plan are subject to protective covenants that may be found in the land records and that restrict disturbance and use of these areas."
 - (2) The buffer plan shall be submitted in conjunction with the required grading plan for any development, and the vegetated buffer shall be delineated clearly on the final grading plan.
 - (3) Permanent boundary markers, in the form of educational signage or other forms as approved by the township shall be installed every 200 feet prior to final approval of the required grading plan. Signs and/or markers shall be placed at the transitional edge of zone 2 and zone 3 of a water

feature buffer (see subsection (e) of this section) or at the edge of the wetland buffer (see subsection (f) of this section).

(m) *Buffer maintenance requirements.*

- (1) Where approval by the planning commission and/or township board is required, the following shall apply. Note that these requirements do not apply to zoning compliance for single-family residential use permits. All buffers established through the required review processes by the planning commission and/or township board, except as noted above, shall be maintained as described in subsections (e), (f) and (g) of this section through either:
 - a. Deed restrictions, which are required to be submitted for approval by the township board. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity; or
 - b. A conservation easement with a local land conservancy as approved by the township board. The easement shall be recorded in the land records and shall run with the land and continue in perpetuity. Terms of such an easement shall be at least as restrictive as those included in this chapter.
- (2) All lease and sales agreements must contain a notation regarding the presence and location of protective covenants for buffers, and which shall contain information on the management and maintenance requirements for the buffer for the new property owner.
- (3) An offer of dedication of a buffer area by conservation easement to a land conservancy shall not be interpreted to mean that this offer automatically conveys to the general public the right of access to this area.
- (4) The land conservancy to whom the buffer is dedicated shall inspect the buffer annually and immediately following severe storms for evidence of sediment deposition, erosion, or concentrated flow channels and identify corrective actions to be taken to ensure the integrity and functions of the forest buffer.

(n) *Inspection of approved plan.*

- (1) Authorized representatives of the township shall have the authority to conduct investigations as it may reasonably deem necessary to carry out its duties as prescribed in this section, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing or forestry activities within the protection area.
- (2) The zoning official may make periodic inspections during the course of land development and shall make a final inspection following completion of the work. The permittee shall assist the zoning official in making such inspections, if need be.
- (3) The zoning official may make periodic inspections following completion of the land development to determine buffer intactness.

(o) *Violations.* Violations of these regulations are subject to section 36-38, pertaining to violations and penalties.

(Ord. No. 275, § 12.03, 10-21-2003; Ord. No. 2009-01, § VI, 1-27-2009)

State Law reference— Inland waters, MCL 324.30101 et seq.

Sec. 36-343. - Floodplain management.

- (a) *Intent.* It is the intent of the township in adopting the ordinance from which this chapter is derived to significantly reduce hazards to persons and damage to property as a result of flood conditions in the township; to comply with the provisions and requirements of the National Flood Insurance Program; to

protect human life, health and property from dangerous and damaging effects of flood conditions; to minimize public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damage public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas; to maintain stable development patterns not subject to the blighting influence of flood damage; to designate floodplains and institute floodplain development regulations and general development standards; to establish regulations concerning the same; and to provide for the administration of this article and to provide penalties for violation.

(b) *Delineation of the flood hazard area overlay zone.*

- (1) The flood hazard area zone shall overlay existing zoning districts delineated on the official township zoning map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood on the federal flood insurance rate map currently in effect for the township. The flood insurance rate map is adopted by reference, appended and declared to be a part of this chapter. The term "flood hazard area," as used in this chapter, shall mean the flood hazard area zone.
- (2) Disputes as to the location of a flood hazard area zone boundary shall be resolved by the zoning board of appeals.
- (3) In addition to other requirements of this chapter applicable to development in the underlying zoning districts, compliance with the requirements of this section shall be necessary for all development occurring within the flood hazard area zone. Conflicts between the requirements of this section and other requirements of this chapter or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section to a greater extent than the requirements of this section. In such cases, the more stringent requirement shall be applied.

(c) *Principal and accessory uses permitted.*

- (1) Within the flood hazard area overlay zone, no land shall be used except for one or more of the following principal uses.
 - a. Agriculture, pastureland and animal grazing.
 - b. Parks and recreation facilities provided no permanent structures are constructed.
 - c. Swimming beaches, fishing and boating docks in accordance with the provisions of the inland lakes and streams regulations, part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.).
 - d. Required open space or lot area for structural uses that are landward of the overlay zone.
- (2) The following accessory structures and uses are permitted, provided they are also permitted in the underlying zoning district. Off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pumphouses, bleachers, bank protection structures, signs, fences, gazebos and similar outdoor equipment and appurtenances; provided each of the following requirements are met:
 - a. The structure would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the floodplain.
 - b. All equipment and structures shall be anchored to prevent flotation and lateral movement.
 - c. Compliance with these requirements is certified by an engineering finding by a registered engineer.

(d) *Filling and dumping.* Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met, including but not limited to approvals pursuant to: part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.); part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.); part 301

of Public Act No. 451 of 1994 (MCL 324.30101 et seq.); and part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.).

(e) *General standards for flood hazard reduction.*

- (1) No building or structure shall be erected, converted or substantially improved or placed, and no land filled or structure used in a flood hazard area unless permission is obtained from the township. Approval shall not be granted until a permit from the state department of environmental quality under authority of part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.) has been obtained.
- (2) All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- (3) Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this article.
- (4) Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section.

(f) *Disclaimer of liability.* The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes. Thus, approval of the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage. This article does not imply that areas outside the flood hazard area will be free from flood damage. This article does not create liability on the part of the township or any officer or employee thereof for any flood damage that results from reliance on this article, or any administrative decision lawfully made.

(g) *Flood hazard area variances.*

- (1) Variances from the provisions of this section shall only be granted by the zoning board of appeals upon a determination of compliance with the general standards for variances contained in article XIV of this chapter and each of the following specific standards:
 - a. A variance shall be granted only upon:
 1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 3. A determination that the granting of a variance will not result in a harmful increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances; and
 4. A determination that the granting of a variance will not result in any violations of applicable state or federal laws.
 - b. The variance granted shall be the minimum necessary, considering the flood hazards, to afford relief to the applicant.
- (2) The zoning board of appeals may attach conditions to the granting of a variance to ensure compliance with the standards contained in this chapter.
- (3) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without regard to the requirements of this section governing variances in flood hazard areas.

(h) *Mapping disputes.*

- (1) Where disputes arise as to the location of the flood hazard area boundary or the limits of the floodway, the zoning board of appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the zoning board of appeals shall be based upon the most current floodplain studies issued by Federal Emergency Management Agency. Where Federal Emergency Management Agency information is not available, the best available floodplain information shall be utilized.
- (2) Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Emergency Management Agency floodplain studies are being questioned, the zoning board of appeals shall modify the boundary of the flood hazard area or the floodway only upon receipt of an official letter of map amendment issued by the Federal Emergency Management Agency.
- (3) All parties to a map dispute may submit technical evidence to the zoning board of appeals.

(Ord. No. 275, § 12.04, 10-21-2003)

State Law reference— Water resources protection, MCL 324.3101 et seq.; soil erosion and sedimentation control, MCL 324.9101 et seq.; soil conservation districts law, MCL 324.9301; inland lakes and streams, MCL 324.30101 et seq.; wetlands protection, MCL 324.30301 et seq.; building and construction in floodplain, MCL 324.3108; subdivision within or abutting floodplain, MCL 560.138; subdivision within floodplain, conditions for approval, MCL 560.194.

Sec. 36-344. - Natural rivers setback and maintenance regulations.

(a) *Intent.*

- (1) The regulations of this section are intended to protect and enhance the portions of the Huron River and Mill Creek in the township in accordance with the natural resources commission's designation:
 - a. To prevent economic and ecological damages due to unwise development patterns along the natural river, and to preserve the values of the natural river areas for the benefit of present and future generations;
 - b. To protect the natural river's free flowing river conditions, fish, and wildlife resources, water quality, scenic and aesthetic qualities, and historical and recreational values;
 - c. To prevent flood damages due to interferences with natural floodplain characteristics by excluding from the natural river area property and uses which are vulnerable to flood damages, during times of flood, thereby protecting the local tax base and avoiding increased economic burdens.
- (2) The regulations of this section shall apply to all natural river areas and shall be in addition to other regulations set forth in this chapter. The regulations of this section do not permit any uses or structures which are prohibited in any zoning district underlying a natural river area.

(b) *Designation of the natural rivers area.*

- (1) Natural Rivers Area I is designated as all land and water areas within the Huron River or within 400 feet of the edge of the Huron River and included within the following description:

All that portion of the following described premises situated in the township of Scio, County of Washtenaw, State of Michigan, and lying east of the centerline of Zeeb Road, to wit:

Lands lying in the northeast Quarter of Section 9, and in the north half of Section 10, Town 2 South, Range 5 East, Scio Township, Washtenaw County, Michigan described as: All that parcel of land bounded north by the north line of Section 10, and the south line of the Michigan Central Railroad right-of-way; on the south and east by the Huron River; and on the west by the westerly line of the Scio Mill property, so called, which line was marked by a fence at the time of

surveys made by Gardner S. Williams in 1908 and 1909, and which fence ran in a southwesterly direction from a point on the southerly line of the Michigan Central Railroad right-of-way, being 890 feet westerly of, and measured perpendicular to the easterly line of the Section 9 and running to a point on the left bank of the Huron River, approximately 1,050 feet westerly of said Section line.

- (2) Natural Rivers Area R is designated as all of the remainder of the Huron River and Mill Creek and all other land lying within 400 feet of either edge of the Huron River or Mill Creek within the unincorporated portions of the township.
- (c) *Prohibited structures and uses in Natural Rivers Area R.*
- (1) New industrial and commercial structures and uses shall not be permitted within 400 feet of the Huron River and of Mill Creek. Restoration, reconstruction, extension, expansion and substitution of existing industrial and commercial structures and uses shall be prohibited unless approval is granted by the board of appeals following consultation with the division of land resource programs of the state department of natural resources. The proposed action shall be approved if the board of appeals determines that all of the following standards are met:
 - a. The land upon which the proposed action is situated is not in a floodplain;
 - b. The proposed action will not lead to accelerated bank erosion or other material degradation of the river resource;
 - c. The proposed action conforms to all local codes and ordinances, and approval is granted from appropriate officials; and
 - d. The proposed action does not contravene the intent and purposes of this chapter in general, or of this section in particular.
 - (2) All new structures as described herein shall require a certificate of zoning compliance in accordance with section 36-31 of the Zoning Ordinance.
 - a. New buildings and appurtenances shall be set back at least 75 feet from the top of a bluff.
 - b. No building or filling shall take place in a floodplain or wetland.
 - c. The minimum riverfront lot width shall be 150 feet measured at the minimum building setback line.
 - d. Minimum setback of a septic system drainfield shall be 125 feet.
 - e. Natural river one private river access stairway per parcel may be allowed, the following standards apply:
 1. A stairway is not permitted unless no other reasonable and safe access to the river exists.
 2. A stairway shall be low profile, not more than four feet wide and constructed without stairs being recessed into the ground surface, except if site and soil conditions dictate that a recessed stairway is appropriate.
 3. A landing shall not be constructed unless required by building code, in which case the landing shall be the minimum number and size required by building codes.
 4. A stairway shall be constructed using natural materials.
 5. A stairway shall be located and maintained to blend with the natural surroundings, and where removal of vegetation in the natural vegetation strip can be minimized.
 6. All stairways shall meet the current building codes and obtain necessary building permits.

- (3) New development, exploration or production of oil, gas, salt brine, sand and gravel or other minerals except groundwater shall not be permitted within 300 feet of the designated portions of the Huron River and Mill Creek.
- (4) Signs of the sale of products or services shall be prohibited, except that an existing business may advertise on lands on which it is established. Signs and outdoor advertising devices within the Natural River Area R (300 feet) shall be related to permitted uses; not illuminated; not attached to any tree or shrub; and in conformance with the following standards:
 - a. For residential uses, signs may not be larger than one square foot in area posted not more than one per 100 feet or one sign posted at upstream and downstream corners of lot, however, one temporary real estate "for sale" sign not to exceed four square in area shall be allowed on a parcel of land.
 - b. For commercial uses, one sign per establishment is allowed, not to exceed four square feet in area.
- (5) Utility lines to service permitted uses shall originate from the landward site of the structure, and shall be located landward of the 50-foot natural vegetation strip, set forth in subsection (d) of this section.
- (6) Site or route location, construction or enlargement of: utility transmission lines; publicly provided recreational facilities; access sites, highways, roads, bridges, or other structures; and publicly developed water management projects are permitted only with approval of the state pursuant to administrative rules adopted to implement part 305 of Public Act No. 451 of 1994 (MCL 324.30501 et seq.) and entitled Utilities and Publicly Provided Facilities in Natural River Areas.
- (7) No trees or other vegetation shall be cut or removed within 100 feet of the river's edge except as permitted in subsection (d) of this section.
- (8) Any land alteration shall conform to all the following requirements:
 - a. Any land alteration shall be in conformance with all local, county, state, and/or federal requirements. All applicable permits shall be obtained prior to issuance of a zoning compliance by the township.
 - b. Land alteration shall not occur with the natural vegetation strip, except placement of woodchips for a foot path, on the face or crest of a bluff, in a wetland, in a floodplain, or below the ordinary high-water mark of the river unless associated with bank stabilization or fisheries habitat improvement activities.
 - c. Draining a wetland is prohibited.
 - d. A pond may be constructed if the pond meets the building setback, spoils are placed in a non-wetland, non-floodplain area landward of the natural vegetation strip, and the pond is not connected to the river by any surface of sub-surface drainage system. A pond shall be constructed in a wetland or the 100-year floodplain.
- (9) Bank stabilization or fisheries habitat activities shall comply with all of the following:
 - a. Bioengineering practices shall be the preferred alternative for bank stabilization. Bioengineering practices used to stabilize stream banks utilize a combination of native plantings and natural or biodegradable materials to engineer shoreline protection that mimic and or enhance the natural landscape.
 - b. Rock used for bank stabilization above the seasonal low-water level of the stream shall be rounded cobble (fieldstone).
 - c. Quarried limestone or other natural angular stone shall not be exposed by seasonal low water level of the stream.
 - d. An in-stream fisheries habitat structure, such as a lunger, an overhead cover platform or similar structure shall be, upon completion, indistinguishable from the natural surrounding landscape.

- e. A seawall, vertical bulkhead, gabion basket, concrete bag riprap, broken concrete, and other similar structures are prohibited.
 - f. The proposed bank stabilization or fisheries habitat shall fulfill an identifiable need for erosion protection, bank stabilization, or fisheries habitat improvement.
- (d) *Natural rivers natural vegetation strip* . A natural vegetation strip 100 feet wide bordering each side of the designated portions of the mainstream, and tributaries shall be maintained in trees, shrubs and other vegetation native to the area subject to the following provisions:
- (1) Dead, disease, unsafe or fallen trees and noxious weeds and shrubs may be removed.
 - (2) Trees and shrubs may be pruned to afford a view of the river.
 - (3) Clear-cutting will not be allowed in the 100-foot vegetation strip, however, selective removal of trees for commercial timber harvest or landscaping shall be permitted upon approval of the zoning official or the department of natural resources. Any tree clearing shall be in accordance with section 36-346.
 - (4) Mowing is prohibited in the natural vegetation strip except in an area maintained in a mowed condition before the effective date of this section or to establish a single footpath to the river not to exceed four feet wide.
 - (5) Camping, except for tent camping, is not permitted in the natural vegetation strip.
 - (6) A motorized vehicle shall not be operated off-road in the natural vegetation strip.
- (e) *Regulations governing use and development of land in Natural Rivers Area I* .
- (1) The use and development of land in Natural Rivers Area I is subject to all of the regulations of the use and development of other land in the I-1 district. In addition, a natural vegetation strip 50 feet wide bordering each side of the Huron River shall be maintained in trees, shrubs and other vegetation native to the area, provided that dead, diseased, unsafe or fallen trees and noxious weeds may be removed. Vegetation may be removed within five feet of any security fence existing at the time of adoption of the ordinance from which this chapter is derived, and vegetation may also be removed for the construction and maintenance of water supply and treatment facilities.
 - (2) No buildings or other structures shall be erected within either the natural vegetation strip or on the floodplain except for expansion or replacement of existing water supply and treatment facilities. Such expansion or replacement shall be accomplished in a manner which is consistent with the purpose and objectives of the natural vegetation strip and floodplain protection.
 - (3) No expansion of a principal structure in Natural Rivers I and in existence at the time of adoption of the ordinance from which this chapter is derived shall be permitted closer than 150 feet to the edge of the river.
- (f) *Relationship of underlying district regulations to those of the overlay zone for Natural River Area R* . Buildings and structures existing at the time of the adoption of the ordinance from which this chapter is derived and lawfully permitted in underlying districts, if nonconforming, are hereby deemed nonconforming only to the extent of conflict with the provisions of the Natural River Area R overlay zone. The regulations governing the use and development of land established in districts underlying the Natural River Area R shall apply in addition to those of this section, except where a conflict exists, the provisions of this section shall supersede to the extent of the conflict and not further. Such a determination shall be based upon the intent of this section and the Huron River Natural River Plan.
- (g) *Reporting* .
- (1) A copy of all special use and variance applications received by the local unit of government shall be provided to the state natural rivers zoning administrator not less than 15 days before the application will be considered by the zoning board of appeals or the planning commission. A copy of the local zoning administrator's decision for a minor variance application, with permit and approved site plan, if applicable, shall be sent to the state natural rivers zoning administrator.

- (2) An annual report to the state natural rivers zoning administrator shall be provided by March 1 of each year for the preceding year natural rivers zoning activity. The annual report shall include, at minimum, all of the following information:
 - a. Total number of natural river district land/use zoning permit applications submitted to the local unit of government during the calendar year.
 - b. Total number of natural river district variance application received during the calendar year.
 - c. Total number of natural river district special use applications received during the calendar year.
 - d. Summary of all decisions made by the zoning board of appeals or planning commission on applications for projects in the natural rivers district during the calendar year.
 - e. Summary of all outstanding violations of natural rivers' standards and the actions taken by the local unit of government to gain compliance at the site during the calendar year.

(Ord. No. 275, § 12.05, 10-21-2003; Ord. No. 3381, § 7, 4-19-2005; [Ord. No. 2016-05](#), § 1(B)—(I), 9-27-2016)

State Law reference— Natural rivers, MCL 324.30501 et seq.

Sec. 36-345. - Landscaping, greenbelt, buffers and screening.

- (a) The intent of this section is to promote the public's health, safety, and general welfare by: counteracting noise, improving air quality and counteracting visual blight; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between noncompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and, promoting soil water retention.
- (b) To the greatest extent possible, applicants are encouraged to satisfy chapter requirements through the preservation of existing trees and natural vegetation. Where appropriate, the use of landscape materials native to the county is encouraged.
 - (1) *Application.* These requirements shall apply to all uses for which site plan review is required under article VI of this chapter. No site plan shall be approved unless it shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this section.
 - (2) *Landscape plan required.* A separate detailed landscape plan shall be submitted as part of the site plan review process. On sites of greater than one acre, landscape plans shall be prepared and sealed by a registered landscape architect, licensed in the state. The landscape plan shall include, but not necessarily be limited to, the following items:
 - a. Location, spacing, size, root type and descriptions for each plant and type proposed for use within the required landscape area.
 - b. Minimum scale: one inch equals 40 feet for property less than five acres, or one inch equals 100 feet for property five acres or more. A different scale may be used provided it is sufficient to properly illustrate the landscape plan concept and that chapter requirements are met.
 - c. On parcels of more than one acre, existing and proposed contours on site and 50 feet beyond the site at intervals not to exceed two feet.
 - d. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
 - e. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials.

- f. Identification of existing wetlands, forested areas, trees and vegetative cover to be preserved.
- g. Identification of grass and other ground cover and method of planting.
- h. Identification of mulch in planting beds.
- i. Typical straight cross section, including slope, height and width of berms.

(3) *Buffering between land uses and buffering along I-94 and M-14.*

- a. Upon any improvement for which a site plan is required, a landscape buffer shall be required to create a visual screen at least six feet in height along all adjoining boundaries whenever a nonresidential use or a residential use of higher density abuts residentially zoned property. A landscape buffer may consist of earthen berms and plant materials, or plant materials only, so as to maintain a minimum opacity of at least 80 percent. Opacity shall be measured by observation of any two square yard area of landscape screen between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen. Provided the minimum size of plant material as set forth in subsection (b)(11) of this section at the time of installation, the opacity standard shall be met based upon reasonably anticipated growth over a period of three years. The applicant shall agree in writing to install additional plantings after the expiration of three years, in the event that the landscaping has not screened the view of areas as required. (See Figure 13 in appendix A.)
- b. Where there is a need to provide a greater visual, noise or dust barrier or to screen more intense development, a solid wall or fence may be required. Such wall or fence shall be a minimum of six feet in height as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with textured concrete, split-face concrete block, wood, brick or stone. Precast panels and formed concrete structures may be used if they provide surface detail and texture equal to or greater than, the materials just named. In addition, a minimum of one tree and six shrubs meeting the minimum size requirements set forth in subsection (b)(11) of this section shall be planted adjacent to and for each 30 lineal feet of wall or fence.
- c. Sites which are adjacent to I-94 and M-14. Sites which are adjacent to I-94 and M-14 shall maintain a minimum 50-foot undisturbed buffer measured from the right-of-way. If existing vegetation is not sufficient to provide a landscape screen, the planning commission may require additional landscaping in accordance with this subsection (b)(3).

(4) *Parking lot landscaping.*

- a. *Interior areas.* Each separate landscaped area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to promote the following: divide and break up the expanse of pavement; define parking areas; designate vehicular circulation; and separate parking lots from off-street parking. The following specific standards shall apply (see Figure 14 in appendix A):
 - 1. Separate landscaped islands shall be required within parking lots of 16 spaces or greater. No more than a row of 24 spaces are permitted without an island. Where size and configuration of a parking lot would prevent maintenance or impede traffic flow as a result of requiring landscaped areas within parking lots, the planning commission may approve alternative landscaping along the perimeter of the parking lots.
 - 2. There shall be one canopy tree meeting the minimum size requirements set forth in subsection (b)(11) of this section for every eight parking spaces, landscaped islands within a designated parking area shall be a minimum of 150 square feet in area and nine feet in width.
 - 3. A minimum distance of three feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.
- b. *Perimeter areas.* In order to reduce the visual impact, minimize conflicts between neighboring uses and reduce the effect of headlight glare and parking lot lighting on adjacent uses and

public roadways, the perimeter of parking lots shall be screened in accordance with the following standards (see Figure 15 in appendix A):

1. Parking lots which are adjacent to residentially zoned or used property, which serve a nonresidential use or a residential use of higher density shall be screened from that residential use in accordance with the standards set forth in subsection (b)(3) of this section.
 2. Parking lots which are visible from a public road shall be screened from view with a landscaped berm varied in height from between two to three feet along the perimeter of those sides which are visible. The berm shall be planted with a minimum of one deciduous or evergreen tree and six deciduous or evergreen shrubs, meeting the minimum size requirements set forth in subsection (b)(11) of this section for every 30 lineal feet, or major portion thereof. The planning commission, at its discretion, may approve alternative landscape plantings, such as a solid hedge, or a solid wall in lieu of a landscape berm.
 - c. *Landscape strips.* Minimum of three-foot-wide landscape strips (not including vehicle overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted clear of the vehicle overhang area.
- (5) *Front greenbelt landscaping.*
- a. A landscaped greenbelt equivalent in depth to the required front yard setback shall be required for any lot or any portion of a lot fronting on a public or private road, and shall be landscaped with a minimum of one deciduous tree or one evergreen tree, plus six deciduous and/or evergreen shrubs meeting the minimum size requirements set forth in subsection (b)(11) of this section for each 30 lineal feet, or major portion thereof, of frontage abutting said public right-of-way. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and/or other living plant material. (See Figure 16 in appendix A.)
 - b. Accessways from public rights-of-way through required landscape strips shall be permitted, but such accessways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a spacing arrangement which is detrimental to plant development.
- (6) *Subdivision and site condominium landscaping.* Landscaping for subdivisions and site condominiums, which shall include, but not be limited to, residential, office, commercial, and industrial development, shall be provided in accordance with the following requirements:
- a. *Street trees.* The frontage of all internal public or private streets shall be landscaped on both sides with the equivalent of one tree for every 40 lineal feet, or fraction thereof. Such street trees shall meet the minimum size requirements set forth in subsection (b)(11) of this section and shall be an appropriate species for a street environment. The planning commission may determine that existing trees which are preserved within the road right-of-way or easement may meet all or part of the street tree requirement.
 - b. *Screening from public roads.* Where a subdivision or site condominium abuts a public right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in subsection (b)(3) of this section shall be met.
 - c. *Other site improvements.* A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.
- (7) *Foundation landscaping.* Foundation plantings shall be provided along the front or sides of any buildings which faces a public road and/or is adjacent to a parking lot or other area which provides access to the building by the general public. Foundation planting areas shall be integrated into

the sidewalk system (between the front and sides of the building and the parking area and/or associated driveways) adjacent to the building. Foundation planting areas shall contain, at a minimum, one ornamental tree and six shrubs per 30 lineal feet of applicable building frontage. Individual planting areas shall be a minimum of eight feet in width.

- (8) *General site landscaping.* In addition to any required screening, front greenbelt, foundation landscaping and/or parking lot landscaping required by this section, 25 percent of the site area, excluding existing public road right-of-way, or private road easement shall be landscaped. Such site landscaping shall include preservation of existing plant material, grass, ground cover, trees, shrubs and/or other living plant material, but shall not be solely grass. In meeting general site landscaping requirements, particular attention shall be paid to such site elements as transformers, mechanical equipment, ground sign bases, entry ways, and/or retention and detention areas. In particular, the integration of stormwater retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural, rather than square or rectangular, design and appearance shall be encouraged. Fenced retention/detention ponds within a front yard shall be strictly prohibited.
- (9) *Refuse containers.* Refuse containers shall be required for all uses other than single-family uses subject to the following standards (see Figure 17 in appendix A):
 - a. Outside trash disposal containers shall be screened on all sides with an opaque masonry wall, and gate at least as high as the container, but not less than six feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.
 - b. Containers shall be consolidated to minimize the number of collection sites.
 - c. Containers and enclosures shall meet all required setbacks, shall be located behind the front face of the building, and shall be located away from public view insofar as possible.
 - d. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
 - e. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of 30-gallons or more. Aprons shall be provided for loading of bins with capacity of 1.5 cubic yards or more. The minimum size of an enclosure shall be eight feet in depth and 12 feet in width to accommodate a single container and eight feet in depth and 20 feet in width to accommodate two containers.
 - f. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
 - g. Screening and gates shall be of a durable construction. Gates shall be constructed of heavy-gauge metal or of a heavy-gauge metal frame with covering of wood or other suitable material. Gates shall be secured with sturdy hinges or sliders, and latches. If the enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by concrete curb blocks.
- (10) *Equipment screening.*
 - a. *Where required.* The standard set forth in this section shall apply to all uses for which mechanical equipment including, but not limited to, generators, heating, ventilation, and air conditioning, is placed upon a roof of any building or on the ground outside of the building.
 - b. *Screening requirements.* All equipment shall be screened as follows:
 1. *Rooftop screening.*
 - i. Rooftop equipment shall be screened with architectural materials matching or harmonious with the building.
 - ii. Screens provided to obscure mechanical equipment shall be an opaque barrier at least as high as the equipment being screened.

- iii. Rooftop equipment shall be located on the rear of a pitched-roof building screened from public view.
- iv. Rooftop equipment shall be situated so that it does not cause excessive nuisance or offense to occupants of nearby buildings.

2. *At-grade equipment.*

- i. At-grade equipment should only be considered if rooftop screening cannot be accommodated.
- ii. Transformer pad and method of screening shall be provided on site plan submittals.
- iii. At-grade equipment shall be screened with architectural and/or landscape materials matching or harmonious with the building or landscape materials provided elsewhere on site.
- iv. Landscape materials shall be evergreen in species so as to provide a six-foot screen year-round.
- v. Walls provided to screen mechanical equipment shall be an opaque fence or wall matching existing or proposed building materials with or without a gate, at a minimum of six feet in height or 12 inches higher than the tallest piece equipment being screened.
- vi. At-grade equipment shall be located in a side or rear yard, screened from public view.

(11) *Miscellaneous landscape requirements.* The following minimum standards shall apply:

- a. *Quality.* Plant materials and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the county, shall conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- b. *Composition.* A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended to discourage insect and disease infestation; however, a limited mixture of hardy species is recommended in order to unify the design and visually blend with neighboring plants. Where plantings are adjacent to a road right-of-way, selection of plant materials that are tolerant of road salt spray and air pollutants are recommended.
- c. *Berms.* Berms shall be constructed with slopes not to exceed a 1:3 gradient and shall be planted to prevent erosion. Berm slopes shall be protected with grass, shrubs or other form of natural ground cover. The highest point of the berm, extending along the length of the berm, shall be sufficiently rounded to avoid scalping by maintenance equipment.
- d. *Existing trees.*
 - 1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the township, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed prior to construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the township.
 - 2. In the event that healthy trees which are used to meet the minimum requirements of this chapter, or those labeled to remain, are cut down, destroyed, damaged, or excavated at the dripline, as determined by the township, the property owner shall replace them with trees which meet chapter requirements.
- e. *Installation, maintenance, and completion.*
 - 1. All landscaping required by this chapter shall be planted prior to obtaining a certificate of occupancy. In the alternative, a surety bond, letter of credit, and/or certified check

shall be placed in escrow in the amount of the cost of landscaping, to be released only after landscaping is completed.

2. All landscape elements shall be installed, and earth moving or grading performed according to accepted good planting and grading procedures.
 3. The owner of property required to be landscaped by this chapter shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first.
- f. *Prohibited trees.* Installation of the following trees to satisfy landscape ordinance requirements shall be strictly prohibited:

All willow species	Salix sp.
Silver Maple (pure species only)	Acer Sacharinum
Boxelder	Acer negundo
Russian Olive	Elaeagnus angustifolia
Buckthorn	Rhamnus cathartica
Siberian Elm	Ulmus pumila
Black Locuts	Robinia psuedoacacia
Prickly Ash	Zanthoxylum americanum
Tree of Heaven	Ailanthus altissima
Mulberry	Morus sp
Norway Maple	Acer platanoides

(12) *Minimum size and spacing requirements.* Where landscaping is required, the following schedule sets forth minimum size and spacing requirements; for representative landscape materials:

- a. The following trees are representative:

		Minimum Size Allowable	
		Height	Caliper

Trees	6'	3'-4'	1.75"	2.5"
Evergreen trees				
Fir	X			
Spruce	X			
Pine	X			
Hemlock	X			
Douglas Fir	X			
Narrow evergreen trees				
Red Cedar		X		
Arborvitae		X		
Juniper (selected varieties)		X		
Large deciduous canopy trees				
Oak				X
Maple				X
Beech				X
Linden				X
Ash				X
Ginko (male only)				X
Honeylocust (seedless, thornless)				X
Birch				X

	Sycamore				X
	Small deciduous ornamental trees				
	Flowering Dogwood			X	
	Flowering Cherry, Pear			X	
	Hawthorn			X	
	Redbud			X	
	Magnolia			X	
	Flowering Crabapple			X	
	Serviceberry			X	
	Hornbeam			X	

b. The following shrubs are representative:

	Minimum Size Allowable			
	Height/Spread			
<i>Shrubs</i>	6'	3'-4'	24"-36"	18"-24"
Evergreen shrubs				
Pyramidal Yew		X		
Hicks Yew				X
Brown and Wards Yew			X	
Alberta Spruce		X		

	Chinensis Juniper Varieties			X	
	Sabina Juniper				X
	Mugho Pine				X
	Horizontal Juniper Varieties				X
	Boxwood				X
	Euonymous varieties				X
	Deciduous shrubs				
	Honeysuckle			X	
	Lilac			X	
	Sumac			X	
	Pyracantha				X
	Weigela			X	
	Flowering Quince			X	
	Dogwood			X	
	Viburnum varieties			X	
	Spirea				X
	Fragrant Sumac				X
	Potentilla				X

(13) *Exceptions to requirements.*

- a. *Buildings abutting property lines.* Required screening may be omitted along any lot line where a building wall exists immediately abutting the lot line.
- b. *Location adjustments.* Where property line screening is required, the location may be adjusted at the discretion of the planning commission so that the screening may be constructed at or within the setback line, provided the areas between the screening and the property lines are landscaped, or in rural areas, retain their natural vegetative state.
- c. *Existing screening.* Any fence, screen, wall or hedge which does not conform to the provisions of this section and legally exists at the effective date of the ordinance from which this chapter is derived may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other sections of this chapter.
- d. *Planning commission modification.* Any of the requirements of this section may be waived or modified through site plan approval, provided the planning commission first makes a finding:
 1. That the topographic features or special characteristics of the site create conditions so that the strict application of the provisions of this section will result in less effective screening and landscaping than alternative landscape designs.
 2. That the public benefit intended to be secured by this section will exist with less than the required landscaping or screening.

(Ord. No. 275, § 12.06, 10-21-2003; Ord. No. 3381, § 8, 4-19-2005; [Ord. No. 2019-05](#), §§ 1, 2, 8-27-2019)

Sec. 36-346. - Tree and woodland resource preservation.

- (a) *Intent and declaration.* It is the intent of these regulations to help prevent unregulated and, in many cases, unnecessary removal of trees and related natural resources. The protection of trees, woodlands and woodland resources will promote the preservation of important physical, aesthetic, recreational and economic assets for both present and future generations. Specifically, it is found that:
 - (1) Trees and woodlands provide for public welfare and safety through the reduction of erosion, siltation, and flooding;
 - (2) Trees and woodlands help protect the water supply and water quality by protecting groundwater recharge areas, reducing risk of groundwater contamination and maintaining base flows in streams and rivers, thus reducing the risk of degrading vegetation, wildlife, wetlands and surface water systems throughout the township;
 - (3) Trees and woodlands increase the economic value of land for most uses;
 - (4) Tree and woodland growth protects public health through the absorption of air pollutants and contamination and reduces carbon dioxide content of the ambient air.
 - (5) Tree and woodland growth serve as an essential component of the general welfare of the township by maintaining natural beauty, recreation, and natural heritage.
- (b) *Purpose.* The purpose of this section is as follows:
 - (1) To encourage the preservation of trees and related natural resources of the woodland ecosystem on undeveloped land and in connection with the development of land;
 - (2) To provide for the protection, preservation, proper maintenance and use of trees and woodlands in order to minimize damage from erosion and siltation, loss of wildlife and vegetation, and/or from the destruction of the natural habitat;
 - (3) To protect trees and 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 ecological or historical significance;

- (4) 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 the 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, PA 451 of 1994.
- (c) *Exemptions.* The following shall be exempt from the requirements of these regulations (section 36-346):
- (1) Parcels of land (including subdivision and site condominium lots) of 2.5 acres or less, that are not subject to site plan review as defined in article VI of this chapter.
 - (2) Tree removal on parcels greater than 2.5 acres in area where no more than 20 percent of the total DBH inches of all protected trees on the parcel are removed during any five-year time period. This exemption does not include the removal of landmark trees, which is governed by subsection (e)(1)b. below.
 - (3) All farms and farming operations as defined by this chapter (including production of fruit) and commercial nursery/tree farm operations.
 - (4) Timber or forestry operations conducted in compliance with an approved Woodland Stewardship Plan that has been filed with the township zoning administrator prior to the start of any tree harvesting on the parcel.
 - (5) Tree clearing by public utilities.
 - (6) Tree clearing within an existing public road right-of-way or an existing private road easement.
 - (7) The removal of any tree which is demonstrated by the property owner to the zoning administrator's satisfaction to have a health and condition standard factor of less than 50 percent based upon the standards established by the International Society of Arboriculture.
 - (8) Removal of trees that have become a potential danger to human life or property.
 - (9) The removal of invasive trees as defined by these regulations.
- (d) *Approval for tree removal.* The provisions of this chapter shall apply to all parcels in the township that
- (1) require site plan review as defined in article VI, or (2) are greater than 2.5 acres in area.
- (1) *For site plan review.*
- a. A tree/woodland survey showing all protected and landmark trees is required as a component of the site plan review submission information (see article VI). All trees and woodlands to be removed, and all trees and woodlands to remain shall be clearly indicated on the site plan.
 - b. A tree replacement plan (see subsection (e) below) shall be submitted as part of the final site plan review submission information.

The planning commission shall review the tree/woodland survey and all required information as a part of the site plan review process to ensure compliance with these provisions and the review criteria in section 36-180. Approval of the site plan shall constitute approval of all tree protection, removal, and replacement options identified on the tree/woodland survey and site plan and which conform to the requirements of this section.

In the case of heavily wooded parcels, the plotting of protected and landmark trees that are outside of the area of the parcel proposed to be disturbed may be waived at the discretion of the planning commission and/or zoning administrator. In the case of a waiver of the plotting of every tree the applicant must provide an estimate of the total DBH on site based on a sample area found to be acceptable by the planning commission and/or zoning administrator.

- (2) *For zoning compliance certification.* For parcels that do not require site plan review, zoning compliance certification must be obtained.

A certificate of zoning compliance shall be required in each of the circumstances below:

- a. For the removal of protected trees on parcels that are greater than 2.5 acres in area submission for a certificate of zoning compliance is required when more than 20 percent of the total DBH inches of all protected trees on the parcel are to be removed within a five-year period. The township zoning administrator may require that the applicant submit a Tree/Woodland Survey in circumstances where it is not clear that 20 percent or more of the total DBH inches of all protected trees are being removed within a five-year period; otherwise a tree/woodland survey is not required.
- b. For the removal of landmark trees on parcels that are greater than 2.5 acres in area submission for a certificate of zoning compliance is required. A plot plan as defined in subsection 36-31(i) of this chapter may be submitted instead of a tree/woodland survey as part of the application for a certificate of zoning compliance. The plot plan shall provide the location, size and type of all landmark trees to be removed as well as a tree replacement plan and tree protection method where necessary.

When required as noted above, a tree/woodland survey shall be submitted showing proposed removals of protected trees and a proposed tree replacement plan (see tree replacement options below). Submission of the tree/woodland survey and replacement plan shall be provided as part of the application for a certificate of zoning compliance.

(e) *Tree removal and replacement regulations.*

(1) *Tree removals requiring replacement.*

- a. *Protected trees.* No more than 20 percent of the total DBH inches of all protected trees on a parcel may be removed within a five-year period without tree replacement. When more than 20 percent of the total DBH of all protected trees is to be removed within a five-year period, or forestry operations are not conducted in compliance with an approved Woodland Stewardship Plan, then replacement trees are required.
- b. *Landmark trees.* All landmark trees are regulated, and if removed, replacement trees are required.

(2) *Tree replacement options.* The tree replacement requirements herein are separate from and in addition to the landscape requirements set forth in section 36-345.

- a. *Tree replacement.* For each six inches of total DBH inches of all protected trees removed in excess of the 20 percent of the total DBH inches pursuant to subsection 36-346(e), one tree (with a minimum of 2.5-inch caliper for deciduous or six feet in height for coniferous) shall be planted on the parcel. The planning commission may allow for tree replacement off-site at the request of the applicant when site factors including the size of the parcel (no available area for planting), tree condition or development requirements may make conformity to this section difficult or undesirable.

EXAMPLE:

Protected trees = 1,000 DBH inches

Trees to be removed = 350 DBH inches

$1,000 \times 20\% = 200$ DBH inches of removal allowed without replacement

$350 \text{ DBH} - 200 \text{ DBH} = 150$ DBH inches of replacement required.

One replacement tree per six inches of DBH removal = $150/6 = 25$ replacement trees required.

If an approved Woodland Stewardship Plan recommends removal of more than 20 percent of the total DBH inclusive of all protected trees within any given year for the health of the woodland, or due to the species of tree within the woodland or due to harvesting timber, tree replacement requirements in this ordinance do not apply.

- b. *Landmark tree replacement.* For every two inches DBH of landmark trees removed, one inch DBH of replacement trees shall be planted on the parcel, each of which replacement trees shall have a 2.5-inch minimum caliper.
- c. *Tree fund.* The planning commission shall be authorized to waive a portion or all of the tree replacement requirements when site factors including the size of the parcel (no available area for planting), tree condition or development requirements may make conformity to this section difficult or undesirable and the applicant shall propose a contribution to the tree fund as an alternative, which contribution shall be in an amount reasonably related to the cost of the tree replacement waived including the cost of installation.

The tree fund shall be a segregated fund within the township financial system and shall serve as the depository for all contributions proposed by applicants in lieu of tree replacement, as provided in this section.

The township board shall administer and use the tree fund for the purpose of planting and maintaining trees and woodland resources within the township.

- (f) *Tree protection during construction.*
 - (1) [*No activity within critical root zone.*] No person may conduct any activity within the critical root zone of any protected tree designated to remain as shown on the tree/woodland survey or plot plan.
 - (2) *Protective barrier.* The applicant, his agents and successors shall erect and maintain suitable barriers as approved by the township to protect trees designated to remain as shown on the approved site plan or plot plan. Protective barriers shall be placed at the outer limits of the critical root zone if a tree/woodland survey is required, and shall remain in place until the township authorizes their removal or issues a final certificate of zoning compliance, whichever occurs first. See figure 18 for an example of a suitable barrier approved by the township.
 - (3) *Inspections.* The township reserves the right to periodically inspect the site during site plan review, land clearing, and/or construction to ensure compliance with this section.
- (g) *Appeals and variances.* All appeals or requests for variances from the provisions of this section shall be made to the Scio Township Zoning Board of Appeals in accordance with article XIV of the Scio Township Zoning Ordinance.
- (h) *Violations and penalties.* Violations of the provisions of this section are violations of the Scio Township Zoning Ordinance and subject to section 36-38 of the zoning ordinance.

(Ord. No. 275, § 12.07, 10-21-2003; Ord. No. 281, 5-18-2004; Ord. No. 2010-01, § 1, 2-23-2010)

State Law reference— Municipal forests, MCL 324.52701 et seq.

Sec. 36-347. - Overlay for preservation and enhancement of natural features (OPEN).

- (a) *Purpose.* The purpose of the OPEN overlay district is to recognize the sensitive natural character of those properties within Scio Township identified as and in association with the recreation conservation designation in the current township master plan. This overlay district is intended to preserve the township's significant natural resources while encouraging an appropriate use of the land that recognizes these resources and encourages their interconnection. According to the township master plan, land designated as recreation-conservation includes all areas identified as priority 1 and priority 2 bioreserves by the Huron River Watershed Council. Bioreserves are defined as areas of potential ecological significance that are ranked based on size, presence of water, presence of wetlands, groundwater recharge potential, potential for rare remnant plant community, topographical diversity,

glacial diversity, connectivity to other natural areas, restorability potential, and quality of vegetation. In addition it is the purpose of this district to accomplish the following:

- (1) Promote the preservation of land and waterways which, because of location or natural features, have a unique character for open space and/or recreation purposes, and to facilitate and provide for the conservation of significant natural resources.
 - (2) Encourage the retention of open space, natural resources, and lands in and around the major water features of the township such as the Huron River, Honey Creek, and Mill Creek corridors, which constitute a unique and important natural resource of the township.
 - (3) Promote the retention of woodlands and forested areas that conserve other important resources, moderate the effects of winds and storms, absorb pollutants and reduce noise, serve as a shelter for wildlife, and provide a diverse environment for the township.
 - (4) Promote the preservation of township groundwater recharge areas as identified in the township master plan and consider county wellhead protection zones in the development of property.
 - (5) Promote access to existing preserved adjacent open space, recreation, and conservation lands and encourage access through appropriate legal mechanisms during the development review process.
 - (6) Promote the coordination of new open space, recreation, and conservation areas with existing preserved areas, including those areas protected through appropriate legal mechanisms, and to existing or potential "open space" areas on adjacent tracts to assure consistency of use and lack of conflict between adjacent areas.
 - (7) To help create an interconnected system of open space within the township and throughout the region that supports ecological function, biodiversity, water quality, productive farmland, recreational opportunity and scenic character for current and future residents.
- (b) *Establishment of district.* The OPEN overlay district shall overlay the existing zoning districts as shown on the zoning map. As such, the provisions for the district shall take precedence over those of the underlying district. Where there is a conflict between the provisions of this district and other provisions of this chapter, the more restrictive shall apply.
- (c) *Application of standards.*
- (1) *Site plan and conditional use review* . The standards of this section apply for those projects requiring site plan review pursuant to article VI of this chapter, and conditional use review pursuant to article VII.
 - (2) *Planned unit development* . Projects reviewed as a planned unit development (PUD) pursuant to article VIII are also subject to subsection (e), development standards, and subsection (f), open space.
 - (3) *Exemptions* . The division of property outside of a site condominium or platted subdivision, and in accordance with Chapter 20, Land Divisions and Subdivisions, Article II—Land Divisions (simple land division) are exempt from these provisions.
- (d) *Permitted uses.* Uses shall be limited to those permitted and conditional uses as outlined in the underlying zoning designation.
- (1) *Residential development* . All residential developments requiring site plan review shall be developed as a rural open space development subject to the density restrictions and the provisions of section 36-130, open space development. Residential open space development under the OPEN overlay district shall be considered a permitted use, not subject to the conditional use process. All residential developments within the overlay shall be open space developments in order to help preserve significant natural features and open space. Density shall be limited to that described in subsection (e)(7) of this section and as specified in section 36-75, schedule of regulations, for the district in which the property is located.

- (2) *Nonresidential development* . Nonresidential development shall be limited to those permitted and conditional land uses of the underlying zoning designation.
- (3) The following however shall be prohibited anywhere within the overlay zone as they do not meet the purpose of this section:
 - a. Mineral mining and extractive operations.
 - b. Bulk feed and fertilizer outlets.
 - c. Accessory or ancillary oil and gas well use or structures.
 - d. New and used vehicle sales and recreational vehicle sales.
 - e. Large scale retail establishments.
- (e) *Development standards*. The following standards shall be confirmed by the planning commission during the development review process.
 - (1) *Natural feature assessment* . As recommended by the Scio Township Master Plan, a natural feature assessment shall be required for all developments requiring site plan approval. The assessment shall be provided on a separate plan sheet and shall show all significant natural features prior to the development of the site. The following information shall be required and reviewed by the township during the development review process:
 - a. The boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
 - b. Any prominent views from or across the site;
 - c. The pattern, species and location of any significant species as identified by the MNFI, native trees, and other native site vegetation;
 - d. The bank, and ordinary high-water mark of any inland lake or stream on the site; and
 - e. The general ecological functions provided by the site and its features.
 - f. *Additional data* . Additional data and information may be required to be submitted with the impact assessment upon the recommendation of the planning commission or zoning administrator for ensuring that the intent and objectives of this section will be observed.
 - (2) *Open space character* . The buildings and/or uses shall preserve to the maximum extent possible all floodplains, stream valleys, steep slopes, wooded areas, prime agriculture soils, and similar environmentally sensitive areas as identified in the Natural Feature Inventory noted above, and shall be planned to minimize the intensity of development; after development the site shall retain an open character.
 - (3) *Connectivity (non-motorized)*. Public access easements, deed restrictions, or other legal mechanisms to permit access to or through the subject property for such purposes as hunting, fishing, hiking, horseback riding, or bicycling are strongly encouraged. Access to adjacent protected lands should also be considered where applicable.
 - (4) *Commercial activity* . No commercial activity shall be permitted except as permitted within the underlying zoning districts and as limited above. Each permitted commercial activity shall be located or screened in accordance with the provisions of this section.
 - (5) *Off-street parking*. The provisions of section 36-278, off-street parking, shall apply to all uses in this district. Pervious surfaces for parking areas and access drives are strongly encouraged in this district.
 - (6) *Parking setbacks* . All parking areas or driveways shall be set back from all property lines by a minimum distance of 20 feet, except for providing access to the property.
 - (7) *Paved surfaces*. Where open-space single-family residential development is proposed, pervious pavement including gravel drives are encouraged to minimize stormwater impacts and retain rural

character. Pervious pavement including gravel drives shall be considered permitted in the OPEN overlay and shall not require variance from the township. All gravel drives must be constructed using the township's Class B Private Road Ordinance standard for gravel surface.

- (8) Refer to section 36-75, schedule of regulations, for determination of actual allowable lot size(s) and for all other requirements.
- (f) *Open space.* Open space shall be permanently preserved through appropriate legal mechanisms as approved by Scio Township. Preserved open space may be dedicated to the township land preservation commission.

([Ord. No. 2018-05](#), § 1, 12-11-2018)

Secs. 36-348—36-365. - Reserved.

ARTICLE XII. - SIGN REGULATIONS^z

Footnotes:

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State Law reference— Highway Advertising Act, MCL 252.301 et seq.

Sec. 36-366. - Purpose.

- (a) The purpose of this article is to regulate on-site and outdoor advertising to protect the public health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the township.
- (b) The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising, a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principal use of a lot.

(Ord. No. 275, § 13.01, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Sec. 36-367. - General sign regulations.

The following regulations shall apply to all signs in the township:

- (1) *Illuminated signs.*
 - a. *Residential districts.* Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.
 - b. *Commercial, wholesale-warehouse, office, research development and industrial districts.* Indirectly or internally illuminated signs are permitted provided such signs are so shielded

as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.

- c. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance of writing or printing, except that movement showing date, time, and temperature exclusively shall be permitted. Nothing contained in this chapter shall be construed as preventing use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign for advertising purposes except as provided in section 36-373.
- (2) *Measurement of sign area.* The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of sign area. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back to back, parallel to one another, and less than 24 inches apart, in which case the area of the sign shall be the area of one face.
 - (3) *Height of sign.* No freestanding sign shall exceed a height of 15 feet.
 - (4) *Setback requirements for signs.* Unless specified elsewhere in this article, all ground signs shall maintain a minimum 15-foot setback 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.
 - (5) *Business flags.* Business flags shall be permitted in commercial, office, wholesale, and warehousing, research and development, and industrial zoning districts, subject to the following regulations:
 - a. The flags shall be located on the same lot as the business building or use.
 - b. Notwithstanding any other provision of this chapter, business flags shall meet the yard requirements for signs and the height limits for structures in the zoning district in which located.
 - c. The area of each business flag shall not be included in the sign area that is permitted on a lot.
 - d. Not more than one business flag shall be permitted for each public road frontage of the lot on which located.
 - e. Flags referencing new or used vehicle sales, not exceeding 18 square feet, and which are attached to existing parking light standards (one per standard) shall be permitted.

(Ord. No. 275, § 13.02, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Sec. 36-368. - Signs permitted in all districts.

Subject to the other conditions of this chapter, the following signs shall be permitted anywhere within the township.

- (1) Off-premises signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted. Each sign shall be not more than three square feet in area, shall not exceed a height of eight feet, and shall be set back a minimum of ten feet from the property line. All signs shall be consolidated within a single frame, if more than one sign is placed at one location.
- (2) Signs which direct traffic movement onto or within a property and which do not exceed eight square feet in area for each sign. These signs may contain copy or company identification of not more than two square feet. Horizontal directional signs, on and flush with paved areas may exceed

eight square feet. Directional signs shall be located on the property on which they are directing traffic and shall be located behind the front right-of-way line.

- (3) One church announcement bulletin shall be permitted on any site that contains a church regardless of the district in which located, provided said bulletin does not exceed 24 square feet in area and a height of six feet, and is set back a minimum of ten feet from the property line. When a church has an identification sign as permitted elsewhere in this chapter, an announcement bulletin shall not be permitted.

(Ord. No. 275, § 13.03, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Sec. 36-369. - Prohibited signs.

- (a) *Miscellaneous signs and posters.* Tacking, pasting, or otherwise affixing signs or posters that are visible from a public way, and located on the walls of buildings, barns, sheds, or on trees, poles, posts, or fences shall be prohibited. Warning signs, such as "No Trespassing" and "No Hunting" and other postings required by law, shall be exempt from this provision.
- (b) *Banners.* Banners, pennants, search lights, twirling signs, sandwich board signs, sidewalk, or curb signs, balloons, or other gas-filled figures shall be prohibited except as provided in section 36-373.
- (c) *Swinging signs.* Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment shall be prohibited.
- (d) *Moving signs.* Except as otherwise provided in this section, any sign or any portion thereof that moves or assumes any motion constituting a non-stationary or fixed condition shall be prohibited.
- (e) *Parking of advertising vehicles.* No person shall park any vehicle or trailer on a public right-of-way, public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the purpose of directing people to a business or activity. Currently licensed vehicles and trailers that have painted upon them in a permanent manner the name of the product which they deliver and/or the name and address of the owner shall be excluded from this provision.
- (f) *Abandoned signs.* Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located, shall be prohibited.
- (g) *Flags.* Flags other than those of any nation, state or political subdivision or business flag, shall be prohibited except as permitted in section 36-373(e).
- (h) *Portable signs.* Portable signs, not including any temporary sign permitted in section 36-373 shall be prohibited.
- (i) *Unclassified signs.* The following signs are prohibited:
 - (1) Signs that imitate an official traffic sign or signal which contain the words "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words except as otherwise provided in this section.
 - (2) Signs that 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 that contain statements, words or pictures of an obscene, pornographic or immoral character.
 - (4) Signs that are painted on or attached to any fence or any wall that is not a structural part of a building, except to identify a residence.
 - (5) Signs that emit audible sound, odor, or visible matter.
 - (6) Roof signs.

- (j) *Attached wall signs.* Signs attached to a wall of a building with the face of the sign in a plane that is not parallel to the plane of the wall to which it is attached shall be prohibited.

(Ord. No. 275, § 13.04, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Sec. 36-370. - Permitted signs in recreation-conservation, residential and agricultural districts.

- (a) One sign advertising the type of farm products grown on a farm premises. Such sign shall not exceed 12 square feet in area.
- (b) One identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance, for a school, church building or other authorized use or lawful nonconforming use except a home occupation. Where a church has an announcement bulletin as permitted in section 36-368(3), said identification sign shall not be permitted. Each sign shall not exceed 18 square feet in area.
- (c) One identification sign shall be permitted for a home occupation. The sign shall not exceed three square feet in area and shall be attached flat against the front wall of the building.
- (d) One identification sign shall be permitted for each public street frontage of a subdivision, multiple-family building development, or a mobile home park. Each sign shall not exceed 18 square feet in area. One additional sign advertising "For Rent" or "Vacancy" may be placed on each public street frontage of a rental residential development provided that such sign shall not exceed three square feet in area and is incorporated into the identification sign. Each sign shall be set back not less than five feet from the right-of-way line of any public street, and shall not exceed four feet in height.

(Ord. No. 275, § 13.05, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Sec. 36-371. - Permitted signs in commercial, office, and industrial districts.

On-site canopy or marquee signs, wall signs, and freestanding signs are permitted in all commercial, office and industrial districts subject to the following conditions:

- (1) Signs permitted for single buildings on developed lots or group of lots developed as one lot, not in a business center subject to subsection (2) of this section.
- a. *Area.* Each developed lot shall be permitted at least 80 square feet of sign for all exterior freestanding signs. The area of exterior attached wall and freestanding signs permitted for each lot shall be determined as two square feet of sign area for each one linear foot of building length which faces one public street. The maximum area for all exterior attached wall signs for each developed lot shall be 200 square feet. No freestanding identification sign shall exceed 100 square feet in area. No exterior wall sign for business without ground floor frontage shall exceed 24 square feet in area.
- b. *Number.* Each developed lot shall be permitted one exterior on-site freestanding sign. For developed lots with more than 450 feet of frontage (including total corner lot frontage), two exterior on-site freestanding signs may be permitted. In the case where two freestanding signs are permitted the total area of all signs shall not exceed the area requirements of section 36-371(1)(a) above. All businesses without ground floor frontage shall be permitted one exterior attached wall sign. The total area of all exterior signs shall not exceed the total sign area permitted in subsection (1) of this section.
- (2) Signs permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings or industrial buildings, not subject to subsection (1) of this section.
- a. *Freestanding signs.* Each business center shall be permitted one freestanding identification sign. Each sign shall state only the name of the business center and up to three major tenants located therein. The maximum permitted sign area shall be determined as one

square foot for each one linear foot of building which faces one public street. The maximum area for each freestanding sign shall be 200 square feet. Landlords of a business center shall not permit individual tenants a freestanding identification sign. For business centers with more than 450 feet of frontage (including total corner lot frontage), two exterior on-site freestanding signs may be permitted. In the case where two freestanding signs are permitted the total area of all signs shall not exceed the area requirements of this section.

- b. *Wall signs.* Each business in a business center with ground floor frontage shall be permitted exterior wall signs. The sign area for such exterior wall signs shall be computed as one square foot for each one linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one combined exterior wall sign not more than 24 square feet in area.
 - c. *Park signs.* A freestanding sign, identifying the primary tenants in an office park or an industrial park, may be installed at the entrance to a park. Each parcel in a park will be allowed one available space on a park sign. Each space shall be no larger than eight inches by 48 inches. Park signs shall be no higher than six feet above the height of the public road at the point of the centerline most closely adjacent to the sign. No park sign shall be greater than eight feet long.
- (3) Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than 25 percent of the total window area of the floor level on which displayed or exceed a total of 200 square feet for any one building. If window signs occupy more than 25 percent of said window area or exceed a total of 200 square feet or any one building, they shall be treated as exterior signs and shall conform to subsections (1)a and (2)b of this section.
 - (4) A time and temperature sign shall be permitted in addition to the above permitted signs, provided that ownership identification or advertising copy does not exceed ten percent of the total sign area and further provided that the total area of the sign does not exceed 30 square feet.
 - (5) No canopy or marquee sign shall extend into a public right-of-way except by variance granted by the zoning board of appeals. In granting such a variance the board of appeals shall ensure that the requirements of section 36-375 are complied with; that the minimum clearance of such sign is eight feet measured from the sidewalk surface to the bottom edge of the sign; that the sign does not obstruct pedestrian or vehicular view; and that the sign does not create a hazard for pedestrian or vehicular traffic.
 - (6) In addition to the provisions of subsections (1) and (2) of this section, an automobile service station may have one additional sign for each public street frontage having a driveway, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a freestanding structure or on the structure of another permitted sign, provided that clear views of street traffic by motorists or pedestrians are not obstructed. Said sign shall not exceed eight square feet in area.
 - (7) Service station signs. Notwithstanding any of the provisions of this article, no signs shall be located on fuel pump islands, except those constituting an integral part of the pump or those required by state law or regulation. No signs shall be attached to light standards. No signs shall be attached to fuel pump canopies except those identifying "self-service" and "full-service" pumps or similar messages, in which case the maximum sign size shall be six square feet.

(Ord. No. 275, § 13.06, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Sec. 36-372. - Outdoor advertising signs (off-site signs).

Outdoor advertising signs shall be permitted only in accordance with the following regulations:

- (1) Outdoor advertising signs shall be permitted only on undeveloped and vacant unimproved lots in C-3, I-1, and I-2 districts, and shall be considered the principal use of such lots. Signs shall not

be placed on a lot with any other building thereon, and no other structure shall be placed on a lot where such sign is located.

- (2) Where two or more outdoor advertising signs are located along the frontage of a street or highway, they shall be not less than 1,000 feet apart. The double face (back to back) of a V-type structure shall be considered a single sign provided the interior angle of such signs does not exceed 20 degrees.
- (3) The total surface area, facing in the same direction, of any outdoor advertising sign, shall not exceed 300 square feet. Signs may be single- or double-faced and shall contain no more than two faces, or panels.
- (4) Outdoor advertising signs shall not exceed 20 feet in height from ground level. The permitted height may be increased to 40 feet by the zoning inspector if it can be shown that excessive grades, buildings, bridges, and similar conditions obstruct views of the sign.
- (5) Outdoor advertising signs shall not be erected on the roof of any building nor have one sign above another.
- (6) Outdoor advertising signs shall meet the standards found in section 36-367(1)(c) of this article with regard to illumination.

(Ord. No. 275, § 13.07, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Sec. 36-373. - Temporary signs.

- (a) In single-family and two-family districts one sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed 18 square feet in area. Each sign shall be removed within one year after the initial sale of 90 percent of all lots or units within said subdivision or development.
- (b) In multiple-family districts one sign, not to exceed 18 square feet in area shall be permitted on each public street frontage of a new multiple-family development for the purpose of advertising new dwelling units for rent or sale. Each sign shall be removed within 60 days of the initial rental or sale of 70 percent of the dwelling units within the development.
- (c) One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed six square feet in area, with not more than a total of three such signs permitted on one site. If all building contractors, professional design firms and lending institutions join together in one identification sign, such sign shall not exceed 24 square feet in area, and not more than one sign shall be permitted on a site. Signs shall have a maximum height of ten feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within 14 days after the issuance of a certificate of occupancy.
- (d) Temporary signs announcing any annual or semiannual public, charitable, educational or religious event of [or] function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed 24 square feet. Signs shall be allowed no more than 21 days in a calendar year. If building-mounted, signs shall be flat wall signs and shall not project above the roofline. If ground-mounted, signs shall not exceed six feet in height. Signs shall be set back in accordance with section 36-367(4).
- (e) Banners, pennants, searchlights, balloons, or other gas-filled figures shall be permitted at the opening of a new business in a commercial or industrial district, for a period not to exceed 14 consecutive days. Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe traffic flow.
- (f) Temporary real estate direction signs, not exceeding three square feet in area and four in number, showing a directional arrow and placed back of the property line, shall be permitted on approach routes to an open house, only for day of open house. Signs shall not exceed three square feet in area and

four in number showing a directional arrow and placed back of the property line, shall be permitted on approach routes to an open house, only for day of open house. Signs shall not exceed three feet in height.

- (g) In residential districts one temporary real estate "For Sale," "For Rent," or "For Lease" sign, located on the property and not exceeding six square feet in area shall be permitted. In all other zoning districts one sign of this type shall be permitted, provided it does not exceed 32 square feet in area and is set back in accordance with section 36-367(4). If the lot has multiple frontage, one additional sign not exceeding six square feet in area in residential districts or 32 square feet in area in all other districts shall be permitted. Under no circumstances shall more than two such signs be permitted on a lot. Such signs shall be removed within seven days following the sale, rent, or lease. In no case shall a sign advertise the sale, rent, or lease of a building that is not located on the property on which the sign is located.

(Ord. No. 275, § 13.08, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Sec. 36-374. - Exempted signs.

The following types of signs are exempted from all provisions of this chapter, except for construction and safety regulations and the following standards:

- (1) Signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- (2) Political campaign signs announcing candidates seeking public political office and other data pertinent thereto except as prohibited in section 36-369(a).
- (3) Names of buildings, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent-type construction and made an integral part of the structure.

(Ord. No. 275, § 13.09, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Sec. 36-375. - Nonconforming signs.

Nonconforming signs shall not:

- (1) Be reestablished after the activity, business or usage to which it relates has been discontinued for 90 days or longer.
- (2) Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign.
- (3) Be reestablished after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the replacement cost as determined by the building inspector.

(Ord. No. 275, § 13.10, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Sec. 36-376. - Permits.

- (a) A permit shall be required to erect or replace a sign, or to change the copy of a sign, unless otherwise specified herein. The application shall be made by the owner of the property, or authorized agent, thereof, to the township zoning official.
- (b) An application for a sign permit shall contain the following:

- (1) The applicant's name and address in full, and a complete description of the relationship to the property owner.
 - (2) If the applicant is not the property owner, the signature of the property owner concurring in submittal of the application.
 - (3) The address of the property.
 - (4) An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
 - (5) A complete description and scale drawing of the sign, including all dimensions and the area in square feet.
- (c) All signs shall be inspected by the township zoning official for conformance to this chapter prior to placement on the site.
 - (d) 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. Said sign permit may be extended for a period of 30 days upon request by the applicant and approval of the zoning inspector.
 - (e) Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.
 - (f) Signs for which a permit is required shall be inspected periodically by the zoning official for compliance with this chapter and other laws of the township.

(Ord. No. 275, § 13.11, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Sec. 36-377. - Removal of signs.

- (a) The zoning official shall order the removal of any sign erected or maintained in violation of this chapter except for legal nonconforming signs. Thirty days' notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located to remove the sign to comply with this notice or the township shall remove the sign. The township shall also remove the 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 will be a lien on the property.
- (b) A sign shall be removed by the owner or lessee of the premises upon which the sign is located within 30 days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the township shall remove it in accordance with the provisions stated in section 36-377(a). These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this chapter.

(Ord. No. 275, § 13.12, 10-21-2003; Ord. No. 2010-03, § 1, 10-26-2010)

Secs. 36-378—36-397. - Reserved.

ARTICLE XIII. - NONCONFORMING USES, STRUCTURES AND LOTS OF RECORD⁸

Footnotes:

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State Law reference— Nonconforming uses and structures, MCL 125.3208.

Sec. 36-398. - 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 chapter 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 chapter to be incompatible with the structures and uses permitted in the various districts.

(Ord. No. 275, § 14.01, 10-21-2003)

Sec. 36-399. - 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 these 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 this chapter, and if all or part of the lots do not meet the requirements established for lot 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 of 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 36-31 in order that a building permit be granted.

(Ord. No. 275, § 14.02, 10-21-2003)

Sec. 36-400. - 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 regulations 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. A nonconforming structure which is damaged by any means to an extent of more than 50 percent of its replacement cost shall not be reconstructed except in conformity with the regulations of the district in which it is located, unless the lot is a nonconforming lot of record, in which case section 36-399 shall apply. Any structure which is damaged to an extent of 50 percent or less of its replacement cost may be replaced in its location existing prior to such damage, 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.
- (c) A nonconforming structure which is moved within a site or to another site shall conform, after 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 ground floor 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 expansion shall meet all yard requirements of the zoning district in which it is located.
 - (3) All other nonconforming structures may be expanded 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. No. 275, § 14.03, 10-21-2003)

Sec. 36-401. - 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:

- (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, building or structure is discontinued for more than 180 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) Any lot, structure, or lot and structure in combination, in or on which a nonconforming use is succeeded by a permitted use, shall thereafter conform to the regulations for the districts. 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 providing such replacement does not result in any enlargement or expansion. Such replacement shall be subject to the provisions of article VI 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, a nonconforming residential use may expand to occupy the floor area necessary for living purposes provided no increase in the number of families residing therein results, and 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 building.

(Ord. No. 275, § 14.04, 10-21-2003)

Sec. 36-402. - Repairs and maintenance.

- (a) Except as provided in sections 36-400 and 36-401, alteration or repair work may be done on a nonconforming structure containing a nonconforming use in any period of 12 consecutive months to an extent not to exceed ten 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 chapter 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.
- (c) If 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.

(Ord. No. 275, § 14.05, 10-21-2003)

Sec. 36-403. - Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of an existing nonconforming use, building or structure.

(Ord. No. 275, § 14.06, 10-21-2003)

Sec. 36-404. - Expansion and substitution.

- (a) *Requirements for 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 necessary for the proposed improvement or that the requiring of removal of such building or structure would cause unnecessary hardship.
 - b. That the proposed improvement is 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 review.* All expansions permitted under this section shall meet all requirements of article VI of this chapter if a site plan is required.
- (b) *Substitutions enumerated.* 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 XIV 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 involving a building or structure.

(Ord. No. 275, § 14.07, 10-21-2003)

Sec. 36-405. - 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. No. 275, § 14.08, 10-21-2003)

Secs. 36-406—36-423. - Reserved.

ARTICLE XIV. - ZONING BOARD OF APPEALS⁹

Footnotes:

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State Law reference— Zoning board of appeals, MCL 125.3601 et seq.

Sec. 36-424. - Board established.

A zoning board of appeals, hereinafter referred to as the board of appeals, is hereby established, in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 275, § 15.01, 10-21-2003)

Sec. 36-425. - Membership and terms.

(a) *Membership generally.*

- (1) 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. One regular member may be a member of the township board. The members selected shall be representative of the population distribution and of the various interests present in the township. An elected officer of the township shall not serve as chairman of the board of appeals.
- (2) 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 this chapter to serve as a regular member of the zoning board of appeals in absence of a regular member if the regular member is absent from or will be unable to attend one or more meetings of the zoning board of appeals. 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) *Removal; conflict of interest.* Members of the board of appeals shall be removable by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute malfeasance in office.

(c) *Terms of office.* The term of office of each member shall be three years, except for members serving because of their membership on the planning commission or township board, whose terms shall be limited to the time they are members of the planning commission or township board respectively, and the period stated in the resolution appointing them. A successor shall be appointed within one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The expiration of the terms of members appointed from the electorate shall be adjusted so that all do not expire at the same time. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

(Ord. No. 275, § 15.02, 10-21-2003)

Sec. 36-426. - Rules and 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 chairman, vice-chairman, and secretary from its membership at its first meeting following January 1 of each year. The officers shall serve until successors are elected.
- (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 person may appear on his 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 and appellant and the board of appeals.
- (e) *Meetings.* Meetings of the board of appeals shall be held at the call of the chairman 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, or other relevant factors, and all its official actions. The vote of each member upon a question, or a member's absence or abstention, shall be recorded into the minutes of the meeting. All meetings and records shall be open to the public. All records of meetings shall be filed in the office of the township clerk.
- (f) *Oaths.* The chairman of the board of appeals, or in the chairman's absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- (g) *Public hearings and notification.*
 - (1) *Notification procedure.* The board of appeals shall hold a public hearing on each question submitted to it for decision. The chairman shall fix a reasonable time and date for the hearing. A notice of the public hearing shall be published once in a newspaper which circulates in the township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) *Contents of notification.* The notice of public hearing shall:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State date, time and place of the public hearing.
 - d. Indicate when and where written comments will be received concerning the request.

(Ord. No. 275, § 15.03, 10-21-2003; Ord. No. 2010-01, § 1, 2-23-2010)

Sec. 36-427. - Powers and duties of board of appeals.

- (a) *General powers.* The board has the power to act on matters as provided in this chapter and Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The specific powers of the board are enumerated in this section.
- (b) *Delegated duties.* To hear and decide on all matters referred to it upon which it is required to pass under this chapter.
- (c) *Administrative review.* The board shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official or body in the enforcement of this chapter. In exercising the powers set forth in this article, the board of appeals may reverse or affirm wholly or partly, or may modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the zoning official from whom the appeal is taken.
- (d) *Interpretation.*
 - (1) The board shall hear and decide requests for interpretation of this chapter or the zoning map, taking into consideration the intent and purpose of this chapter and the waste plan.
 - (2) In an interpretation of the zoning map, the board shall be governed by the rules of interpretation set forth in section 36-68(d).
 - (3) A record shall be kept by the board of all decision for interpretation of this chapter or zoning map and land uses which are approved under the terms of this section. The board shall request the planning commission to review any ordinance amendment it deems necessary.
- (e) *Variances.* Where, owing to special conditions, a literal enforcement of the provisions of this chapter would involve practical difficulties or cause unnecessary hardship within the meaning of this article, the board of appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this chapter with such conditions and safeguards as it may determine as may be in harmony with the spirit of this article and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this chapter shall be granted unless it appears that all of the following facts and conditions exist:
 - (1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district;
 - (2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity;
 - (3) That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located;
 - (4) That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the township;
 - (5) Absent exceptional circumstances which would otherwise result in substantial injustice, the circumstances or conditions upon which the variance is based do not result from the actions of the applicant or his predecessors in title.
- (f) *Limitation of authority.* The board shall not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use classifications of any property, or chapter text.

(Ord. No. 275, § 15.04, 10-21-2003)

Sec. 36-428. - Specific procedures for administrative appeals.

- (a) All questions concerning administrative decisions under this chapter shall first be presented to the applicable township official. Such questions shall be presented to the board of appeals only on appeal from the decisions of the applicable township official.
- (b) Appeals shall be filed within 60 days of the decision in question at the township office. The township clerk shall transmit a copy of the appeal and related information to the zoning official and each member of the board of appeals within three days of the filing date. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the board of appeals to submit additional information to clarify the appeal. The zoning official shall transmit to the board of appeals copies of all papers constituting the record upon which the action appealed from was taken, within seven days of the filing date.
- (c) Appeals may be taken by the person aggrieved or by any officer, department, board, agency, or bureau of township, county, state or federal governments.
- (d) An appeal stays all proceedings in the furtherance of the action appealed from, unless the zoning official certifies to the board of appeals that 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 official from whom the appeal is taken, and on due cause shown.

(Ord. No. 275, § 15.05, 10-21-2003)

Sec. 36-429. - Specific procedures for variances.

- (a) An application for a variance shall be filed by the record owner of the lot in question, or by an agent authorized in writing to act on the record owner's behalf, with the township clerk. The applicant shall provide such information as is required by the board of appeals by way of completed application form, fee and additional information.
- (b) No order of the board of appeals permitting the erection or alteration of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such a period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. Upon reapplication to the board of appeals, extensions not exceeding six months each may be granted upon a showing of good cause and good faith efforts being made to achieve completion.
- (c) No order of the board of appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such a period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit. Upon reapplication to the board of appeals, extensions not exceeding six months each may be granted upon a showing of good cause and good faith efforts being made to achieve completion.
- (d) 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 or changed conditions found by the board of appeals to be valid.

(Ord. No. 275, § 15.06, 10-21-2003)

Sec. 36-430. - 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 VI 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. No. 275, § 15.07, 10-21-2003)

Secs. 36-431—36-458. - Reserved.

ARTICLE XV. - AMENDMENTS^[10]

Footnotes:

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State Law reference— Zoning ordinance amendments or supplements, MCL 125.3202.

Sec. 36-459. - 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 or the township planning commission, by petition of one or more 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, public hearing, and recommendation before action may be taken thereon by the township board.

(Ord. No. 275, § 16.01, 10-21-2003; Ord. No. 2007-02, § 2(16.01), 6-12-2007)

Sec. 36-460. - 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) Application for amendment shall be made by submitting the application, along with required information and the required fee, at the township office. After receipt of filing, the clerk shall transmit a copy of the application and required information to the planning commission. The planning commission shall establish a date for a public hearing on the application and give proper notice of the hearing, including notice to property owners and occupants in the vicinity, as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (c) Requirements of written notice to property owners shall not apply to comprehensive revisions to the zoning ordinance, i.e., if 11 or more adjacent properties are proposed for rezoning. Public hearing requirements shall apply to amendments initiated by the township board, the township planning commission and by any other governmental agency or body.

(Ord. No. 275, § 16.02, 10-21-2003; Ord. No. 2007-02, § 2(16.02), 6-12-2007)

Sec. 36-461. - Information required.

- (a) If a petition involves an amendment to the official zoning map, the petitioner shall submit the following information:

- (1) A legal description of the property, including a street address and 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, the record owner, and all other parties claiming an interest in said property.
 - (4) The petitioner's interest in the property. If the petitioner is not the record owner, the name and address of the record owners, and the record owners' and other interested parties' signed consent to the petition. The consent of mortgagees, lien holders, and similar such parties shall not be required.
 - (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 uses and zoning districts.
- (b) If a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information:
- (1) A detailed statement of the proposed amendment, clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.
 - (2) Name and address of the petitioner.
 - (3) Reasons for the proposed amendment.

(Ord. No. 275, § 16.03, 10-21-2003; Ord. No. 2007-02, § 2(16.03), 6-12-2007)

Sec. 36-462. - Review.

- (a) In reviewing any petition for a zoning amendment, the planning commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the township board.
- (b) The factors to be considered by the planning commission may 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 capability of the township or 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 civil divisions.
 - (5) Effect of approval of the petition on adopted development policies of the township and other government units.
- (c) All findings shall be made a part of the public records of the meetings of the planning commission and the township board.

(Ord. No. 275, § 16.04, 10-21-2003; Ord. No. 2007-02, § 2(16.04), 6-12-2007)

Sec. 36-463. - Conditional rezoning of land.

As an alternative to a rezoning amendment as described in section 36-459, 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 below.

- (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 sections 36-460 and 36-464, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
 - a. A conditional rezoning request must be voluntarily offered by an owner of land within the township. All offers must be made in writing and must provide the specific conditions to be considered by the township as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the township and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
 - b. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
 - c. Conditional rezoning shall not alter any of the various zoning requirements for the uses in question, i.e., parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezoning shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of article XIV 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 VII 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 36-461 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, including natural 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 of rezoning are acceptable to the township, the township may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in section 36-460.
 - b. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, his heirs, successors, assigns, and transferees.
 - c. Upon approval of a conditional rezoning, 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.

- d. The township may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
 - e. The time limits specified and approved by the township may be extended upon the application of the landowner and approval of the township.
- (4) Review procedures. The factors found in section 36-462 must be considered in any conditional rezoning request.

(Ord. No. 2007-02, § 2(16.05), 6-12-2007)

Sec. 36-464. - Conformance to court decree.

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the township board and the amendment published.

(Ord. No. 275, § 16.05, 10-21-2003; Ord. No. 2007-02, § 2(16.06), 6-12-2007)

Sec. 36-465. - Publication.

Following township board approval of a petition to amend the zoning ordinance, 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. No. 275, § 16.06, 10-21-2003; Ord. No. 2007-02, § 2(16.07), 6-12-2007)

Sec. 36-466. - Referendum.

- (a) Within seven days after publication of a zoning ordinance under section 36-465, a registered elector residing in the portion of the township outside the limits of the cities and villages, may file with the township clerk a notice of intent to file a petition under this section. If a notice of intent is filed, then within 30 days following the publication of the zoning ordinance, a petition signed by a number of registered electors residing in the portion of the township outside the limits of cities and villages equal to not less than 15 percent of the total vote cast for all candidates for governor, at the last preceding general election, at which a governor was elected in the township may be filed with the township clerk requesting the submission of an ordinance or part of an ordinance to the electors residing in the portion of the township outside the limits of cities or villages for their approval.
- (b) Upon the filing of a notice of intent, the ordinance or part of the ordinance adopted by the township board shall not take effect until one of the following occurs:
 - (1) The expiration of 30 days after publication of the ordinance, if a petition is not filed within that time.
 - (2) If a petition is filed within 30 days after publication of the ordinance, the township clerk determines that the petition is inadequate.

- (3) If a petition is filed within 30 days after publication of the ordinance, the township clerk determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the portion of the township outside the limits of cities and villages voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose.
- (c) The township board shall provide the manner of submitting an ordinance or part of an ordinance to the electors for their approval or rejection, and determining the result of the election.

(Ord. No. 275, § 16.07, 10-21-2003; Ord. No. 2007-02, § 2(16.08), 6-12-2007)

APPENDIX A. - FIGURES AND ILLUSTRATIONS

Figure 1
Basement Definition

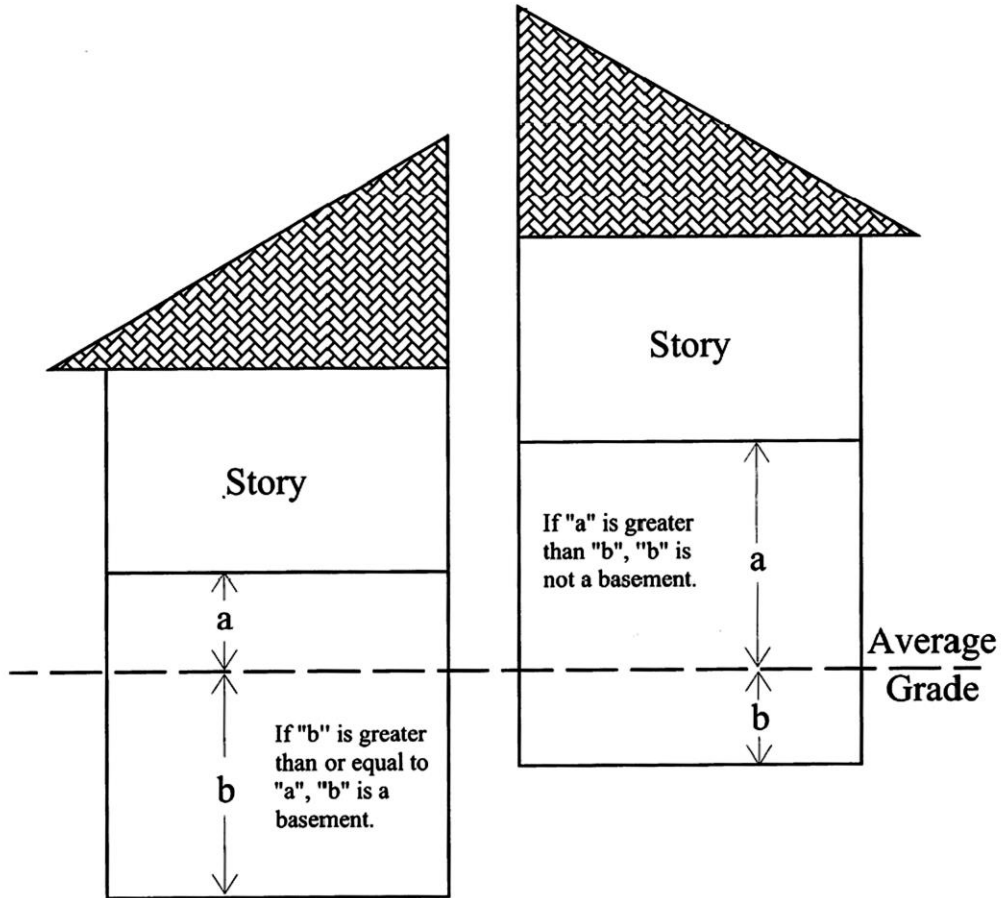


Figure 2
Measuring Building Height

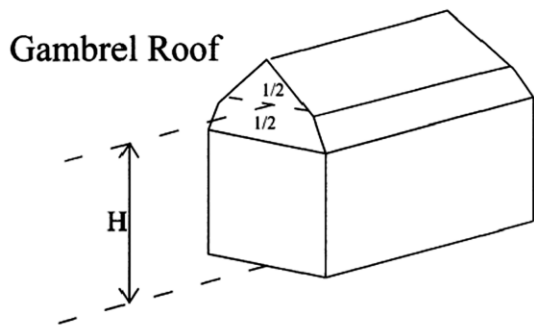
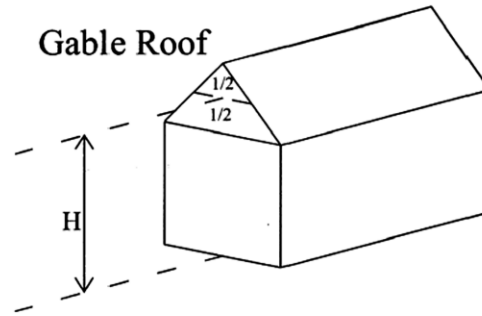
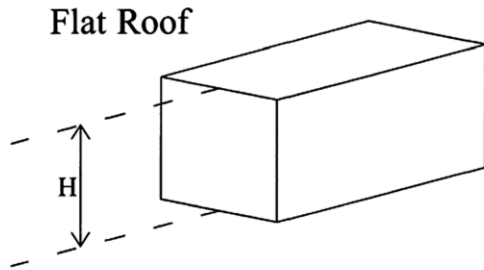
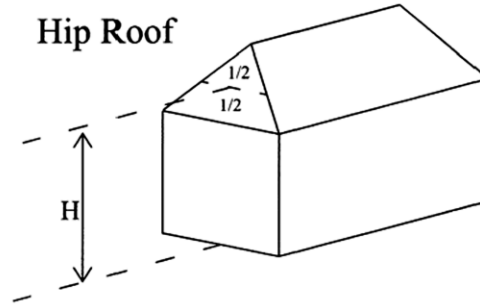
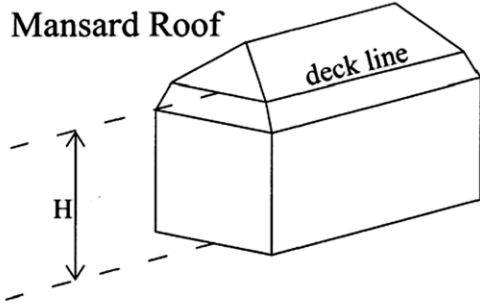


Figure 3
Grade

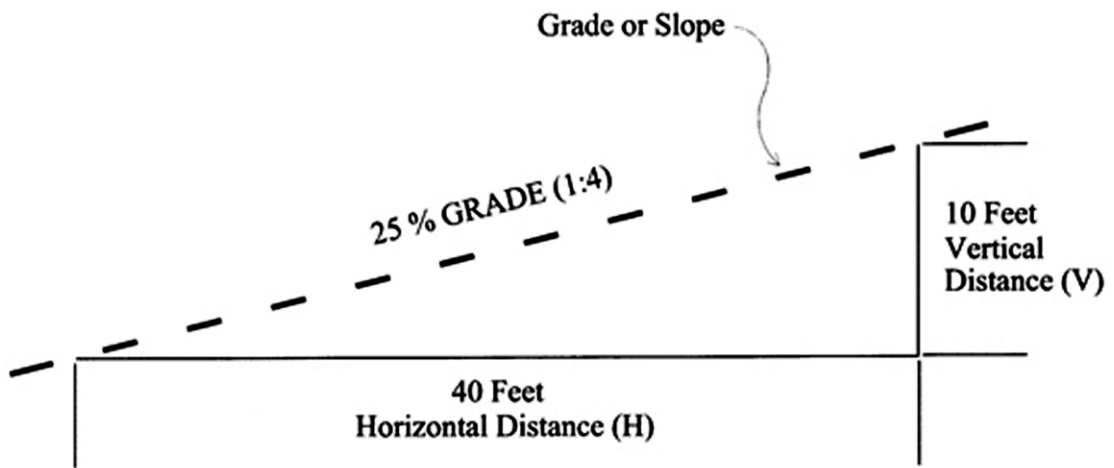


Figure 4
Lot Lines, Width, Depth

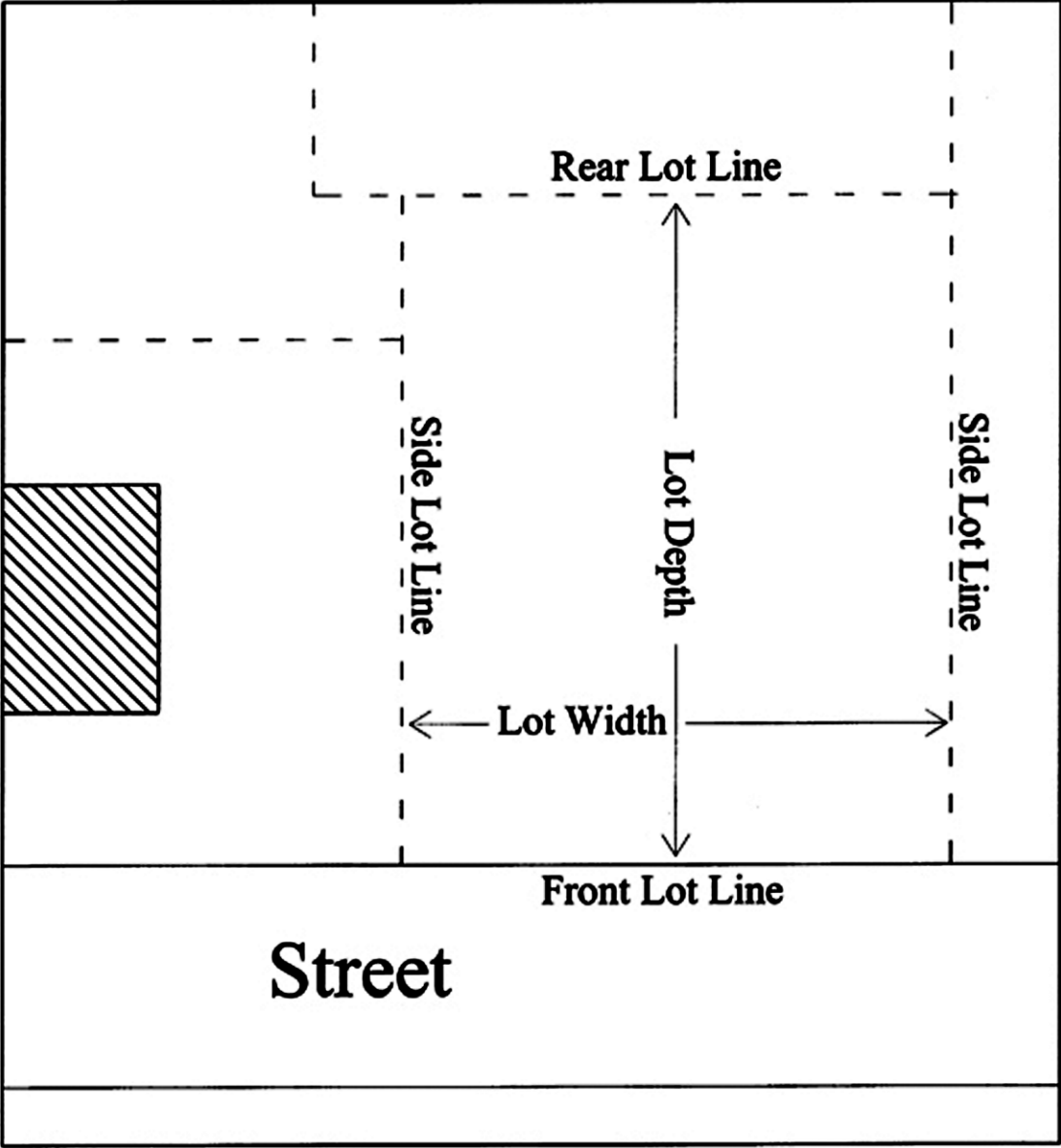


Figure 5
Lot Types

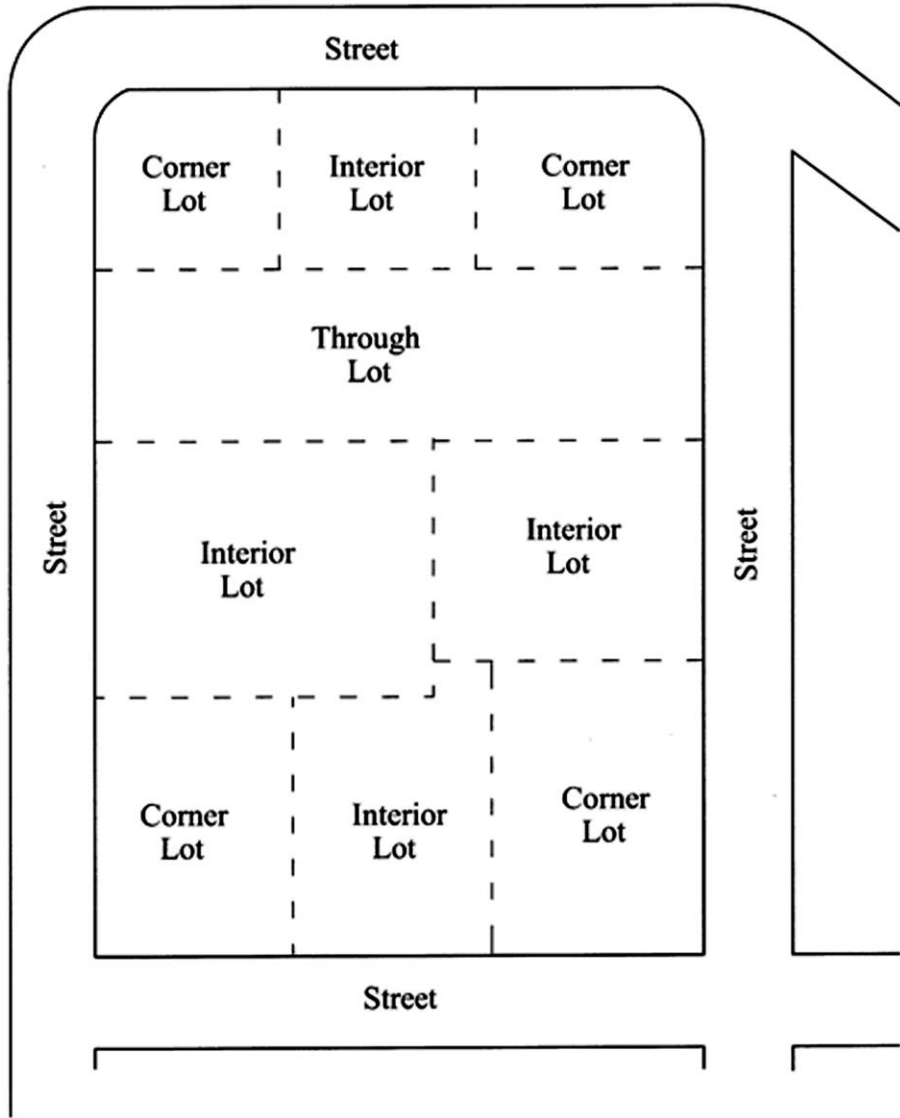


Figure 6
Yards and Setbacks

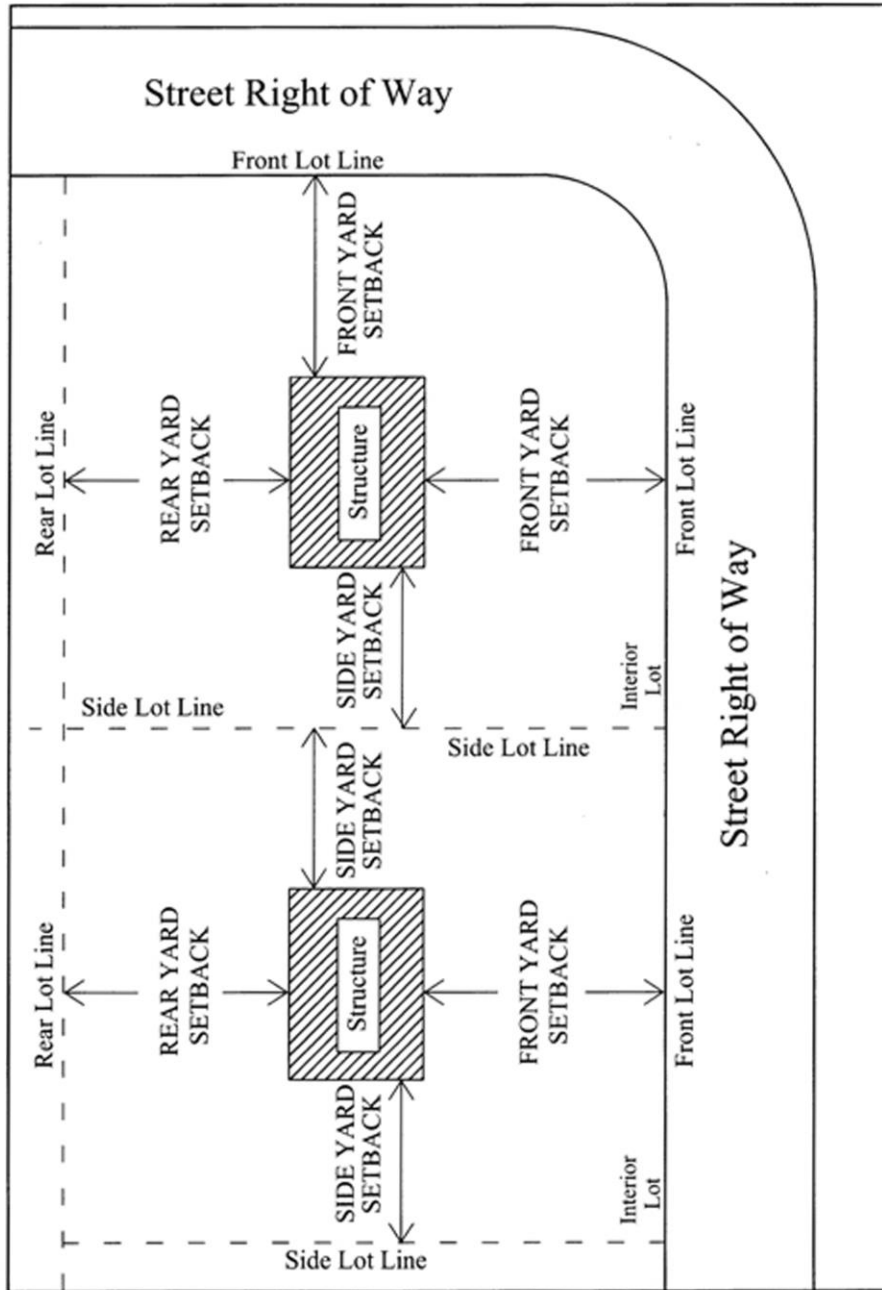


Figure 7
Visibility at Intersections

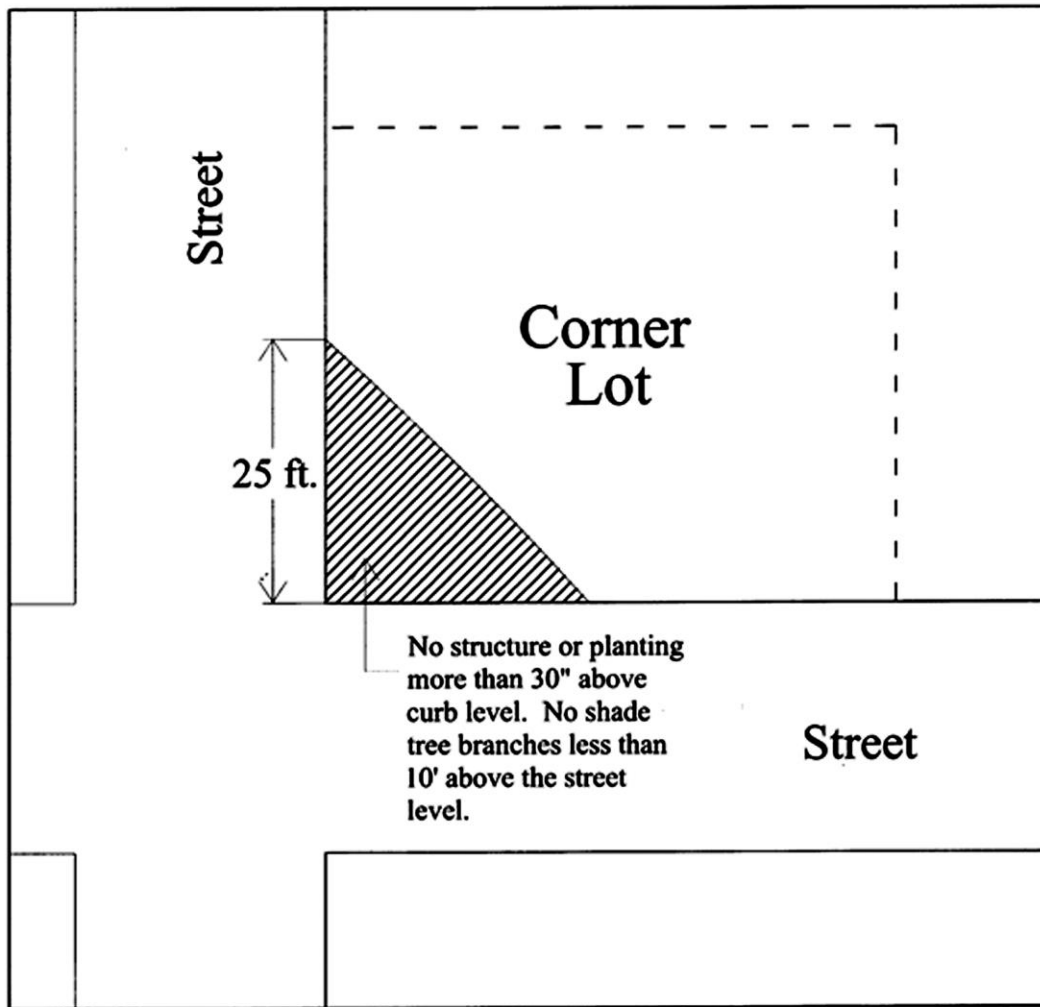


Figure 8
Parallel Parking

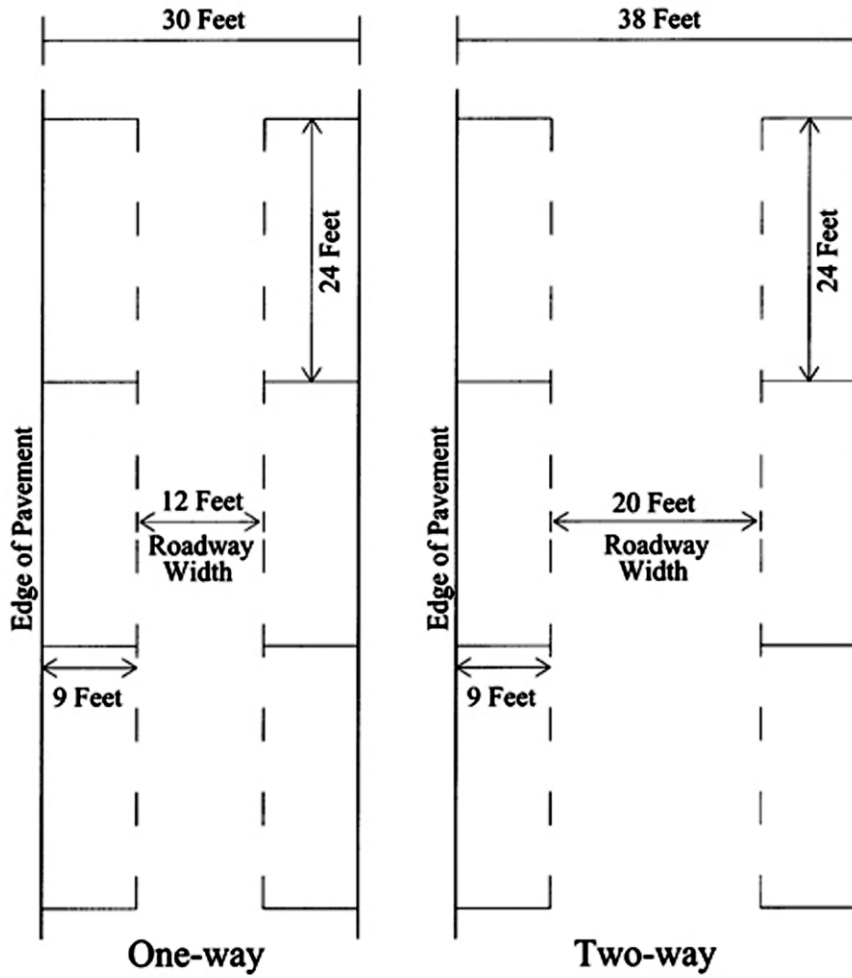
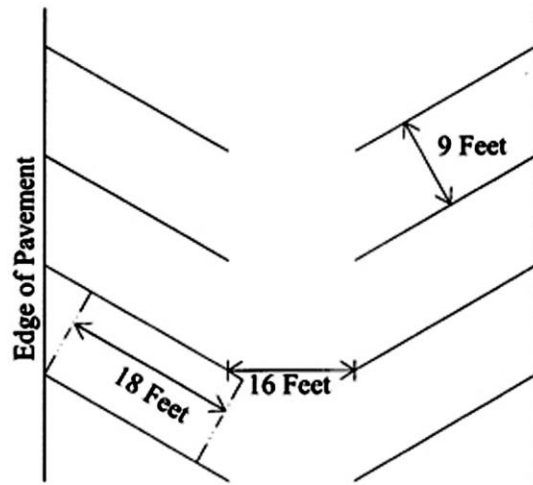
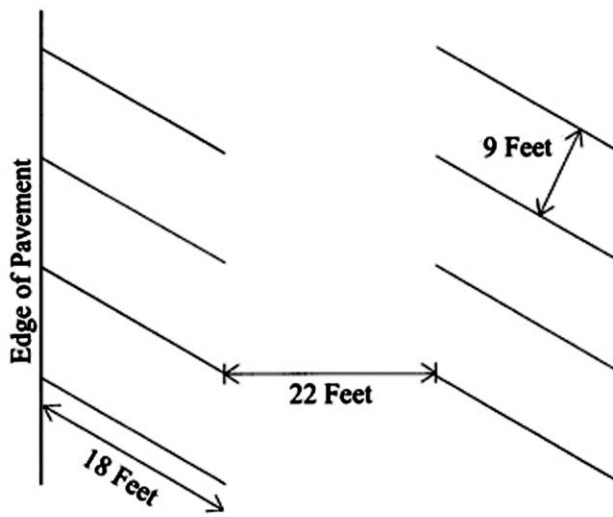


Figure 9
Parking (30° - 53°)



One-way



Two-way

Figure 10
Parking (54° - 74°)

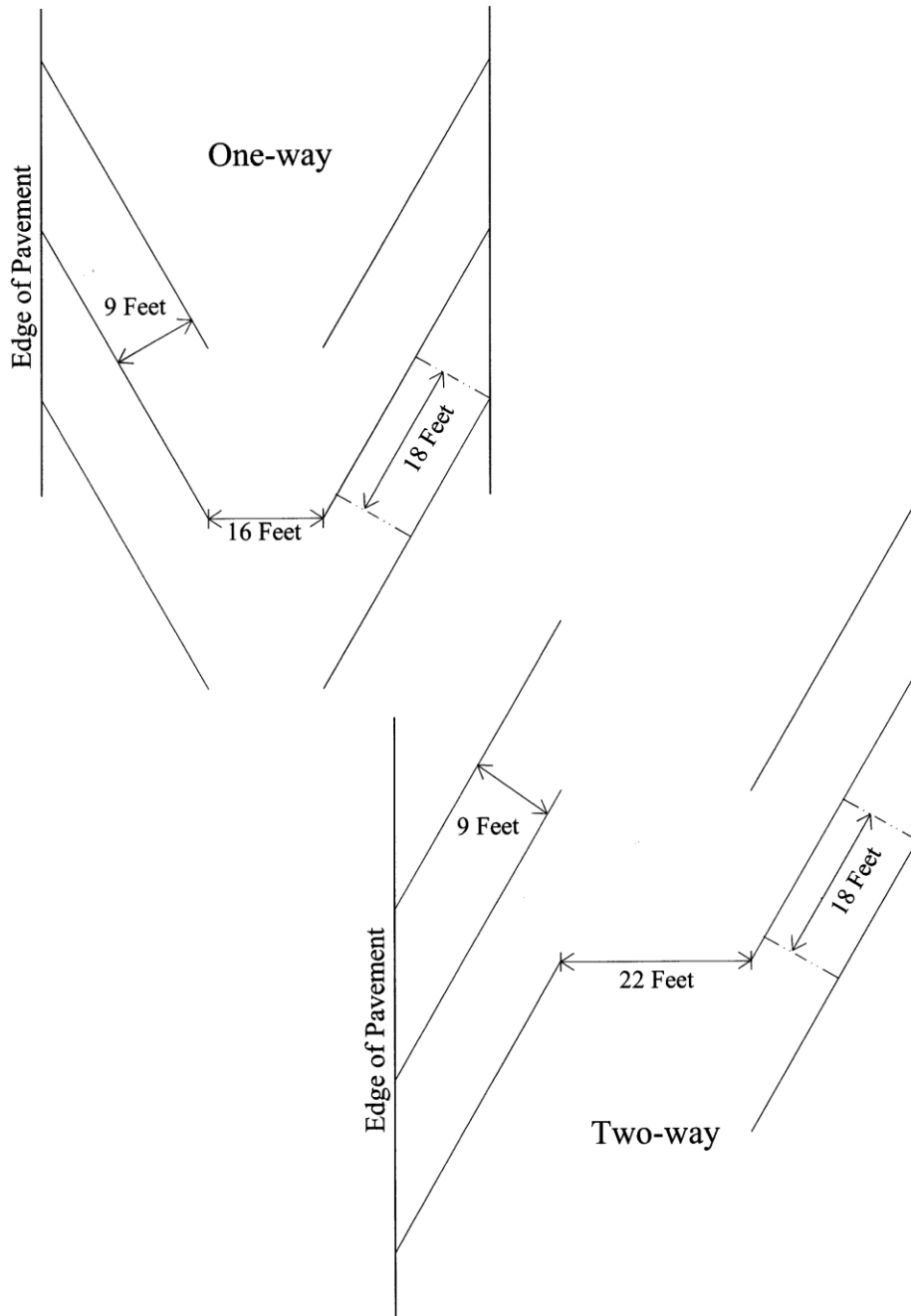


Figure 11
Parking (75° - 90°)

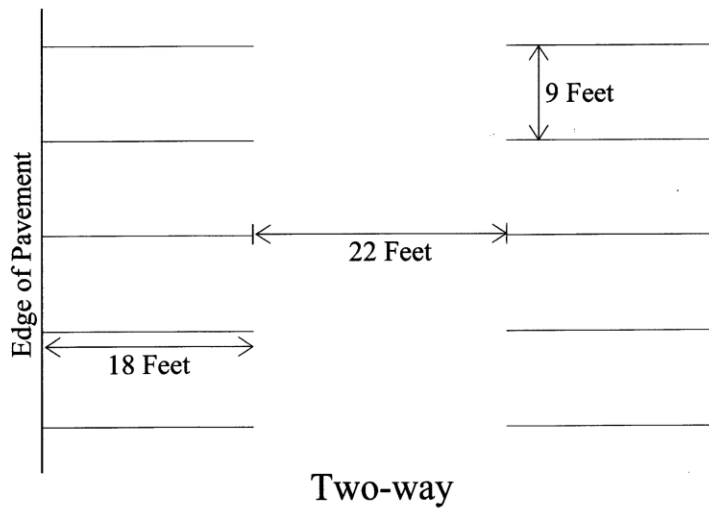
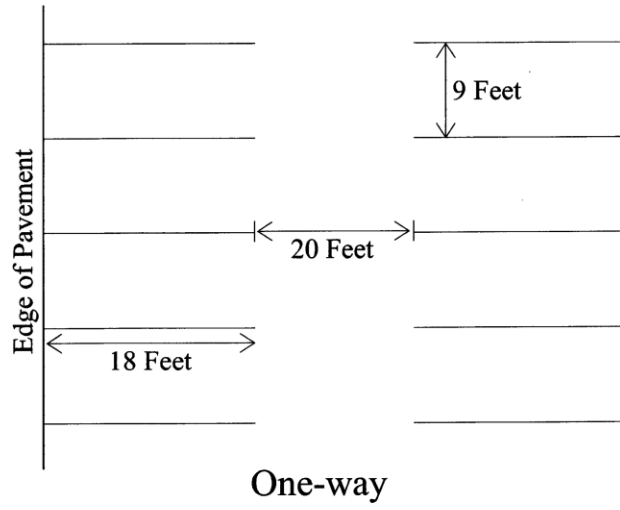


Figure 12
Off-Street Stacking Spaces and Lanes for
Drive-Through Facilities

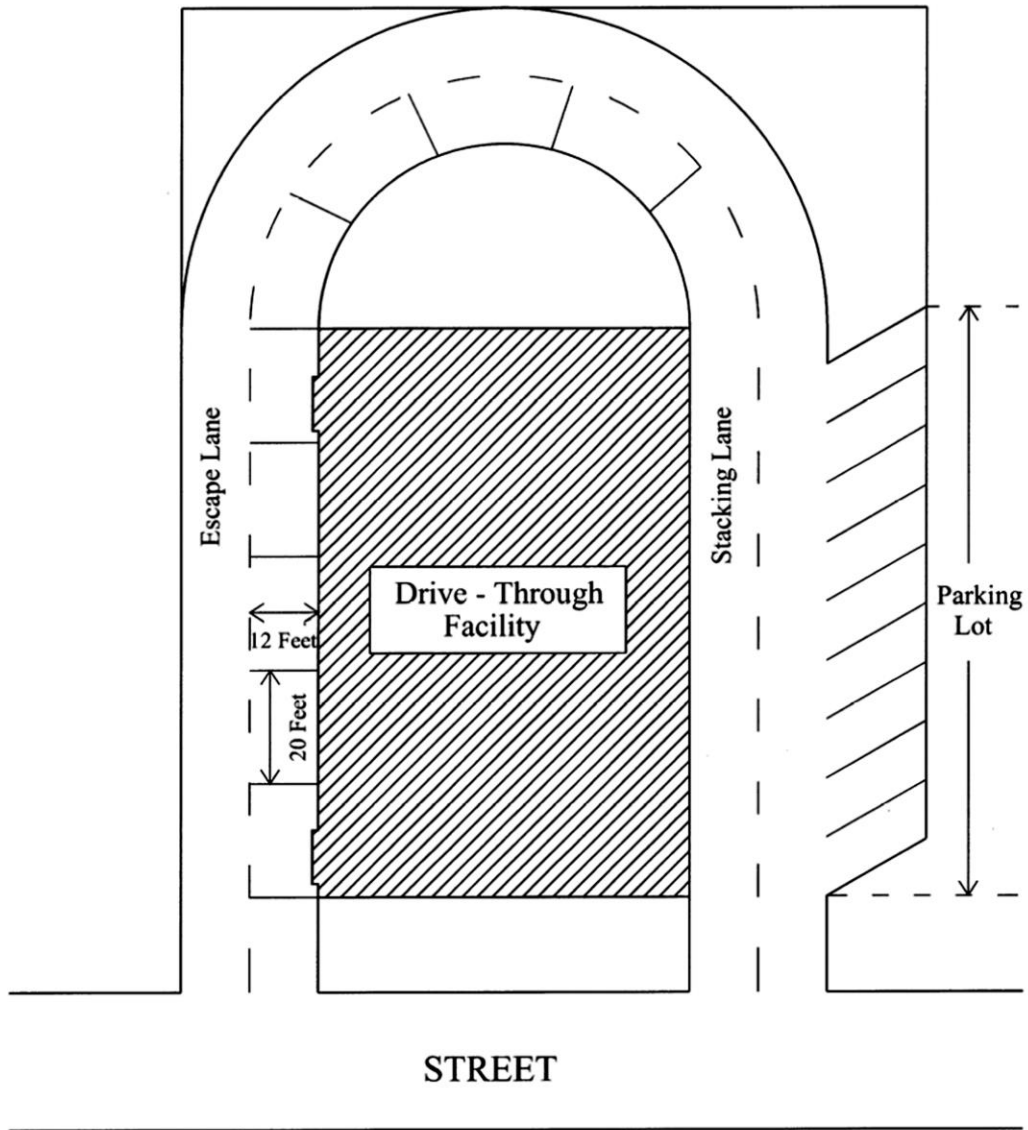


Figure 13
Screening Between
Conflicting Land Uses

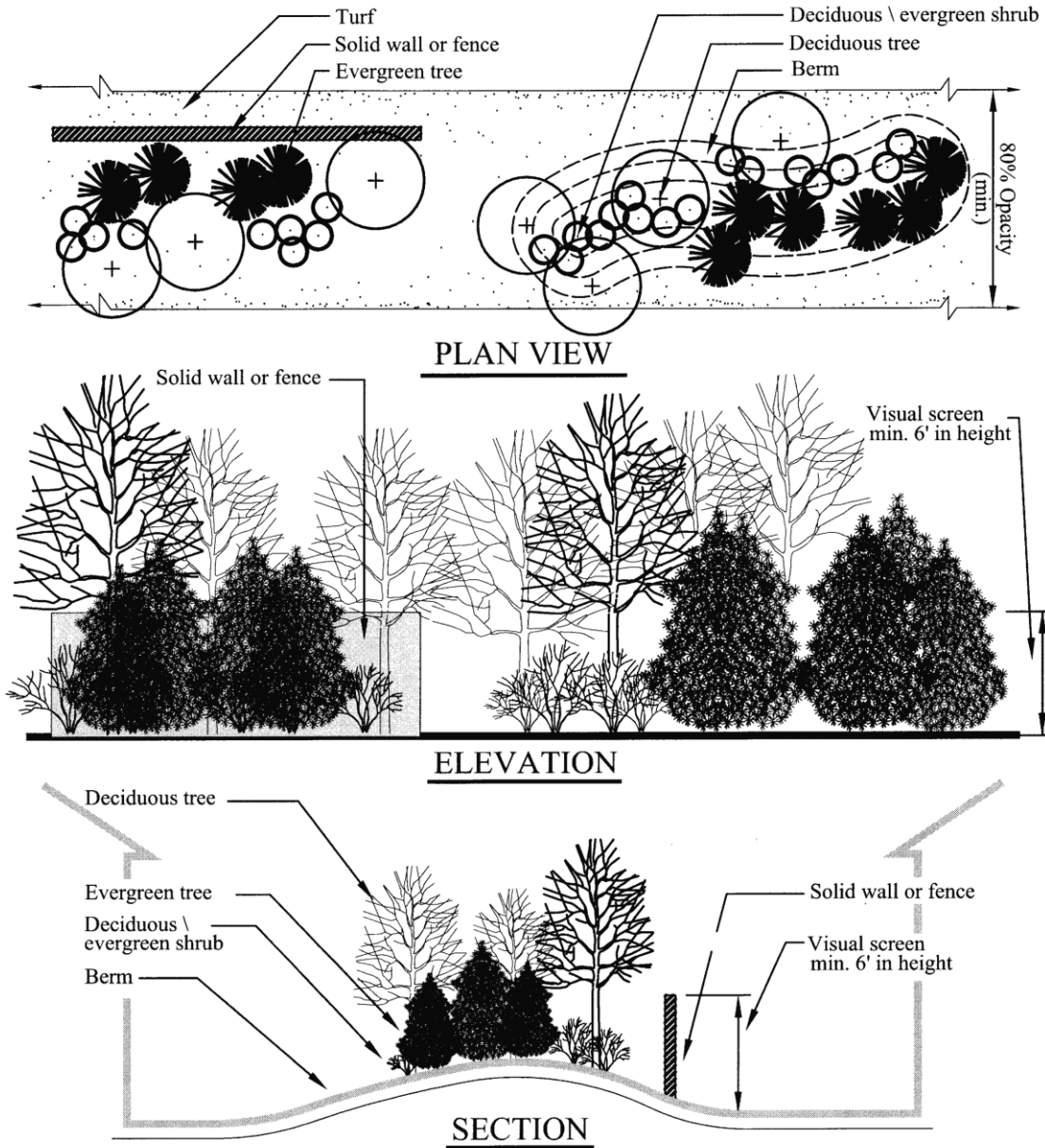


Figure 14
Parking Lot Landscaping-
Interior Parking Areas

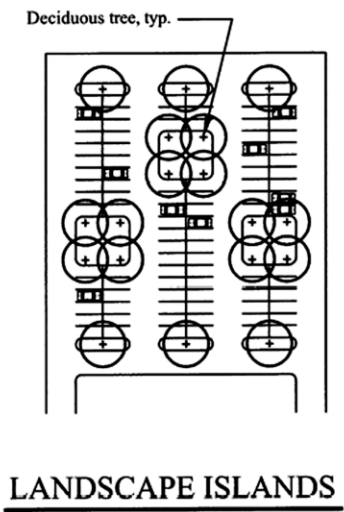
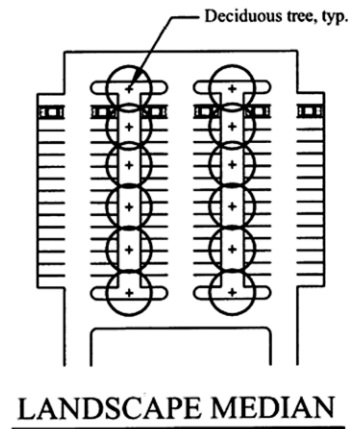
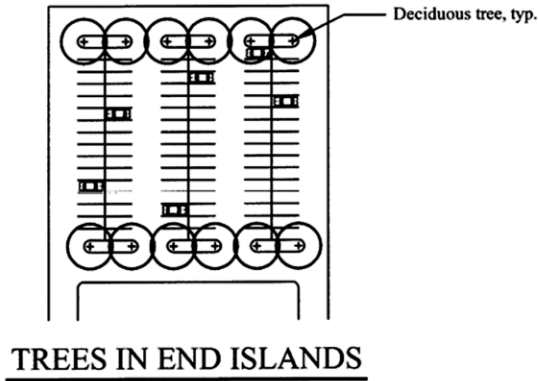


Figure 15
Parking Lot Landscaping-
Perimeter Parking Lot

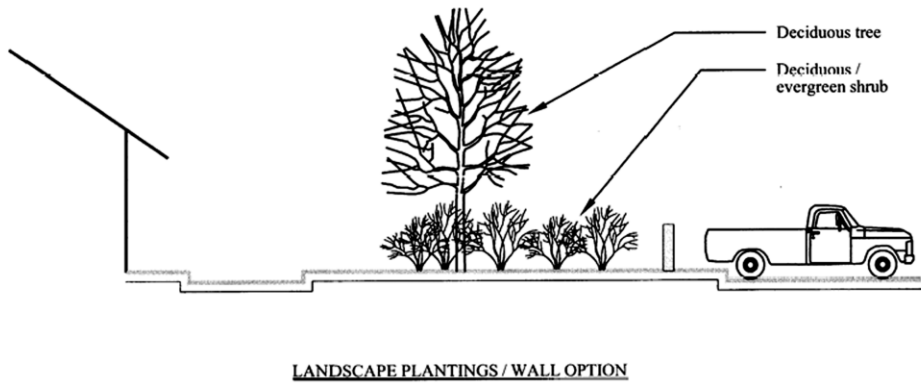
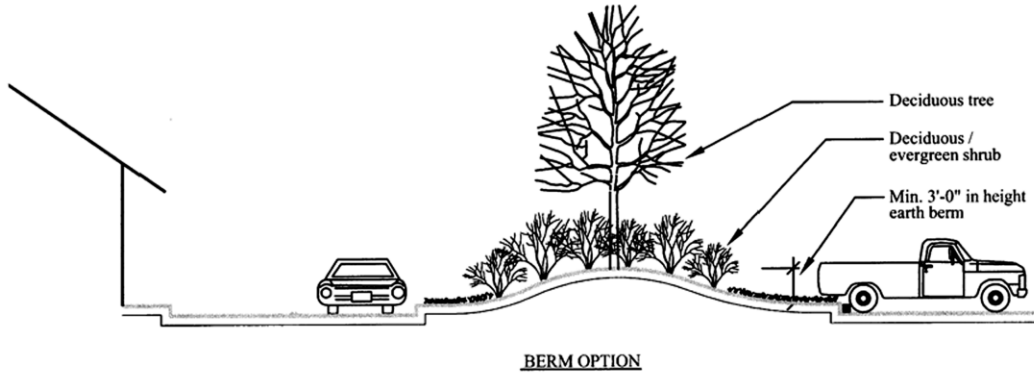


Figure 16
Greenbelt Buffer

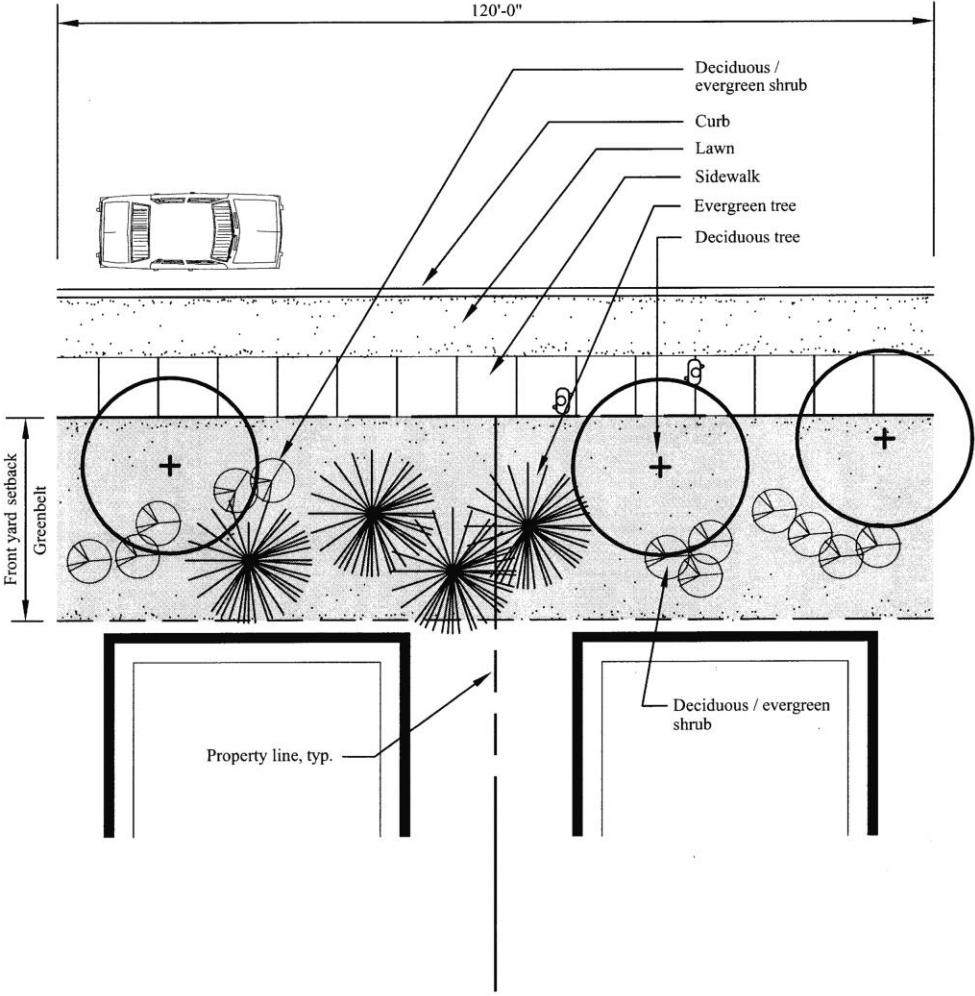


Figure 17
Trash Container Screening

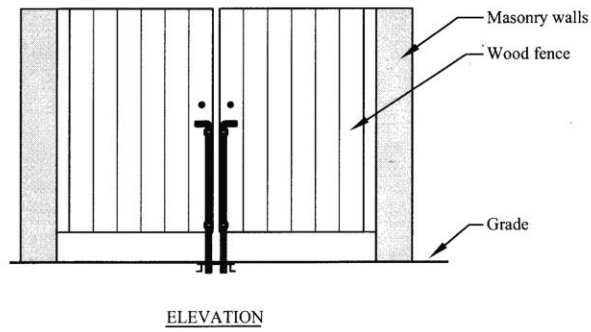
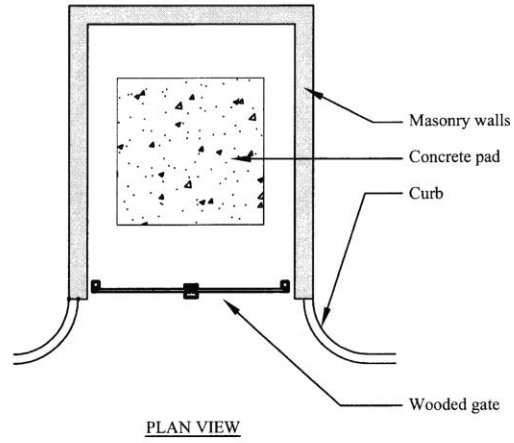


Figure 18 Pedestrian Plaza Design Elements

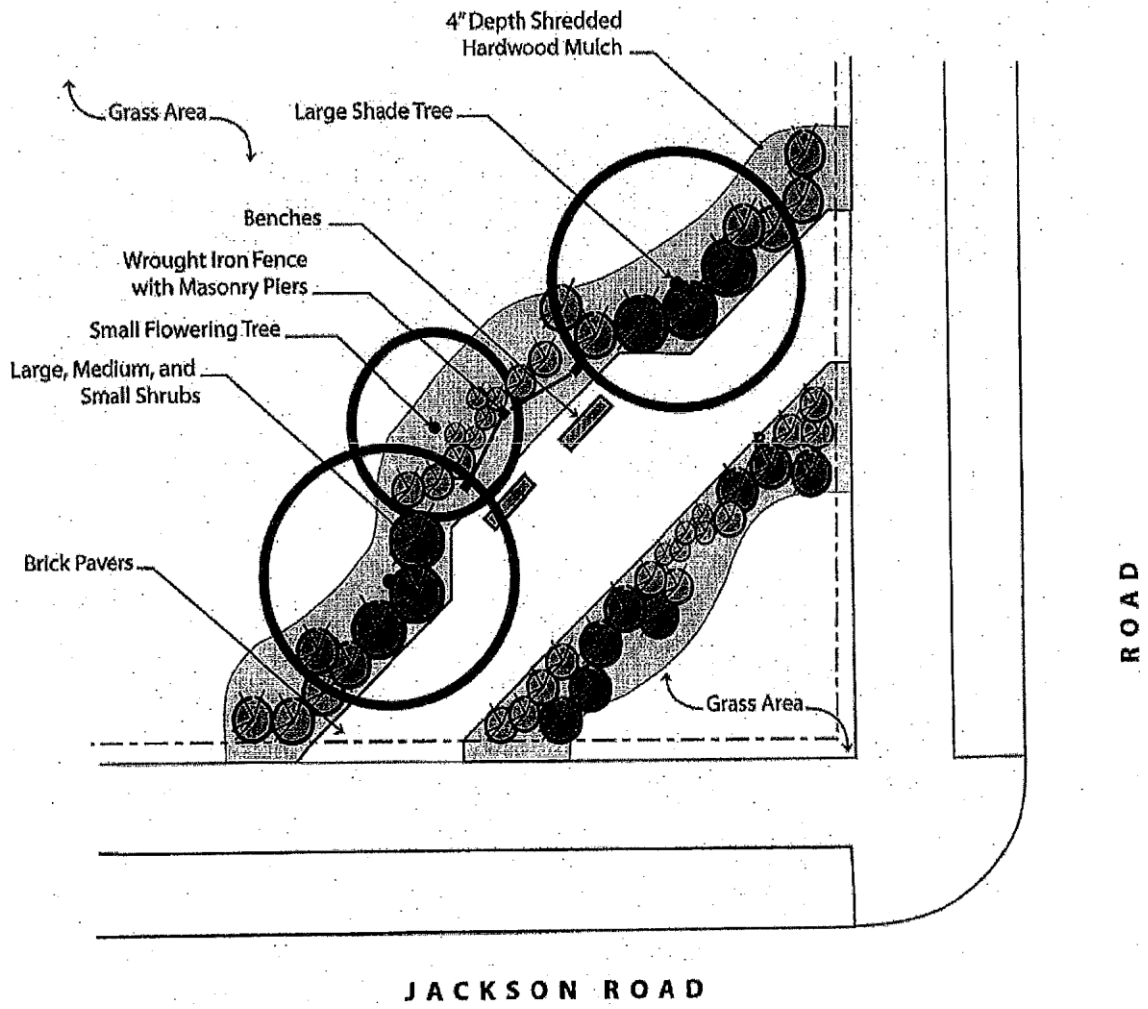


Figure 19. Knee Wall Design Elements

