

Chapter 30 - ZONING⁽¹⁾

Footnotes:

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State Law reference— Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.

ARTICLE I. - IN GENERAL

Sec. 30-1. - Title.

This chapter shall be known and may be cited as "the zoning chapter of Sylvan Township."

(Comp. Ords. 1994, § 15.011; Ord. No. 1, § 1.01, 8-19-1974)

Sec. 30-2. - Purposes.

This chapter has been established for the purposes of:

- (1) Promoting and protecting the public health, safety and general welfare;
- (2) Protecting the character and the stability of the agricultural, recreational, residential, commercial and industrial areas within the unincorporated portions of the township and promoting the orderly and beneficial development of such areas;
- (3) Providing adequate light, air, privacy and convenience of access to property;
- (4) Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
- (5) Lessening and avoiding congestion in the public highways and streets;
- (6) Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
- (7) Promoting healthful surroundings for family life in residential and rural areas;
- (8) Fixing reasonable standards to which buildings and structures shall conform;
- (9) Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts;
- (10) Preventing such additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder;
- (11) Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety, and general welfare;
- (12) Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- (13) Conserving the taxable value of land, buildings, and structures throughout the unincorporated portions of the township;
- (14) Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses;

- (15) Creating a zoning board of appeals and defining the powers and duties thereof;
- (16) Designating and defining the powers and duties of the official in charge of the administration and enforcement of this chapter;
- (17) Providing for the payment of fees for zoning permits; and
- (18) Providing penalties for the violation of this chapter.

(Comp. Ords. 1994, § 15.013; Ord. No. 1, § 1.03, 8-19-1974)

Sec. 30-3. - Validity and severability clause.

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

(Comp. Ords. 1994, § 15.014; Ord. No. 1, § 1.04, 8-19-1974)

Sec. 30-4. - Conflict with other laws.

- (a) Where any condition imposed by any provision of this chapter upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this chapter or by the provision of this chapter or by the provision of any chapter 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 that such easement, covenant or other private agreement, the provision of this chapter shall govern.

(Comp. Ords. 1994, § 15.015; Ord. No. 1, § 1.05, 8-19-1974)

Sec. 30-5. - Definitions.

- (a) For the purpose of this chapter, certain terms are herewith defined. When not inconsistent with the context:
 - (1) The present tense includes the past tense.
 - (2) Words used in the singular number include the plural number.
 - (3) The term "shall" is always mandatory and not merely permissive.
 - (4) The term "person" includes a firm, association, as well as an individual.
 - (5) The terms "used" or "occupied" include the terms "intended," "designed" or "arranged to be used" or "occupied."
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use, building or structure means a use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use, building or structure.

Affiliated farm means a farm under the same ownership or control (e.g., leased) as the farm market whether or not the farm market is located on the property where production occurs. However, the market must be located on land where local land use zoning allows for agriculture and its related activities.

Agriculturally related products (value-added) means items sold at a farm market to attract customers and promote the sale of agricultural products of which 50 percent or more are products produced by the farm operator. Such items include, but are not limited to: agricultural and horticultural products, promoting the farm and agriculture in Michigan and value added agricultural products and on-site production. Wine and beer production/manufacturing will be regulated by the Michigan Liquor Control Commission and any other agency or department regulating the sale and consumption of alcohol.

Agriculture products mean products including, but not limited to: crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins tomatoes, etc.); floriculture; herbs; forestry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants, and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

Agriculture related use means activities predominantly using agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin patches, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

Agriculture tourism means the practice of visiting an agricultural business for the purpose of recreation, education or active involvement in the operation, other than as a contractor or employee of the operation. An agricultural tourism farm operation is a commercial enterprise at a working farm, ranch or agricultural facility conducted for the enjoyment or education of visitors.

Agriculture tourism special event means a special event that is any activity other than the course of conducting normal daily business that attracts people to a private or public invited function. Outdoor music special events will be required to comply with the supplemental performance standards of section 30-808.

Agriculture tourism special event facility means a building or portion of a building, outdoor area, and related parking that may be an ancillary use of a working farm defined by the Michigan Right to Farm Act and participates in the practice and operation of agriculture tourism and which meets the requirements of section 30-808 and site plan review. The special event facility may be rented by individuals or groups to accommodate private functions including, but not limited to: banquets, weddings, anniversaries and other similar events. Such use may or may not include (1) kitchen facilities for the preparation or caring of food (2) the sale and/or serving of alcoholic beverages for the on-premises consumption, only during scheduled events and not open to the general public; and (3) entertainment.

Automobile service station means a place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including the sale of accessories and services, such as polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including bumping, painting, or refinishing thereof.

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

Billboard. See *Outdoor advertising sign.*

Bed and breakfast operations means a use that is subordinate to the principal use of a structure as a single-family detached dwelling unit in which transient guests are provided with sleeping rooms and breakfast meals on a short-term basis, in return for payments. A bed and breakfast operation shall not be considered a boardinghouse or roominghouse.

Block means a parcel of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines, or the corporate boundary lines of any village, city, township.

Boardinghouse means a dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals.

Building means an enclosed structure having a roof supported by columns, walls, arches or other devices and used for the housing, shelter or enclosure of persons, animals or chattels.

Building area means the total area taken on a horizontal plan at the largest floor level of a building and of all accessory buildings on the same lot, exclusive of unroofed nonpermanent canopies.

Building envelope means the part of a lot that is enclosed by the interior lines of required yards, or the portion of a lot in which the principal building or structure may be located.

Building height means the vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs.

Building line means the minimum distance which any building must be located from a street, right-of-way or high water line.

Collocation means the location of two or more providers of wireless communications facilities on a common structure, with the intent of reducing the total number of structures needed for wireless communication services in the township.

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

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

Condominium documents means the master deed, recorded pursuant to the condominium act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

Condominium lot means the land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

Condominium subdivision plan means the drawings and information prepared in accordance with section 66 of the condominium act (MCL 559.166).

Condominium unit means the portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

Conservation easement means as defined in section 2140 of the natural resources and environmental protection act, Public Act No. 60 of 1995 (MCL 324.2140).

Consolidating master deed means the final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

Contractible condominium means a condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this chapter and the condominium act.

Conversion condominium means a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the condominium act (MCL 559.71).

Drive-in means a business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building or structure.

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

Dwelling, multiple-family, means a building or structure designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

Dwelling, single-family, means a detached building or structure designed for or occupied by one family only.

Dwelling, two-family, means a detached building or structure designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means one or more rooms with principal kitchen facilities designed as a unit for residence by only one family for living and sleeping purposes.

Easement, exclusive and nonexclusive.

- (1) Easements which grant the right to construct aboveground structures or for the purpose of vehicular ingress and egress shall be deemed to be "exclusive easements" and shall not be used or included in the computation of any required yard or lot area of a lot.
- (2) The term "nonexclusive easements" means those which allow the lot owner to build or construct aboveground structures in the easement area or to retain exclusive use of the surface, except for repair and maintenance. Such non-exclusive easements may be used for required yards and lot area of a lot.

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

Essential services means the erection, construction, alteration, 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 systems, collection, communication, supply, or disposal systems, dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police 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.

Excavation of gravel, sand, topsoil or earth means premises from which any rock, gravel, sand, topsoil or earth in excess of 50 cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises, except excavation in connection with the construction of a building or within public highway rights-of-way.

Expandable condominium means a condominium project to which additional land may be added in accordance with this chapter and the condominium act.

Family.

- (1) The term "family" means an individual or group of two or more persons related by blood, marriage or adoption, including foster children and servants, together with not more than three additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.
- (2) The term "family" shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Farm means any parcel of land containing ten acres or more which is used in the production of field and tree crops, livestock, poultry and dairy products. It excludes the raising of fur-bearing animals, riding stables, livery or boarding stables, animal kennels and establishments for the disposal or feeding of public garbage, rubbish or offal to animals, as defined in the Right to Farm Act, PA 93 of 1981.

Farm market means a place or an area where transactions between a farm market operator and retail customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of farm operations. 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.

Fence means any constructed or planted barrier, or structure of any material or combination of materials, or gate or berm erected as a driveway marker, barrier, or enclosure on any parcel or lot.

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

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

Freestanding identification sign means a sign designed to identify, to persons not on the premises on which a freestanding identification sign is located, only the title of the business or profession conducted on the premises, and such information shall be supported by a structural frame independent of any other structure.

Front yard, lakeside , means the front yard of a lakeside lot.

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

Ground floor area means the sum of the first (ground) floor areas of all buildings on a lot, exclusive of unroofed porches, patios, terraces, steps, decks, or any area under an awning or other non-permanent canopy.

Home occupation means an occupation that is carried on within a dwelling unit and its accessory buildings by resident members of the family only, and which is clearly incidental and secondary to the principal residential use.

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

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 means any place or premises where dogs, cats, or other domestic pets are maintained, boarded, bred, or cared for in return for enumeration, or are kept for the purpose of sale.

Loading space, off-street , means space logically and conveniently located for bulk pickup 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 the computation of required off-street parking space.

Lot means:

- (1) A parcel of land, excluding any portion in a street or other right-of-way, or easement which is to be excluded from the computation of lot area or required yards, of at least sufficient size to meet minimum requirements for use, coverage, and lot area, and to provide such yards and other open space as herein required. Such lot may consist of:
 - a. A single lot of record;
 - b. A portion of a lot of record;
 - c. Any combination of complete and/or portions of lots of record; or
 - d. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any lot or parcel created, including residuals, be less than that required by this chapter.
- (2) In addition to the land required to meet the regulations herein, the term "lot" shall include all other land shown in a request for a certificate of zoning compliance, occupied by a principal building or use, and any accessory building or use.
- (3) All lots shall have frontage on a public street or public right-of-way accepted by the public, in accordance with law, as required by section 30-792.

Lot area means:

- (1) The area within the lot lines, excluding that portion in an exclusive easement right-of-way, a public road or public street right-of-way.
- (2) The area within the lot lines, excluding the area in a road right-of-way or easement, in a regulated or non-regulated wetland, or a body of water, such as a pond or lake.

Lot coverage means the percentage of the lot area covered by the building area.

Lot coverage means the percentage of the lot area covered by the ground floor area.

Lot of record means a lot which is part of a subdivision, and is shown on a map thereof, which has been recorded in the office of the county register of deeds, or a lot described by metes and bounds, the deed to which has been recorded in said office.

Lot, through or double frontage, means an interior lot having frontage on two parallel or approximately parallel streets.

Lot, width. See section 30-182(b)(8).

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

Manufactured home site means the entire area which is designed for and designated in a manufacturing housing community for use by one manufactured home.

Manufactured housing community means a parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for the 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 manufactured home and which is not intended for use as a temporary recreational vehicle or similar park.

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

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

Master deed means the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by section 8 of the condominium act (MCL 559.108).

Mezzanine means an intermediate floor in any story occupying not to exceed one-third of the floor area of such story.

Mobile home park means a parcel or tract of land under the control of one person upon 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 temporary trailer park.

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

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

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

Non-agricultural related use means activities that are part of an agricultural commercial/tourism business but not specifically tied to the use of agricultural products produced from the farm operation.

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

Nonconforming use means a structure, building, plot, premises or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

Notice of proposed action means the notice required by section 71 of the condominium act (MCL 559.171), to be filed with the township and other agencies.

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

Open space means the common open space designed and developed for use by the occupants and lot owners of a development, or by others, for recreation (whether active or passive) which space is effectively separated from vehicular traffic and off-street parking that is readily accessible. The term shall not include space devoted to streets, driveways, utility easements, and off-street parking lots.

Open space preservation development option (OSPDO) means a development option as authorized by section 506 of Public Act No. 110 of 2006 (MCL 125.3506) and applied for, developed, and completed in accordance with the requirements in this article in general and the requirements in section 30-805 in particular.

Outdoor advertising sign means any sign situated on private premises on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located.

Parcel means a piece or tract of land as defined under the definition of a lot.

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

Private roads and streets means wherever in this chapter there is a reference to "private road" or "private street" or there is an existing private road or private street which serves any lot, principal building or structure, such private road or private street shall be considered to be the equivalent of an "exclusive easement," as defined herein. An exclusive easement shall not be deemed equivalent to a public right-of-way or a street, except when dedicated to the public as required by law, and the existence of such exclusive easement shall be a nonconforming use, effective as of the date of adoption of the ordinance from which this section is derived.

Provider means an entity which is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.

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

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

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

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

Roominghouse means a dwelling in which more than three persons either individually or as families are housed or lodged for hire without meals.

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

Shopping center means a group of commercial establishments planned, developed, owned, and managed as a unit, with off-street parking provided on the property. The several types of shopping centers shall be as defined in the township's adopted general development plan.

Sign means any device designed to inform, or attract the attention of, persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

- (1) Signs not exceeding one square foot in area bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotations;
- (2) Flags and insignias of any government, except when displayed in connection with commercial connotations;
- (3) Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
- (5) Signs directing and guiding traffic and parking to private property, but bearing no advertising matter. Also see *Outdoor advertising sign* and *Freestanding identification sign*.

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

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be 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 of which on 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.

Street means a public thoroughfare dedicated to the public in accordance with the law, which affords the principal means of access to abutting property for vehicular travel.

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

Structure means anything constructed, erected or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.

Tourist home means a dwelling in which overnight accommodations are provided or offered to transient guests for compensation. A tourist home shall not be considered or construed to be a multiple dwelling, motel, hotel, boardinghouse or roominghouse.

Travel trailer means a unit designed to be towed by an automobile or motorized vehicle having its own p designed to be used principally as a temporary camping or vacation dwelling.

Undeveloped state.

- (1) The term "undeveloped state" means:
 - a. A natural state preserving natural resources;
 - b. Natural features, or scenic or wooded conditions;
 - c. Agricultural use;
 - d. Open space; or
 - e. A similar use or condition.
- (2) Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.
- (3) Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

U-pick operation means a farm that provides the opportunity for retail 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 retail customers who go to farms and pick the products they wish to buy.

Variance means a relaxation of the terms of this chapter where not 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 a practical difficulty. A variance is authorized only for matters related to dimensional requirements in this chapter, such as height, area, and size of yards and open spaces and parking space. A "use variance" may not be granted, and establishment or expansion of a use otherwise prohibited is not allowed by variance. A variance may not be granted due to the presence of nonconformities in the zoning district or adjoining zoning districts.

Wireless communications antenna means any antenna used for transmission or reception of wireless communication signals, excluding those used exclusively for dispatch by public emergency agencies, ham radio antenna, satellite antenna, those which receive video programming services via multi-point distribution services which are one meter 39 inches or less in diameter and those which receive television broadcast signals.

Wireless communications facilities means towers and related structures and equipment used in the provision of communication services, including, but not limited to cellular telephone, paging, and personal

communication services. The term "tower" includes a monopole, lattice structure, or other structure used to support antennas.

Working farm means a farm operation providing agricultural products for sale as defined in the Michigan Right to Farm Act, PA 93 of 1982.

Yard, front, means an open, unoccupied space extending the full width of the lot and situated between the exterior face of the front line of a structure and the nearest public road, driveway, or street right-of-way line, exclusive easement, or the front lot line, whichever is the shorter distance. For any lot in any recreation-conservation, agricultural, or residential zoning district that abuts a lake or other body of water which is regulated under the inland lakes and streams act, the portion of the lot that abuts the lake or body of water shall be the front yard for purposes of this chapter. In commercial or industrial districts, the front yard shall be the portion of the lot which abuts or is nearest the public road, driveway, or street right-of-way line.

Yard, rear, means an open, unoccupied space extending the full width of the lot, and situated between the rear line of a structure and the nearest public road, driveway, or street right-of-way line, exclusive easement line, or the rear lot line, whichever is the shorter distance.

Yard, side, means an open, unoccupied space on the same lot with the principal structure, situated between the side line of a structure and the adjacent side line of the nearest public road, driveway, or street right-of-way line, exclusive easement, or the side lot line, whichever is the shorter distance.

(Comp. Ords. 1994, §§ 15.041, 15.042, 45.001—45.005, 68.001, 79.000, 86.000, 98.000; Ord. No. 1, §§ 2.01, 2.02, 8-19-1974; Ord. of 5-15-1980; Ord. of 8-4-1981; Ord. of 9-1-1990; Ord. of 6-2-1992; Ord. No. 20, 9-7-1992; Ord. No. 27, 5-4-1993; Ord. No. 32, §§ 1—5, 3-7-1995; Ord. No. 54, § 1, 6-18-1999; Ord. of 1-2-2001; Ord. No. 64, §§ 1—4, 6-11-2001; Ord. No. 55, § 2, 10-7-1999; Ord. of 12-2-2003; Ord. of 7-13-2006, § 2; Ord. of 8-12-2014; Ord. No. 15-3, § 1, 11-3-2015)

Sec. 30-6. - Undefined terms.

Any term not defined in section 30-5 shall have the meaning of common or standard use.

(Comp. Ords. 1994, § 15.043; Ord. No. 1, § 2.03, 8-19-1974)

Secs. 30-7—30-30. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 30-31. - Zoning board.

All powers, duties, and responsibilities for a zoning board as provided by Public Act No. 110 of 2006 (MCL 125.3101 et seq.) are hereby transferred to the township planning commission in accordance with section 301 of such act (MCL 125.3301).

(Comp. Ords. 1994, § 15.077; Ord. No. 1, § 3.17, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-32. - Violations.

(a) *Notice of violation.* The zoning inspector shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, use or occupancy of a structure

or lot in violation of the provisions of this chapter, or in violation of a certificate of occupancy issued hereunder. 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 inspector shall request the township attorney to institute appropriate proceedings. Such action shall be to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the lot or structure which is in violation of the provisions of this chapter or of the order or direction made pursuant thereto.
- (c) *Abatement of violation.* The imposition of the penalties prescribed in this section shall not preclude the township attorney from instituting appropriate action:
 - (1) To prevent unlawful construction;
 - (2) To restrain, correct, or abate a violation;
 - (3) To prevent illegal occupancy of a structure or premises; or
 - (4) To stop an illegal act, conduct, business, or use of a structure or premises.
- (d) *Stop work order.* Upon notice from the zoning inspector that work on any structure or premises is being conducted contrary to the provisions of this chapter, such work shall be immediately stopped. The stop work order shall be posted on the property. The stop work order shall also be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work, and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop work order, except work as such person is directed by the zoning inspector to perform to remove violations or unsafe conditions, shall be subject to the penalties in subsections (a) through (d) of this section.
- (e) *Public nuisance per se.* Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of the ordinance from which this chapter is derived, in violation of any of the provisions of this chapter, is declared to be a public nuisance per se, and may be abated by order of a court of competent jurisdiction.

(Comp. Ords. 1994, § 15.880; Ord. No. 1, § 58.10, 8-19-1974; Ord. of 5-15-1980; Ord. of 11-5-1985)

Sec. 30-33. - Civil infraction fines for violation.

In addition to the cost of the required permit, other fines, penalties, and remedies provided for violation of this section, any person or other entity who violates the following provisions of this section is responsible for municipal civil infraction as defined by Michigan law subject to a civil fine determined in accordance with the following schedule:

- (1) For violation of the provisions of this section governing the operation of specially permitted land uses in all districts, including the failure to obtain a special land use permit:

Violation	Fine
1st violation within a three-year period *	\$ 500.00
2nd violation within a three-year period *	1,000.00
3rd violation within a three-year period *	2,000.00

4th or subsequent violation within a three-year period *	5,000.00
* determined on the basis of the date of violation(s).	

(2) For violation of any other provision of this section:

Violation	Fine
1st violation within a three-year period *	\$ 100.00
2nd violation within a three-year period *	200.00
3rd violation within a three-year period *	500.00
4th or subsequent violation within a three-year period *	1,000.00
* determined on the basis of the date of violation(s).	

(3) For violation of all provisions of this section, the violator shall pay cost, which shall include all direct and indirect expenses to which the township has been put in connection with the violation. A violator of this section shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this section continues to exist constitutes a separate violation.

(Comp. Ords. 1994, § 46.002; Ord. No. 33, § 2, 1-31-1996; Ord. No. 15-2, 10-6-2015)

Sec. 30-34. - Zoning inspector.

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

(Comp. Ords. 1994, § 15.871; Ord. No. 1, § 58.01, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-35. - Duties and powers of the zoning inspector.

The duties and powers of the zoning inspector shall include the following:

- (1) Interpret all provisions of this chapter.
- (2) Enforce all provisions of this chapter and issue all necessary notices or orders to ensure compliance with said provisions.

- (3) Receive applications for and issue certificates of zoning compliance in accordance with this chapter and sign certificates of occupancy as required herein.
- (4) Make all inspections required by this chapter, and all inspections necessary to enforce this chapter, and may engage the assistance of the township fire chief, building inspector, and engineer as deemed necessary in making such inspections. The zoning inspector may engage other expert opinion to assist in making such inspections subject to approval of the township board.
- (5) Identify and process violations to this chapter. The zoning inspector shall be responsible for making periodic inspection of the township or parts thereof for the purpose of finding violations of this chapter.
- (6) Keep official records of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.
- (7) Submit to the township board an annual report in which a summary of the activities of the office is presented.

(Comp. Ords. 1994, § 15.872; Ord. No. 1, § 58.02, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-36. - Certificate of zoning compliance.

- (a) Application for certificate of zoning compliance shall be made to the zoning inspector. Each application shall include a site plan as required in subsection (k) of this section, a property survey as required in subsection (l) of this section, and all information necessary to determine zoning compliance.
- (b) All plans to be submitted to the building inspector for a building permit shall first be submitted for review and approval by the zoning inspector with respect to the requirements of this chapter. No building permit shall be issued unless a certificate of zoning compliance has been issued by the zoning inspector for the same development and is in effect.
- (c) In all cases in which a certificate of occupancy is required, but a building permit is not required, the certificate of occupancy shall not be issued unless a certificate of zoning compliance has been issued by the zoning inspector and is in effect.
- (d) A certificate of zoning compliance shall not be issued for any use or structure unless said use or structure and the lot on which it is situated meet all requirements of this chapter. However, a certificate of zoning compliance shall be issued for a use or structure and the lot on which it is situated on which one or more legal nonconformities exist. In such case, the certificate of zoning compliance shall clearly list each and every legal nonconformity. A certificate of zoning compliance shall not be issued for any use of a structure and the lot on which it is situated if any illegal nonconformity exists.
- (e) Application for a certificate of zoning compliance may be made by the owner or lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee, and the applicant is authorized to make such application. The full names and addresses of the record owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- (f) Subject to the limitations of section 30-118, amendments to a plan, application, or other records accompanying the same may be filed at any time before completion of the work for which the certificate was approved, and before a certificate of occupancy is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.
- (g) The zoning inspector shall examine or cause to be examined all applications for a certificate of zoning compliance and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to all requirements of this chapter, the zoning inspector shall reject such application in writing, stating the reasons therefor. If the application or the plans do so conform, the zoning inspector

shall issue a certificate of zoning compliance as soon as possible. The zoning inspector shall attach his signature to every certificate, or may authorize a subordinate to affix such signature thereto. The zoning inspector shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved."

- (h) An application for a certificate of zoning compliance shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently prosecuted 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 inspector may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding 90 days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six months after time of commencing the work.
- (i) The zoning inspector may revoke a certificate of zoning compliance in case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based.
- (j) Issuance of a certificate of zoning compliance shall be subject to the following conditions:
 - (1) No certificate shall be issued until the required fees have been paid.
 - (2) All work 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.
- (k) An application for a certificate of zoning compliance shall be accompanied either by a site plan as required in this section or by a site plan as required under article II, division 2 of this chapter, whichever applies. If a site plan is not required under article II, division 2 of this chapter, a site plan shall be submitted as required in this section. Such site plan shall be drawn to scale, submitted in two copies and shall provide the following information:
 - (1) Scale, date, and north point.
 - (2) Location, shape and dimensions of the lot.
 - (3) Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all users not involving structures.
 - (4) A clear description of existing and intended uses of all structures.
 - (5) Additional information as required by the zoning inspector for purposes of determining compliance with this chapter.
- (l) An application for a certificate of zoning compliance for a parcel of land in the LR district shall be accompanied by a staked survey of the land for which the certificate is requested. The survey shall be signed and sealed by a land surveyor registered in the state.

(Comp. Ords. 1994, §§ 15.873, 100.000; Ord. No. 1, § 58.03, 8-19-1974; Ord. of 5-15-1980; Ord. No. 83, § 100.00(3), (4), 8-2-2007)

Sec. 30-37. - Building permits.

No building permit shall be issued for the erection, alteration, moving or repair of any structure or part thereof which does not comply with all provisions of this chapter and unless a certificate of zoning compliance has been issued therefor by the zoning inspector and is in effect. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefor by the building inspector.

(Comp. Ords. 1994, § 15.874; Ord. No. 1, § 58.04, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-38. - Certificates of occupancy.

- (a) *General requirements.* It shall be unlawful to use or occupy or to permit the use or occupancy of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the building inspector.
- (1) A certificate of occupancy shall not be approved and signed by the building inspector until its issuance has been approved in writing by the zoning inspector; said approval signifying compliance with all provisions of this chapter.
 - (2) A certificate of occupancy shall not be issued for any building or structure or part thereof, or for the use of land, which does not comply with all provisions of this chapter. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this chapter, and shall list each legal nonconformity existing on the premises. Failure to obtain a certificate of occupancy when required shall be a violation of this chapter and punishable under section 30-32.
- (b) *Change in use.* A structure or part thereof shall not be changed to or occupied by a use different from that existing at the effective date of the ordinance from which this chapter is derived if a building permit is required, unless a certificate of occupancy is first issued for the different use.
- (c) *Existing structure and use.* A certificate of occupancy shall be issued upon request of the owner, for an existing structure or part thereof, or for an existing use of land, if, after inspection of the premises, it is found that such structures or uses comply with all provisions of this chapter, or have legal, nonconforming status. All legal nonconformities shall be clearly described on the certificate of occupancy. A certificate of occupancy shall not be issued for any premises in which illegal nonconformities exist.
- (d) *Accessory structures.* An accessory structure shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the principal structure, when such accessory structure is completed under the same building permit as the principal structure.
- (e) *Application.* Application for certificates of occupancy shall be made in writing to the building inspector on forms furnished therefor.
- (f) *Certificate to include zoning.* Certificates of occupancy as required by the state construction code for new buildings or structures, or parts thereof, or for alterations or repairs to existing buildings or structures, shall also constitute certificates of occupancy as required by this article.
- (g) *Temporary certificates.* Where permitted under the state construction code, a temporary certificate of occupancy may be issued, provided that the temporary certificate is approved in writing by the zoning inspector.
- (h) *Certificate of footings.* Any construction in the LR district for which a certificate of zoning compliance has been issued shall have the location of footings or any other sub-grade or at-grade improvement, such as slabs, certified for compliance with all setback requirements. Certification shall be made by a land surveyor registered in the state. The owner of the property shall provide the certification to the zoning inspector within ten days of the installation of footings or other sub-grade or at-grade improvement. Failure to comply with this requirement shall render the certificate of zoning compliance null and void. All construction shall cease immediately if the footings or other construction violates the setback requirement and shall not be re-commenced until after the violation is removed.

(Comp. Ords. 1994, §§ 15.875, 100.000; Ord. No. 1, § 58.05, 8-19-1974; Ord. of 5-15-1980; Ord. No. 83, § 100.00(5), 8-2-2007)

Sec. 30-39. - Certificate of occupancy; inspection.

The applicant for a certificate of occupancy shall notify the zoning inspector and the building inspector when inspection is desired. The zoning inspector shall sign the certificate of occupancy within ten days after receipt of such application if the zoning inspector finds that the building or structure, or part thereof, or the use of land, complies with all requirements of this chapter and with any approved site plans.

(Comp. Ords. 1994, § 15.876; Ord. No. 1, § 58.06, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-40. - Records.

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

(Comp. Ords. 1994, § 15.877; Ord. No. 1, § 58.07, 8-19-1974; Ord. of 5-15-1980)

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

Sec. 30-41. - Fees.

The township board shall establish a schedule of fees, by resolution, for administering this chapter.

(Comp. Ords. 1994, § 15.878; Ord. No. 1, § 58.08, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-42. - Compliance with plans and applications.

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the zoning inspector and the building inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter and punishable as provided in section 30-32.

(Comp. Ords. 1994, § 15.879; Ord. No. 1, § 58.09, 8-19-1974; Ord. of 5-15-1980)

Secs. 30-43—30-72. - Reserved.

DIVISION 2. - SITE PLAN REVIEW²¹

Footnotes:

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

Sec. 30-73. - Authority for site plan review.

The township planning commission shall have the authority to review and approve or reject preliminary and final site plans as required in this article.

(Comp. Ords. 1994, § 15.761; Ord. No. 1, § 55.01, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-74. - Violations.

The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan, unless the planning commission agrees to such changes as provided in this article. Any violation of the provisions of this article, including improvement not in conformance with the approved final site plan, shall be deemed a violation of this article as provided in section 30-32 and shall be subject to all its penalties.

(Comp. Ords. 1994, § 15.772; Ord. No. 1, § 55.12, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-75. - Developments and uses requiring site plan review.

(a) The following buildings, structures, and uses require site plan review and approval:

- (1) A building containing two or more dwelling units.
- (2) A mobile home park.
- (3) Any principal nonresidential building or structure, and addition thereto, permitted in residential districts and any principal building or structure, and addition thereto, except single-family residences and all farm buildings and structures, permitted in recreation-conservation and agriculture districts.
- (4) Any building with a floor area greater than 500 square feet, and additions thereto, in any business or industrial district.
- (5) More than one building or structure, except a sign, on a lot or parcel, or combination of lots under one ownership, in any business and industrial district.
- (6) Any principal use of a lot in any business and industrial district, which does not involve a building, such as, but not limited to, outdoor sales, outdoor displays, and storage of vehicles.
- (7) Public utility buildings and structures, but not including poles, towers, and telephone repeater buildings.
- (8) Any parking lot or addition thereto containing five or more parking spaces when not a part of a development or use for which site plan review and approval is required elsewhere in this section.
- (9) Special land uses, as required in article IV of this chapter.
- (10) A planned unit development.

(b) The zoning inspector shall not issue a certificate of zoning compliance and the building inspector shall not issue a building permit for construction of, or addition to, any one of the buildings or structures listed in subsection (a) of this section until a final site plan therefor has been approved and is in effect. A use not involving a building or structure, as listed in subsection (a) of this section, shall not be commenced, or expanded, nor shall the building inspector issue a certificate of occupancy for such use, until a final site plan has been approved and is in effect.

(c) No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development for which site plan approval is required until a final site plan is approved and is in effect, except as otherwise provided in this article.

(Comp. Ords. 1994, § 15.762; Ord. No. 1, § 55.02, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-76. - Preliminary site plan.

(a) *Application.* Any person with a legal interest in a lot or parcel may apply for preliminary site approval for the lot or parcel by filing the appropriate application form, paying the required review fees, and

furnishing eight copies of the preliminary site plan drawings with the township board. The application and drawings shall be reviewed by the township planner and engineer, who shall determine if the application and plans are administratively complete in that they contain or provide the information required for planning commission action. The clerk shall then transmit the application and plans to the planning commission for review at their next regularly scheduled meeting, or any special meeting called for such purposes, allowing for sufficient time so that any required public hearing notice may be given.

(b) *Information required.* Each preliminary site plan submitted for review shall provide the following information:

- (1) Location and description of the site; dimensions and area.
- (2) General topography and soil information.
- (3) Property owner's name and address; applicant's name and address and interest in the property; owner's signed consent for preliminary site plan approval application if the applicant is not the owner.
- (4) Scale, north arrow, date of plan.
- (5) Proposed buildings/structures. Location, outline, general dimensions, distances between buildings/structures, floor area, number of floors, height, and number and type of dwelling units (where applicable).
- (6) Location and size of open areas and recreation areas.
- (7) Proposed streets/drives. General alignment, right-of-way (where applicable), surface type and width.
- (8) Proposed parking. Location and dimensions of lots; typical dimensions of spaces and aisles; angle of spaces; surface type; number of spaces.
- (9) Existing zoning classification of property; delineation of required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips, if applicable.
- (10) Area of intended filling and/or cutting; outline of existing buildings/structures and drives; existing natural and manmade features to be retained or removed.
- (11) Adjacent land uses and zoning; location of adjacent buildings, drives and streets.
- (12) Location and area of development phases; building program for each phase; projected schedule of development by phase.
- (13) Location and width of all easements on the site.
- (14) General description of proposed water, sanitary sewer, and storm drainage systems.
- (15) All adjacent property owned or controlled by the applicant or owner of the subject property.

(c) *Standards for review.* In reviewing a preliminary site plan, the planning commission shall consider the following standards:

- (1) All required information has been provided.
- (2) The proposed development conforms to all regulations of the zoning district in which it is located.
- (3) The applicant may legally apply for site plan review.
- (4) Vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

- (5) The proposed site plan will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
 - (6) Natural resources will be preserved to a maximum feasible extent.
 - (7) The proposed development respects natural topography to the maximum feasible extent, and minimizes the amount of cutting and filling required.
 - (8) Organic, wet, or other soils which are not suitable for development will be undisturbed, or will be modified in an acceptable manner.
 - (9) The proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.
 - (10) Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- (d) *Planning commission action.* The planning commission shall review the site plan and within a reasonable time subsequent to any required public hearing, approve, conditionally approve, or reject the preliminary site plan. The planning commission may require changes in the plan and may attach conditions to its approval. The planning commission shall advise the applicant in writing of its actions on a preliminary site plan.
- (e) *Effect of approval.* Approval of a preliminary site plan by the township planning commission shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in subsection (c) of this section. The township planning commission may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the building inspector for grading and foundation work on the basis of an approved preliminary site plan. The conditions which may be attached to such permit for grading and foundation work shall include, but shall not be limited to, measures to control erosion, exemption of the township from any liability if a final site plan is not approved, and provision of a bond for site restoration if work does not proceed to completion.
- (f) *Expiration of approval.*
- (1) The planning commission secretary must, within ten days of the date of preliminary site plan approval, send a written certification of such approval to the applicant.
 - (2) A preliminary site plan approval expires 180 days after the date of that preliminary approval if the person or entity receiving the approval does not first apply for final site plan approval for all or part of the area included in the approved preliminary site plan approval.
 - (3) If the applicant submits a final site plan application for only a part of the area covered by the approved preliminary site plan and the applicant receives final site plan approval for part of the area, then the applicant must submit successive final site plan approval applications for the remaining areas of the property covered by the preliminary approval (i.e., the areas not covered by the final site plan approval) within two years from the date of the previously-approved final site plan. If applicant fails to meet this two-year deadline, the planning commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site.
 - (4) Notwithstanding the above, the planning commission may extend the approval period of a previously approved preliminary site plan (i.e., grant extensions from the deadlines set forth in subsections (f)(2) and (f)(3) of this section) for up to one year upon applicant's written application and showing of good cause. The planning commission may approve more than one extension using the same good cause standard.

(Comp. Ords. 1994, §§ 15.763, 45.007, 45.008, 104.000; Ord. No. 1, § 55.03, 8-19-1974; Ord. of 5-15 1980; Ord. No. 32, §§ 7, 8, 3-7-1995; Ord. of 7-17-2008, § 2)

Sec. 30-77. - Notification requirements for preliminary site plan review proceedings.

The planning commission shall hold a public hearing on an application for a preliminary site plan review approval. A notification of the public hearing shall be given as required by section 103 of Public Act No. 110 of 2006 (MCL 125.3103).

(Comp. Ords. 1994, §§ 15.763a, 97.000; Ord. of 4-27-2006, § 2)

Sec. 30-78. - Final site plan.

- (a) *Application.* Following approval of a preliminary site plan, the applicant may request final site plan approval by filing eight copies of a proposed final site plan, paying the required review fee, and submitting a completed application form to the township board. The township planner and engineer shall review the application and proposed plan to determine if they are administratively complete in that they contain information required by the planning commission in its approval or conditional approval of the preliminary site plan and the information required for planning commission action. The clerk shall, upon the completion of said administrative review, transmit the application and the proposed final site plans to the planning commission for review at its next scheduled regular meeting or any special meeting called for that purpose, subject to such time limitations required for any public hearing notice.
- (b) *Information required.* Each final site plan submitted for review shall provide the following information and shall meet the following specifications, where applicable:
- (1) The site plan shall be of a scale not greater than one inch equals 200 feet, and of such accuracy that the planning commission can readily interpret the plan. The information shall be presented on more than one drawing, where required by the planning commission, for purposes of clarity.
 - (2) Scale, north arrow, name and date of plan; date of revisions thereto.
 - (3) Name and address of property owner and applicant; interest of applicant in property; name and address of developer.
 - (4) Name and address of designer. A final site plan shall be prepared by an architect, community planner, engineer, landscape architect, or land surveyor registered in the state.
 - (5) A vicinity map; legal description of the property; dimensions and lot area. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan. Lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description.
 - (6) Existing topography (minimum contour interval of two feet); existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy; individual deciduous trees of six inch diameter or larger and individual evergreen trees six feet in height or higher, where not part of a group of trees, shall be accurately located on the final site plan.
 - (7) Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indications of all improvements to remain and to be removed.
 - (8) General description of deed restrictions, if any.
 - (9) Owner, use, and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
 - (10) Existing public utilities on or serving the property. Location and size of water lines and hydrants; location, size and inverts for sanitary sewer and storm sewer lines; location of manholes and catchbasins; location and size of wells, septic tanks and drain fields.

- (11) Name and right-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surfaces, including elevations at intersections with streets and drives of the proposed development.
- (12) Zoning classification of the subject property; location of required yards; total ground floor area and lot coverage (percent); floor area ratio. In the case of residential units, the plan shall note dwelling unit density, lot area per dwelling unit, and a complete schedule of the number, size and type of dwelling units.
- (13) Grading plan showing finished contours at a minimum interval of two feet and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines shall be connected to existing contour lines at or before the property lines.
- (14) Location and exterior dimensions of proposed buildings and structures, with the location to be referenced to property lines or to a common base point; distances between buildings; height in feet and stories; finished floor elevations and contact grade elevations.
- (15) Location and alignment of all proposed streets and drives; rights-of-way where applicable; surface type and width, and typical cross section of same showing surface, base, and sub-base materials and dimensions; location and typical details of curbs; turning lanes, with details (where applicable); location, width, surface elevations and grades of all entries and exits; curve radii.
- (16) Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of spaces and aisles; drainage pattern of lots; typical cross section showing surface, base, and sub-base materials; angle of spaces.
- (17) Location and size of proposed improvements of open spaces and recreation areas, and maintenance provisions for such areas.
- (18) Location, width, and surface of proposed sidewalks and pedestrian ways.
- (19) Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions.
- (20) Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures, showing materials and dimensions.
- (21) Location, type, size, area, and height of proposed signs.
- (22) Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catchbasins for proposed sanitary sewer, water, and storm drainage facilities; location and size of retention ponds and degrees of slope of sides of ponds; calculations for size of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface equipment for electricity and telephone services; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields, where applicable. Final engineering drawings for all site improvements such as, but not limited to, water, sanitary sewer and storm sewer systems; streets, drives and parking lots; retention ponds and other ponds or lakes; and retaining walls, shall be submitted to and approved by the township engineer prior to planning commission approval of the final site plan. A letter of approval or a copy of the permit from the county health department for on-site water and sewer facilities shall be submitted to the planning commission secretary prior to planning commission approval of the final site plan.
- (23) Landscape plan showing location and size of plant materials.
- (24) Evidence of approval of soil erosion and sedimentation control measures from the county soil erosion control agent.
- (25) Location of proposed retaining walls; dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
- (26) Location, height, type, direction and intensity of outside lighting.

- (27) Right-of-way expansion where applicable.
- (c) *Standards for review.* In reviewing the final site plan, the planning commission shall determine whether the plan meets the following standards:
- (1) The final site plan conforms to the preliminary site plan as approved by the township planning commission.
 - (2) The plan meets all applicable standards in section 30-221.
 - (3) The plan meets the specifications of the township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by the township fire chief and township engineer.
 - (4) The proposed development will not cause soil erosion or sedimentation problems.
 - (5) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area.
 - (6) The proposed development is coordinated with improvements serving the subject property and with the other developments in the general vicinity.
 - (7) Outside lighting will not adversely affect adjacent or neighboring properties or traffic on adjacent streets.
 - (8) Outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
 - (9) Grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
 - (10) Parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets.
 - (11) The plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.
 - (12) The plan provides for the property extension of existing public streets serving the site, where applicable.
- (d) *Planning commission action.* The planning commission shall review the proposed final site plan and, within a reasonable time, approve, conditionally approve, or reject the proposed final site plan. The planning commission may require changes in the proposed final site plan. The planning commission shall include in its study and review of the proposed final site plan recommendations of the township zoning inspector, the township fire chief, and any other township official, department or agency, or any public utility company, that might have an interest in or be affected by the proposed development. Upon planning commission approval of a final site plan, the applicant, the owner of record, or the legal representative thereof, and the planning commission secretary shall each sign five copies of the approved final site plan. The planning commission secretary shall transmit two signed copies of the plan and any conditions attached to the approval to the zoning inspector, and one signed copy each to the township board and the applicant. The planning commission secretary shall attach a certificate of approval to the copy to be sent to the applicant. One signed copy shall be retained in the planning commission's files. If the final site plan is rejected, the planning commission shall notify the applicant in writing of such action and the reasons therefor, within ten days following the action.
- (e) *Effect of approval.* Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.
- (f) *Expiration of approval.*

- (1) A final site plan approval expires upon the occurrence of either of the following:
 - a. The applicant does not secure a building permit within 180 days of the date the final site plan was approved; or
 - b. The applicant does not start construction on the property and show evidence of diligently completing construction per the approved site plan 545 days after the date the final site plan was approved.
- (2) Notwithstanding the conditions of expiration in subsection (f)(1) of this section, the planning commission may extend the approval period (i.e., grant extensions from the deadline set forth in subsection (f)(1) of this section) for up to one year upon applicant's written application and showing a good cause. The planning commission may approve more than one extension using the same good cause standard.

(Comp. Ords. 1994, §§ 15.764, 45.009, 45.010, 100.000, 104.000; Ord. No. 1, § 55.04, 8-19-1974; Ord. of 5-15-1980; Ord. No. 32, §§ 9, 10, 3-7-1995; Ord. No. 83, § 100.00(2), 8-2-2007; Ord. of 7-17-2008, § 3)

Sec. 30-79. - Notification requirements for final site plan review proceedings.

The planning commission shall hold a public hearing on an application for a final site plan review approval. A notification of the public hearing shall be given as required by section 103 of Public Act No. 110 of 2006 (MCL 125.3103).

(Comp. Ords. 1994, §§ 15.764a, 97.000; Ord. of 4-27-2006, § 3)

Sec. 30-80. - Combining preliminary and final site plans.

An applicant may, at the applicant's discretion and risk, with approval of the township planning commission, combine a preliminary and final site plan in an application for approval. The planning commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two or more phases.

(Comp. Ords. 1994, § 15.765; Ord. No. 1, § 55.05, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-81. - Amendment of approved site plan.

A site plan may be amended upon application and in accordance with procedure and requirements provided in section 30-76, for a preliminary site plan, and in section 30-78, for a final site plan. Minor changes in a preliminary site plan may be incorporated into a final site plan without an amendment to the approved preliminary site plan, at the discretion of the planning commission. The planning commission may require that a revised preliminary or final site plan drawing be submitted showing minor changes in lieu of procedures set forth in sections 30-76 and 30-78 for purposes of record. The planning commission shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment. The planning commission shall record its determinations and reasons therefor in the minutes of the meeting at which the action is taken.

(Comp. Ords. 1994, § 15.766; Ord. No. 1, § 55.06, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-82. - Modification of plan during construction.

All site improvements shall conform to the approved final site plan. If the applicant makes any changes during construction in the development in relation to the approved final site plan, such changes shall be made at the applicant's risk, without any assurances that the planning commission will approve the change. It shall be the responsibility of the applicant to notify the zoning inspector, the building inspector, and the planning commission of any such changes. The zoning inspector or the planning commission, whichever is applicable, may require the applicant to correct the changed so as to conform to the approved final site plan.

(Comp. Ords. 1994, § 15.767; Ord. No. 1, § 55.07, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-83. - Phasing of development.

The applicant may divide the proposed development into two or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A final site plan shall be submitted for review and approval for each phase.

(Comp. Ords. 1994, § 15.768; Ord. No. 1, § 55.08, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-84. - Inspection.

- (a) The zoning inspector shall be responsible for inspecting all improvements for conformance with the approved final site plan. All subgrade improvements, such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering.
- (b) The applicant shall be responsible for requesting the necessary inspections.
- (c) The zoning inspector shall obtain inspection assistance from the township fire chief and building inspector, where applicable.
- (d) The zoning inspector shall notify the planning commission, in writing, when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan.
- (e) The zoning inspector shall notify the township board, the planning commission, and building inspector, in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the township board, planning commission and building inspector of steps taken to achieve compliance. In such case, the zoning inspector shall periodically notify the township board, planning commission, and building inspector of progress toward compliance with approved final site plan and when compliance is achieved.

(Comp. Ords. 1994, § 15.769; Ord. No. 1, § 55.09, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-85. - Performance guarantees.

- (a) A performance bond, irrevocable bank letter of credit, cash deposit, or other form of security shall be provided by the applicant to the township board. The guarantee shall be provided after a final site plan is approved but prior to issuance of a certificate of occupancy for any building covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan which will not be completed prior to issuance of the certificate of occupancy. Site improvements shall mean streets and drives, parking lots, sidewalks, grading, required landscaping, required screens, storm drainage, exterior lighting and utilities.
- (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 board. The form of the guarantee shall be approved by the township attorney.

- (c) If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the township shall be entitled to enter upon the site and complete the improvements. The township board may defray the cost thereof out of the deposited security or may require performance by the bonding company.
- (d) If a cash deposit is used, the applicant and the township clerk shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed. All required inspections for improvements for which the cash deposit is to be rebated shall have been completed before funds are rebated.
- (e) The zoning inspector may refuse to sign a certificate of occupancy until compliance with the approved final site plan and approved engineering plans related thereto is achieved, or until adequate security is deposited as required herein.

(Comp. Ords. 1994, § 15.770; Ord. No. 1, § 55.10, 8-19-1974; Ord. of 5-15-1980)

State Law reference— Performance guarantee, MCL 125.3505.

Sec. 30-86. - Fees.

Fees for the review of site plans and inspections as required by this article shall be established and may be amended by resolution of the township board.

(Comp. Ords. 1994, § 15.771; Ord. No. 1, § 55.11, 8-19-1974; Ord. of 5-15-1980)

Secs. 30-87—30-115. - Reserved.

DIVISION 3. - AMENDMENTS^[3]

Footnotes:

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State Law reference— Zoning adoption, MCL 125.3401 et seq.

Sec. 30-116. - Initiating amendments.

The township board may amend or supplement the district boundaries or the provisions and regulations of this article. Amendments may be initiated by the township board, the township planning commission, or 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 public hearing, review, and recommendations before action may be taken thereon by the township board.

(Comp. Ords. 1994, § 15.901; Ord. No. 1, § 58.01, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-117. - Fees.

The township board shall establish, by resolution, fees for zoning amendment petitions. The fee shall be paid at the time of filing of the petition and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments requested by any government agency or body.

(Comp. Ords. 1994, § 15.902; Ord. No. 1, § 59.02, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-118. - Amendment procedure.

- (a) This article may be amended only by the procedures in the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and this article.
- (b) Upon the township board's receipt of a petition requesting an amendment to this chapter, the township board must transmit the petition to the township planning commission for review and report to the township board.
- (c) Planning commission procedures.
 - (1) The planning commission must establish a date for and hold at least one public hearing on the petition.
 - (2) Notice of the time and place of the planning commission's public hearing must be given as required by state law.
 - (3) All notices under this section must include the place and time at which the proposed text and any maps of the zoning amendment may be examined.
 - (4) Following the required public hearing and within 125 days of the petition's filing date, the planning commission must transmit a summary of comments received at the hearing and its proposed recommendations for disposition of the petition to the township board. The 125-day time limit may be extended by agreement of the petitioner and planning commission.
- (d) Township board procedures.
 - (1) After receiving the planning commission's summary of comments and recommendation regarding the petition, the township board may hold a public hearing if it considers it necessary or if otherwise required by law. If the township board opts to hold a public hearing, the township board must give notice of it in the same manner as the township planning commission was required to give notice of its public hearing regarding the petition.
 - (2) The township must grant a hearing on a proposed chapter amendment to a property owner who requests a hearing by certified mail, addressed to the township clerk.
 - (3) If the township board deems it advisable to make changes to the proposed amendment forwarded to it by the planning commission, the township board may refer such to the township planning commission for consideration and comment within a time specified by the township board.
 - (4) The township board must consider and vote upon the petition. Any amendment to this article requires a majority vote by the township board.

(Comp. Ords. 1994, §§ 15.903, 96.000, 98.000; Ord. No. 1, § 59.03, 8-19-1974; Ord. of 5-15-1980; Ord. of 4-6-2006, § 2; Ord. of 7-13-2006, § 5)

Sec. 30-119. - 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 the tax code number.
 - (2) A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - (3) The name and address of the petitioner.

- (4) The petitioner's interest in the property. If the petitioner is not the record owner, the name and address of the record owner, and that owner's signed consent to the petition.
 - (5) Signature of petitioner and owner or representatives thereof, 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 classifications.
- (b) If a petition involves a change in the text of this chapter, the petitioner shall submit the following information:
- (1) A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in this chapter necessary to accommodate the proposed amendment.
 - (2) Name and address of the petitioner.
 - (3) Reasons for the proposed amendment.

(Comp. Ords. 1994, § 15.904; Ord. No. 1, § 59.04, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-120. - Publication.

After township board approval of an amendment to this chapter, the amendment must be filed with the township board and the township must publish a notice of the chapter amendment as required by section 401 of Public Act No. 110 of 2006 (MCL 125.3401).

(Comp. Ords. 1994, §§ 15.905, 98.000; Ord. No. 1, § 59.05, 8-19-1974; Ord. of 5-15-1980; Ord. of 7-13-2006, § 6)

Sec. 30-121. - Referendum.

A registered elector residing in the zoning jurisdiction of the township may file with the clerk of the township a notice of intent to file a petition under section 402 of Public Act No. 110 of 2006 (MCL 125.3402).

(Comp. Ords. 1994, §§ 15.906, 98.000; Ord. No. 1, § 59.06, 8-19-1974; Ord. of 5-15-1980; Ord. of 7-13-2006, § 7)

Sec. 30-122. - Conformance to court decree.

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the township board and the notice of amendment published without referring same to any other board or agency.

(Comp. Ords. 1994, § 15.907; Ord. No. 1, § 59.07, 8-19-1974; Ord. of 5-15-1980)

Secs. 30-123—30-142. - Reserved.

DIVISION 4. - ZONING BOARD OF APPEALS⁴¹

Footnotes:

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

Sec. 30-143. - 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.).

(Comp. Ords. 1994, § 15.931; Ord. No. 1, § 60.01, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-144. - Membership and terms.

- (a) The zoning board of appeals (ZBA) must consist of five members appointed by the township board. The first member of the ZBA must be a member of the township planning commission. The remaining regular members, and any alternate members, must be selected from the electors of the township residing in the unincorporated portions of the township. The members selected must be representative of the population distribution and of the various interests present in the township.
- (b) One regular member of the ZBA may be a member of the township board, but that member may not serve as chairperson of the ZBA. An employee or contractor of the township may not serve as a member of the ZBA.

(Comp. Ords. 1994, §§ 15.932, 98.000; Ord. No. 1, § 60.02, 8-19-1974; Ord. of 5-15-1980, Ord. No. 27, 5-4-1993; Ord. of 7-13-2006, § 8)

Sec. 30-145. - Powers and duties.

- (a) The ZBA must perform its duties and exercise its powers as provided in the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), so that the objectives of this chapter are attained, the public health, safety, and welfare secured, and substantial justice done.
- (b) The ZBA must hear and decide the following:
 - (1) Questions that arise in the administration of this chapter, including the interpretation of this chapter and zoning maps;
 - (2) Matters referred to the ZBA or upon which the ZBA is required to pass under this chapter;
 - (3) Appeals from and review of any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this chapter;
 - (4) Variances; and
 - (5) Matters related to nonconforming uses and structures as stated in this chapter.
- (c) The ZBA may not:
 - (1) Change the zoning district classification of any property;
 - (2) Change any of the terms of this chapter;
 - (3) Take any actions that result in the making of legislative changes to this chapter; and

- (4) Hear an appeal from a township board or planning commission decision regarding a special land use or PUD.

(Comp. Ords. 1994, §§ 15.934, 98.000; Ord. No. 1, § 60.04, 8-19-1974; Ord. of 5-15-1980; Ord. of 7-13-2006, § 9)

Sec. 30-146. - Fees.

A schedule of fees of the zoning board of appeals shall be established by resolution of the township board.

(Comp. Ords. 1994, § 15.935; Ord. No. 1, § 60.05, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-147. - Variances—General rules.

The ZBA may grant variances where there are practical difficulties in the way of carrying out the strict letter of this chapter, as provided in this chapter, so that the spirit of this chapter is observed, public safety secured, and substantial justice done. Such variances may only be granted in accordance with the procedures for the review and grant of variance requests as provided by law, and upon the standards set forth in this division.

(Comp. Ords. 1994, §§ 15.939, 98.000; Ord. No. 1, § 60.09, 8-19-1974; Ord. of 5-15-1980; Ord. of 7-13-2006, § 12)

Sec. 30-148. - Same—Procedures.

- (a) *Filing.* An application for a variance shall be made by filing with the township board a written application form for a variance signed by the record owner of the property in question or by a person authorized to act on the record owner's behalf, paying the required fee, and providing the information required by this chapter. The clerk shall transmit the application and accompanying information to each member of the zoning board of appeals and to the zoning inspector within a reasonable time prior to the next regularly scheduled meeting of the zoning board of appeals, or a special meeting called for the purpose of hearing said variance.
- (b) *Information required.* An application for a variance shall contain the following information:
 - (1) Legal description, address, and tax parcel number of the subject property.
 - (2) An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearings or angles correlated with the legal description; all existing and proposed structures and uses on the property; dimensions of structures and their dimensioned locations; lot area and all calculations necessary to show compliance with the regulations of this chapter.
 - (3) Name and address of the applicant, property owner, and the interest of the applicant in the property.
- (c) *Fee.* The fee shall be paid to the township board at the time of filing the application for a variance and shall be deposited in the township's general fund.
- (d) *Standards for review.* A variance may only be granted if the ZBA finds that all of the following requirements are met:
 - (1) Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures or buildings in the same district. If such unique circumstances exist, that favors granting the variance.

- (2) The special circumstances and conditions on which the variance request is based do not result from the actions of the applicant. If the circumstances are not self-created, that favors granting the variance.
- (3) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this chapter. If applicant would be deprived of rights given owners in same district, that favors granting the variance.
- (4) Granting the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district. If the variance would not confer special privileges on applicant, that favors granting the variance.
- (5) The existence of nonconforming uses of neighboring lands, structures, or buildings in the same district; permitted or nonconforming uses of land, structures or buildings in other districts; and nonconforming structures, shall not be considered grounds for the issuance of a variance. If variance is not based on fact that there are nonconforming uses or structures in same district, then that favors granting the variance.
- (6) A variance granted must be the minimum variance that will make possible a reasonable use of the land, building, or structure. If request seeks the minimum variance needed to make a reasonable use of the land, then that favors granting the variance.
- (7) The variance granted must be in harmony with the intent of this chapter and will not be injurious to the neighborhood, or otherwise detrimental to the public interest. If request would not injure neighborhood and not injure the public interest, then that favors granting the variance.

(Comp. Ords. 1994, §§ 15.940, 45.013; Ord. No. 1, § 60.10, 8-19-1974; Ord. of 5-15-1980; Ord. No. 32, § 13, 3-7-1995; Ord. of 10-5-2010(02), § 2)

Sec. 30-149. - Same—Expiration.

Each variance approved shall expire and be of no effect unless the construction authorized by the variance has been commenced within 180 days after the date of approval and has been pursued diligently to completion, or the occupancy of land or buildings authorized by the variance has commenced within 180 days of the date of approval.

(Comp. Ords. 1994, § 15.941; Ord. No. 1, § 60.11, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-150. - Same—Reapplication.

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.

(Comp. Ords. 1994, § 15.942; Ord. No. 1, § 60.12, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-151. - Expansion and substitution of nonconformities.

The board of appeals shall determine whether a nonconforming building or structure may be expanded, whether a nonconforming building or structure may replace another such building or structure, and whether a nonconforming use may be substituted for another nonconforming use. Determination shall be made in accordance with article X of this chapter.

(Comp. Ords. 1994, § 15.943; Ord. No. 1, § 60.13, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-152. - Site plan requirements.

If an application or appeal to the board of appeals involves a development project which 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 II, division 2 of this chapter. The planning commission shall review the site plan and shall determine the layout and other features required to obtain approval of the site plan. The planning commission shall then transmit a copy of the site 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 to the planning commission for commission action on the preliminary site plan.

(Comp. Ords. 1994, § 15.944; Ord. No. 1, § 60.14, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-153. - Conditions of approval.

The ZBA may attach conditions to any of its affirmative decisions, including variance grants, provided the conditions are in accordance with the requirements of this chapter and Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The conditions must be consistent with procedures, requirements, standards and policies of the township board, planning commission, and other township agencies, as applicable. Violation of any condition imposed is a violation of this chapter and punishable under section 30-32.

(Comp. Ords. 1994, §§ 15.946, 98.000; Ord. of 5-15-1980; Ord. of 7-13-2006, § 14)

Secs. 30-154—30-175. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 30-176. - Establishment of districts; provisions for official zoning map.

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

RC	Recreation Conservation District
MU-1	Municipal Use District
AG	Agriculture District
P-5	Private Sites Dedicated to Common Use District
LR	Low Density Residential District
SR1	Single-Family Residential District One
MR	Multiple-Family Residential District

MHP	Manufactured Housing Community District
LC	Local Commercial District
GC	General Commercial District
HC	Highway Commercial District
BP	Business Park District
I	Industrial District
I-ART	Industrial-Automotive Research and Testing District
PUD	Planned Unit Development

(Comp. Ords. 1994, §§ 15.061, 15.062; Ord. No. 1, §§ 3.01, 3.02, 8-19-1974; Ord. No. 6, 7-10-1984)

Sec. 30-177. - Identification and authority of official zoning map.

- (a) The official zoning map shall be identified by the signature of township supervisor, attested by the township board, and bear the seal of the township under the following words: "This is to certify that this is the official zoning map referred to in the zoning chapter of the Sylvan Township Code," together with the effective date of the ordinance from which this chapter is derived.
- (b) Regardless of the existence of purported copies of the official zoning map, the official zoning map shall be the final authority as to the current zoning status of any land, parcel, lot, use, or structure in the township. The official zoning map shall be located in the office of the township board and shall be available for public inspection.

(Comp. Ords. 1994, § 15.063; Ord. No. 1, § 3.03, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-178. - Changes to official zoning map.

- (a) If, in accordance with the procedures of this chapter and of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), a change is made in a zoning district boundary, such change shall be made by the township supervisor promptly after the chapter authorizing such change shall have been adopted and published, with an entry on the official zoning map as follows:

"On (date) by official action of the township board, the following (change) changes, were made in the Official Zoning Map: (brief description of change),"

which entry shall be signed by the township supervisor and attested by the township board. No change of any other nature shall be made unless authorized by the zoning board of appeals and then only by the township supervisor. No change of any nature shall be made in the official zoning map or matter shown

thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided in sections 30-32 and 30-33. Any changes in corporate boundaries within the township shall be recorded on the official zoning map by the township supervisor.

- (b) A copy of zoning map changes; descriptions of rezoned lands is on file in the office of the township clerk.

(Comp. Ords. 1994, § 15.064; Ord. No. 1, § 3.04, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-179. - Changes to township master plan; airport layout plans and airport approach plans.

- (a) If the township adopts or revises its master plan after an airport layout plan or airport approach plan has been filed with the township, the township must incorporate the airport layout plan or airport approach plan into the revised master plan that is adopted.
- (b) In addition to other applicable legal requirements, any amendment of this chapter must not be adopted until after reasonable consideration of both of the following:
 - (1) The environs of any airport within a district.
 - (2) Comments received at or before a public hearing regarding potential adoption of a proposed zoning chapter or amendment, or transmitted from the airport manager of any airport to the township regarding a hearing on the proposed zoning amendment.
- (c) A zoning chapter amendment must not increase any inconsistency that may exist between this chapter or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan filed with the township. This provision does not limit the right to petition for submission of a zoning chapter or amendment to the electors under Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Comp. Ords. 1994, § 98.000; Ord. of 7-13-2006, § 3)

Sec. 30-180. - Replacement of official zoning map.

- (a) In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number or changes made thereto, the township board may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending this chapter or the prior official zoning map. The new official zoning map shall be identified by the signature of the township supervisor, attested by the township board, and bear the seal of the township under the following words:

"This is to certify that this is the official zoning map referred to in the Zoning Chapter of the Sylvan Township Code adopted on (date) which replaces and supersedes the official zoning map which was adopted on (date)."
- (b) Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map, or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

(Comp. Ords. 1994, § 15.066; Ord. No. 1, § 3.06, 8-19-1974)

Sec. 30-181. - Rules for interpretation.

Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules for interpretation shall apply:

- (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 corporate 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 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 existing at the time the interpretation is made.
- (6) A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
- (7) A boundary indicated as parallel to or an extension of a feature indicated in subsections (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 circumstance not covered by subsections (1) through (8) of this section, the board of appeals shall interpret the zoning district boundary.
- (10) Where a district boundary line divides a lot which is in single ownership at the time of adoption of this chapter, 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.

(Comp. Ords. 1994, § 15.067; Ord. No. 1, § 3.07, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-182. - Application of regulations.

(a) *Use regulations.*

- (1) Uses shall be permitted only if they are specifically listed herein, or are similar in nature to uses which are listed. Other uses shall not be permitted.
- (2) Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses, and only if such uses are clearly incidental and subordinate to the permitted principal uses or to permitted special uses.
- (3) Special uses shall be permitted as listed in each district, or if similar in nature to such listed uses, and if the requirements and procedures of article II, division 2, of this chapter are met.

(b) *Density and height regulations.*

- (1) *Lot area.* The lot area used to satisfy the minimum lot area, lot coverage, and floor area ratio requirements shall not include the area in existing street rights-of-way.
- (2) *Transition strip.* Where such a strip is required, it shall not be included as part of the required yards, and shall not be included in the area used in calculating lot coverage or floor area ratio.
- (3) *Yard exemptions.* Notwithstanding yard regulations set forth in this chapter, the following plant materials and structures may be located anywhere on any lot: Window awnings, flag poles, hydrants; laundry-drying equipment, arbors, trellises, recreation equipment, outdoor cooking equipment; sidewalks, trees, plants, shrubs and hedges; and light poles. Anything

to be constructed, placed, planted or allowed to grow, shall conform to the provisions of section 30-791

- (4) *Height exemptions.* The height requirements established herein shall apply uniformly in each zoning district to every building and structure, except the following structures and appurtenances shall be exempt from the height requirements of this chapter: spires, belfries, penthouses and domes not used for human occupancy; chimneys, ventilators; skylights; water tanks, bulkheads, public utility transmission and distribution lines and related structures; radio and television broadcasting and receiving antennas; silos; parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the township, the Federal Communications Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.
- (5) *Accessory buildings.* Detached accessory buildings shall conform to all yard requirements of the district in which it is located. An attached accessory building shall not be more than one (story of 15 feet in height. An accessory building which is a structural part of the principal building shall conform to all yard requirements of the district in which it is located.
- (6) *Yard measurements.* Required yards shall be measured on a line that is perpendicular to a lot line to the face of a building or structure if the roof overhang or other projections is three feet or less, or to the outer edge of the roof or other projection if the overhang or other projection is more than three feet from the face of the building or structure. Required yards shall be measured in the preceding manner from the high water line of a body of water or a stormwater retention or detention basin or a wetland boundary, provided no part of a principal building or structure may be less than 25 feet from such high water line or wetland boundary.
- (7) *Configuration of lots.*
 - a. *Lots fronting on a straight line section of a road.* The side lot lines shall be generally perpendicular to the road right-of-way or easement line. This requirement may not apply to a lot of record that existed on the date of the adoption of the ordinance from which this chapter is derived that fronts onto a road that is not generally parallel to a section line, where exemption from this requirement is necessary to accommodate record lot lines that are generally parallel to section lines.
 - b. *Lots fronting on a curved section of a road.* The side lot lines shall be generally radial to the road right-of-way or easement line. Lots with converging side lot lines shall be permitted only on the interior side of a curved section of a road. Diverging side lot lines shall be permitted only on the exterior side of a curved section of a road or on a turning circle of a cul-de-sac road.
 - c. *Lots with converging side lot lines.* The side lot lines shall not meet at a point; a rear lot line at least ten feet long shall be provided.
 - d. *Lots with diverging side lot lines.* Lots shall have a minimum frontage at the road right-of-way or easement line that is 80 percent of the minimum lot width required in the applicable zoning district, except in the case of lots on a turning circle of a cul-de-sac road, in which case the minimum frontage shall be 66 feet for lots one acre or larger or 20 feet for lots less than one acre in area.
- (8) *Measurement of lot width.*
 - a. *Lots fronting on a straight section of a road.* The minimum required width shall be measured at the building line, which shall be a straight line that is perpendicular to both side lot lines. No part of the lot shall be less than the minimum required width, as measured on any line that is perpendicular to the side lot lines.
 - b. *Lots fronting on curved sections of a road.* The minimum required width shall be measured on a straight line that connects the points at which the building line intersects the side lot lines. In the case of a lot with diverging side lot lines, the building line shall

be moved farther from the road right-of-way or easement line than the required front yard the distance necessary to obtain the minimum required width.

- (9) *Contiguous lots.* Existing lots of record that are separated by a right-of-way but are in the same ownership shall be considered contiguous and as an individual, single zoning lot for the purposes of this chapter.
 - (10) *Building envelope.* The building envelope of a lot shall be contiguous. The envelope shall not be separated by an easement or right-of-way for a road or by a wetland. No part of a building envelope may encroach into an easement.
 - (11) *Drainage basins.* A stormwater retention or detention basin including a first flush or sedimentation basin or forebay that receives stormwater from more than one lot shall be located in an area in common ownership and shall not be part of a lot.
- (c) *Determining minimum distance for side lot lines.* The required minimum straight line distance between the side lot lines where they intersect the street lines shall be determined as follows:
- (1) For all lots not located on a turning circle of a cul-de-sac street, said distance shall not be less than 80 percent of the required lot width.
 - (2) For lots located on a turning circle of a cul-de-sac street, said distance shall be at least 20 feet.
- (d) *Scope of regulations.*
- (1) Except as otherwise may be provided in article II, division 4 of this chapter, every building or structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of the ordinance from which this chapter is derived shall comply with all regulations applicable in the zoning district in which located.
 - (2) No part of a yard or other open space, or an off-street parking or loading space required or connected with any use, building, or structure for the purpose of complying with this chapter, shall be included in the yard, open space, off-street parking or loading space similarly required for any other use, building or structure.
 - (3) No yard or lot existing on the effective date of the ordinance from which this chapter is derived shall be reduced in dimensions or area below the minimum requirement set forth herein. Yards or lots created after the effective date of the ordinance from which this chapter is derived shall meet the minimum requirements established herein. No off-street parking or loading areas shall be reduced below the required size or number of spaces.
 - (4) Nonconforming lots of record may be utilized as set forth in section 30-839. Nonconforming structures may be expanded as set forth in section 30-845. Single-family residential nonconformities shall meet the regulations of section 30-841(d)(2).

(Comp. Ords. 1994, §§ 15.068, 45.006; Ord. No. 1, § 3.08, 8-19-1974; Ord. No. 1, § 3.08, 3-10-1981; Ord. of 9-1-1990; Ord. of 6-2-1992; Ord. No. 27, 5-4-1993; Ord. No. 32, § 6, 3-7-1995; Ord. of 1-2-2001)

Sec. 30-183. - Number of buildings on a lot.

Not more than one principal detached single-family dwelling shall be located on a lot, nor shall a principal detached single-family dwelling unit be located on the same lot with any other principal building or structure.

(Comp. Ords. 1994, § 15.069; Ord. No. 1, § 3.09, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-184. - Accessory buildings.

No accessory building shall be used prior to the principal building or uses except as a construction facility for the principal building. An accessory building attached to the principal building of a lot shall be made a structural part thereof and shall comply with the provisions of this chapter.

(Comp. Ords. 1994, § 15.070; Ord. No. 1, § 3.10, 8-19-1974)

Sec. 30-185. - Temporary dwellings.

- (a) *Permitted temporary dwelling.* A mobile home may be used as a temporary dwelling by a family while repairing or replacing a single-family residence which is damaged by a disaster such as fire, flood, windstorm, or tornado to the extent that it is uninhabitable. Such temporary dwellings shall be permitted only upon a conforming lot in a residential zoning district. No camper, travel trailer, recreation vehicle, motor home, cabin, tent, basement, or garage shall be used as a temporary dwelling in any zoning district.
- (b) *Required approvals.* A temporary dwelling shall not be occupied until a certificate of occupancy has been issued by the building inspector. The building inspector shall not issue a certificate of occupancy until a certificate of zoning compliance has been obtained from the zoning inspector, the township board has approved the temporary dwelling permit, and the performance guarantee has been deposited as required herein.
- (c) *Application.* An application for a permit to use, erect, or move a temporary dwelling onto a lot shall be filed with the township board. The application shall include the following information:
 - (1) Name and address of the applicant and property owner.
 - (2) Legal description of the lot on which the temporary dwelling is to be located.
 - (3) A sketch plan showing the location and dimensions of the temporary dwelling and of the location of the well, septic tank, and drain field. The plan shall be drawn to scale and shall show lot line dimensions and bearings consistent with the legal description.
 - (4) Copies of all permits and certificates required in section 30-185(e).
 - (5) The written statement of the owner of the lot agreeing to the entry of a consent judgment as specified hereafter.
- (d) *Township board action.* If the application, lot and temporary dwelling conforms to all regulations of this chapter, the township board shall approve the temporary dwelling permit. The board may attach conditions to the approval which it deems necessary to protect the public health, safety, and welfare, and to ensure compliance with this chapter. The township board permit shall be ratified by the entry of a final consent judgment in a court of appropriate jurisdiction approving the permit, the zoning regulations, and the conditions established by the board, and impose a judicial lien on the land for the township's costs and expenses, including attorney fees and court costs, in enforcement of the permit, the chapter, civil infraction penalties, and the judgment. Immediately with the issuance of the permit, a complaint shall be filed in the court by the township, and the owner shall agree to and approve the entry of the judgment in the form approved by the township attorney.
- (e) *Regulations.*
 - (1) A temporary dwelling shall comply with all yard, area and lot dimension requirements of the zoning district in which it is located. A certificate of zoning compliance shall be obtained from the zoning inspector.
 - (2) A temporary dwelling shall be connected to a well and septic tank, and the applicant shall obtain a permit from the county health department.
 - (3) A temporary dwelling shall be permitted only on the same lot as the principal dwelling to be repaired or constructed. The term of the permit shall not exceed one year, provided that, at

the discretion of the township board, the period may be extended for one additional period not to exceed six months. Extension shall only be permitted upon written application filed 20 days or more prior to such expiration, setting forth facts showing due diligence in construction of the dwelling.

- (4) A performance guarantee in the form of cash or an irrevocable bank letter of credit shall be deposited with the township treasurer in the amount estimated by the township board to be sufficient to ensure removal of the temporary dwelling. The guarantee shall provide that in breach thereof, the township shall be entitled to enter upon the site and complete such removal and defray the costs thereof out of said deposit.
- (5) A temporary dwelling shall be removed within 14 days after the date of issuance of a certificate of occupancy for the permanent structure or of the date of expiration of the temporary dwelling permit, whichever occurs first. Each day thereafter that the temporary dwelling remains upon the real estate shall be a violation of the chapter and shall subject the owner to a civil infraction penalty for violation of the chapter, as provided herein.
- (6) A temporary dwelling permit and the certificate of occupancy issued thereon shall not be transferable to any other person, use, structure or lot.

(Comp. Ords. 1994, §§ 15.071, 75.000; Ord. No. 1, § 3.11, 8-19-1974; Ord. of 5-15-1980; Ord. No. 61, § 1, 9-1-2000)

Sec. 30-186. - Essential services.

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

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

(Comp. Ords. 1994, § 15.072; Ord. No. 1, § 3.12, 8-19-1974)

Sec. 30-187. - Minimum residential floor area.

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

(Comp. Ords. 1994, § 15.073; Ord. No. 1, § 3.13, 8-19-1974)

Sec. 30-188. - Mobile homes.

- (a) *Purpose.* This section is designed to establish regulations under which mobile homes may be used as single-family dwellings on lots outside of mobile home parks. It is hereby recognized that other forms of manufactured housing, commonly referred to as "prefabricated," "modular," or "sectional"

housing, among other names, are and have been permitted in the township, on individual lots, in any zoning district in which single-family dwellings are permitted, provided such units comply with the state construction code and zoning requirements. This section intends to treat mobile homes in a similar fashion, while recognizing the unique features of their construction. The regulations contained in this section are specifically designed to:

- (1) Ensure compliance of mobile homes on individual lots with all zoning regulations applicable to all other single-family dwellings permitted in the township.
 - (2) Ensure compliance with the state construction code and all township codes, in addition to this chapter, for the protection of the public health, safety, and welfare.
 - (3) Ensure aesthetic compatibility with other single-family dwellings in the community.
- (b) *Standards and requirements.* A mobile home may be used as a single-family dwelling on a lot outside a mobile home park, if the following standards and requirements are met. These standards and requirements shall not apply to a mobile home located in a licensed mobile home park.
- (1) The lot shall be located in a zoning district which permits single-family dwellings.
 - (2) The lot and the mobile home shall comply with all regulations of the zoning district in which located.
 - (3) The mobile home shall meet all requirements for residential mobile units, as provided in the state construction code.
 - (4) The mobile home shall be placed on and anchored to a permanent foundation wall. The wall shall meet all requirements of the state construction code and shall completely enclose the area under the mobile home. The area so enclosed shall not be less than the ground floor area of the mobile home. The method of anchoring the mobile home to the foundation wall shall meet all state requirements.
 - (5) The wheels, tongue and hitch, or other towing appurtenances, shall be removed before attaching the mobile home to the foundation wall.
 - (6) The mobile home shall be connected to public water and sanitary sewer lines, where available, according to township standards and specifications, or to a well and septic tank, on the same lot as the mobile home, approved by the county health department.
 - (7) The mobile home shall be aesthetically compatible in design and appearance with conventional on-site constructed housing, and other types of approved manufactured housing. Compatibility shall be determined by the following standards:
 - a. Exterior walls shall be finished with natural or simulated natural materials common to single-family dwellings such as, but not limited to, beveled siding, vertical siding, board and batten siding, or brick.
 - b. Front and rear or front and side exterior doors.
 - c. A roof drainage system which will collect and discharge of roof drainage, and will avoid roof drainage along the sides of the dwellings.
 - (8) A building permit shall be required for construction of the foundation wall, for placement of the mobile home on the lot, and for any addition to the mobile home. A building permit shall not be issued until a health permit has been issued by the county health department, where applicable, and until a certificate of zoning compliance has been issued in accordance with article II, division 1 of this chapter and is in effect. The mobile home shall not be occupied until a certificate of occupancy has been issued as provided in article II, division 1 of this chapter, and is in effect. Any addition to a mobile home shall meet all requirements of the state construction code.
 - (9) The mobile home, prior to any additions, shall have a minimum floor area of 1,000 square feet, a minimum exterior width of 24 feet for at least one side elevation, and a minimum floor-to-ceiling height of 7.5 feet.

- (10) Not more than one mobile home shall be used as a single-family dwelling on a lot, nor shall a mobile home be placed on any lot on which another single-family dwelling is located. A mobile home shall not be used as an accessory building in any residential district.
- (11) A mobile home shall not be removed from a foundation until a permit therefor has been issued in accordance with the state construction code.

(Comp. Ords. 1994, § 15.074; Ord. No. 1, § 3.14, 8-19-1974; Ord. of 5-15-1980; Ord. of 8-4-1981)

State Law reference— Mobile home standards to be reasonable, MCL 125.2307.

Sec. 30-189. - Completion of construction.

- (a) Nothing in this article 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 the ordinance from which this article is derived.
- (b) Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and be of no effect 365 days following the effective date of the ordinance from which this chapter is derived, unless a permit for the actual construction of a new building has been issued by the building inspector.
- (c) Where a building permit has been issued in accordance with the law, 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 designed, subject thereafter to the provisions of article X of this chapter, if applicable.
- (d) Any basement, cellar, garage, or any incomplete structure without a certificate of occupancy, in use as a dwelling on the effective date of the ordinance from which this article is derived, shall not be used as a dwelling for more than 12 months following said date, unless said structure has been completed in conformance with the regulations of the district in which located.

(Comp. Ords. 1994, § 15.075; Ord. No. 1, § 3.15, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-190. - Special Uses.

Any use lawfully existing on the effective date of the ordinance from which this article is derived and which is permitted as a special use in a district under the terms of this article shall be deemed a conforming use. Such use shall, without further action, application, or review, be considered a conforming use, but only to the extent that such use actually occupies the lot, building and/or structure on the effective date of the ordinance from which this article is derived. Expansion of such use or change to another special use after the effective date of the ordinance from which this article is derived shall require a special use permit as provided in article IV of this chapter.

(Comp. Ords. 1994, § 15.076; Ord. No. 1, § 3.16, 8-19-1974; Ord. of 5-15-1980)

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

Secs. 30-191—30-218. - Reserved.

DIVISION 2. - RC-RECREATION CONSERVATION DISTRICT⁽⁵⁾

Footnotes:

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

Sec. 30-219. - Purpose.

The value to the public of certain open areas of the township is represented in their natural, undeveloped or unbuilt condition. It is recognized by this division that the principal use of certain open areas is and ought to be 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 division has established, based upon a well considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots in order to protect and enhance the natural resources, natural amenities, natural habitats of wildlife, watershed and reservoir areas, agricultural capabilities, public recreation areas, and the public health, safety and welfare by reducing the hardship and financial burdens imposed upon the township by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas and the periodic flooding and overflow of creeks and streams.

(Comp. Ords. 1994, § 15.151; Ord. No. 1, § 10.01, 8-19-1974)

Sec. 30-220. - Permitted uses.

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

- (1) Public or private forest preserve, game refuge, golf course, park, playground, or other recreation purpose.
- (2) Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
- (3) A lot may be used for general and specialized farming and agricultural activities, including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs, and provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water and so treated as to prevent excessive growth of obnoxious weeds and shrubs, and provided that any lot kept as noncropland shall be so treated as to prevent soil erosion by wind and water.
- (4) The raising or growing of plants, trees, shrubs, and nursery stock.
- (5) The growing, stripping and removal therefrom of sod, provided that said lot or portion thereof shall be reseeded after stripping by fall of the year in which it was stripped as to reduce the actual or potential erosion of soil by water or wind.
- (6) A sign, only in accordance with the regulations specified in article VII of this chapter.
- (7) Distribution lines and structures, not including buildings of essential services, when located within an existing public or utility right-of-way, and repeater buildings of a telephone utility company when located as a principal use of an individual lot and when conforming to all regulations and performance standards of this district.

(Comp. Ords. 1994, § 15.152; Ord. No. 1, § 10.02, 8-19-1974)

Sec. 30-221. - Special uses.

The following buildings and structures, and uses of parcels, lots, and buildings and structures are permitted in this district subject to obtaining a special use permit as provided in article II, division 2 and article IX of this chapter, where applicable:

- (1) Single-family dwelling.
- (2) Public and private camping ground.
- (3) The removal of soil, sand, gravel and other materials. See section 30-797.
- (4) Transmission lines and structures, not including buildings, of essential services, where located in rights-of-way not a part of a public or utility rights-of-way existing at the time of the effective date of the ordinance from which this article is derived.
- (5) Country club house, swimming pool, bathhouse and the sale of food, beverages and recreation equipment which is incidental and accessory to a recreation use.
- (6) Essential services, except as provided for elsewhere in this district, provided:
 - a. That no storage of materials, equipment, vehicles, or supplies shall be located on the premises;
 - b. That no personnel shall be quartered or employed on the premises; and
 - c. That the structure shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.
- (7) A riding academy or stable, a kennel, or the raising or keeping of fur-bearing animals, horses, ponies and other animals, whether for profit or pleasure.
- (8) All buildings and structures accessory and incidental to permitted uses in this district.
- (9) Bed and breakfast operations, subject to the regulations in section 30-806.
- (10) Wireless communication facilities, subject to section 30-804.

(Comp. Ords. 1994, §§ 15.153, 68.001; Ord. No. 1, § 10.03, 8-19-1974; Ord. of 5-15-1980; Ord. No. 54, § 1, 6-18-1999; Ord. of 12-2-2003)

Sec. 30-222. - Regulations and performance standards.

The following regulations shall apply in all RC-Recreation Conservation Districts.

- (1) *Lot area.* No building or structure shall be established on any lot less than ten acres in area.
- (2) *Lot width.* The minimum lot width shall be 300 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed ten percent.
- (4) *Floor area ratio.* The maximum floor area shall not exceed ten percent of the lot area.
- (5) *Yard and setback requirements.*
 - a. *Front yard:* Not less than 60 feet.
 - b. *Side yard:* Least width of either yard shall not be less than 30 feet, except in the case of a corner lot. Corner lots fronting upon public or private streets or roads shall have two front yards and two side yards.
 - c. *Rear yard:* Not less than 50 feet.

The above requirements shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.

- (6) *Height requirements.* Except as otherwise provided in section 30-182(b)(4), the following height requirements shall apply in this district: For all buildings and structures: No building or structure shall exceed three stories or 40 feet.
- (7) *Required off-street parking.* As required in article V of this chapter.
- (8) *Performance standards.* As required in article VIII of this chapter.
- (9) *Preservation of environmental quality.* As specified in section 30-794.

(Comp. Ords. 1994, § 15.154; Ord. No. 1, § 10.04, 8-19-1974; Ord. of 5-15-1980; Ord. of 9-1-1990)

Secs. 30-223—30-252. - Reserved.

DIVISION 3. - MU-1 MUNICIPAL USE DISTRICT

Sec. 30-253. - Purpose.

- (a) The MU-1 Municipal Use District is designed to permit a use district within the township for lands, structures and uses of municipal corporations so that this chapter shall not limit or interfere with the dedication, development of use of any land or building for public parks, public playgrounds, public schools required for compulsory education, or the use of lands or buildings owned by the township and used for governmental purposes, or with the construction, installation, operation and maintenance of water, electricity, sewer, communication, gas, or other utility service when owned by the township.
- (b) The intent of this district is that such public parks, playgrounds, schools, and township utilities may be constructed without limitation except as set forth in this division, including all pipes, mains, stand pipes, reservoirs, elevated water tanks, conduits, electric light, electric power transmission, distribution lines, telephone, communication, sewers, sewer mains, storm sewers, drainage, and incidental appurtenances.
- (c) This district is not intended to supersede or override any federal, state, or local township chapter, regulation pertaining to construction, health, safety, welfare, environmental, building code, or similar regulation.

(Comp. Ords. 1994, § 63.000(intro.); Ord. No. 50, 9-2-1998)

Sec. 30-254. - Permitted uses, buildings, and structures.

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

- (1) Public parks, public playgrounds, or public schools required for compulsory education.
- (2) Land or buildings owned by the township and used for governmental purposes.
- (3) Municipal utility structures, lands, or uses, as defined in section 30-253, and used and owned by the township.
- (4) Wireless communication facilities, subject to section 30-804.

(Comp. Ords. 1994, §§ 63.000(A), 68.001; Ord. No. 50, 9-2-1998; Ord. No. 54, § 1, 6-18-1999; Ord. of 12-6-2005)

Sec. 30-255. - Accessory uses and structures.

Utility structures not used and owned by the township are allowed as accessory uses to a permitted use, building or structure.

(Comp. Ords. 1994, § 63.000(B); Ord. No. 50, 9-2-1998)

Sec. 30-256. - Regulations and standards.

The following regulations shall apply in all MU-1 Municipal Use Districts:

- (1) *Lot area and width.* No minimum lot area or lot width is established in this district, but every lot established hereafter shall be of sufficient size to meet the minimum requirements established by any applicable federal, state or local township chapter, statute, law, or regulation, if any.
- (2) *Minimum required yard.*
 - a. Front yard: 50 feet.
 - b. Side yards: 20 feet.
 - c. Rear yard: 50 feet.
- (3) *Buildings, structures, and uses.* Buildings, structures, and uses permitted in this district shall be exempt from all supplementary regulations of this article except as specifically provided in this district.
- (4) *Height.* Buildings shall not exceed a height of three stories or 40 feet.
- (5) *Site plan review and parking/loading regulations.* There shall be site plan review and compliance with parking/loading regulations for buildings and site improvements in this district as provided in this article. There shall be no site plan review or required compliance with any parking/loading regulations for any municipal utility structure and site improvements which are accessory to a municipal utility structure.
- (6) *Yards.* Yards may be used for the installation of underground and aboveground pipes, lines, conduits, sewers, water lines, mains, poles, and utility structures generally.

(Comp. Ords. 1994, §§ 63.001, 68.001; Ord. No. 50, 9-2-1998)

Secs. 30-257—30-275. - Reserved.

DIVISION 4. - AG-AGRICULTURE DISTRICT

Sec. 30-276. - Purpose.

- (a) The AG-Agriculture District is composed of those areas of the township whose principal use is and ought to be farming. The regulations of this district are designed:
 - (1) To conserve, stabilize, enhance and develop farming and related resource utilization activities;
 - (2) To minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities; and
 - (3) To prohibit uses of parcels, lots, buildings and structures which require streets, drainage and other public facilities and services of a different type and quantity than those normally required by these activities.

- (b) The district, in preserving areas for agricultural uses, is also designed to prevent proliferation of residential subdivision and urban sprawl.

(Comp. Ords. 1994, § 15.181; Ord. No. 1, § 11.01, 8-19-1974)

Sec. 30-277. - Permitted uses.

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

- (1) A single-family dwelling.
- (2) A parcel may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs, and any building or structure may be located thereon and used for the day-to-day operation of such activities, for the quartering, storage or preservation of said crops, livestock, poultry, bees, animals, products and foodstuffs until consumed on the premises or until moved to a place of collection, distribution or processing, and for the incidental sale of the crops, products and foodstuffs raised or grown on said lot or in said building or structure, provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water and so treated as to prevent excessive growth of obnoxious weeds and shrubs, and provided that any lot kept as noncropland shall be so treated as to prevent soil erosion by wind and water.
- (3) A parcel may be used, and a building or structure located thereon for the raising or keeping of fur-bearing animals, horses, ponies and other animals whether for profit or pleasure.
- (4) A parcel may be used for the raising or growing of plants, trees, shrubs and nursery stock, and any building or structure may be located thereon and used for such raising or growing and for the storage of equipment and materials necessary for such raising or growing.
- (5) Roadside stand, provided it is incidental to a permitted use and provided the nursery stock or other agricultural products sold at the stand are raised on the premises where situated.
- (6) Off-street parking as required in article V of this chapter.
- (7) Public and private recreation acres, such as:
 - a. Forest preserve;
 - b. Game refuge;
 - c. Recreation park and reservations; and
 - d. Similar public and private use of low intensity use.
- (8) Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- (9) A parcel may be used for the growing, stripping and removal therefrom of sod, provided that said lot or portion thereof shall be reseeded after stripping by fall of the year in which it was stripped so as to prevent actual or potential erosion by water or wind.
- (10) Lines and structures of essential services as set forth in section 30-220.
- (11) A sign, only in accordance with the regulations specified in article VII of this chapter.
- (12) An accessory use, building or structure.
- (13) Regardless of any other provisions herein, a dwelling unit not located on a farm may raise or keep, only as an accessory use, and only for the use of the occupant of the premises, and not for any purpose of remuneration, poultry, rabbits, and fowl and small animals, and livestock; provided that the minimum lot area for the raising and keeping of poultry, rabbits,

and similar fowl and small animals shall be two acres; and provided further that the minimum lot area for the raising and keeping of livestock shall be between two acres for the first two livestock animals and 20,000 square feet of additional lot area for each additional one livestock animal. All fowl and animals shall be properly housed, fenced, and cared for so as not to become a public nuisance.

(Comp. Ords. 1994, § 15.182; Ord. No. 1, § 11.02, 8-19-1974; Ord. of 3-10-1981)

Sec. 30-278. - Special uses.

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a special use permit as provided in article II, division 2, and article IX of this chapter, where applicable:

- (1) The removal of soil, sand, gravel, and other materials. See section 30-797.
- (2) Public and private park camping ground, golf course, golf driving range, clubs, hunting lodge, garden, nurseries, greenhouses, and livestock auction yards.
- (3) Community and governmental buildings.
- (4) Airport.
- (5) Sanitary landfill site.
- (6) Public and private nursery, primary and secondary schools, business school, and college and university.
- (7) Hospital, nursing home, sanitarium.
- (8) A church, synagogue, cathedral, mosque, temple or other building used for public worship, or a cemetery.
- (9) Veterinarian, animal clinic and kennels.
- (10) Essential services, as provided for in section 30-221(4) and (6).
- (11) A radio and television broadcasting and receiving antenna.
- (12) A building may be used for the temporary housing of seasonal agricultural workers, provided the farm where located is at least 160 acres.
- (13) Home occupations.
- (14) Funeral establishments, and mortuaries.
- (15) Bed and breakfast operations, subject to the regulations in section 30-806.
- (16) Wireless communication facilities, subject to section 30-804, except such facilities shall not be permitted on any parcel of land that is located in an area that is designated in the township's adopted general development plan for urban residential use.
- (17) Bulk sales of fertilizer, feed, and crop protection products for use in farming operations only. This special use is only permitted in those portions of the present AG-agricultural district, which are designated as "agriculture" on Map 10, of the Sylvan Township comprehensive plan adopted October 23, 2008. Equipment sales, services, and repair are not permitted.
- (18) Agricultural commercial/tourism businesses, subject to the regulations in section 30-808.

(Comp. Ords. 1994, §§ 15.183, 68.001; Ord. No. 1, § 11.03, 8-19-1974; Ord. of 5-15-1980; Ord. No. 54, § 1, 6-18-1999; Ord. of 8-3-1999; Ord. of 12-2-2003; Ord. of 7-5-2011, § 2; Ord. of 8-12-2014)

Sec. 30-279. - Regulations and performance standards.

The following regulations shall apply in all AG-Agriculture Districts:

- (1) *Lot area.* No building or structure shall be established on any lot less than two acres in area.
- (2) *Lot width.* The minimum lot width shall be 200 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed ten percent.
- (4) *Floor area ratio.* The maximum floor area shall not exceed ten percent of the lot area.
- (5) *Yard and setback requirements.*
 - a. *Front yard:* Not less than 50 feet.
 - b. *Side yard:* Least width of either yard shall not be less than 30 feet; except in the case of a corner lot. Corner lots fronting upon public or private streets or roads shall have two front yards and two side yards.
 - c. *Rear yard:* Not less than 50 feet.

The above requirements shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.
- (6) *Height requirement.* Except as otherwise provided in section 30-182(b)(4), the following height requirements shall apply in this district:
 - a. For dwelling and nonfarm buildings and structures: No dwelling or nonfarm building or structure shall exceed a height of three stories or 40 feet.
 - b. For general and specialized farm buildings and structures: No general and specialized farm buildings and structures shall exceed a height of 75 feet.
- (7) *Required off-street parking.* As required in article V of this chapter.
- (8) *Performance standards.* As required in article VIII of this chapter.
- (9) *Preservation of environmental quality.* As specified in section 30-794.

(Comp. Ords. 1994, § 15.184; Ord. No. 1, § 11.04, 8-19-1974; Ord. of 5-15-1980; Ord. of 9-1-1990)

Sec. 30-280. - Open space preservation development option.

A parcel of land may be developed for single-family detached dwelling units under the open space preservation development option (OSPDO) as provided in section 30-805.

(Comp. Ords. 1994, § 86.000; Ord. of 3-1-2003, § 3)

Secs. 30-281—30-308. - Reserved.

DIVISION 5. - P-5 DISTRICT-PRIVATE SITES DEDICATED TO COMMON USE

Sec. 30-309. - Purpose.

- (a) The P-5 Private Sites Dedicated to Common Use District is established for all private riparian sites which are dedicated to common use. Private riparian sites are lands:
 - (1) Held in common by a subdivision, association or any similar agency; or

- (2) Held in common by virtue of the terms of a plat of record;
- (3) Provided for common use under deed restrictions of record for riparian access or riparian use of a body of water.

(b) The intent of this section is, in support of the general intent of this article, to provide for necessary lands and uses required by the needs of township residents and visitors.

(Comp. Ords. 1994, § 15.191; Ord. No. 1, § 11.01, 8-19-1974; Ord. No. 6, 7-10-1984)

Sec. 30-310. - Permitted principal uses and structure.

All lands in a P-5 district shall be maintained and used for common purposes, such as:

- (1) Recreational sites, including bathing beaches, playgrounds, boat launching sites, and other recreational areas, adjoining a body of water.
- (2) Scenic sites adjoining a body of water.
- (3) Trails, bicycle paths, walkways, and access routes which adjoin a body of water.

(Comp. Ords. 1994, § 15.191; Ord. No. 1, § 11.01, 8-19-1974; Ord. No. 6, 7-10-1984)

Sec. 30-311. - Permitted accessory uses and structures.

All structures, facilities, and uses customarily incidental to the permitted principal uses are permitted in the P-5 district.

(Comp. Ords. 1994, § 15.191; Ord. No. 1, § 11.01, 8-19-1974; Ord. No. 6, 7-10-1984)

Sec. 30-312. - Area and bulk requirements.

P-5 sites dedicated to common use shall conform in all respects to the area and bulk requirements of the adjacent districts which they are intended to serve.

(Comp. Ords. 1994, § 15.191; Ord. No. 1, § 11.01, 8-19-1974; Ord. No. 6, 7-10-1984)

Sec. 30-313. - General requirements.

The following provisions regarding use and riparian access in the P-5 districts shall apply:

- (1) *Limitation of uses.* The specific uses assigned for common utilization under the terms of subsection (2) of this section are to be limited to areas zoned P-5, Private Sites Dedicated To Common Use. No residential, agricultural or commercial zoned lot can be used for these common purposes.
- (2) *Riparian access for non-riparian lots.* If a riparian lot or parcel is zoned P-5, giving access for common uses by non-riparian lots or parcels, the following conditions shall apply:
 - a. The deed to such lot or parcel shall specify the non-riparian lots or parcels which shall have rights to its use.
 - b. Such riparian lot or parcel shall have a minimum frontage of 150 feet, a minimum area of 30,000 square feet, and its design shall be subject to site plan review. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.

- c. Not less than 30 feet of riparian frontage shall be provided for each non-riparian lot or parcel so served.
- d. A non-riparian lot or parcel which is occupied by more than one dwelling unit (duplex or multiple residence) shall require the provision of 30 feet of riparian frontage for each dwelling unit occupying said lot or parcels.
- e. Not more than one boat mooring for each dwelling unit served may be placed upon the riparian lot.
- f. The non-riparian lot which is served by the riparian lot shall conform to the regulations of its zoning district.
- g. If six or more households or dwelling units have the beneficial use of a riparian lot or parcel, such households or dwelling units shall be improved with a bath and lavatory facility and served by a central water and sewer system or a well and septic system in accordance with the regulations of the county health department.

(Comp. Ords. 1994, § 15.191; Ord. No. 1, § 11.01, 8-19-1974; Ord. No. 6, 7-10-1984)

Secs. 30-314—30-344. - Reserved.

DIVISION 6. - LR-LOW DENSITY RESIDENTIAL DISTRICT

Sec. 30-345. - Purpose.

The LR-Low Density Residential District is composed of those areas of the township whose principal use is and ought to be single-family dwellings on medium-sized lots. The regulations of this district are designed to preserve a predominantly rural character in those areas fit for concentrated residential use because of the soil's ability to absorb sewage wastes from individual septic tanks. In addition to the dwellings permitted in this zoning district, there are permitted certain residential and public uses which have been strictly regulated to make them compatible with the principal use of this district.

(Comp. Ords. 1994, § 15.251; Ord. No. 1, § 20.01, 8-19-1974)

Sec. 30-346. - Permitted uses.

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

- (1) A single-family dwelling and any use, building or structure accessory thereto.
- (2) A sign, only in accordance with the regulations specified in article VII of this chapter.

(Comp. Ords. 1994, §§ 15.252, 86.000; Ord. No. 1, § 20.02, 8-19-1974; Ord. of 5-15-1980; Ord. of 3-10-1981; Ord. of 3-1-2003, § 4)

Sec. 30-347. - Special uses.

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

- (1) Golf course, but not including golf driving range.
- (2) Country club, public swimming pool, and recreation club; public and private park and playground.

- (3) Church and public building.
- (4) Public and private nursery; primary and secondary school.
- (5) Public utility structure.
- (6) Home occupations.

(Comp. Ords. 1994, § 15.253; Ord. No. 1, § 20.03, 8-19-1974)

Sec. 30-348. - Regulations and performance standards.

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

- (1) *Lot area.* The minimum lot area in this district shall be one acre for single-family dwellings and accessory structures thereto. The minimum lot area for all other buildings and structures shall be three acres.
- (2) *Lot width.* The minimum lot width shall be 150 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 20 percent.
- (4) *Floor area patio.* The maximum floor area shall not exceed 20 percent of the lot area.
- (5) *Yard setback requirements.*
 - a. *Front yard:* Not less than 50 feet. No fence shall be constructed in the front yard, except those fences to define lot lines, not to exceed three feet in height.
 - b. *Side yards:* Least width of either yard shall not be less than 20 feet, except in case of a corner lot. Corner lots fronting upon public or private streets or roads shall have two front yards and two side yards.
 - c. *Rear yard:* Not less than 35 feet.

The above requirements shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.
- (6) *Height.* The following height requirements shall apply in this district:
 - a. For buildings and structures, no building and no structure shall exceed a height of two stories or 35 feet.
 - b. For detached accessory buildings, no detached accessory buildings shall exceed a height of 25 feet.
- (7) *Required off-street parking.* As required in article V of this chapter.
- (8) *Supplemental regulations.* As required in article IX of this chapter.

(Comp. Ords. 1994, § 15.254; Ord. No. 1, § 20.04, 8-19-1974; Ord. of 9-1-1990; Ord. of 6-2-1992)

Secs. 30-349—30-369. - Reserved.

DIVISION 7. - SR1-SINGLE-FAMILY RESIDENTIAL DISTRICT ONE

Sec. 30-370. - Purpose.

- (a) The SR1-Single-Family Residential District One is composed of those areas of the township whose principal use is and ought to be single-family dwellings on moderately small-sized lots. The regulations

of this district are designed to create character in those areas which are served by a central water supply system and a central sanitary sewerage system.

- (b) In addition to the dwellings permitted in this zoning district, certain residential and public uses are permitted which have been strictly regulated to make them compatible with the principal use of this district.

(Comp. Ords. 1994, § 15.281; Ord. No. 1, § 21.01, 8-19-1974)

Sec. 30-371. - Permitted uses.

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

- (1) Single-family dwelling and any use, building or structure accessory thereto.
- (2) Two-family dwelling and any use, building or structure accessory thereto.
- (3) A sign, only in accordance with the regulations specified in article VII of this chapter.
- (4) Clustered residential development, in accordance with article VI of this chapter.
- (5) Raising and keeping of poultry, rabbits, and similar small fowl and animals, only as an accessory use, and only for use and consumption of the occupants on the premises, and not for any purposes of remuneration, provided that the lot on which situated shall not be less than one acre in area. All fowl and animals shall be properly housed, fenced, and cared for so as not to be a public nuisance.
- (6) Raising and keeping of horses and ponies, only as an accessory use for the principal dwelling, and not for any purposes of remuneration, provided that a minimum lot area of one acre shall be provided for one horse or one pony, and 20,000 square feet of additional lot area shall be provided for each additional horse or pony. All animals shall be properly housed, fenced, and cared for so as not to be a public nuisance.

(Comp. Ords. 1994, § 15.282; Ord. No. 1, § 21.02, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-372. - Special uses.

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

- (1) Golf course, but not including golf driving range.
- (2) Country club, public swimming pool, and recreation club; public and private park and playground.
- (3) Church and public building.
- (4) Public and private nursery, primary and secondary school.
- (5) Public utility structure located on the surface of the ground, including, but not limited to, transformer substations, pumping stations, communications relay stations, gas and steam regulating valves and stations, provided:
 - a. That storage of materials, inoperative equipment, vehicles or supplies shall be located in a building;
 - b. That no personnel shall be a quartered or employed on the premises; and
 - c. That structures shall be designed, erected and landscaped in such a manner as to conform as much as possible with the character of this district.

- (6) Home occupations.

(Comp. Ords. 1994, § 15.283; Ord. No. 1, § 21.03, 8-19-1974)

Sec. 30-373. - Regulations and performance standards.

The following regulations shall apply in all SR1-Single-Family Residential Districts:

- (1) *Lot area.* Where a lot is served with a central water supply system and a central sanitary sewerage system, there shall be provided a minimum of one-fourth acre of lot area for each single-family dwelling unit and one-half acre of lot area for each two-family dwelling unit. Where a lot is not so served, there shall be provided a minimum of one acre of lot area for each single-family dwelling unit and two acres of lot area for each two-family dwelling unit. The minimum lot area for all other buildings and structures shall be three acres.
- (2) *Lot width.* The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be 80 feet. Where a lot is not so served, the minimum lot width shall be 150 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 30 percent.
- (4) *Floor area ratio.* The maximum floor area shall not exceed 30 percent of the lot area.
- (5) *Yard and setback requirements.*
 - a. *Front yard:* Not less than 35 feet.
 - b. *Side yard:* Least width of either yard shall not be less than ten feet, but the sum of the two side yards shall not be less than 25 feet. Corner lots fronting upon public or private streets or roads shall have two front yards and two side yards.
 - c. *Rear yard:* Not less than 20 feet.

The above requirements shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.

- (6) *Height.* The following height requirements shall apply in this district:
 - a. For building and structures, no building and no structure shall exceed a height of 2½ stories, but not exceeding 35 feet.
 - b. For detached accessory buildings, no detached accessory building shall exceed a height of 25 feet.
- (7) *Required off-street parking.* As required in article V of this chapter.
- (8) *Supplemental regulations.* As required in article IX of this chapter.

(Comp. Ords. 1994, § 15.284; Ord. No. 1, § 21.04, 8-19-1974; Ord. of 9-1-1990)

Sec. 30-374. - Open space preservation development option.

A parcel of land may be developed for single-family detached dwelling units under the open space preservation development option (OSPDO) as provided in section 30-805.

(Comp. Ords. 1994, § 86.000; Ord. of 3-1-2003, § 4)

Secs. 30-375—30-391. - Reserved.

DIVISION 8. - MR-MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 30-392. - Purpose.

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

(Comp. Ords. 1994, § 15.311; Ord. No. 1, § 22.01, 8-19-1974)

Sec. 30-393. - Permitted uses.

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

- (1) Single-family dwelling and any use, building or structure accessory thereto, subject to the regulations and standards as provided in section 30-373.
- (2) Two-family dwellings and any use, building or structure accessory thereto, subject to the regulations and standards in section 30-373.
- (3) Multiple-family dwelling and any use, building or structure accessory thereto.
- (4) A sign, only in accordance with the regulations specified in article VII of this chapter.

(Comp. Ords. 1994, § 15.312; Ord. No. 1, § 22.02, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-394. - Special uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a special use permit as provided in articles IV and IX of this chapter, if applicable:

- (1) Golf course, but not including golf driving range.
- (2) Country club, public swimming pool, and recreation club; public and private park and playground.
- (3) Church and public building.
- (4) Public and private nursery; primary and secondary school; business school, college and university.
- (5) Medical, dental, clinic.
- (6) Funeral establishment.
- (7) Hospitals, nursing homes, sanitariums.
- (8) Public utility structure.
- (9) Home occupations.

(Comp. Ords. 1994, § 15.313; Ord. No. 1, § 22.03, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-395. - Regulations and performance standards.

The following regulations shall apply to all multiple-family residential uses in an MR-Multiple-Family Residential District:

- (1) *Lot area.* The minimum lot area shall be one acre. There shall be a minimum of 1,500 square feet gross site area for each dwelling unit. All multiple-family dwelling units shall have a central water supply system and a central sanitary sewerage system.
- (2) *Lot width.* The minimum lot width shall be 150 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 35 percent.
- (4) *Floor area ratio.* The maximum floor area shall not exceed 40 percent of the lot area.
- (5) *Yard and setback requirements:*
 - a. *Front yard:* Not less than 35 feet.
 - b. *Side yard:* Least width of either yard shall be no less than ten feet, but the sum of the two side yards shall not be less than 25 feet. Corner lots fronting upon public or private streets or roads shall have two front yards and two side yards.
 - c. *Rear yard:* Not less than 25 feet.

The above requirements shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.
- (6) *Height.* The following height requirements shall apply in this district:
 - a. For buildings and structures, no building or structure shall exceed a height of three stories or 45 feet.
 - b. For detached accessory buildings, no detached accessory building or structure shall exceed a height of 25 feet.
- (7) *Distance between grouped buildings.* In addition to the required setback lines provided elsewhere in this article, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between each said dwelling:
 - a. Where buildings are front to front, or front to rear, three times the height of the taller building, but not less than 70 feet.
 - b. Where buildings are side to side, one time the height of the taller building, but not less than 20 feet.
 - c. Where buildings are front to side, rear to side, or rear to rear, two times the height of the taller building, but not less than 45 feet. In applying the standards set forth in this subsection:
 1. The front of the building shall mean that face of the building having the greatest length.
 2. The rear is that face opposite the front.
 3. The side is the face having the smallest dimension.
- (8) *Required off-street parking.* As required in article V of this chapter.
- (9) *Required site plan regulations.* As required in article II, division 2 of this chapter.
- (10) *Supplemental regulations.* As required in article IX of this chapter.

(Comp. Ords. 1994, § 15.314; Ord. No. 1, § 22.04, 8-19-1974; Ord. of 9-1-1990)

Secs. 30-396—30-418. - Reserved.

DIVISION 9. - MHP-MANUFACTURED HOUSING COMMUNITY DISTRICT

Sec. 30-419. - Purpose.

The purpose of the MHP-Manufactured Housing Community District is to provide for the development of the manufactured housing community, and to promote the manufactured housing community with the character of residential neighborhoods.

(Comp. Ords. 1994, § 79.000; Ord. No. 64, § 5, 6-11-2001)

Sec. 30-420. - Permitted principal uses.

The following uses are permitted in the MHP-Manufactured Housing Community District:

- (1) Manufactured home dwelling units.
- (2) Signs, in accordance with article VII; provided, however, that, notwithstanding article VII of this chapter, a 32-square-foot, typically eight feet by four feet, maximum size sign, with copy on both sides, to be aesthetically subtle, yet visually discernible to drivers as an advertisement or modification of a manufactured housing community; or, as an alternative, two signs, each of which is a maximum of 16 square feet, with copy on both sides, with the same aesthetic and notification characteristics, is permitted for a development.
- (3) Accessory structures such as carports and sheds, limited to one carport on each manufactured home site.
- (4) A manufactured home shall be in compliance with the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance: For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes, if the adjacent home is sited next to the home on the same internal road or on an intersection internal road.
- (5) Community buildings and facilities, such as laundry facilities, swimming pools, management offices and storage facilities.

(Comp. Ords. 1994, § 79.000; Ord. No. 64, § 5, 6-11-2001)

Sec. 30-421. - Permitted special uses.

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

- (1) Church, fire station, police station, government office building, and similar government buildings.
- (2) Public or private nursery, primary, and secondary school, day care center.
- (3) Essential services as provided in section 30-372(e).

(Comp. Ords. 1994, § 79.000; Ord. No. 64, § 5, 6-11-2001)

Sec. 30-422. - Regulations and performance standards.

The following regulations shall apply to all uses in an MHP-Manufactured Housing Community District:

- (1) *Lot area.* The minimum area of the parcel of land that comprises a manufactured housing community shall be 15 acres.
- (2) *Maximum height.*
 - a. Principal structures: two stories or 25 feet.
 - b. Accessory structures: 15 feet.
- (3) *Planning and development regulations.* As provided in section 30-801.

(Comp. Ords. 1994, § 79.000; Ord. No. 64, § 5, 6-11-2001)

Secs. 30-423—30-442. - Reserved.

DIVISION 10. - LC-LOCAL COMMERCIAL DISTRICT

Sec. 30-443. - Purpose.

The LC-Local Commercial District is composed of those areas of the township whose principal use is and ought to be local retail, service and restricted repair business activities which serve adjacent and surrounding residential neighborhoods. This district has been located within the township to permit the development of these business activities to protect adjacent agricultural, residential and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and purpose of this district have been excluded.

(Comp. Ords. 1994, § 15.401; Ord. No. 1, § 30.01, 8-19-1974)

Sec. 30-444. - Permitted uses.

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

- (1) Clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop and shoe repair shop.
- (2) Food services, including grocery, meat market, bakery, restaurant, delicatessen and fruit market, ice machines and similar self-serve units, but not including any business of a drive-in type.
- (3) Personal services, including barbershop and beauty salon, medical and dental clinics, music studios, banks and saving and loan associations and other similar uses.
- (4) Retail services, including drug store, hardware, gift shop, and dry goods and notions store.
- (5) Essential services, except those provided for elsewhere in this district, provided that electrical substations shall be enclosed on all sides in a manner in keeping with the character of the surrounding area.
- (6) A sign, only in accordance with the regulations specified in article VII of this chapter.
- (7) An accessory use, building or structure.
- (8) Offices for professional services, such as legal, insurance, real estate, finance, medical, dental, architectural, and engineering, provided the following conditions are met:

- a. No trucks, drilling rigs, or similar vehicles shall be stored on the premises.
- b. No materials or field equipment shall be stored outside the office building.
- c. The building shall not exceed one story in height or 8,000 square feet in gross floor area.

(Comp. Ords. 1994, § 15.402; Ord. No. 1, § 30.02, 8-19-1974; Ord. No. 50, 11-25-1998)

Sec. 30-445. - Special uses.

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

- (1) Animal hospital or clinic.
- (2) Lines and structures of essential services as provided in section 30-221(4).
- (3) Contractor's establishment, including storage of equipment and materials, but not including any retail sales on the site, subject to the following conditions:
 - a. The minimum required front and corner side yards: 75 feet.
 - b. The minimum required side and rear yards: 75 feet.
 - c. A transition strip at least 25 feet wide shall be provided along a side or rear lot line that abuts land in a residential zoning district. The transition strip shall be in addition to the required yard.
 - d. Storage of equipment and materials shall not be permitted in a transition strip or any required yard.
 - e. Outdoor storage areas shall be screened from view from a public road by a decorative masonry wall, berm, and or landscape strips.

(Comp. Ords. 1994, § 15.403; Ord. No. 1, § 30.03, 8-19-1974; Ord. of 5-15-1980; Ord. of 11-9-2004)

Sec. 30-446. - Regulations and performance standards.

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

- (1) *Lot area.* No building or structure shall be established on any lot less than one acre in area, except where a lot is served with a public water supply system and a public sanitary sewerage system, in which case there shall be provided a minimum lot area of 10,000 square feet.
- (2) *Lot width.*
 - a. The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be 70 feet.
 - b. Where a lot is not so served, the minimum lot width shall be 150 feet.
 - c. The minimum width of a lot of a local shopping center or other combined development of a retail and/or service facilities in this district shall be 200 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 30 percent.
- (4) *Floor area ratio.* The maximum floor area shall not exceed 60 percent of the lot area.
- (5) *Yard and setback requirements.*

- a. *Front yard:* Not less than 35 feet.
- b. *Side yard:* Least width of either side yard shall not be less than ten feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 35 feet. Minimum interior side yards may not be required when two or more buildings are part of a local shopping center or other combined development of local retail and/or service facilities. Side yard requirements shall apply to the perimeter of such developments.
- c. *Rear yard:* Not less than 35 feet.

The requirements set forth in this subsection shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.

(6) *Height requirements.* No building or structure shall exceed a height of 25 feet or two stories.

(7) *Transition strips.*

- a. On every lot in this district which abuts a lot in a recreation-conservation, agricultural and residential district (including mobile homes), there shall be provided a transition strip. Such transition strip:
 - 1. Shall not be less than 15 feet in width;
 - 2. Shall be provided along every lot line, except at front lot lines, which abuts a lot in such districts;
 - 3. Shall not be included as part of the yard required around a building or structure; and
 - 4. Shall be improved, when said lot in this district is improved, with a solid screen wall or hedge not less than four feet nor more than six feet in height, maintained in good condition.
- b. A use or structure on any lot in this district fronting a public road, street, or way shall provide, in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land 20 feet or more in depth; such landscaped strip is to be defined by a curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.

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

(9) *Required site plan review by planning commission.* As required in article II, division 2 of this chapter.

(10) *Performance standards.* As required in article VIII of this chapter.

(Co-p. Ords. 1994, § 15.404; Ord. No. 1, § 30.04, 8-19-1974; Ord. of 9-1-1990)

Secs. 30-447—30-475. - Reserved.

DIVISION 11. - GC-GENERAL COMMERCIAL DISTRICT

Sec. 30-476. - Purpose.

The GC-General Commercial District is composed of those areas in the township whose principal use is and ought to be general retail, service and restricted and repair business activities which serve the entire township and surrounding area. This district has been located within the township to permit the development of these business activities, to protect adjacent agricultural, residential and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways.

To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

(Comp. Ords. 1994, § 15.431; Ord. No. 1, § 31.01, 8-19-1974)

Sec. 30-477. - Permitted uses.

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

- (1) All permitted uses allowed in LC-Local Commercial District, as provided in section 30-444.
- (2) Retail services, including department stores, furniture stores, appliance stores, and supermarkets.
- (3) Business and professional office, such as legal, engineering, accounting, financial and insurance.
- (4) Agricultural services, including machinery sales and repair establishments, and farm supply stores.
- (5) Showroom and sales of new automobiles, farm machinery, and other vehicles and equipment, and the display and sale of used cars, farm machinery, and other vehicles and equipment, when in conjunction with a showroom and sales of new units thereof, and repair of same when in conjunction with a showroom and sales of new units thereof.
- (6) Mobile home and trailer court sales and repair.
- (7) Equipment services, including repair, radio and television, electrical appliance shop, plumber, electrician and other similar services and trades.
- (8) A sign, only in accordance with the regulations specified in article VII of this chapter.
- (9) An accessory use, building or structure.
- (10) Building supply centers, for the retail sale of lumber, related building supplies, tools, paints, and appliances, but not including outdoor sales or storage of building materials.
- (11) Contractor's establishment, including outdoor storage of equipment and materials, but not including any retail sales on the site, subject to the following conditions:
 - a. The minimum required front and corner side yards shall be 75 feet.
 - b. The minimum required side and rear yards shall be 75 feet.
 - c. A transition strip at least 25 feet wide shall be provided along a side or rear lot line that abuts land in a residential zoning district. The transition strip shall be in addition to the required yard.
 - d. Storage of equipment and materials shall not be permitted in a transition strip or any required yard.
 - e. Outdoor storage areas shall be screened from view from a public road by a decorative masonry wall, berm, and/or landscape strips.

(Comp. Ords. 1994, § 15.432; Ord. No. 1, § 31.02, 8-19-1974; Ord. of 11-3-1981; Ord. No. 64, 6-11-2001)

Sec. 30-478. - Special uses.

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

- (1) Establishments serving alcoholic beverages and/or providing entertainment.
- (2) Funeral establishments, mortuaries.
- (3) Hotel, tourist home, boardinghouse, and roominghouse.
- (4) Animal hospital or clinic.
- (5) Open air display area for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic-tired two- and four-wheeled utility trailers, pneumatic-tired cement mixers, wheelbarrows, rollers and similar products or equipment.
- (6) Lots for the sale of used cars, used farm machinery, and other used vehicles and equipment, when not sold in conjunction with sales of new cars, machinery vehicles, or equipment, and for the repair thereof.
- (7) Gasoline service station, when provided on a lot with a minimum frontage on any street of 150 feet and when no more than two such stations shall exist at an intersection.
- (8) Lines and structures of essential services, as provided in section 30-221(4).
- (9) Recreation services, including theater, bowling alley and roller and ice skating rinks.
- (10) Outdoor storage or sale of lumber, related building materials, and tools, when accessory to a building supply center, subject to the following requirements:
 - a. Sale or storage of gravel and coal shall not be permitted in this district.
 - b. Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way; in any required side or rear yard; or in any required transition strip.
 - c. Such storage shall not be located in any required parking or loading space.
 - d. Such storage shall be strictly and clearly accessory and incidental to the building supply center. Such storage shall not be permitted as a principal use of a lot.
 - e. The area for such storage shall be screened or fenced on all sides. The screen or fence shall not be less than four feet in height.
 - f. The location of areas for such storage, and a general description of items to be stored, shall be provided as part of the special use permit application.
- (11) Wireless communication facilities, subject to section 30-804

(Comp. Ords. 1994, §§ 15.433, 68.001; Ord. No. 1, § 31.03, 8-19-1974; Ord. of 5-15-1980; Ord. of 11-3-1981; Ord. No. 54, § 1, 6-18-1999)

Sec. 30-479. - Regulations and performance standards.

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

- (1) *Lot area.* No building or structure shall be established on any lot less than one acre in area, except where a lot is served with a public water supply system and a public sanitary sewerage system, in which case there shall be provided a minimum lot area of 20,000 square feet.
- (2) *Lot width.* The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be 100 feet. Where a lot is not so served, the minimum lot width shall be 150 feet. The minimum lot width for a community shopping center or other combined development of retail and/or service facilities shall be 200 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 25 percent.

- (4) *Floor area ratio.* The maximum floor area shall not exceed 80 percent of the lot area.
- (5) *Yard and setback requirements.*
- a. *Front yard:* Not less than 35 feet, including all signs and pump islands of gasoline service stations.
 - b. *Side yards:* Least width of either side yard shall not be less than ten feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 35 feet. Minimum interior side yards may not be required when two or more buildings are part of a local shopping center or other combined development of local retail and/or service facilities. Side yard requirements shall apply to the perimeter of such developments.
 - c. *Rear yards:* Not less than 35 feet.

The requirements set forth in this subsection shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.

- (6) *Height requirements.* No building or structure shall exceed a height of 45 feet or three stories.
- (7) *Transition strips.*
- a. On every lot in this district which abuts a lot in a recreation-conservation, agricultural and residential district (including mobile homes), there shall be provided a transition strip. Such transition strip:
 1. Shall be not less than 15 feet in width;
 2. Shall be provided along every lot line, except a front lot line which abuts a lot in such districts;
 3. Shall not be included as part of the yard required around a building or structure; and
 4. Shall be improved when said lot in this district is improved, with a screen, wall or hedge not less than four feet nor more than six feet in height, maintained in good condition.
 - b. A use or structure on any lot in this district fronting a public road, street, or way shall provide an addition to and as an integral part of any site development, on the front yard, a landscaped strip of land 20 feet or more in depth; such landscaped strip to be defined by a curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.
- (8) *Required off-street parking.* As required in article V of this chapter.
- (9) *Required site plan review by planning commission.* As required in article II, division 2 of this chapter.
- (10) *Performance standards.* As required in article VIII of this chapter.

(Comp. Ords. 1994, § 15.434; Ord. No. 1, § 31.04, 8-19-1974; Ord. of 9-1-1990)

Secs. 30-480—30-496. - Reserved.

DIVISION 12. - HC-HIGHWAY COMMERCIAL DISTRICT

Sec. 30-497. - Purpose.

The HC-Highway Commercial District is composed of those areas of the township whose principal use is and ought to be retail and service business activities which serve or are meant to serve the motoring public. This district has been located within the township to permit the development of these business activities, to protect adjacent agricultural, residential and industrial areas against encroachment of incompatible uses, and to lessen congestion on and serve the persons traveling on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

(Comp. Ords. 1994, § 15.461; Ord. No. 1, § 32.01, 8-19-1974)

Sec. 30-498. - Permitted uses.

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

- (1) Gasoline service station, including minor repair service, where not more than two such stations shall exist at an intersection.
- (2) Motels, hotels, restaurants.
- (3) Drive-ins, including restaurants, banks, laundries.
- (4) Essential services, as provided in section 30-444(5).
- (5) A sign, only in accordance with the regulations specified in article VII of this chapter.
- (6) Accessory use, building or structure.

(Comp. Ords. 1994, § 15.462; Ord. No. 1, § 32.02, 8-19-1974)

Sec. 30-499. - Special uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a special use permit as provided in articles IV and IX of this chapter, if applicable:

- (1) Retail, sporting goods sales, souvenir and gift shop, public information booth.
- (2) Drive-in theater.
- (3) Places of amusement, entertainment or recreation such as dance hall, bowling alley, miniature golf, commercial swimming pool, skating rinks, trampolines, etc.
- (4) Lines and structures of essential services, as provided in section 30-221(4).

(Comp. Ords. 1994, § 15.463; Ord. No. 1, § 32.02, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-500. - Regulations and performance standards.

The following regulations shall apply in all HC-Highway Commercial Districts:

- (1) *Lot area.* No building or structure shall be established on any lot less than one acre in area, except where a lot is served with a central water supply system and a central sanitary sewerage system, in which case there shall be provided a minimum lot area of 30,000 square feet.
- (2) *Lot width.* The minimum width of all lots, whether or not served with a central sanitary sewerage system, shall be 150 feet.

- (3) *Lot coverage.* The maximum lot coverage shall not exceed 30 percent.
- (4) *Floor area ratio.* The maximum floor area shall not exceed 60 percent of the lot area.
- (5) *Yard requirements.*
 - a. *Front yard:* Not less than 50 feet including all signs and the pump islands of gasoline service stations.
 - b. *Side yard:* Least width of either yard shall not be less than 20 feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 50 feet.
 - c. *Rear yard:* Not less than 35 feet.

The requirements set forth in this subsection shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.

- (6) *Height requirements.* No building or structure shall exceed a height of 35 feet or two stories.
- (7) *Transition strips.*
 - a. On every lot in the district which abuts a lot in a recreation-conservation, agricultural and residential district (including mobile homes), there shall be provided a transition strip. Such transition strip:
 - 1. Shall be not less than 15 feet in width;
 - 2. Shall be provided along every lot line, except a front lot line, which abuts a lot in such districts;
 - 3. Shall not be included as part of the yard required around a building or structure; and
 - 4. Shall be improved with a screen, wall or hedge not less than four, nor more than eight feet in height, maintained in good condition.
 - b. A use or structure on any lot in this district fronting a public road, street or way shall provide, in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land 20 feet or more in depth; such landscaped strip to be defined by a curb, and designed to provide access to the lot and separate off-street parking area from the public right-of-way.
- (8) *Required off-street parking.* As required in article V of this chapter.
- (9) *Required site plan review by planning commission.* As required in article II, division 2 of this chapter.
- (10) *Performance standards.* As required in article VIII of this chapter.

(Comp. Ords. 1994, § 15.464; Ord. No. 1, § 32.04, 8-19-1974; Ord. of 9-1-1990)

Secs. 30-501—30-523. - Reserved.

DIVISION 13. - BP-BUSINESS PARK DISTRICT

Sec. 30-524. - Purpose.

The BP-Business Park District is intended to encourage and permit a mixture of commercial, office, research, and industrial uses that are compatible with each other in a campus setting. This district should be located in those areas of the township which are in the township's water and sanitary sewer service

area, as delineated in the township's adopted comprehensive plan of 2008, and which are designated in that plan for business park uses.

(Ord. of 7-15-2010)

Sec. 30-525. - Permitted uses.

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

- (1) Business, professional, executive, or administrative offices, such as financial institutions without drive-through facilities, advertising, real estate, legal, engineering, accounting, insurance, medical, and similar uses.
- (2) Research, development, testing laboratories, training centers.
- (3) Manufacturing, processing, or treatment of such products as drugs, pharmaceuticals, and medical devices.
- (4) Assembly of products such as electrical appliances, electronic or precision instruments.
- (5) Printing and imaging services.
- (6) Light manufacturing industrial uses, which, by the nature of the materials, equipment, and processes utilized, are to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard.

(Ord. of 7-15-2010)

Sec. 30-526. - Special uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted, subject to obtaining a special use permit as provided in articles IV and IX of this chapter, if applicable.

- (1) Restaurant and cafeteria facilities for employees.
- (2) Business and technical schools licensed by the state.
- (3) Day care centers.
- (4) Drive-through facilities for banks and other financial institutions.
- (5) Hotels, motels, conference centers, and related catering and food service facilities.
- (6) Commercial services, such as:
 - a. Clothing and apparel services, as in section 30-444(1).
 - b. Food services, as in section 30-444(2), but including drive-in facilities and the serving of alcoholic beverages.
 - c. Personal services, as in section 30-444(3).
 - d. Retail services, as in section 30-444(4).
 - e. Gasoline service stations.
- (7) Indoor recreation facilities, such as bowling alleys, tennis courts, and gymnasiums.

(Ord. of 7-15-2010)

Sec. 30-527. - Regulations and performance standards.

The following regulations shall apply in all BP-Business Park Districts:

- (1) *Minimum lot area*: 20,000 square feet.
- (2) *Minimum lot width*: 100 feet.
- (3) *Maximum lot coverage*: 30 percent.
- (4) *Maximum floor area ratio*: 0.60.
- (5) *Maximum impervious area ratio (IAR)*: 0.60 (Total ground floor area of buildings plus total pavement area/lot area).
- (6) *Minimum required yards*:
 - Front: 35 feet.
 - Side: 10 feet.
 - Corner side, any yard abutting a street: 35 feet.
 - Rear: 35 feet.
- (7) *Maximum height*: 45 feet or three floors, whichever is less.
- (8) *Minimum transition strip*: 25 feet wide; required along any line that abuts property in an agricultural or any residential zoning district.
- (9) *Outdoor storage*. No outdoor storage of materials or equipment is permitted within this district. All such materials, equipment, or products for any permitted principal or special use within this district shall be stored entirely within a completely enclosed building.
- (10) *Off-street parking*. As required in article V of this chapter.
- (11) *Signs*. As permitted in article VII of this chapter. In addition, one park identification sign shall be permitted for each street frontage of the park. The sign shall be a monument (ground) type sign set in a landscaped area. The sign shall not exceed 65 square feet in area or a height of eight feet above adjacent grade, including the sign's base structure.
- (12) *Site plan review*. As required in article II, division 2 of this chapter.

(Ord. of 7-15-2010)

Sec. 30-528. - Park development plan.

(a) *Preparation and adoption*.

- (1) The planning commission shall prepare a plan for development of the property to be included in the BP district.
- (2) The plan shall be on display at the public hearing on the petition to rezone the property in the BP district.
- (3) The plan shall be included in the planning commission's recommendation for action on the BP rezoning petition to the township board.
- (4) If the township board approves the BP zoning district, the park development plan shall be part of the zoning district and all subsequent development shall be consistent with that approved plan.

- (5) The park development plan of an approved BP district may be amended in the manner provided by law for a zoning chapter amendment.

(b) *Nature and content.*

- (1) The plan shall be conceptual in nature, showing a general location of various uses proposed in the business park and a general layout of infrastructure.
- (2) The plan shall include, at a minimum:
 - a. Land uses and a delineation of areas for each use.
 - b. General layout of public streets.
 - c. General layout of public water and sanitary sewer systems.
 - d. Storm water management concepts for the entire property in the district.
 - e. Existing natural features, such as woodlands, wetlands, and water courses, and the extent to which these features will be saved and incorporated into the plan.

(Ord. of 7-15-2010)

Sec. 30-529. - Development agreement.

Approval of a final site plan for any lot or parcel of land that is zoned BP shall not be in effect until a development agreement is signed by the township and all persons or entities with a legal interest in the property and is recorded in the county. The development agreement shall include, among other provisions, mechanisms and schedules for financing and constructing all elements of the infrastructure called for in the final site plan.

(Ord. of 7-15-2010)

Secs. 30-530—30-551. - Reserved.

DIVISION 14. - I-INDUSTRIAL DISTRICT

Sec. 30-552. - Purpose.

The I district is intended to provide areas for limited manufacturing and non-manufacturing industrial operations and facilities, and wholesale and warehouse operations wherein storage of products or equipment and wholesale sales thereof are the principal uses of buildings.

(Comp. Ords. 1994, § 15.501; Ord. of 2-1-1994, § 40.01)

Sec. 30-553. - Permitted uses.

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

- (1) Research and development testing.
- (2) Manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical products, toiletries, and frozen foods.
- (3) Assembly of merchandise such as electrical appliances and electronic or precision instruments.

- (4) Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or similar materials.
- (5) Printing, lithographic, blueprinting and similar operations.
- (6) Light manufacturing industrial use which, by the nature of the materials, equipment and processes utilized, are to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard.
- (7) Warehousing: wholesale establishments and material distribution centers, provided all products, materials, and equipment are stored within enclosed buildings.
- (8) Signs in accordance with article VII of this chapter.
- (9) Accessory uses, buildings, and structures.
- (10) Essential services, as provided in section 30-444(5).

(Comp. Ords. 1994, § 15.502; Ord. of 2-1-1994, § 40.02)

Sec. 30-554. - Special uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a special use permit as provided in articles IV and IX of this chapter, if applicable:

- (1) Food services for employees on site.
- (2) Bus, truck, taxi and rail terminals; trucking and cartage facilities; storage of trucks and industrial equipment.
- (3) Contractor's establishment, including outdoor storage of equipment and materials, but not including any retail sales on the site.
- (4) Auto and truck repair; body and paint shops for autos, trucks, and other vehicles; washing facilities for vehicles if part of a repair facility.
- (5) Open industrial uses or industrial product or materials storage, including storage of materials, inoperative equipment, vehicles, or supplies. Any activity in which products or materials being processed or stored are located, transported or treated outside a building and are not within enclosed apparatus, vessels, or conduits, shall be enclosed by a solid, permanently maintained wall or fence, no lower than the subject use or storage, and constructed to provide firm anchoring of fence posts to concrete set below the frostline. If a wall is provided, its foundation shall also extend below the frostline.
- (6) Commercial laundries; dry cleaning plants.
- (7) Lumber, fuel, and feed yards.
- (8) Construction and farm equipment sales, including service and repair.
- (9) Junkyards; storage of inoperative vehicles.
- (10) Sand and gravel extraction, including processing of materials extracted on-site.
- (11) Asphalt and concrete mixing plants.
- (12) Lines and structures of essential services, as provided in section 30-221(4).
- (13) Wireless communication facilities, subject to section 30-804.
- (14) Rental and repair of equipment, including equipment for events, parties, recreation, lawn, home, business, construction, building repairs, contractors, concrete work, assorted power equipment, scaffolding, generators, compactors, kitchen and beverage service, coal and wood burning furnaces and stoves, engines, and all related items and supplies. Sales of the

preceding listed equipment may be included in the special use permit provided such sales are clearly incidental to the rental and repair operations.

- (15) Retail incidental to permitted uses or approved special uses.
- (16) Nursery, flower shop operations allowing outdoor display.

(Comp. Ords. 1994, §§ 15.503, 68.001; Ord. of 2-1-1994, § 40.03; Ord. No. 54, § 1, 6-18-1999; Ord. of 4-5-2011, § 1; Ord. of 4-4-2012, § 1)

Sec. 30-555. - Regulations and performance standards.

The following regulations shall apply in all I-Industrial Districts:

- (1) *Lot area.* No building or structure shall be established on any lot less than one acre in area.
- (2) *Lot width.* The minimum lot width shall be 150 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 30 percent.
- (4) *Floor area ratio.* The maximum floor area ratio shall not exceed 60 percent of the lot area.
- (5) *Yard requirements.*
 - a. *Front yard:* Not less than 50 feet.
 - b. *Side yard:* Least width of either yard shall not be less than 20 feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 50 feet.
 - c. *Rear yard:* Not less than 35 feet.

The requirements set forth in this subsection shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.

- (6) *Height requirements.* Except as is otherwise provided in section 30-182, no building or structure shall exceed a height of 45 feet or two stories.
- (7) *Transition strips.*
 - a. On every lot in the district which abuts a lot in a recreation-conservation, agricultural, residential (including mobile homes), and commercial district, there shall be provided a transition strip. Such transition strip:
 - 1. Shall be not less than 25 feet in width;
 - 2. Shall be provided along every lot line, except a front lot line, which abuts a lot in such districts;
 - 3. Shall not be included as part of the yard required around a building or structure; and
 - 4. Shall be improved, when said lot in this district is improved, with a screen, wall or hedge not less than four feet nor more than eight feet in height, and maintained in good condition.
 - b. A use or structure on any lot in this district fronting a public road, street or way shall provide, in addition to and as an integral part of any site development: on the front yard, a landscaped strip of land 20 feet or more in depth; such landscaped strip to be defined by a curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.
- (8) *Required off-street parking.* As required in article V of this chapter.

(9) *Required site plan review.* As required in article II, division 2 of this chapter.

(10) *Performance standards.* As required in article VIII of this chapter.

(Comp. Ords. 1994, § 15.504; Ord. of 2-1-1994, § 40.04)

Secs. 30-556—30-564. - Reserved.

DIVISION 15. - I-ART-INDUSTRIAL-AUTOMOTIVE RESEARCH AND TESTING DISTRICT

Sec. 30-565. - Purpose.

The I-ART-Industrial-Automotive Research and Testing District is intended to provide a zoning district for existing and future research and testing activities, and accessory supporting facilities and services, on the Chrysler Proving Ground property. This district is designed for one owner, the Chrysler Corporation, because of the very large size of the property, over five square miles, and its large size in relation to the township (about 14 percent of the township's total area). This district is also intended to protect existing wooded areas, streams, and wetlands on the property.

(Comp. Ords. 1994, § 67.001; Ord. No. 50, § 1(41.01), 11-25-1998)

Sec. 30-566. - Permitted uses.

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

- (1) Research and development operations for the automobile industry.
- (2) Prototype/pilot manufacturing for the automobile industry.
- (3) Automotive testing operations, such as, but not limited to track, laboratory, emissions, performance, braking, endurance, noise, handling, and radio.
- (4) Signs, in accordance with article VII of this chapter, including section 30-727.
- (5) Essential services.

(Comp. Ords. 1994, § 67.001; Ord. No. 50, § 1(41.02), 11-25-1998)

Sec. 30-567. - Permitted accessory uses.

The following are permitted accessory uses in the I-ART-Industrial-Automotive Research and Testing District:

- (1) Food services for employees onsite.
- (2) Warehousing facilities; vehicle storage.

(Comp. Ords. 1994, § 67.001; Ord. No. 50, § 1(41.03), 11-25-1998)

Sec. 30-568. - Regulations and performance standards.

The following regulations shall apply in the I-ART-Industrial-Automotive Research and Testing District:

- (1) *Minimum lot area* : Four square miles.

- (2) *Minimum lot width* : 2,000 feet.
- (3) *Maximum lot coverage* : Five percent.
- (4) *Maximum floor area ratio* : 0.050.
- (5) *Minimum yard requirements*. Measurements shall conform to sections 30-5 and 30-182.
 - a. Front: 50 feet.
 - b. Side: 20 feet; 50 feet if abutting a public street.
 - c. Rear: 35 feet; 50 feet if abutting a public street.
- (6) *Maximum height* : 45 feet or two stories, except as otherwise provided in section 30-182.
- (7) *Transition strips*.
 - a. A transition strip at least 25 feet wide shall be provided along each lot line, except a front lot line, that abuts a lot in a recreation-conservation, agriculture, residential, or commercial district. The strip shall not be included as a part of any other required yard. The strip shall be improved with a screen, wall, or hedge not less than four feet in height. Existing trees and brush may substitute for the improvement. The strip shall not be occupied by any facility or activity, including parking, except driveways, which may cross the strip for purposes of provided access to and egress from the property.
 - b. Any required yard that abuts a public street shall be maintained as a landscape strip at least 50 feet wide. The strip shall not be occupied by any facility or activity, including parking, except driveways, which may cross the strip for purposes of provided access to and egress from the property.
- (8) *Off-street parking*. As required in article V of this chapter.
- (9) *Site plan review*. As required in article II, division 2 of this chapter.
- (10) *Performance Standards*. As required in article VIII of this chapter.
- (11) *Mobile/manufactured buildings*. Mobile/manufactured buildings may be used in this district, subject to meeting all regulations of this district. Such buildings that will be located where they will be visible from any property line shall be placed on permanent foundations.
- (12) *Protection of natural features*. Removal of wooded areas for proposed construction shall be minimized. Stream corridors shall be protected in their natural condition and wetlands shall not be filled or otherwise altered by proposed construction. Each final site plan that involves construction that will impact these natural features shall identify the features and the proposed impact on them, justify the proposed changes, and show methods to be used to minimize impacts on the natural features.

(Comp. Ords. 1994, § 67.001; Ord. No. 50, § 1(41.04), 11-25-1998)

Secs. 30-569—30-577. - Reserved.

DIVISION 16. - PUD PLANNED UNIT DEVELOPMENT⁶¹

Footnotes:

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State Law reference— Planned unit development, MCL 125.3503.

Sec. 30-578. - Purpose.

- (a) The intent of a Planned Unit Development (PUD) is to provide a more reasonable procedure that will permit greater flexibility and consequently more creative plans for various types of development than are permitted under conventional zoning regulations. It is the intention of this division to allow flexible arrangements of land use composition and design in the preparation of site plans without sacrificing the basic principles of sound zoning practice.
- (b) The basic zoning districts and their permitted uses as established in this article will form the land use base for designing a combination of uses already permitted in each district without rezoning, in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel, or by averaging the permitted densities or combining uses permitted within the zoning districts within the PUD area, while maintaining the overall density of development of the parcels consistent with the district regulations.
- (c) This PUD procedure is further intended to minimize development impacts upon important environmental natural features, to provide for a more economical arrangement of on-site infrastructure by permitting principal uses to have greater density on one portion of a PUD site, while retaining the overall density requirements of the zoning district in which the PUD is located or, in the case of a combination of zoning districts, to permit the various zoning districts involved to fit the overall plan for the design and composition of the PUD.
- (d) It is further intended that this PUD procedure will be available only in the urban area as designated in the township's comprehensive plan.

(Comp. Ords. 1994, § 76.000; Ord. No. 62, § 33.01, 7-17-2000)

Sec. 30-579. - Permitted principal and accessory uses.

In pursuing the PUD Planned Unit Development procedure, the following provisions, regulations and restrictions shall apply:

- (1) Minimum lot or parcel size required for PUD projects in the various zoning districts shall be:
 - a. AG: 50 acres, provided that one of its property lines is located no more than one-quarter mile from any other zoning district boundary.
 - b. LR: 25 acres.
 - c. SR1: 20 acres.
 - d. NC: Ten acres.
 - e. LC: Five acres.
 - f. GC: Five acres.
 - g. MR: 25 acres.
 - h. MHP: 25 acres.
 - i. RC: Five acres.
 - j. I: 25 acres.
- (2) Types of planned unit developments (PUDs).
 - a. A type 1 PUD is one which can be located in any zoning district or combination of zoning districts upon application to the township planning commission for a PUD which includes only those uses permitted in the underlying zoning district in which the PUD is to be located. This type of PUD requires site plan review by the township planning commission and site plan approval by the township board.

- b. A type 2 PUD is one which can be located in any zoning district or combination of zoning districts upon application to the township planning commission for a PUD which includes uses permitted in the underlying zoning districts in which the PUD is to be located and additionally other uses not permitted in those zoning districts, but which are permitted in other zoning districts. This type of PUD requires rezoning approval by the township board, which approval shall be conditioned upon compliance with a PUD site plan approved by the township board pursuant to this division.
- (3) Permitted accessory uses. Accessory buildings and uses customarily incidental to the principal permitted and special uses included on the site plan.

(Comp. Ords. 1994, § 76.002; Ord. No. 62, § 33.02, 7-17-2000)

Sec. 30-580. - General provisions.

- (a) *Continuing applicability of information on approved PUD site plans.* The location of all uses and buildings, all uses and mixtures thereof, all yards, setbacks, buffer areas and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved shall have the full force and permanence of this chapter as though such site plan and supporting information were specifically set forth as requirements in this chapter. Such information shall be the continuing obligation of any subsequent interests in a PUD or parts thereof and shall not be changed or altered except as approved by the township through amendment or revision procedures as set forth in this article. The approved site plan and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a PUD shall not thereafter be developed, divided, split or used except in accordance with the final site plan approved by the township board.
- (b) *Construction.* Upon submitting an application for a PUD, no construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no zoning permit shall be issued until all of the requirements of this division have been met and approved as to conformance with this chapter by the township board.
- (c) *Financial guarantees.* Before a building permit is issued, financial guarantees shall be required for all public and common site improvements and developments and, if phased, all phased developments on a per phase basis, including all improvements necessary to each phase even if they extend beyond the initial and subsequent phases. Financial guarantees may be in the form of cash, certified checks or irrevocable bank letters of credit as approved by type of financial guarantee and dollar amount by the township board. Cost estimates to be used in setting dollar amounts for the financial guarantee shall be based upon the findings regarding estimated costs as reported by the township engineer, subject to the review and recommendation of the planning commission to the township board for its approval.

(Comp. Ords. 1994, § 76.003; Ord. No. 62, § 33.03, 7-17-2000)

Sec. 30-581. - Preapplication conference.

- (a) An applicant for a PUD may request a preapplication conference with the township zoning administrator and/or planning consultant and the planning commission prior to filing an application for developing a PUD. The request shall be made to the planning commission, which shall set a date for the conference. The planning commission may invite other officials who might have an interest in the proposed development, or who might assist the township in the review process. The applicant may also confer with the zoning administrator on the specific requirements of this chapter. Costs of such conferences with the planning commission, when held at times other than regularly scheduled, special or work session meetings, shall be paid for by the applicant.

- (b) The purpose of such conference shall be to inform the planning commission and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, and standards, and requirements of the township and other agencies. The applicant is encouraged to present schematic plans, site data and other information that will help explain the proposed development at this preapplication conference.
- (c) Statements and presentations made in the conference shall be only for the exchange of information and shall not be legally binding commitments on either the applicant or the township.

(Comp. Ords. 1994, § 76.004; Ord. No. 62, § 33.04, 7-17-2000)

Sec. 30-582. - Site plan—Requirements.

- (a) A site plan shall be submitted for the total project and approval may be given for construction of the total project or for each phase of development. Preliminary and final site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of article II, division 2 of this chapter, except that site plans for PUDs shall require a public hearing and recommendation by the planning commission, and final approval, approval with conditions or denial by the township board.
- (b) The planning commission may require the applicant to provide appropriate market feasibility studies and analyses, traffic studies, facility, utility and service studies and other information necessary for the commission to properly and adequately analyze a PUD as the basis for recommendation to the township board in respect to the project being requested by the applicant.
- (c) To that end, an environmental impact assessment of the probable effect of the proposed PUD development upon the natural environment and existing and planned development for the general area surrounding the PUD may be required to be prepared by the applicant and submitted to the planning commission concurrently with the site plan. This document shall be prepared by a professional environmental assessment specialist in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed may include, as determined by and required by the planning commission:
 - (1) Studies, statements and reports on the impact of the PUD in relationship to adjacent and other surrounding existing and planned land uses;
 - (2) Additional traffic likely to be generated per 24-hour period;
 - (3) Directional distribution of trips generated by the proposed development;
 - (4) Additional police and fire service, public utilities, facilities and service needs to be anticipated;
 - (5) Environmental components, i.e., soils to be found on the site, site topography, wetlands, groundwater and aquifers supplying water through wells; and
 - (6) A mapped inventory of natural features of note that are located on the site, and how each would be impacted by the proposed PUD.

(Comp. Ords. 1994, § 76.004; Ord. No. 62, § 33.05, 7-17-2000)

Sec. 30-583. - Same—Administrative review procedure.

- (a) An application for a PUD shall be made by all of the owners of record of the subject parcel. The applicant shall provide evidence of full ownership of all land in a PUD or execution of a binding or conditional sales agreement, prior to receiving a recommendation on the application and site plan by the township planning commission.
- (b) The application shall be filed with the office of the zoning administrator, who shall check it for completeness in accordance with this division, discuss it with the applicant, and transmit the

application and the site plan to the planning commission. The application shall be filed, if complete, with the zoning administrator at least two weeks prior to the planning commission meeting at which it is to be first considered.

- (c) The township planning commission shall hold a public hearing on the application, site plan and supporting information. Notice of the public hearing must be given in the same manner as required in article IV of this chapter, for public hearings on special land use permit requests.
- (d) At the public hearing, the applicant shall present evidence regarding adherence to all of the standards and requirements of this division. To this end, evidence and, if required by the planning commission, expert opinion shall be submitted by the applicant in the form of professionally prepared maps, charts, reports, models and other materials, and/or in the form of testimony by professional experts who can clearly state the full nature and extent of the proposal. Complete sets of plans and supporting information shall be submitted with the application in a sufficient number of copies, but not less than ten copies for review by each member of the planning commission, zoning administrator and other township officials. Materials submitted shall include the required site plan and any required supplementary sources of information necessary to satisfy the requirements detailed in article II, division 2 of this chapter.
- (e) The planning commission shall undertake a study of the application and site plan and shall submit a report of its recommendation after public hearing to the township board. This report shall contain the planning commission's analysis of the application and site plan, findings regarding requirements and standards, suggested conditions for approval, if applicable, and its recommendations for approval, approval with conditions or denial with reasons stated in the official minutes of the commission. Materials and information to be considered in this study and review process shall include input from such agencies as the county health department, county road commission, county drain commissioner, state department of transportation, and the state department of natural resources and environment, among other county, state, township and local public agencies having a public interest or responsibility in the PUD project.
- (f) The planning commission shall transmit its recommendation to the township board for a type 2 PUD for action on any required amendments to this chapter. Type 1 PUDs may go directly to the township board for review.
- (g) Upon receiving the township planning commission's recommendations, the township board must hold a public hearing on the PUD request.
 - (1) Notice of the public hearing must be given in the same manner as required in article IV of this chapter, for public hearings on special land use permit requests.
 - (2) The township board must review the application and site plan and the planning commission and county planning commission's (if applicable) recommendations thereon, and must approve, approve with conditions, deny, or table for future consideration the application and site plan. The township board may attach conditions to its approval of a PUD proposal.
- (h) If the application and site plan are approved by the township board, the applicant and all owners of record of all property included within the PUD shall sign a development agreement, providing that the approved application and site plan shall be binding upon the applicant and owners of record or their assigned agents and upon their heirs, successors, and assigns, unless future changes are mutually agreed to by any future township board and future applicant and owners of record or the assigned agents or their heirs, successors and assigns.

(Comp. Ords. 1994, §§ 76.005, 98.000; Ord. No. 62, § 33.06, 7-17-2000; Ord. of 7-13-2006, § 16)

Sec. 30-584. - Supplementary development standards and regulations.

The following requirements expand upon and are in addition to the requirements detailed in article II, division 2 of this chapter. They shall, in all cases, be adhered to by developments in a PUD project.

- (1) *Clustering.* The clustering of principal and accessory use structures shall be permitted, provided that the overall density of dwelling units or lot coverage by commercial or industrial buildings which can be placed upon a lot or parcel of land shall not be exceeded, and all dimensional requirements shall not be reduced by more than 30 percent, except as otherwise provided in this chapter and except that overall lot coverage requirements and perimetral front, rear and side yard setback requirements or those specified in this article, whichever is the greater, shall be met.
- (2) *PUD project location and minimum size.*
 - a. All PUD projects shall be limited to tracts of land having an area of at least the minimum number of acres required for the respective types of PUDs as specified in section 30-579.
 - b. All PUD projects shall be restricted to sites having access to a hard-surfaced paved roadway and accepted and maintained by the county road commission or the state department of transportation.
 - c. All PUD projects shall be restricted to the urban area as designated in the township's comprehensive plan.
- (3) *Impact of PUD on the natural environment and existing land uses.*
 - a. The applicant shall submit a preliminary indication of the impact of the development upon the natural environment elements, including, but not limited to topography, vegetation, wetlands, flood areas, surface water and wildlife, prepared by a professional environmental assessment specialist.
 - b. The applicant shall also provide a statement of the anticipated impact of the proposed development upon the public services, including, but not limited to education facilities, transportation system and public safety requirements and the existing land use pattern of development in the township, prepared by a professional environmental assessment specialist.
- (4) *External and internal circulation and access.*
 - a. A dedication of a system of public roads shall be made so as to cause continuity of public access between adjacent and connecting public roads in order to provide continuous public ingress and egress to all private developments within a PUD.
 - b. Each lot or principal building or structure located in a PUD project shall have frontage upon and shall have vehicular access from a public road constructed to county road commission standards.
 - c. Each lot or principal building shall have pedestrian access to and from a public or private sidewalk or walkway which shall be at least five feet wide and built to normal and accepted hard surface pavement standards in accordance with local area construction practices.
 - d. As property is developed as a PUD project, a sidewalk system linking all on-site principal and accessory and off-site adjacent principal uses related to the PUD shall be required unless it is demonstrated to and determined by the township board that such a system would be inappropriate or unnecessary to the on-site development or with off-site adjoining parcels. The pathway system shall be designed and constructed so as to be appropriate both for pedestrian and non-motorized transport modes. The pathway shall be no less than five feet in width and shall be built to normal and accepted hard-surface pavement standards in accordance with local area construction practices.
 - e. Standards of design for widths of rights-of-way or easements for on-site service drives may be modified to adequately provide the service required. The site plan shall provide for separation of pedestrian and vehicular traffic and provide for adequate off-road parking facilities. Modifications of proposed service drives shall be reviewed and

recommended by the planning commission to the township board for final approval. Modifications of service drives shall be approved as a part of the site plan.

- f. Service drive pavements may be modified as to width, but shall be no less than 22 feet in width, and shall otherwise be designed and constructed according to the standards for public roads as established by the county road commission.
- g. If public roads are to be included in the PUD, the applicant shall plan, design and build the roads to county road commission standards and specifications and have them approved by the county road commission.

(5) *Open space regulations.*

- a. At least one land or land and water area, exclusive of the areas contained in the required perimeter and internal yards, setbacks and spacing between buildings, for active or passive recreation purposes or for other specified purposes, with water areas constituting not more than 25 percent of the total open space shall be provided in each PUD project.
- b. The required open space shall be:
 - 1. An area or areas equal to at least ten percent of the total land area exclusive of water surfaces of the PUD, and developed according to an open space development plan, which shall be incorporated as an integral part of the approved PUD site plan.
 - 2. For the use of the occupants and users of the PUD project or a specific phase of it, and considered as an integral component of the overall PUD.
- c. This open space may be:
 - 1. A recreation area;
 - 2. A park;
 - 3. A landscape setting for buildings;
 - 4. Gardens; or
 - 5. For some other functional purpose.
- d. The developer and owners shall provide financially for the mandatory perpetual care and maintenance of the open space developments and plantings through the use of deed restrictions which shall require the financial participation in the operation and maintenance cost of the open space by each owner, lease holder, renter or occupant within the PUD.
- e. The prorated open space shall be irrevocably committed by dedication to an association of the residents, either as rights in fee or easement, and retained as open space for park, recreation or other common uses. All lands dedicated in fee or easement shall meet the requirements of the township board upon recommendation of the planning commission.
- f. Buildings, structures, parking lots, drives and similar improvements may be permitted within the designated open space areas if related and necessary to the designed facilities and functions of the open space.
- g. Open space areas shall be conveniently located and accessible by pedestrians and vehicles in relation to the principal uses in the PUD.
- h. Open space areas shall meet at least minimum design and construction standards, so that they can be operated, used and maintained for the activities and functions intended.
- i. The township board may require that unique natural amenities located on the PUD site, such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife

habitats, ponds, streams, and regulated and unregulated wetlands, shall be preserved, as part of the open space system.

(6) *Parking and circulation.*

- a. The parking and loading requirements set forth in article V of this chapter shall apply, except that the number of spaces required may be reduced if approved by the township board, and included as part of the site plan submitted, if justified by the applicant.
- b. The number of off-street parking spaces shall be in accordance with article V of this chapter.

(7) *Landscaping.* A landscaped buffer area or screening strip, no less than 20 feet in width, shall be required when a free-standing building or structure containing a commercial, office or industrial use is located on a PUD project site adjacent to a residential zoning district or residential use. The buffer area or screening strip shall be landscaped with trees, shrubs and ground cover and may include fences, walls or berms as specified by the township board.

(8) *Utilities.*

- a. Each principal and accessory building shall be connected to the township's public water and sanitary sewer systems.
- b. All PUDs shall be required to provide an adequate fire protection system as determined and recommended by the fire marshal of the fire department serving the township to the township board for final decision. In cases where an on-site system is determined to be needed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate county or state agencies shall be presented as part of the site plan submitted.
- c. Each site shall be provided with an adequate surface and piped storm drainage system as approved by the county drain commissioner and the state department of natural resources and environment. Storm water retention or detention will be required and as much open drainage courses as feasible are encouraged in lieu of closed systems. Primary responsibility for maintenance of all drainage structures shall be with the HOA, ACE or AIE, as provided by subsection (12) of this section. The township board may also require the establishment of a drainage district to guarantee proper maintenance of such drainage structures.
- d. Electrical, telephone, natural gas, telecommunications, and cable television lines shall be placed underground. Surface-mounted equipment for underground lines shall be shown on the site plan and shall be screened from view.
- e. The system of paved walkways connecting all principal and accessory buildings and the system of roads and walkways shall be required of each development in the PUD and shall have the financial support for their operation and maintenance ensured through deed restrictions which shall provide that each owner, lessee, renter or occupant shall be obligated to participate in the cost of their operation and maintenance. The PUD organization's elected representatives in addition to their other duties shall function for the purpose of administering and dispensing payments for such costs.
- f. All dedicated utility systems shall conform to the township's engineering standards for development and construction.

(9) *Site design, layout and density criteria.*

- a. All density and lot coverage of development in a PUD shall be computed on a net buildable lot, parcel, site or phase area basis, excluding public roads, surface water areas, wetlands, floodways, and other unbuildable areas.
- b. Residential areas may contain several different types of dwelling units and other mixed uses if it can be demonstrated to the satisfaction of the township planning commission and township board that the proposed combination will not interfere with the reasonable

arrangement of lots of an area to be platted and that the overall density of dwelling units and other uses within the PUD shall not exceed that specified or computed based upon the net buildable area of the lot, parcel, site or phase, as if the same were conventionally developed within the zoning districts located within the PUD.

- c. The outdoor storage of goods and materials shall be prohibited in a PUD, except in I-Industrial Districts.

(10) *Special requirements for planned residential development PRD-PUD:*

- a. The purpose of a PRD (Planned Residential Development) is to permit the development of complete residential neighborhood units as a PUD, which, because of the large acreage involved, can be planned as self-contained areas of development. It is the further purpose of a PRD to permit nonresidential uses that are oriented primarily but not exclusively to residents of the PRD as a significant component of the overall PRD concept. On the basis of the total PRD, it is further the intent of the PRD to permit the developer to vary the specific bulk, density, and area requirements of this chapter subject to the approval of the PRD plan by the planning commission and township board and the requirements as herein set forth. It is also the intent of this section to encourage the provision of different housing types when this is undertaken on the basis of an overall plan for the entire PRD area which is designed to provide for compatible land use relationships between the various housing types and nonresidential uses.
- b. Regulations limiting height, bulk, density and area by land use.
 - 1. Where the outer boundaries of the area proposed for a PRD abut a residential district, a strip of land around the outer boundaries shall be reserved as open space in order to provide an adequate buffer for the abutting residential district.
 - 2. The overall total permitted density within any PRD shall not exceed the number of dwelling units per acre or lot coverage permitted in the zoning districts in which the PRD is located. Public roads, land under water, wetlands, floodways, and other unbuildable areas shall be excluded in computing the area of the parcel for purposes of density or lot coverage.
 - 3. On the final development plan of any PRD, the common areas and open spaces shown on the plan may be used to complete the overall density or lot coverage in the zoning district in which the PRD is located.
 - 4. All yards for internal lots or sites may be reduced as follows on roads located within the PRD:
 - (i) Front yards may be reduced to no less than 25 feet or the height of the building, whichever is greater.
 - (ii) Side yards may be reduced to eight feet, but at least 16 feet of combined side yards shall be provided between buildings for single-family dwellings and the height of multiple family dwellings for both side yards and the spacing between buildings.
- c. Schedule of construction. In the development of a PRD, the percentage of one-family dwelling units under construction shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time; provided, that this requirement shall be applied only if one-family dwelling units comprise 25 percent or more of the total housing stock proposed for the PRD. Nonresidential structures shall not be built until the PRD has enough dwelling units built financially to support such nonresidential use based upon an economic feasibility study prepared by the applicant.

(11) *Special requirements for Planned Shopping Centers PSC-PUD.* A PSC (Planned Shopping Center) shall be permitted as a PUD in the LC, GC, and NC zoning districts and shall comply with the following provisions:

- a. *Uses permitted.* Limited to the uses permitted in each of the respective LC, GC and HC Districts in which the PSC is to be located, unless an application for rezoning for the nonpermitted uses is made as a part of a type 2 PUD.
 - b. *Site development.*
 - 1. Such development may occupy a site per section 30-579 and have a minimum of 300 feet of road frontage in the LC District and occupy an area per section 30-579 and a minimum of 600 feet of road frontage in the GC and HC Districts.
 - 2. No building shall be located nearer to any residential property line than a distance equal to three times the height of said building.
 - 3. No building or structure shall exceed the height limitation specified in the zoning district in which it is located, except as otherwise provided in this chapter.
 - c. *Screening.* When a PSC-PUD project is located in or adjacent to any residential zoning district, or when located adjacent to a school, hospital, church, or other public institution or open space, an approved fence or masonry wall of not less than four feet nor greater than six feet in height shall be erected and maintained along all property lines abutting such district or use. In lieu of a fence or masonry wall, an evergreen buffer planting that may include berms that effectively screens the parking areas and service areas from adjacent properties may be planted and maintained at a height of not less than six feet.
 - d. *Outdoor lighting.* All outdoor lighting shall be installed in such a manner that no illumination source is visible beyond all property lines.
 - e. *Vehicular approach.* Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on the surrounding public roads. No more than two driveways, each not to exceed 30 feet in width at the property line, shall be permitted on each road frontage of the property. Such driveways shall be located as far from road intersections as practicable, but in no case less than 50 feet.
 - f. *Parking and circulation.* Parking shall be provided in accordance with the zoning district regulations. On-site circulation facilities shall be designed so that there shall not be backing up of traffic into public roads. All areas accessible to traffic shall be paved and maintained so as to provide a smooth, dustless and well-drained surface. Such areas shall be lighted for those hours of darkness during which establishments within the center are open for business.
 - g. *Applicability of district regulations.* Except as otherwise indicated in this section, all applicable regulations in the LC, GC and HC Districts shall apply to a PSC located in those respective districts.
- (12) *Legal mechanisms to ensure facility and open space administration, operation, maintenance and financing.*
- a. Legal instruments setting forth the manner of financing permanent maintenance of common areas, utilities and facilities shall be submitted to the township Attorney for review before the township board approves a final site plan.
 - b. Where a home owners' association (HOA) or an association of commercial establishments (ACE) or association of industrial establishments (AIE) is to be used to maintain common areas, utilities and facilities, the owner/developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE as a part of the site plan submitted. The provisions shall include, but shall not be limited to, the following:
 - 1. The HOA, ACE, or AIE shall be established before any building or structure in the PUD is sold or occupied.
 - 2. Membership in the HOA, ACE, or AIE shall be mandatory for each building unit owner and for any successive owner and shall be so specified in the covenants.

3. Declarations of covenants and restrictions shall be permanent parts of the deed to the property or any part of it separated by individual ownerships.
4. The HOA, ACE, or AIE shall be made responsible for liability.
5. Building unit owners shall pay their prorated share of all costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE shall become a lien on individual property ownerships.

(13) *Project phasing.*

- a. The township board may require that any PUD be developed in separate phases. If the proposed PUD is to be constructed in phases, a narrative description that describes all work to be done in each phase shall be submitted to the planning commission.
- b. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate public utility, water supply and wastewater disposal services, storm drainage system and open spaces, but each phase shall have that which is needed to make each phase completely functional, and shall have all of the necessary common elements planned, designed and built when needed. The township board may require completely looped water mains for each separate phase.
- c. Public or common water supply, wastewater disposal systems and hard surfaced roads are required for any and all phases of a PUD.
- d. The final plan of each PUD or any phase of it shall be in conformity with the overall general development plan of the entire acreage. Any changes or amendments requested shall terminate approval on the overall plan until such changes and/or amendments have been reviewed and approved by the township as in the instance of the first submittal.

(Comp. Ords. 1994, § 76.006; Ord. No. 62, § 33.07, 7-17-2000)

Sec. 30-585. - Standards for review.

The planning commission, with the assistance of the zoning administrator and/or planning consultant, must determine and provide evidence in its report to the township board to the effect that the PUD application, site plan, and supplementary information and materials submitted by the applicant meet the following standards:

- (1) The proposed PUD development shall conform to the township master plan or conform to a land use policy which, in the planning commission's opinion, is a logical and acceptable change or modification of the adopted township master plan.
- (2) The proposed PUD development shall conform to the intent and purpose of this chapter and the regulations and standards of this PUD article, other provisions and requirements of this chapter and any other township, county, state and federal requirements.
- (3) The proposed PUD development shall be adequately served by utilities, facilities and services such as roads, sidewalks, road lights, police and fire protection, storm drainage system, water supply and wastewater disposal system, refuse disposal; or the persons, organizations or agencies responsible for the proposed PUD development shall be able to properly provide for such utilities, facilities and services not available from the township or other public agency or public utility company.
- (4) Common open space, other common properties and facilities, individual properties, and all other elements of a PUD which provide open space shall be so planned that they will achieve a unified plan for all of its functional and activity elements in appropriate locations, which are suitably planned, designed and related to each other both on-site and in relation to adjacent uses of land.

- (5) The applicant shall have made provision to ensure that all on-site utilities, facilities and services shall be irrevocably committed through recorded protective covenants or deed restrictions for that purpose, including provisions for the financing of the construction, management, operation and maintenance costs of all on-site utilities, facilities and services included in the approved site plan and supporting documentation.
- (6) Traffic to, from, and within the PUD shall be safe and convenient to the occupants and users of the project and the surrounding area. In applying this standard the planning commission shall consider, among other things:
 - a. Convenient routes for automotive and pedestrian traffic;
 - b. Relationship of the proposed project to main thoroughfares and road intersections; and
 - c. The general character and intensity of the existing and potential land use development of the surrounding area.
- (7) The mix of housing unit types and densities, and the mix of residential and nonresidential uses shall be acceptable in terms of their interrelationships, convenience, privacy, compatibility, and other common health, safety and welfare measures.
- (8) The planning commission shall determine, where applicable, that noise, odor, light or other external effects which are connected with the proposed PUD shall not adversely affect adjacent and surrounding area land uses and activities.
- (9) The proposed PUD development shall create a minimum disturbance to natural features, land forms and the environment generally.
- (10) Roads shall be compatible with the topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The PUD shall have adequate access to the public roads. The plans shall provide suitable road connections to adjacent parcels, where applicable.
- (11) Pedestrian circulation shall be provided with the PUD and shall interconnect all PUD use area where applicable. The on-site pedestrian walkway system shall provide for a logical extension of pedestrian ways outside the PUD and to the edges of the PUD, where applicable, for future connections between the PUD and the future development of adjacent properties.
- (12) The proposed PUD application and land use or activity will be compatible with adjacent land uses, the natural environment, and the capacities of public services and facilities affected by the land use; and the land use or activity will be consistent with the public health, safety, and welfare of the township.

(Comp. Ords. 1994, §§ 76.007, 98.000; Ord. No. 62, § 33.08, 7-17-2000; Ord. of 7-13-2006, § 17)

Sec. 30-586. - Amendments to site plans.

Preliminary and final site plans may be amended in accordance with the process detailed in article II, division 2 of this chapter.

(Comp. Ords. 1994, § 76.008; Ord. No. 62, § 33.09, 7-17-2000)

Sec. 30-587. - PUD site plans, land division plans and condominium land division plans.

The township board shall have the authority to deny or table an application for approval of a PUD site plan, land division plan or condominium land division plan if, in its opinion and after a report thereon from the planning commission, such PUD site plan, land division plan or condominium land division plan

will result in premature development of the area involved, or will result in premature or improper scheduling of public improvements such as, but not limited to, roads, public water supply and wastewater disposal systems, utilities, schools and other public facilities, utilities and services.

(Comp. Ords. 1994, § 76.008; Ord. No. 62, § 33.10, 7-17-2000)

Sec. 30-588. - Required conditions for final approval of a PUD.

Before approving the PUD in either a preliminary or final manner, the planning commission and township board must determine that:

- (1) Provisions have been made to provide:
 - a. For the financing of all improvements shown on the plan;
 - b. For the development of open spaces and common areas which are to be provided by the applicant; and
 - c. That maintenance of such improvements is assured by an organizational and financial means satisfactory to the township board.
- (2) Provisions have been made to reserve or otherwise provide for necessary future sites for public or common use.
- (3) The cost of installing all roads and necessary utilities, including water supply and wastewater collection and treatment, and storm drainage system, has been assured by satisfactory organizational and financial means.
- (4) The standards in section 30-585 are met.

(Comp. Ords. 1994, §§ 76.008, 98.000; Ord. No. 62, § 33.11, 7-17-2000; Ord. of 7-13-2006, § 18)

Sec. 30-589. - Financial guarantees.

Performance guarantees shall be provided in accordance with this chapter.

(Comp. Ords. 1994, § 76.009; Ord. No. 62, § 33.12, 7-17-2000)

State Law reference— Performance guarantee, MCL 125.3505.

Secs. 30-590—30-611. - Reserved.

DIVISION 17. - WIND ENERGY FACILITY

Sec. 30-612. - Purpose and preamble.

The purpose of this division is:

- (1) To create a process to review and permit wind energy facilities in certain areas of the township;
- (2) To create a regulatory scheme regarding the construction and operation of wind energy facilities in the township subject to reasonable restrictions;
- (3) To ensure compatible land uses in the area affected by such facilities; and
- (4) To otherwise promote the public health, safety, and welfare of the township residents.

(Comp. Ords. 1994, § 103.000; Ord. of 7-24-2008, § 2(45.02))

Sec. 30-613. - Definitions.

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

Avian analysis means the avian study that this division requires to be submitted to assess the potential impact of the proposed wind energy facility on birds and bats. The avian study must, at a minimum:

- (1) Report on a literature survey for threatened and endangered bird and bat species, and any information on critical flyways;
- (2) Identify any plans for post-construction monitoring or studies; and
- (3) Include an explanation of potential impacts and propose a mitigation plan as appropriate.

dB(A) means the sound pressure level in decibels.

Decibel means the unit of measure used to express the magnitude of sound pressure and sound intensity.

FAA means the Federal Aviation Administration.

Rotor means an element of a wind energy facility that acts as a multi-bladed airfoil assembly, thereby extracting (through rotation) kinetic energy directly from the wind. The rotor includes the blades and hub together.

SCADA tower means a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

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

Sound pressure level means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Wind energy facility means an electricity-generating facility (or similar testing facility) consisting of one or more wind energy turbines under common ownership or operating control (which may include substations, SCADA towers, cables and wires, and a building accessory to the facility) and whose main purpose is to create electricity for testing or off-site customers.

Wind energy turbine means a wind conservation system that converts wind energy into electricity (or tests the amount of wind for potential conversion into electricity) through the use of a wind turbine generator, and includes the turbine, blades, and tower, as well as related electrical equipment. This does not include wiring to connect the wind energy facility to the electrical grid.

(Comp. Ords. 1994, § 103.000; Ord. of 7-24-2008, § 2(45.03))

Sec. 30-614. - Area permitted.

- (a) Wind energy facilities are permitted as special uses, after approval as required in this chapter, on property zoned AG-Agricultural District if the property is designated for agricultural use in the township's adopted comprehensive plan. Wind energy facilities are not permitted on any other properties zoned AG-Agricultural District.
- (b) Wind energy facilities are permitted as special uses, after approval as required in this chapter, on property zoned I-ART-Industrial-Automotive Research and Testing District.

- (c) The purpose of this division is to regulate the placement, construction, and operation of wind energy facilities in the township.

(Comp. Ords. 1994, § 103.000; Ord. of 7-24-2008, § 2(45.04))

Sec. 30-615. - Application requirements.

- (a) *Special use permit required.* A person seeking to construct a wind energy facility in the township must obtain a special use permit from the township planning commission. Wind energy facilities are subject to the requirements below.
- (b) *Application content.* An application for a special use permit for a wind energy facility must include the following:
- (1) *Applicant identification.* Applicant's name, address, and contact information.
 - (2) *Application fee.* An applicant must pay an application fee to the township board with the application for the special use permit, in an amount the township board's fee schedule requires.
 - (3) *Facilities and property description.* The facilities and property description includes:
 - a. A description of the proposed wind energy facilities, including an anticipated construction schedule.
 - b. The legal description of the property on which the facilities would be located.
 - c. A survey of the property, showing existing features such as contours, buildings, structures, roads, utility easements, large trees, land use, underlying zoning district, and vehicular access.
 - (4) *Site plan.* A before and after site plan is required that shows:
 - a. The physical features and land uses of the project area (both before and after construction of the proposed project); and
 - b. The proposed location of the wind energy facilities, underground or overhead wiring (including depth of underground wiring), drainage facilities (if any), access roads (including width), substations, and accessory structures.
 - (5) *Insurance.* Proof of the applicant's public liability insurance.
 - (6) *Certifications.* Certification that applicant has and will comply with all applicable federal, state, county, and local laws and regulations (including providing a copy of any permit or approval obtained or applied for at time of the application), and that the applicant has provided all information believed to be required by this division (including section 30-616).
 - (7) *Decommissioning.* A copy of a decommissioning plan. See section 30-617.
 - (8) *Avian analysis.* An applicant must submit an avian study to assess the potential impact of the proposed wind energy facility on birds and bats. The avian study must at a minimum:
 - a. Report on a literature survey for threatened and endangered bird and bat species, and any information on critical flyways;
 - b. Identify any plans for post-construction monitoring or studies; and
 - c. Include an explanation of potential impacts and propose a mitigation plan as appropriate.

(Comp. Ords. 1994, § 103.000; Ord. of 7-24-2008, § 2(45.05))

Sec. 30-616. - Requirements for wind energy facilities.

The following are the standards the planning commission will use to evaluate an applicant's request for a special use permit to locate wind energy facilities (and an application must provide information as to each standard):

- (1) *Property setback.* The following setbacks and separation requirements apply to all wind energy facilities:
 - a. *Inhabited structures.* Each wind turbine must be set back from the nearest inhabited structure, including, but not limited to, a residence, school, hospital, church, or public library a distance of the greater of the following:
 1. 1.5 times the height of the wind energy turbine tower (including the top of the blade in its vertical position); or
 2. 1,000 feet.
 - b. *Public roads.* Each wind turbine must be set back from the nearest public road at least 1.5 times the height of the wind energy turbine tower (including the top of the blade in its vertical position), determined at the nearest boundary of the underlying right-of-way for the public road.
 - c. *Property line setbacks.* Except as to inhabited structures and public roads, each wind turbine must be set back from all property lines at least 1.5 times the height of the wind energy turbine tower (including the top of the blade in its vertical position).
 - d. *Communication and electrical lines.* Each wind turbine must be set back from all above-ground electric power lines and telephone lines at least 1.5 times the height of the wind energy turbine tower (including the top of the blade in its vertical position).
 - e. *Tower separation.* Wind turbine separation is to be based on industry standards, manufacturer recommendation, and the characteristics of the particular proposed site location. At a minimum, though, there should be a separation between wind turbines of at least three times the turbine rotor's diameter, and the wind energy facility must be designed to minimize disruption to farmland activity.
 - f. *Certification.* After completion of construction, the applicant must certify that all construction is completed consistent with the wind energy facility special use permit, and that appropriate security is in place to restrict unauthorized access to the wind energy facilities.
- (2) *Minimum ground clearance.* The blade tip of any wind turbine must, at its lowest point, have ground clearance that is at least 75 feet.
- (3) *Wind tower height (total height).*
 - a. The total height of a wind turbine facility may not exceed 275 feet from existing grade, measured to the top of the blade in a vertical position.
 - b. The applicant must demonstrate compliance with the state tall structures act and FAA guidelines as part of the approval process.
- (4) *Visual appearance.*
 - a. Wind turbines must be painted a non-reflective, non-obtrusive color.
 - b. At wind energy facility sites, the design of the associated buildings and related structures must, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that blends the wind energy facility into the natural setting and existing environment.
 - c. Wind energy facilities must not be artificially lighted, except to the extent required by the FAA or other applicable authority.

- d. Wind turbines may not be used for advertising, except for reasonable identification of the manufacturer or operator of the wind energy facility. Signs must comply with sign regulations in this chapter.
- e. Electrical controls, control wiring, and power lines must be wireless or below ground, except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

(5) *Noise.*

- a. The audible noise level from the operation of any wind energy facility must be less than 55 dB(A), measured from the property line closest to the wind energy facility. The applicant shall provide reasonable evidence that the proposed facility will comply with this standard.
 - 1. Notwithstanding the above, the sound pressure level may exceed the 55 dB(A) level during short-term events, such as utility outages or severe wind storms.
 - 2. Audible noise levels are to be measured using a standard sound level meter operated on the "A" weight scale with "slow" meter response. The township should regularly check the meter to ensure it properly measures the actual audible noise levels.
- b. If noise levels from a wind energy facility exceed the criteria listed above, the applicant may request a variance from the audible noise level in this chapter.

(6) *Construction codes, tower, and interconnection standards.*

- a. A wind energy facility must comply with all applicable state and local construction and electrical codes, and building permit requirements.
- b. A wind energy facility must comply with FAA requirements, the airport zoning act, Public Act No. 23 of 1950, Ex. Sess. (MCL 259.431 et seq.), the tall structures act, Public Act No. 259 of 1959 (MCL 259.481 et seq.), and any local airport overlay zone regulations.
- c. If the wind energy facility is interconnected to the electric utility grid, it must comply with state public service commission and Federal Energy Regulatory Commission standards. Off-grid facilities are exempt from this requirement.

(7) *Safety.*

- a. A wind energy facility must contain the following:
 - 1. An automatic braking, governing, or feathering system to prevent uncontrolled rotation or over-speeding.
 - 2. Lightning protection.
- b. All wiring between a wind energy facility and the wind energy turbine must be underground.
- c. If supported by guy wires, the wires must be clearly visible to a height of at least six feet above the guy wire anchors.
- d. A wind turbine tower must be non-climbable on the exterior beyond 15 feet above ground level.
- e. All access doors to wind turbine towers and electrical equipment must be lockable.
- f. Appropriate warning signage must be placed on wind turbine towers, electrical equipment, and wind energy facility entrances. These signs are exempt from the sign regulations elsewhere in this chapter.
- g. Applicant must take appropriate steps to maintain the access roads, and discourage trespassers (through gates, etc.).

(8) *Signal interference.*

- a. A wind energy facility may not be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. This prohibition is inapplicable if the applicant provides a replacement signal for the affected party that restores reception to at least the level present before operation of the wind energy facility.
- b. Except where the interference is insignificant, a wind energy facility may not be installed in any location within the line of sight of an existing microwave communications system where operation of the wind energy facility is likely to produce electromagnetic interference in the link's operation.
- c. Notwithstanding the above, an approval may be issued if the applicant demonstrates an ability to remedy any interference described above through use of signal repeaters or other proven mitigation measures.

(Comp. Ords. 1994, § 103.000; Ord. of 7-24-2008, § 2(45.06))

Sec. 30-617. - Decommissioning.

- (a) The applicant must also submit a plan describing the intended disposition of the alternative energy project at the end of its useful life, and describe any agreement with a landowner regarding equipment removal upon termination of the use. Any facility left unused or inoperable for over 24 months is deemed to be abandoned, whereupon the land must be returned to its pre-facility use state.
- (b) The applicant must post a performance bond or equivalent financial instrument for decommissioning.

(Comp. Ords. 1994, § 103.000; Ord. of 7-24-2008, § 2(45.07))

Secs. 30-618—30-637. - Reserved.

ARTICLE IV. - SPECIAL USES [Z](#)

Footnotes:

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

Sec. 30-638. - General provisions.

- (a) The formulation and enactment of this article is based upon the division of unincorporated portions of the township into districts in each of which certain specified, mutually compatible uses are permitted by right. In addition to such uses, however, there are certain other uses which are essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such uses are entirely appropriate and not essentially incompatible with the uses permitted by right in a zoning district, but not at every or any location therein, or without restrictions or conditions being imposed by reason of special problems presented by the use or its particular location in relation to neighboring properties.
- (b) This article, therefore, requires approval of a special use permit (SUP) of each use listed in the several zoning districts as special uses and provides in this article the procedures and standards to be followed in granting such permits. If compliance with the procedures and standards set forth in this article, the

several use districts herein, and in article IX of this chapter, if applicable, is found, the right to a special use permit shall exist, subject to conditions as may be imposed therefor in accordance with this article.

(Comp. Ords. 1994, § 15.601; Ord. No. 1, § 50.01, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-639. - Authority to grant permits.

The township planning commission shall have the authority to grant special use permits and to attach conditions to a permit. Only those uses listed in each zoning district as special uses shall be considered for special use permit review and approval.

(Comp. Ords. 1994, § 15.602; Ord. No. 1, § 50.02, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-640. - Application and fee.

Application for a special use permit shall be made by filing the application form, required information, eight copies, and the required fee with the township board. The fee shall be set by resolution of the township board, except that no fee shall be required for a special use permit application for a single-family residence or of any governmental body or agency. No part of the fee shall be returnable to the applicant. The clerk shall transmit a copy of the application and submitted information to the secretary of the township planning commission within three days of the filing date.

(Comp. Ords. 1994, § 15.603; Ord. No. 1, § 50.03, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-641. - Information required.

An application for a special use permit shall contain the following information:

- (1) The applicant's name, address, and telephone number.
- (2) The names and addresses of all record owners and proof of ownership.
- (3) The applicant's interest in the property, and, if the applicant is not the fee simple owner, the owner's authorization for the application.
- (4) Legal description, address, and tax parcel number of the property.
- (5) A scaled accurate survey drawing, correlated with the legal description, showing all existing buildings, drives and other improvements.
- (6) A detailed description of the proposed use.
- (7) A site plan meeting the requirements of a preliminary site plan, as set forth in section 30-76.

(Comp. Ords. 1994, § 15.604; Ord. No. 1, § 50.04, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-642. - Public hearing.

The planning commission must hold a public hearing on the application for a special use permit within 65 days of the filing date, and give notice as set forth in section 103 of Public Act No. 110 of 2006 (MCL 125.3103).

(Comp. Ords. 1994, §§ 15.605, 98.000; Ord. No. 1, § 50.05, 8-19-1974; Ord. of 5-15-1980; Ord. of 7-13-2006, § 4)

Sec. 30-643. - Required standards and findings.

The planning commission must review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and any additional standards set forth in article IX of this chapter. To grant a special use permit (SUP), the planning commission must find and record adequate data, information, and evidence showing that the proposed use meets all required standards.

- (1) The proposed SUP will be harmonious, and in accordance with the objectives, intent, purposes, and regulations of this chapter. If it's harmonious, that favors granting the SUP.
- (2) The proposed SUP will be compatible with the natural environment and existing and future land uses in the vicinity. If it's compatible, that favors granting the SUP.
- (3) The proposed SUP will be compatible with the comprehensive plan. If it's compatible, that favors granting the SUP.
- (4) The proposed SUP will be served adequately by essential. public facilities and services, such as highways, streets, police and fire protection, drainageways and structures, refuse disposal, or the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. If it will be adequately served, that favors granting the SUP.
- (5) The proposed SUP will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or the public welfare. If it's not detrimental, that favors granting the SUP.
- (6) The proposed SUP will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community. If it will not create additional requirements, that favors granting the SUP.
- (7) The proposed special use must comply with all other applicable chapters, and state and federal statutes, regulations, and laws. If it complies, then that favors granting the SUP.

(Comp. Ords. 1994, § 15.606; Ord. No. 1, § 50.06, 8-19-1974; Ord. of 5-15-1980; Ord. of 10-5-2010(01))

Sec. 30-644. - Planning commission action.

The planning commission shall approve, approve with conditions, or deny a special use permit application. The planning commission's decision, the basis for the decision, findings, and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting.

(Comp. Ords. 1994, § 15.607; Ord. No. 1, § 50.07, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-645. - Conditions of approval.

In granting a special use permit, the planning commission shall impose conditions it deems necessary to achieve the objectives and standards of this chapter, the standards of the state 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 special use permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the planning commission and the landowner. Any such changes shall be entered into township records and recorded in the minutes of the planning commission meeting at which the action occurred. A public hearing shall be held on any proposed changes, as required for an original application.

(Comp. Ords. 1994, § 15.608; Ord. No. 1, § 50.08, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-646. - Reapplication.

No application for a special use permit which has been denied wholly or in part by the planning commission shall be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the planning commission to be valid.

(Comp. Ords. 1994, § 15.609; Ord. No. 1, § 50.09, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-647. - No appeals to zoning board of appeals for a special use.

An appeal to the zoning board of appeals may not be taken for a special use.

(Comp. Ords. 1994, § 15.607; Ord. of 2-1-1994)

Secs. 30-648—30-667. - Reserved.

ARTICLE V. - OFF-STREET PARKING AND LOADING

Sec. 30-668. - Off-street parking.

In all districts in connection with industrial, business, institutional, agricultural, recreational, residential, or other use, there shall be provided, at the time any building or structure use is erected or uses established, enlarged or increased in capacity, off-street parking spaces for automobiles with the requirements herein specified:

- (1) Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, for the above uses, shall be submitted to the zoning inspector for review at the time of application for a building permit for the erection or enlargement of building. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof, except that this distance and under the same ownership as the principal building shall not exceed 150 feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- (2) No parking area or parking space which exists at the time this article becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this article shall thereafter be relinquished or reduced in any manner below the requirements established by this article, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this article within 300 feet of the proposed or existing uses for which such parking will be available.
- (3) Parking of motor vehicles in residential zones shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed three-fourths ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle or bus, except for those parked on school or church property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this article.
- (4) Each off-street parking space for automobiles shall not be less than 200 square feet in area, with a minimum width of ten feet, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten feet in width, and, where a turning radius is necessary, it will be of such an arc as to reasonably allow an

unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:

- a. For 90 degree or perpendicular parking, the aisle shall not be less than 22 feet in width.
 - b. For 60 degree parking, the aisle shall not be less than 18 feet in width.
 - c. For 45 degree parking, the aisle shall not be less than 13 feet in width.
 - d. For parallel parking, the aisle shall not be less than 11 feet in width.
- (5) Off-street parking facilities required for churches may be reduced by 50 percent where churches are located in nonresidential districts and within 300 feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations, and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten feet in width and 55 feet in length.
- (6) Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
- a. All off-street parking spaces, and all driveways, except those in RC and AG districts, shall not be closer than ten feet to any property line, except where a wall, screen or compact planting strip exists as a parking barrier along the property line.
 - b. No off-street parking spaces shall be located in the front yard setback or, when the lot is a corner lot, the parking spaces shall not be located within the required setback of either street.
 - c. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have dust-free surface resistant to erosion.
 - d. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
 - e. Any off-street parking area providing space for five or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, screen or compact planting not less than four feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 - f. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.
 - g. Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.
 - h. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses, computed in accordance with this chapter. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
 - i. Ingress and egress to parking lots shall be provided by means of clearly defined drives.
 - j. Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way flow. Aisles for angle parking spaces shall have one-way movement only and shall be clearly marked for one-way movement.
 - k. Where off-street parking areas are hard-surfaced, parking spaces shall be delineated by four-inch-wide stripes.

- (7) For the purposes of determining off-street parking requirements, the following units of measurement shall apply:
- a. Floor area. In the case of uses where the floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses.
 - b. Place of assembly. In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 18 inches of such seating facilities 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.
 - c. Fractions. When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction shall be counted as one additional space.
 - d. The minimum required off-street parking spaces shall be set forth as follows:

Use	Parking Space Requirements
Automobile or machinery sales and service garages	One space for each 200 square feet of showroom floor area, plus two spaces for each service bay, plus one space for each two employees
Banks, business and professional office	One space for each 200 square feet of gross floor area
Barbershops and beauty parlors	One space for each chair, plus one space for each employee
Bowling alleys	Five spaces for each alley
Churches, auditoriums, stadiums, sport arenas, theaters, dance halls, assembly halls other than schools	One space for each four seats
Dwellings (single-family)	One space for each family or dwelling unit
Dwellings (two-family and multiple-family)	Two spaces for each family or dwelling unit
Funeral homes and mortuaries	Four spaces for each parlor or one space for each 50 square feet of floor area, plus one space for each fleet vehicle, whichever is greater One space for each three chapel seats

Furniture, appliance stores, household equipment and furniture repair shops	One space for each 400 square feet of floor area
Hospitals	One space for each bed, excluding bassinets, plus one space for each two employees
Hotels, motels, lodginghouses, tourist and boardinghouses	One space for each living unit, plus one space for each two employees
Automobile, gasoline service stations	One space for each 800 square feet of floor area, plus one space for each four employees
Manufacturing, fabricating processing and bottling plants, research and testing laboratories	One space for each 1½ employees on maximum shift
Utility substations	One space for each employee on maximum shift
Medical and dental clinics	One space for each 100 square feet of floor area, plus one space for each employee
Restaurants, beer parlors, taverns, and nightclubs	One space for each two patrons of maximum seating capacity, plus one space for each two employees
Retail sales, not elsewhere classified	One space for each 200 square feet of gross floor area
Roadside stands	Five spaces for each attendant
Self-service laundry or dry cleaning stores machines	One space for each two washing and/or dry cleaning machines
Schools, private or public elementary and junior high schools	One space for each employee normally engaged in or about the building or grounds, plus one space for each 30 students enrolled
Senior high school and institution of higher learning, private or public	One space for each employee in or about the building or grounds, plus one space for each four students
Shopping centers	5.5 spaces per 1000 square feet of gross leasable floor area

Super market, self-service food and discount stores	One space for each 200 square feet of floor area, plus one space for each two employees
Wholesale sales	One space for each 400 square feet of floor area in wholesale sales
Retail sales in wholesale establishments	One space for each 200 square feet of retail sales floor area
Warehousing/storage	One space for each 1,000 square feet of floor area
Material distribution center (truck terminal)	One space for automobile parking for each person employed on the premises, including truck drivers; one space for each truck stored on the premises
Mini-warehouse (self-storage)	One space for each four storage units, equally distributed throughout the site; two spaces for the manager's residence; one space for each 25 storage units, to be located at the office of the storage complex

- e. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply. The zoning inspector shall make the interpretation.

(Comp. Ords. 1994, § 15.631; Ord. No. 1, § 51.01, 8-19-1974; Ord. of 5-15-1980; Ord. of 8-3-1999)

Sec. 30-669. - Loading-unloading requirements.

In connection with every building or part thereof hereafter erected, except single- and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

- (1) Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the zoning inspector for review at the time of application for a building permit for the erection or enlargement of a use or a building or structure.
- (2) Each off-street loading unloading space shall not be less than the following:
 - a. In any residential district, a loading unloading space shall not be less than ten feet in width and 25 feet in length and, if a roofed space, not less than 14 feet in height.
 - b. In any commercial or industrial district, a loading, unloading space shall not be less than ten feet in width and 55 feet in length, and if a roofed space, not less than 15 feet in height.
- (3) Subject to the limitations of the subsection (4) of this section, a loading-unloading space may occupy part of any required side or rear yard, except the side yard along a side street

in the case of corner lot. In no event shall any part of a required front yard be occupied by such loading space.

- (4) Any loading-unloading space shall not be closer than 50 feet to any other 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.
- (5) In the case of mixed uses, on one lot or parcel the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- (6) All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited. All maneuvering of trucks, autos and other vehicles shall take place on the site and not within a public right-of-way.
- (7) Off-street loading-unloading requirements for residential (excluding single-family dwellings), hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by vehicles, the uses having over 5,000 square feet of gross floor area shall be provided with at least one off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space, or fraction thereof, one additional loading-unloading space, the site of such loading-unloading space subject to the provisions of this chapter.
- (8) Where a use is not specifically mentioned, the requirements of a similar or related use shall apply.

(Comp. Ords. 1994, § 15.632; Ord. No. 1, § 51.02, 8-19-1974)

Secs. 30-670—30-696. - Reserved.

ARTICLE VI. - RESIDENTIAL CLUSTER DEVELOPMENT

Sec. 30-697. - Purpose.

The provisions of this article are intended to permit groupings of single-family residences on larger tracts of land for purposes of preserving natural features such as wooded areas, watercourses or bodies, and land forms, and to permit better adaptation to existing topography. The provisions apply only to single-family dwellings and are intended to be used only in conjunction with the subdivision plat review process. Single-family dwellings may be detached or attached, in accordance with the provisions of this article.

(Comp. Ords. 1994, § 15.661; Ord. No. 1, § 52.01, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-698. - Where permitted.

Residential cluster development shall be permitted in LR and SR1 zoning districts.

(Comp. Ords. 1994, § 15.662; Ord. No. 1, § 52.02, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-699. - Density.

The land area per dwelling unit shall not be less than one acre. Individual lots may be less than an acre in area, provided the excess area is included in permanent open space or common lands.

(Comp. Ords. 1994, § 15.663; Ord. No. 1, § 52.03, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-700. - Attached dwellings.

- (a) Single-family dwellings may be detached or attached in cluster developments. Attached single-family dwellings shall be permitted by means of:
 - (1) A common party wall which does not have over 30 percent of its area in common with an adjoining dwelling;
 - (2) An architectural wall that does not form part of an interior room of the dwelling; or
 - (3) A common party wall in only the garage portion of abutting dwellings.
- (b) No common part wall relationships shall be permitted through any other part of the dwelling unit.
- (c) The number of dwelling units which may be attached shall not exceed four.

(Comp. Ords. 1994, § 15.664; Ord. No. 1, § 52.04, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-701. - Yards.

Minimum required yards in a cluster development shall be provided as follows:

- (1) Front yard: Not less than 35 feet.
- (2) Side yards: Detached dwellings shall be not less than 20 feet apart. A minimum distance of 20 feet shall be provided between clusters of attached dwellings. Corner side yards shall be at least 35 feet.
- (3) Rear yards: Not less than 35 feet.

The requirements of this section shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.

(Comp. Ords. 1994, § 15.665; Ord. No. 1, § 52.05, 8-19-1974; Ord. of 5-15-1980; Ord. of 9-1-1990)

Sec. 30-702. - Site plan review.

A final site plan shall be approved as set forth in article II, division 2 of this chapter, for attached dwellings.

(Comp. Ords. 1994, § 15.666; Ord. No. 1, § 52.06, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-703. - Procedures.

- (a) An application for cluster development approval shall be filed with the preliminary plat which is filed for tentative approval. The filings may be combined with a rezoning petition for the subject land, if applicable.
- (b) A public hearing shall be held by the township planning commission on the cluster development request. Notification of the hearing shall be provided as set forth in section 30-118(c)(1).
- (c) The township planning commission shall review the cluster development request and shall recommend action thereon to the township board, together with the commission's recommendation concerning tentative approval of the preliminary plat.
- (d) Cluster development shall not be approved except in conjunction with the township board's final approval of the preliminary plat.

- (e) Within three days allowing township board approval of cluster development the township supervisor shall enter a notation of said approval on the official zoning map, as provided in section 30-178.

(Comp. Ords. 1994, § 15.667; Ord. No. 1, § 52.07, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-704. - Information required.

The application for cluster development approval shall provide, as a supplement to the information required for preliminary plat review, the proposed location of buildings and drives, delineation of open or common areas, and location of wells, septic tanks, and drain fields.

(Comp. Ords. 1994, § 15.668; Ord. No. 1, § 52.08, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-705. - Standards for approval.

The township board shall determine that the proposed layout of lots, streets, buildings, and open space/common areas meets the intent and regulations of this chapter and properly preserves and protects existing natural features on the subject property.

(Comp. Ords. 1994, § 15.669; Ord. No. 1, § 52.09, 8-19-1974; Ord. of 5-15-1980)

Secs. 30-706—30-723. - Reserved.

ARTICLE VII. - SIGNS⁸

Footnotes:

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State Law reference— Highway advertising act, MCL 252.301 et seq.

Sec. 30-724. - 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 signs are so shielded so as to prevent direct light rays from being visible from public right-of-way or adjacent residential property.
 - b. Commercial 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 public rights-of-way or 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 may be permitted.

Nothing contained in this chapter shall be construed as preventing use of lights or decorations related to religious or patriotic festivities. Beacon lights or search lights shall not be permitted as a sign for advertising purposes, except as provided in section 30-732.

- (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 of 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 that where two such faces are placed back to back, parallel to one another, and less than 24 inches apart, the permitted area of the sign shall be computed as the area of one face.
- (3) *Height of signs.* No free standing sign shall exceed a height of 25 feet.
- (4) *Setback requirements for signs.* Except where specified otherwise in this chapter, all signs shall conform to the setback requirements of the district where located.

(Comp. Ords. 1994, § 15.691; Ord. No. 1, § 53.01, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-725. - Permitted signs in recreation-conservation and agriculture districts.

Signs in recreation-conservation, and agricultural districts may be illuminated only by nonflashing reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. The following signs are permitted:

- (1) One sign announcing a home occupation or professional service not to exceed three square feet in area.
- (2) One incidental sign advertising the type of farm products grown on the farmstead premises is permitted. Such sign shall not exceed 12 square feet in area.
- (3) One sign identifying a park, school building, other authorized use, or a lawful nonconforming use not to exceed 18 square feet.

(Comp. Ords. 1994, § 15.692; Ord. No. 1, § 53.02, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-726. - Permitted signs in residential districts.

One sign in low density residential, single-family residential, multiple-family residential, and mobile home park residential districts may be illuminated only by nonflashing, reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. The following signs are permitted:

- (1) One sign announcing a home occupation, boarding home, tourist home, or professional service, not to exceed three square feet in area, and it shall be attached flat against the front wall of the building.
- (2) One sign advertising a recorded subdivision or development not to exceed 18 square feet in area; such sign shall be removed within one year after the sale of 90 percent of all lots or units within said subdivision or development.
- (3) One sign identifying a multiple-family building, subdivision or development, not having commercial connotations, not to exceed 18 square feet in area.
- (4) One sign identifying a school, church, public building, other authorized use or a lawful nonconforming use, not to exceed 18 square feet.

(Comp. Ords. 1994, § 15.693; Ord. No. 1, § 53.03, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-727. - Permitted signs in commercial and industrial districts.

- (a) A sign in a local commercial, general commercial, and highway commercial district is permitted only where it identifies an enterprise occupying the same lot upon which the sign is erected. Signs shall conform to the building setback and height requirement, except for, and in addition to, the requirements provided below:
- (1) An identification sign may be affixed flat against the wall of the building. The total sign area shall not exceed two square feet for each one linear foot of building length which faces one public street. No such sign shall extend above the wall to which it is affixed.
 - (2) One freestanding identification sign may be erected for a research park or office center. Such sign shall not exceed 36 square feet in area.
 - (3) One freestanding identification sign may be erected for each separate enterprise situated on an individual lot not within a research park or office center. Such sign shall not exceed 18 square feet in area.
 - (4) One freestanding identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one square foot front of building, or buildings, for which it is established; however, it shall not exceed 200 square feet in area.
 - (5) One freestanding identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed 80 square feet in area.
- (b) In any industrial district, a sign is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected. Signs shall conform to the building setback and height requirements, except for, and in addition to, the requirements provided below:
- (1) An identification sign may be affixed flat against the wall of the building, or may project therefrom not more than 48 inches. Signs projecting over public property shall be at least 12 feet above the finished grade, or sidewalk. The total sign area shall not exceed one square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such sign shall extend more than four feet in height above the building wall to which it is affixed.
 - (2) One freestanding identification sign may be erected for an industrial park or research park. The area of said sign shall not exceed 200 square feet.
 - (3) One freestanding identification sign may be erected for each individual lot not located within a research or industrial park. Such sign shall not exceed 80 square feet in area.

(Comp. Ords. 1994, § 15.694; Ord. No. 1, § 53.04, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-728. - Outdoor advertising signs.

Outdoor advertising signs (billboards) shall be permitted under the following conditions:

- (1) Outdoor advertising signs (billboards) are permitted only in highway commercial, limited industrial, and general industrial districts, but only on lots or parcels in these districts which abut interstate highways, freeways and other state primary highways, as defined in the highway advertising act of 1972, Public Act No. 106 of 1972 (MCL 252.301 et seq.).
- (2) Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.
- (3) Outdoor advertising signs shall be spaced not less than 2,500 feet apart.
- (4) The total surface area, facing in the same direction of any outdoor advertising sign shall not exceed 300 square feet.

- (5) No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.
- (6) Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- (7) Outdoor advertising signs shall:
 - a. Be harmonious with and in accordance with the intent, purposes and provisions of this chapter.
 - b. Be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the character of the general vicinity.
 - c. Not be hazardous or disturbing to existing uses.

(Comp. Ords. 1994, § 15.695; Ord. No. 1, § 53.05, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-729. - Signs for automobile service stations.

Notwithstanding other provisions of this chapter, one permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way, to a height of 16 feet other than necessary supports, and not exceeding 25 square feet in area, nor be closer to the front, side, or rear property line than the required setback. A sign or legend may also be placed flat on the main building or fuel pump canopies.

(Comp. Ords. 1994, § 15.696; Ord. No. 1, § 53.06, 8-19-1974)

Sec. 30-730. - Signs permitted in all districts.

Subject to 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 on private property with permission of the township board. 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 contain advertising copy or logo, and which do not exceed eight square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed eight square feet. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line.
- (3) One church announcement bulletin shall be permitted on any site which 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.

(Comp. Ords. 1994, § 15.697; Ord. No. 1, § 53.07, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-731. - Prohibited signs.

- (a) *Miscellaneous signs and posters.* Tacking, pasting, or otherwise affixing of signs or posters visible from a public way, except "No Trespassing," "No Hunting," and "Beware of Animal" warning of danger signs and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences, is prohibited.
- (b) *Banners.* Banners, pennants, search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited, except as provided in section 30-732.
- (c) *Swinging signs.* Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
- (d) *Moving signs.* Except as otherwise provided in this article, no sign or any portion thereof which moves or assumes any motion constituting a nonstationary or fixed condition shall be permitted.
- (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 which 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 in which the sign is located, shall be prohibited.
- (g) *Flags.* Flags used for commercial or advertising purposes, other than for identification, are prohibited, except as allowed in section 30-732(6).
- (h) *Portable signs.* Portable signs are prohibited.
- (i) *Unclassified signs.* The following signs are prohibited:
 - (1) Signs which 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 article.
 - (2) Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
 - (3) Signs which contain statements, words, or pictures of an obscene, pornographic or immoral character.
 - (4) Signs which are painted directly onto the wall, or any other structural part of a building.
 - (5) Signs which are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence.
 - (6) Signs which emit audible sound, odor, or visible matter.
 - (7) Roof signs.

(Comp. Ords. 1994, § 15.698; Ord. No. 1, § 53.08, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-732. - Temporary signs.

Unilluminated on-site temporary exterior signs may be erected in accordance with the regulations of this section.

- (1) In multiple-family districts, one sign on each public street frontage of a new multiple family development advertising the new dwelling units for rent or sale, not to exceed 18 square feet in area shall be permitted. Each sign shall be removed within 60 days of the initial rental or sale of 70 percent of the dwelling units within the development.

- (2) One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on site 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 combine together in one identification sign, such sign shall not exceed 32 square feet in area with not more than one sign permitted on one 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.
- (3) 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. Signs shall not exceed three feet in height.
- (4) Temporary signs announcing any annual or semiannual public, charitable, educational or religious event 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 prior to the event or function. If building mounted, signs shall be flat wall signs and shall not project above the roof line. If ground mounted, signs shall not exceed six feet in height. Signs shall be set back in accordance with section 30-724(4).
- (5) In recreation-conservation, agriculture, and 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 30-724(4). If the lot or parcel 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 or parcel. Such signs shall be removed within seven days following the sale, rent or lease. In no case shall a sign list the sale, rent, or lease of a building which is not located on the property on which the sign is located.
- (6) Banners, pennants, search lights, balloons, or other gas-filled figures are 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.

(Comp. Ords. 1994, § 15.699; Ord. No. 1, § 53.09, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-733. - 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 non-commercial 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 30-731.
- (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.

(Comp. Ords. 1994, § 15.700; Ord. No. 1, § 53.10, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-734. - 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.

(Comp. Ords. 1994, § 15.701; Ord. No. 1, § 53.11, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-735. - Permits and fees.

- (a) No sign shall be erected, replaced, or copy changed unless a permit has been issued therefor and is in effect, except that the signs provided for in sections 30-725(1), 30-726(1), and 30-732(3) shall not require a permit.
- (b) Application or a permit to erect or replace a sign, or to change copy thereon, shall be made by the owner of the property, or his authorized agent, to the township zoning inspector, by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the township board.
- (c) An application for a sign permit shall contain the following:
 - (1) The applicant's name and address in full, and a complete description of his relationship to the property owner.
 - (2) If the applicant is other than the property owner, the signature of the property owner concurring in submittal of said application is required.
 - (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.
- (d) All signs shall be inspected by the township zoning inspector for conformance to this chapter prior to placement on the site. Foundations shall be inspected by the building inspector on the site prior to pouring of the concrete for sign support structure.
- (e) A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. Said sign permit may be extended for a period of 30 days upon request by the applicant and approval of the zoning inspector.
- (f) Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural change or size change is made, shall not require a sign permit.

(Comp. Ords. 1994, § 15.702; Ord. No. 1, § 53.12, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-736. - Authorized sign contractors.

- (a) All signs, except these provided for in sections 30-725(1) and (2), 30-726(1) through (3), and 30-732(1) through (6) shall be erected, replaced or changed by an authorized sign contractor.
- (b) Every person, before engaging or continuing in the business of erecting or repairing signs in the township, shall obtain an annual sign contractors license. To obtain said license, the contractor shall first furnish the township a public liability insurance policy and property damage insurance in the

amount as currently established or as hereafter adopted by resolution of the township board from time to time. In lieu of an insurance policy as herein required, a contractor may present proof satisfactory to the township board that the said contractor is financially capable of self-insurance in the above amounts. Said license shall terminate upon the expiration of the insurance policy unless evidence of renewal is filed with the township board.

(Comp. Ords. 1994, § 15.703; Ord. No. 1, § 53.13, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-737. - Removal of signs.

- (a) The zoning inspector shall order the removal of any sign erected or maintained in violation of this chapter except for legal nonconforming signs. A 30-day 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 or bring it into compliance with this article. Upon failure to remove the sign or to comply with this notice, the township may remove the sign. The township may 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 this section. 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 article.

(Comp. Ords. 1994, § 15.704; Ord. No. 1, § 53.14, 8-19-1974; Ord. of 5-15-1980)

Secs. 30-738—30-757. - Reserved.

ARTICLE VIII. - PERFORMANCE STANDARDS

Sec. 30-758. - General provisions.

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, provided that any use permitted by this article 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 requirements.

(Comp. Ords. 1994, § 15.731; Ord. No. 1, § 54.01, 8-19-1974)

Sec. 30-759. - 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 by 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.

(Comp. Ords. 1994, § 15.732; Ord. No. 1, § 54.02, 8-19-1974)

Sec. 30-760. - Radioactivity or electrical disturbance.

No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(Comp. Ords. 1994, § 15.733; Ord. No. 1, § 54.03, 8-19-1974)

Sec. 30-761. - Vibration.

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

(Comp. Ords. 1994, § 15.734; Ord. No. 1, § 54.04, 8-19-1974)

Sec. 30-762. - Smoke.

Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten minutes' duration of one per hour when a density of not more than No. 2 is permitted.

(Comp. Ords. 1994, § 15.735; Ord. No. 1, § 54.05, 8-19-1974)

Sec. 30-763. - Odors.

No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

(Comp. Ords. 1994, § 15.736; Ord. No. 1, § 54.06, 8-19-1974)

Sec. 30-764. - Air pollution.

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.

(Comp. Ords. 1994, § 15.737; Ord. No. 1, § 54.07, 8-19-1974)

Sec. 30-765. - Glare.

No direct or reflected glare arc permitted which is visible from ally property or from any public street, road or highway.

(Comp. Ords. 1994, § 15.738; Ord. No. 1, § 54.08, 8-19-1974)

Sec. 30-766. - Water pollution.

Pollution of water shall be subject to such requirements and regulations as are established by the state department of natural resources and environment, and the county health department.

(Comp. Ords. 1994, § 15.739; Ord. No. 1, § 54.09, 8-19-1974)

Sec. 30-767. - Noise.

Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

(Comp. Ords. 1994, § 15.740; Ord. No. 1, § 54.10, 8-19-1974)

Secs. 30-768—30-787. - Reserved.

ARTICLE IX. - SUPPLEMENTAL REGULATIONS

Sec. 30-788. - Purpose.

It is the purpose of this article to provide regulations for miscellaneous and other requirements that may or may not apply in all zoning districts.

(Comp. Ords. 1994, § 15.801; Ord. No. 1, § 56.01, 8-19-1974)

Sec. 30-789. - Sewage treatment and disposal.

In addition to the requirements established by the state department of natural resources and environment, the following requirements shall apply to all privately owned community or private sewage treatment and disposal plants:

- (1) All operations shall be completely enclosed by a fence not less than six feet high.
- (2) All operations and structures shall be surrounded on all sides by a buffer strip of at least 200 feet in width within which grass, vegetation, and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The township planning commission shall have the authority to review and approve the design and treatment of all buffer strips.
- (3) No device for the collection, treatment and/or disposal of sewer waste in community or private systems shall be installed or used without approval of the township board.

(Comp. Ords. 1994, § 15.802; Ord. No. 1, § 56.02, 8-19-1974; Ord. of 5-15-1980)

State Law reference— Sewage disposal and waterworks systems, MCL 324.4101 et seq.

Sec. 30-790. - Storage of materials.

- (a) The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or materials shall be regulated as follows:
 - (1) On any lot or parcel in any recreation-conservation district, agricultural district, residential district or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.
 - (2) On any lot or parcel in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials:
 - a. Within a completely enclosed building; or

- b. Within an area surrounded by a solid, unpierced fence or wall at least seven feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- (3) The storage of materials and inoperative vehicles with current and valid license plates may be made to conform to the regulations of this article or shall be removed by the landowner. If the landowner fails to remove a nonconforming use, it may be deemed a violation of this article and subject to the penalties provided for in this article.
- (4) Garbage, trash, and similar refuse to be stored outside a building in any agricultural district shall be stored in a lidded container.
- (b) Garbage, trash and similar refuse to be stored outside a building in any commercial and industrial district shall be stored within a screened enclosure. The enclosure may be constructed of an opaque material such as wood, concrete blocks, or brick, and shall be enclosed on at least three sides. The fourth side may be open for access or access may be provided by one or more gates. The storage area shall have a concrete floor at least four inches thick.

(Comp. Ords. 1994, § 15.803; Ord. No. 1, § 56.03, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-791. - Visibility at intersections.

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three feet on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are 30 feet distant from the point of intersection, measured along the street right-of-way lines. Trees may be planted in this triangular area, provided that the lowest foliage is ten feet or higher from the ground.

(Comp. Ords. 1994, § 15.804; Ord. No. 1, § 56.04, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-792. - Access to public street.

- (a) The following provisions regarding access to public streets shall apply:
 - (1) In any district, every use, building or structure established after the effective date of the ordinance from which this article is derived shall be on a lot or parcel which adjoins a public street or public road and such public street or road right-of-way shall be at least 66 feet in width, unless a lesser width was duly accepted by the public, in accordance with law, prior to the effective date of the ordinance from which this article is derived. Notwithstanding the above, a mobile home site within a mobile home park shall not be required to front upon a public road, provided that access is permitted in accordance with the requirements of this article.
 - (2) The planning commission shall review and shall have the authority to approve the layout of all proposed roads that are not part of a subdivision plat. The township board shall approve authority for a subdivision plat. The planning commission or township board, whichever applies, shall consider the following standards in reviewing all proposed roads.
 - a. Roads within a proposed development shall be connected with each other if connections are feasible and reasonable.
 - b. Roads shall be extended to property lines to connect with an existing public road. A right-of-way or easement for a public road shall be extended to a property line in all situations in which the planning commission or township board, whichever applies, determines that such extension is desirable or necessary to provide future access to other properties or to create an interconnected public road system.

- c. The proposed road layout will not leave property landlocked without a reasonable opportunity for existing or future public road access.
 - d. The proposed road layout will not create parcels of land of a size or shape that would make them unusable under zoning regulations.
 - e. The road layout and any lot layout resulting from it shall have minimum adverse impact on wetlands, stream corridors, drainage courses and patterns, wood lots, individual trees, or fence rows.
- (b) The layout of a proposed road that is not a proposed subdivision plat shall first be submitted to the planning commission for review. The applicant may, at his discretion, consult with the county road commission staff before submitting a proposed layout to the planning commission. After the planning commission's initial review is complete, the layout shall be submitted to the county road commission for preliminary approval. The planning commission shall not approve a road layout until after the road commission has given the layout preliminary approval.

(Comp. Ords. 1994, § 15.801; Ord. No. 1, § 56.05, 8-19-1974; Ord. No. 27, 5-4-1993; Ord. of 1-2-2001)

Sec. 30-793. - Explosives.

The use of all explosives in all zoning districts within the unincorporated lands of the township shall be a special use which shall be permitted only upon approval of a special use permit, as provided in article IV of this chapter.

- (1) The storage or use of explosives in any zoning district in the township is hereby prohibited unless a special use permit has been issued by the township planning commission and is in effect.
- (2) The term "explosive" means blasting powder, nitroglycerin, dynamite, TNT, and any other form of high explosives, blasting material, fuse other than an electric circuit breaker, detonator and detonating agent, a chemical compound or mechanical mixture containing oxidizing or combustible materials, and other ingredients in such proportions, quantities or packing that ignition by fire, friction, concussion or other means of detonation of the compound or mixture or any part thereof may result in the sudden generation and release of highly heated gases or gaseous pressures capable of producing effects damaging and detrimental to or destructive of life, limb or property. An explosive does not include gasoline, kerosene, naphtha, turpentine, butane, propane, wet nitrocellulose or wet nitrostarch containing moisture in excess of 20 percent, or wet picric acid containing moisture in excess of ten percent; or manufactured article such as fixed ammunition for small arms, firecrackers, safety flares or matches containing an explosive in such limited quantity that the collection or simultaneous detonation thereof is incapable of resulting in the sudden generation and release of highly heated gases or gaseous pressures capable of producing effects damaging or detrimental to or destructive of life, limb or property.
- (3) An application for a special use permit to use or store explosives shall be made in writing by the owner of the land upon which said explosives are to be stored or used. The application shall set forth in detail the type of explosives to be used or stored, the building in which they may be stored, the specific use to which the explosives will be employed, the location for storage or use of explosives and the distances to all surrounding property lines, buildings and structures. The application shall be accompanied by a permit issued under the provisions of Public Act No. 202 of 1970 (MCL 29.41 et seq.), or any other succeeding statute which shall govern the use of explosives within the state.

(Comp. Ords. 1994, § 15.806; Ord. No. 1, § 56.06, 8-19-1974; Ord. of 5-15-1980)

State Law reference— Explosives act of 1970, MCL 29.41 et seq.

Sec. 30-794. - Preservation of environmental quality.

The following provisions regarding the preservation of environmental quality shall apply:

- (1) In any zoning district, no river, stream, watercourse or drainageway, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person except as provided in article II, division 2 of this chapter. Such person shall submit to the township planning commission a site plan and required data, exhibits and information as required.
- (2) No living tree in any woodlot, grove, bush, park, wooded area or forested land shall be removed in the R-C (Recreation-Conservation) District except for the following:
 - a. Diseased, weak, wind blown and disfigured trees.
 - b. Trees that may be within an area designated specifically for buildings, structures, streets and driveways.

If any living tree other than specified in subsections (2)a and b of this section is proposed to be removed by any person, such person shall submit to the planning commission a site plan and required data, exhibits, and information as required in article II, division 2 of this chapter.

- c. Tree trimming and removal necessary to the operation of essential service facilities of a municipal or other governmental department or agency or public utility franchised to operate in the township.
- (3) No building, structure, street, parking area or driveway shall be erected, constructed or placed on any land area having a slope of 20 percent or greater.
- (4) No person shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river or stream except in conformance with the following:
 - a. As provided in the inland lakes and streams regulations in Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.).
 - b. If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit to the planning commission a site plan and required data, exhibits and information as required in article II, division 2 of this chapter.
- (5) No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp or wetland except in conformance with the following: if any marsh, swamp or wetland is proposed to be altered in any way by any person, such person shall submit to the planning commission a site plan and required data, exhibits and information as provided in article II, division 2 of this chapter. Any such alterations shall be made in conformance to applicable state and federal requirements.

(Comp. Ords. 1994, § 15.807; Ord. No. 1, § 56.07, 8-19-1974; Ord. of 5-15-1980)

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

Sec. 30-795. - Greenbelt transition strip.

- (a) A transition strip, when required by this chapter, shall be provided in accordance with this section. Where permitted, a decorative wood screen or masonry wall, four to six feet high, may be substituted

for the transition strip if the planning commission determines such screen or wall will equal the performance of the transition strip or where such lot is too limited in dimension or area to reasonably permit the installation of such strip.

- (b) A hedge may also be substituted for a transition strip, provided that it will attain a height of at least three feet at the end of the first growing season, and if the planning commission determines that such hedge will equal the performance of the transition strip. A screen, wall, hedge, or strip shall be adequately maintained at all times.
- (c) Existing tree and/or shrub growth may be utilized as the landscape materials required in a transition strip, if the planning commission determines that such existing growth will provide the needed screening.
- (d) A greenbelt minimum width, specified in the regulations of the applicable district herein, shall be completed within six months from the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. Specifications for spacing and plant materials are shown below. Materials listed are suggestions and shall not be limiting, provided their equals in characteristics are used.
- (e) Spacing.
 - (1) Plant materials shall not be placed closer than three feet from the fence line or property line.
 - (2) Where plant materials are planted in two or more rows, planting shall be staggered in rows.
 - (3) Evergreen trees shall be planted not more than 30 feet on centers.
 - (4) Narrow evergreens shall be planted not more than three feet on centers.
 - (5) Deciduous trees shall be planted not more than 30 feet on centers.
 - (6) Treelike shrubs shall be planted not more than ten feet on centers.
 - (7) Large deciduous shrubs shall be planted not more than four feet on centers.
- (f) Minimum size for plant materials.

Plant Materials	Minimum Size (in height/feet)
<i>Evergreen Trees</i>	Five
Juniper	
Red Cedar	
White Cedar	
Pines	
<i>Narrow Evergreens</i>	Three
Pyramidal Arbor Vitae	

Columnar Juniper	
Irish Juniper	
<i>Tree-like Shrubs</i>	Four
Flowering Crabapple	
Russian Olive	
Mountain Ash	
Dogwood	
Redbud	
Rose of Sharon	
<i>Large Deciduous Shrubs</i>	Six
Honeysuckle	
Biburnum	
Mock Orange	
Forsythia	
Lilac	
Ninebark	
<i>Large Deciduous Trees</i>	Eight
Oak	
Hard Maple	
Ash	

Hackberry	
Sycamore	

(g) Trees not permitted:

- (1) Box Elder.
- (2) Soft Maple.
- (3) Elms (American).
- (4) Poplar.
- (5) Ailanthus (Tree of Heaven).
- (6) Willow.

(h) A performance guarantee, where not provided as part of performance guarantees required elsewhere, in an amount determined by the planning commission, shall be deposited with the township board until such time as the transition strip is planted. The transition strip shall be installed within the time required or the township shall be entitled to enter upon the premises to have the transition strip installed and to reimburse itself for all expenses related thereto from said deposit.

(i) In all cases, however, the township shall be authorized to withhold ten percent of bond or cash for a period of two years from date of issuance to ensure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two-year period. It shall be the responsibility of the property owner to maintain the greenbelt for its original intent and purpose.

(Comp. Ords. 1994, § 15.808; Ord. No. 1, § 56.08, 8-19-1974; Ord. of 5-15-1980)

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

Sec. 30-796. - Sanitary sewage facilities.

No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without the approval of the county health department.

(Comp. Ords. 1994, § 15.809; Ord. No. 1, § 56.09, 8-19-1974)

State Law reference— Sewage disposal and waterworks systems, MCL 324.4101 et seq.

Sec. 30-797. - Quarries and sand and gravel pits.

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

- (1) There shall be not more than one entrance way from a public road to said lot for each 660 feet of front lot line;
- (2) Such removal shall not take place before sunrise or after sunset;
- (3) On said lot no digging or excavation shall take place closer than 100 feet to any lot line;

- (4) On said lot all roads, driveways, parking lots and loading and unloading areas within 100 feet of any lot line shall be paved, oiled, watered or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust;
- (5) Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road;
- (6) Such removal shall not be conducted as to cause the pollution by any material of any surface or subsurface watercourse or body outside of the lines of the lot on which such use shall be located;
- (7) Such removal shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this subsection, shall take place after the date of the cessation of operation;
- (8) All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any residential zoning district, but that in the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery may continue henceforth but in no case less than 100 feet from any lot line;
- (9) There shall be erected a fence of not less than six feet in height around the periphery of the area being excavated. Fences shall be adequate to prevent trespass, and shall be placed on level terrain no closer than 50 feet to the top edge of any slope;
- (10) All areas with any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being rehabilitated progressively as entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural;
- (11) The operator or operators shall file with the township planning commission and the county health department a detailed plan for the restoration of the development area, which shall include:
 - a. The anticipated future use of the restored land;
 - b. The proposed final topography indicated by contour lines of not greater interval than five feet;
 - c. Steps which shall be taken to conserve topsoil;
 - d. The type and number per acre of trees or shrubs to be planted; and
 - e. The location of future roads, drives, drainage courses, and/or other improvements;
- (12) The restoration plans shall be filed with and approved by both the township planning commission and the county health department before quarrying or removal operations shall begin. The plans shall be certified by a soil or geology engineer. In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or subsurface water or into the atmosphere;
- (13) The operator or operators shall file with the township planning commission a bond, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate per acre of property to be used of the required bond shall be fixed by the township planning commission. The bond shall be released upon written

certification of the county health department that the restoration is complete and in compliance with the restoration plan.

(Comp. Ords. 1994, § 15.810; Ord. No. 1, § 56.10, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-798. - Junkyards and inoperative vehicles.

- (a) Junkyards shall be established and maintained in accordance with all applicable state statutes.
- (b) It is recognized by this chapter that the location in the open of such materials included in this chapter's definition of the term "junkyard" will cause the reduction of the value of adjoining property. To that end, the character of the district shall be maintained and property values conserved. A solid, unpierced fence or wall at least seven feet in height, and not less in height than the materials located on the lot on which a junkyard shall be operated, shall be located on said lot not closer to lot lines than the yard requirements for buildings permitted in the district in which the lot is located. All gates, doors, and accessways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this chapter's definition of the term "junkyard" be located on the lot on which a junkyard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.
- (c) All traffic ingress or egress shall be on major streets, and there shall be not more than one entrance way to the lot on which a junkyard shall be operated from each public road on which said lot abuts.
- (d) On the lot on which a junkyard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any junkyard shall be paved, oiled, watered or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.

(Comp. Ords. 1994, § 15.811; Ord. No. 1, § 56.11, 8-19-1974; Ord. of 5-15-1980)

State Law reference— Junkyards near highways, MCL 252.201 et seq.; licensing of secondhand and junk dealers, MCL 445.401 et seq.

Sec. 30-799. - Drive-in theaters and temporary transient amusement enterprises.

In addition to and as an integral part of development, the following provisions shall apply:

- (1) Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
- (2) All fenced-in areas shall be set back at least 100 feet from any front street or property line, with the area between the fence and the street or property line to be landscaped in accordance with section 30-795.
- (3) All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and existing vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two streets or highways.

(Comp. Ords. 1994, § 15.812; Ord. No. 1, § 56.12, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-800. - Home occupations.

A home occupation may be permitted in a single-family dwelling within any zoning district where such dwelling is permitted, subject to the following conditions:

- (1) No person other than the members of the family residing on the premises shall be engaged in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The total floor area used by the home occupation shall not exceed 30 percent of the floor area of the dwelling unit.
- (3) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and there shall be no external or internal alterations not customary in residential areas.
- (4) A home occupation shall be conducted within the dwelling unit or within a building accessory thereto.
- (5) No article shall be sold on the premises except that which is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- (6) Traffic generated by a home occupation shall not be greater in volume than that normally generated by the residence. Parking for the home occupation shall not exceed two spaces. Such spaces shall be provided on the premises, off-street, subject to regulations in article V of this chapter and provided the parking spaces shall not be located in the required front yard.
- (7) Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation shall be prohibited.
- (8) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interferences which are nuisances to persons off the lot. Any electrical equipment processes which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- (9) Hazard of fire, explosion, or radioactivity shall not exist at any time as a result of a home occupation.

(Comp. Ords. 1994, § 15.813; Ord. No. 1, § 56.13, 8-19-1974; Ord. of 5-15-1980)

State Law reference— Instruction in craft or fine art as home occupation, MCL 125.3204.

Sec. 30-801. - Planning and development regulations for manufactured housing communities.

- (a) *Sale*. The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of manufactured housing community shall be prohibited. A new or used manufactured home located on a site within a manufactured housing community to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used manufactured home by a resident of the manufactured housing community provided the park's regulations permit the sale.
- (b) *Distances*. A manufactured home shall comply with the following minimum distances:
 - (1) Twenty feet from any part of an attached or detached structure of an adjacent manufactured home which is used for living purposes.
 - (2) Ten feet from an on-site parking space of an adjacent site.
 - (3) Ten feet from either of the following: An attached or detached accessory structure of an adjacent manufactured home which is not used for living purposes.
 - (4) Fifty feet from permanent community-owned structures, such as either of the following:
 - a. Clubhouses.

- b. Maintenance and storage facilities.
 - (5) Ten feet from the edge of an internal street.
 - (6) Twenty feet from the right-of-way line of a dedicated public street within the manufactured housing community.
 - (7) Seven feet on the parking bay on the manufactured home site.
 - (8) Seven feet from a common pedestrian walkway.
- (c) *Height.* The maximum height of accessory structures in a manufactured housing community shall be 15 feet. The height of a storage building on a manufactured home site shall not exceed the lesser of 15 feet or the height of the manufactured home.
- (d) *Parking requirements.*
 - (1) A minimum of two parking spaces shall be provided for each manufactured home site.
 - (2) A minimum of one parking space for every three home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve. The parking shall be measured along a road or sidewalk.
- (e) *Streets.*
 - (1) The internal roads or streets shall be in compliance with all of the following general requirements:
 - a. The internal road shall have a hard surface.
 - b. The internal road shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement, which is dedicated to the use of the licensed manufactured housing community and no other land use. The easement shall be recorded before an internal road is approved by the township.
 - c. Sole access by way of an alley is prohibited. As used in this subdivision, the term "alley" means a public or private right-of-way that serves and is dedicated as rear access to parcels of land.
 - (2) Only streets within the manufactured housing community shall provide vehicular access to individual manufactured home sites in the manufactured housing community.
 - (3) Two-way streets shall have a minimum width of 21 feet where no parallel parking is permitted, 33 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street.
 - (4) The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted along one side, and 33 feet where parallel parking is permitted along both sides.
 - (5) A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area.
 - (6) Names of streets shall be approved by the township zoning inspector.
- (f) *Outdoor storage.* Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing community, but shall be limited to use only by residents of the manufactured housing community. The location of such storage area shall be shown on the site plan required herein. No part of such storage area shall be located in any yard required on the perimeter of the manufactured housing community. Such storage area shall be screened from view from adjacent residential properties.
- (g) *Site-constructed buildings.* All buildings, except manufactured homes or any of the manufactured housing development licensing and construction processes, constructed on site within a manufactured housing community shall be constructed in compliance with the state construction code. Any addition

to a manufactured home unit that is not certified as meeting the standards of the US Department of Housing and Urban Development for manufactured homes shall comply with the state construction code. Certificates and permits shall be required as provided in article II, division 1 of this chapter. A final site plan shall be approved prior to construction of any principal structure, not including manufactured home units, in accordance with article II, division 2 of this chapter.

- (h) *Placement of a manufactured home unit.* It shall be unlawful to park a manufactured home unit so that any part of such unit will obstruct a street or pedestrian walkway.
- (i) *Site plan review required.* Construction of a manufactured housing community shall require prior approval of a site plan by the township planning commission. For purposes of this section only, a site plan shall provide the following information:
 - (1) The site plan shall be prepared on standard 24-inch by 36-inch sheets and shall be of a scale not greater than one inch equals 20 feet or less than one inch equals 200 feet, and of such accuracy that the planning commission can readily interpret the plan.
 - (2) Scale, north arrow, name and date, plus date of any revisions.
 - (3) Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.
 - (4) Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the state.
 - (5) A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
 - (6) Existing natural features such as:
 - a. Trees, wooded areas, streams, and wetlands;
 - b. Natural features to remain or to be removed;
 - c. 100-year flood hazard area;
 - d. Delineation of wetlands and indication of regulated or non-regulated; and
 - e. Location, type, and size of existing trees, eight-inch caliper and larger, not in a wooded area.
 - (7) Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.
 - (8) Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
 - (9) Names and rights-of-way of existing streets on or adjacent to the property; surface type and width.
 - (10) Zoning classification of the subject property; location of required yards; total property area; number of dwelling units; dwelling unit density; schedule of dwelling units, by type; phasing information.
 - (11) Location of all proposed streets and drives; rights-of-way, where applicable.
 - (12) Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of spaces and aisles; typical section of parking lot surface.
 - (13) Location, width, and surface of proposed sidewalks and pedestrian paths, if provided.
 - (14) Location, use, size, and proposed improvements of open space and recreation areas, if provided.

- (15) Location, type, size, area, and height of proposed signs.
 - (16) Landscape plan showing locations, type and size of plant materials; plant list showing common and botanical names and quantities.
 - (17) Location, height, and type of street lights; detail of a typical fixture.
- (j) *Building permits required.* No manufactured home may be placed on a manufactured home site until a building permit therefor has been issued by the Chelsea Area Construction Agency, acting on behalf of the township. A building permit shall not be issued until all required State approvals have been obtained.
- (k) *Occupancy.* A manufactured home in a manufactured housing community shall not be occupied until all required approvals have been obtained from the state and a certificate of occupancy is issued by the Chelsea Area Construction Agency inspector, acting on behalf of the township.

(Comp. Ords. 1994, §§ 15.814, 79.000; Ord. No. 1, § 56.14, 8-19-1974; Ord. of 5-15-1980; Ord. No. 64, § 6, 6-11-2001)

State Law reference— Mobile home commission act, MCL 125.2301 et seq.

Sec. 30-802. - Site condominium review.

- (a) *Purpose.* The purpose of this section is:
- (1) To set forth the standards for review of site condominium developments;
 - (2) To provide for adequate standards for the master deed, deed restrictions, utility systems, public streets, layout and design; and
 - (3) To achieve compliance with all regulations of the condominium act and this chapter.

Where any interpretation or application of a general requirement of this section is in conflict with the definitions of section 30-5, the definitions of this section shall govern the interpretation and application under this section.

- (b) *Approval required.* Pursuant to authority conferred by section 141 of the condominium act (MCL 559.241), preliminary and final site plans for all site condominiums shall be approved by the planning commission. In determining whether to approve a site plan for a site condominium, the planning commission may consult with the zoning inspector, township attorney, township engineer, and township planner and others as deemed appropriate by the planning commission, regarding the adequacy of the master deed, deed restrictions, utility systems and streets, site layout and design, and compliance with all requirements of the condominium act and this chapter.
- (c) *General requirements.*
- (1) No construction, grading, work, or other development shall be done on a site once the site plan review application has been filed until a final site plan has been approved, except with the express permission of the planning commission. No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan therefor has been approved by the planning commission and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums.
 - (2) If a building, structure, or use to be placed on a condominium lot which requires site plan approval under section 30-75, a site plan for that building, structure, or use shall be approved in accordance with article II, division 2 of this chapter before a certificate of zoning compliance may be issued.

- (3) The township planning commission shall have the authority to review and approve or deny preliminary and final site plans for site condominiums.
- (4) Preliminary and final site plans shall be submitted, reviewed, and approved or denied in accordance with article II, division 2 of this chapter, provided, however, that preliminary and final site plans shall not be combined for site condominiums. A dimensionally stable copy of the as-built drawings shall be submitted to the township board and a second dimensionally stable copy shall be recorded with the county register of deeds.
- (5) Each condominium unit shall be located within a zoning district that permits the proposed use.
- (6) For the purposes of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Ground floor coverage and floor area ratio shall be calculated using the area of the condominium lot.
- (7) Each condominium lot shall be connected to public water and sanitary sewer facilities, where available, or shall have a well, septic tank, and drain field approved by the county health department, where public water and sanitary sewer services are not available. The well, septic tank, and drain field serving a condominium lot shall be located within that lot, as described in the master deed, except in a PUD district, in which this requirement may be waived by the township board as a part of its approval of the PUD rezoning petition.
- (8) Relocation of boundaries between adjoining 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 inspector. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- (9) Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in section 49 of the condominium act (MCL 559.149), shall comply with all regulations of the zoning district in which located, and shall be approved by the zoning inspector. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
- (10) All information required by this chapter shall be updated and furnished to the zoning inspector until applicable certificates of zoning compliance have been issued, as provided in this section.

(d) *Preliminary site plan requirements.*

- (1) A preliminary site plan shall be filed for approval at the time of a notice of proposed action is filed with the township. In the event a notice of proposed action regarding a site condominium is filed with the clerk, the clerk, upon receipt of the notice, shall transmit the preliminary site plan drawings to the county site condominium advisory committee and the clerk shall forward their written comments to the township planning commission. However, no action is to be taken until the planning commission reviews plan drawings.
- (2) The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
- (3) The preliminary site plan shall include all information required in section 30-76, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time of site plan application, the location and dimensions of condominium lots and all required yards, rather than individual buildings, shall be shown on the preliminary site plan.

- (4) All items required in subsection (g) of this article are to be completed and presented at the time of the preliminary site plan submission.
- (e) *Final site plan requirements.*
- (1) A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.
 - (2) A final site plan for any phase of development shall not be filed for review by the planning commission unless a preliminary site plan has been approved by the planning commission and is in effect.
 - (3) A final site plan shall include all information required by section 66 of the condominium act (MCL 559.166) and the master deed and bylaws. The final site plan shall also include all information required in section 30-78, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time of site plan application, the location and dimensions of condominium lots rather than individual buildings, and required yards shall be shown on the final site plan.
 - (4) The applicant shall provide proof of approvals by all county and state agencies required to review the condominium subdivision plan, including, but not limited to, the county road commission, county drain commissioner, county health department, and the state department of natural resources and environment. The planning commission shall not approve a final site plan until all county and state agencies required to review the condominium subdivision plan have approved the condominium subdivision plan.
- (f) *Revision of condominium subdivision plan.* If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the planning commission before any building permit may be issued, where such permit is required.
- (g) *Public streets.* All streets within a site condominium shall be dedicated to the county road commission and shall be developed to the design, construction, inspection, approval and maintenance requirements of the county road commission. Each condominium lot shall have frontage abutting a public street as required by the regulations of the particular zoning district in which the condominium lot is located.
- (h) *Amendment to master deed or bylaws.* Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the planning commission before any building permit may be issued, where such permit is required. The planning commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
- (i) *Relation of subdivision chapter.* All site condominiums shall conform to the plan preparation requirements, design, layout, improvement standards, and the financial guarantee requirements of chapter 10. The standards and requirements of chapter 10, including the financial guarantees which apply to lots in a subdivision, shall also apply to condominium lots. Nothing in this section shall be construed as requiring a site condominium to obtain plat approval under chapter 10, or the land division act.
- (j) *Development agreement.* The planning commission may require, as a condition of approval, that the applicant enter into a development agreement with the planning commission and the township, incorporating the terms and conditions of final site plan approval, and record the same in the office of the register of deeds for the county.
- (k) *Association authorization.* Any application for a building permit for construction to be located in a general common element shall include written authorization by the condominium association for the application.
- (l) *Monuments.* Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. No building permits shall be issued until monuments

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

- (m) *Easements and rights-of-way.* Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the appropriate public authority for all public water and sanitary sewer lines and appurtenances.
- (n) *Design specifications.* All improvements in a site condominium shall comply with the design specifications as adopted by the township board and any amendments thereto.

(Comp. Ords. 1994, § 15.815; Ord. No. 1, § 56.15, 8-19-1974; Ord. No. 20, 4-6-1989; Ord. of 9-7-1992; Ord. No. 27, 5-4-1993)

Sec. 30-803. - Fence regulations.

- (a) *Permit requirements.* It shall be unlawful for any person to construct, or cause to be constructed, any fence on any property within the township, except in accordance with these regulations. Any person or entity desiring to construct, or cause to be constructed, any fence that is subject to these regulations shall first obtain a fence permit from the zoning inspector. The application for a fence permit shall contain all information, including drawings, that is needed to determine compliance with this chapter.
- (b) *Fee.* The fee for a fence permit shall be established and may be amended from time to time, by resolution of the township board. The fee shall be paid to the township treasurer at the time of application.
- (c) *Location of fences.* A fence shall be located entirely on the property of the owner of the fence. A fence may be located on a common property line if the adjoining property owners agree in writing to a location on the common property line.
- (d) *Height regulations.*
 - (1) In all districts except the AG district, fences located on residential lots shall comply with the following regulations:
 - a. Fences shall not be located in a front yard, in any other yard that abuts a public or private street, or in a yard that abuts a lake or stream.
 - b. A fence that is located adjacent to such yards described in subsection (d)(1)a of this section at the building line, shall not be more than four feet high and shall not have an opacity greater than 50 percent.
 - c. In the AG district, fences may be located in any yard, provided that such a fence shall not be more than four feet high and shall not have an opacity greater than 50 percent.
 - d. Fences may be located in any other part of a lot not listed in subsection (d)(1)a of this section, provided such fences shall not be more than six feet high.
 - e. A berm that is located in a front yard, in any other yard that abuts a public or private street, or in a yard that abuts a lake or stream shall be regulated as a fence if it is more than 18 inches high, measured from existing grade at the base of the berm's slope.

- (2) Fences on a commercial or office lot shall not be more than six feet high. Fences shall not be permitted in the front yard or any yard along a public or private street or a lake or stream, except where required by the township planning commission as part of site plan review or a special use permit.
 - (3) Fences on an industrial lot shall not be more than 12 feet high. Fences shall not be permitted in the front yard or any yard along a public or private street or a lake or stream, except where required by the township planning commission as part of site plan review or a special use permit.
 - (4) The height of a fence that is located within two feet of a common property line shall be measured from the highest grade within two feet on either side of the common property line.
- (e) *Vision clearance.* Fences shall comply with the section 30-791. A fence that is located at the intersection of a driveway and a sidewalk along a public or private street shall not impede vision between the driveway and sidewalk.
- (f) *Fence safety regulations.*
- (1) No spikes, nails, barbed wire, or other pointed objects or sharp protrusions may be placed on or attached to any fence below a height of ten feet. Fences that enclose farmland may have barbed wire at any height.
 - (2) Fences shall not carry any electric charge or current, except fences that enclose farmland, in which case electrically charged fence wires shall be permitted, provided such wires shall be attached to the fence owner s side of the fence posts. All electrically charged fences shall be of a type and manufacture approved by Underwriters Laboratories.
- (g) *Retaining walls.* A retaining wall shall be regulated as a fence if the wall projects more than 18 inches above the grade of the ground being retained.
- (h) *Public utility fences.* Fences that enclose public utility installations located in a residential zoning district shall not be located in any required yard. Such fences may be located in any required yard in any other zoning district. Such fences shall comply with all other regulations in this section.
- (i) *Maintenance.* Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise, endangers life or property, is hereby declared a nuisance. If an unsafe fence condition exists, the zoning inspector or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which the fence is located. The notice shall describe the unsafe conditions, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or a portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal to be made.
- (j) *Exemptions.*
- (1) Fences enclosing farmland shall be exempt from all regulations of this section, except subsections (e) and (f) of this section.
 - (2) Fences not more than four feet high, where located on single-family residential lots larger than two acres that are not within a recorded subdivision or site condominium, shall not require a permit.

(Comp. Ords. 1994, § 64.002; Ord. No. 51, 9-24-1998; Ord. of 5-27-2004)

Sec. 30-804. - Wireless communication facilities.

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

- (1) Establish predetermined districts or zones of the number, shape and in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- (2) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing populations, transportation systems, and other public services and facility needs.
- (3) Promote the public health, safety and welfare.
- (4) Provide for adequate information about plans for wireless communication facilities to permit the community to effectively plan for the location of such facilities.
- (5) Minimize the adverse impact of technological obsolescence of such facilities, including a requirement to remove unused and/or necessary facilities in a timely manner.
- (6) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This purpose contemplates the establishment of as few towers as reasonably feasible, and the use of towers which are designed for compatibility, including the use of existing towers.

(b) *Definitions* .

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

Collocate or co-location means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound with a view toward reducing the overall number of towers within the township.

Provider means an entity which is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.

Wireless communication equipment or equipment means the set of equipment and network components used in the provision of wireless communications service, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless communications antenna or antenna means any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, ham radio antenna, satellite antenna, those which receive video programming services via multipoint distribution services which are one meter (39 inches) or less in diameter and those which receive television broadcast signals.

Wireless communications equipment compound or equipment compound means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

Wireless communications facilities or facility means the wireless communications antennae, equipment, equipment compound and tower, and any related accessory structures, landscaping and improvements.

Wireless communications support structure or tower means a structure erected or modified to support wireless communications antennae or equipment including a monopole, self-supporting lattice tower, utility pole, guyed tower, water tower, building or other structure.

(c) *Authorization for co-location on existing towers; special land uses; special districts.*

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

The installation of an antenna and any other equipment that meets the conditions of this subsection (1) shall be subject to standards and conditions applicable to all facilities described in subsection (d), and the plan and application requirements of subsection (f), shall be reviewed on an administrative basis by the zoning administrator, and shall not require approval as a special land use.

- (2) *Special land uses.* Except as provided in subsection (c)(1)(a) of this section, wireless communications facilities shall be special land uses within the following districts, subject to the standards and conditions set forth in subsection (d), and subsection (e) and the plan and application requirements of subsection (f)(2) including, site plan review and special land use permit: (Agriculture -AG, General Commercial -GC, Industrial -I, Industrial-Automotive Research and Technology -I-ART, Recreation -R, and Municipal Use -MU, Districts).
 - (3) *Other districts.* Wireless communication facilities shall not be permitted uses or special land uses in districts except as described in subsections (c)(1) and (2).
- (d) *Standards and conditions for review.* All applications for wireless communications facilities shall be reviewed in accordance with the following standards and conditions and, if approved, shall be constructed and maintained in accordance with such standards and conditions. Upon compliance with this section, such facilities shall be exempt from other height regulations of the township ordinances.
- (1) The facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - (2) The facilities shall be located and designed to be harmonious with the surrounding areas. Construction and operation of a wireless communication facility should have minimal impact on existing trees, wetlands (whether or not regulated), and existing topography.
 - (3) The facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - a. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights.
 - b. The contemplated accessory building to enclose switching equipment shall be limited to the maximum height for accessory structures within the respective district. A wireless

communication facility, including all accessory equipment, shall be enclosed by a fence with a secure gate sufficient in type and height to prevent unauthorized entry.

- c. The applicant shall demonstrate that it is properly licensed as a provider.

(4) *Setbacks* .

- a. *From existing or proposed public or private road.* A setback consisting of 40 percent of the height of a tower and antenna (40 percent fall zone) shall be required for any tower. Fall zone percentage means the distance relative to the height of the tower, as measured from surrounding grade to the uppermost element of the antenna, which the tower must set back from all adjacent property lines. If the setback is less than 100 percent of height of the tower, the applicant must provide data showing that the facility is designed to keep any falling tower or other Infrastructure within the fall zone.
 - b. *From residentially-zoned or residentially used property.* The minimum setback from the adjoining property line shall be not less than 100 percent of the height of the tower and antenna.
 - c. *From non-residentially-zoned or residentially used property* . The minimum setback from the adjoining property line shall be 40 percent of the height of a tower and antenna (40 percent fall zone) as described in subsection (4)(a) above.
 - d. The wireless communication use may be located on the same property with a second principal use. When a tower is located on the same property as another principal use, it shall be separated from all structures associated with the other principal use by a distance no less than 40 percent of the height of the tower. Separation shall not be required for an antenna attached to an existing building, tower, pole or other structure. For purposes of access to public streets and dimensional requirements, the property shall be treated as a single site. If a tower ceases to be utilized, it shall be removed within 90 days, along with any building, fencing or other structural improvements.
 - e. All transmission lines related to and serving any antenna tower or pole shall be placed underground.
- (5) There shall be unobstructed access drive to the facility for operation, maintenance, repair and inspection purposes that may be provided through or over an easement. The minimum standards for such access road shall be a 14-foot width, gravel road with suitable drainage.
- (6) The division of property for the purpose of locating a wireless communication facility is prohibited unless all requirements of the township ordinances are met.
- (7) Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure shall be designed, constructed and maintained to be architecturally compatible with or enclosed within the principal building.
- (8) The planning commission shall review and approve the color of the tower and all equipment buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant and owner to maintain the facility in a safe, neat and orderly condition.
- (9) The facility including the tower, equipment, equipment compound and antenna shall be constructed in accordance with all applicable building codes, and shall include the submission of a soils report from a geotechnical engineer, licensed by the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed facility. The applicant shall provide proof of compliance with all requirements of the Federal Aviation Administration (FAA), FCC and state aeronautics commission for the facility.
- (10) A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonable, prudent standard.

- (11) An open weave, wire fence at least six feet in height shall be constructed and set away from the base of the tower at least ten feet in all directions.
 - (12) The facility shall not be used for advertising purposes and shall contain no signs or lighting except to identify the provider and emergency telephone numbers and as may be required by the FAA.
- (e) *Standards and conditions applicable to wireless communication facilities requiring a special land use permit* . Wireless communication facilities that require a special land use permit must meet the standards and be approved under the procedures set forth in Article II of the Sylvan Township Zoning Ordinance. In addition, the standards in this section and subsection (d) also apply to the review, approval, construction and maintenance of wireless communication facilities that require a special land use permit:
- (1) The applicant shall demonstrate the need for the facility based on the following factors:
 - a. Proximity to an interstate or major thoroughfare.
 - b. Areas of population concentration.
 - c. Concentration of commercial, industrial, and/or other business centers.
 - d. Areas where signal interference has occurred due to tall buildings, masses of trees and other obstructions.
 - e. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - f. Other specifically identified reasons creating a need for the facility.
 - g. Effect on property values.
 - (2) The proposal shall be reviewed in conformity with the co-location requirements of this section.
 - (3) The tower shall be a monopole design unless the applicant can demonstrate that such a design is not feasible for the proposed tower.
- (f) *Plan and application requirements*. Co-location shall be required if determined to be feasible. Co-location shall be deemed feasible if a provider will pay market rent or other market compensation for co-location; the tower can provide structural support for additional antennas, taking into account reasonable modification or replacement of a facility; co-location is technologically feasible; and the height of the tower necessary for co-location will not be increased beyond a point acceptable to the township. A special use permit for a wireless communications facility shall not be approved unless the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs. A licensed engineers opinion must accompany any argument by the applicant. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate the maximum number of feasible providers for co-location.
- (1) *Co-location* . For a co-location that qualifies as a permitted accessory use under subsection (c)(1), the applicant shall submit the following to the building and zoning official for review on an administrative basis and approval or denial of a zoning compliance certificate based on the standards set forth in this article:
 - a. *Plan requirement for co-location*. An application for zoning compliance certificate shall be provided to the building and zoning official along with a scaled, dimensioned LAN of the existing wireless communications facilities, the proposed co-location antennae or other equipment, and any other proposed modifications to the site. The plan shall be prepared by a professional engineer, architect, planner, landscape architect, or land surveyor registered in the State of Michigan, whose seal is affixed to the first sheet. The zoning administrator has the authority to require additional information to confirm that the proposed changes meet the requirements of subsection (c) and the standards and conditions listed in subsection (d).
 - b. *Review standards*. The application shall be reviewed in accordance with the following standards:

1. The application contains all required information and all required fees have been paid.
 2. All requirements of subsection (c)(1), (2) and (3) and MCL 125.3514(1)(a), (b), (c) and (d) have been met.
 3. The standard and conditions of subsection (d) have been met.
- (2) *Other facilities.* Except for co-locations that qualify as a permitted accessory use under subsection (c)(1), site plan review and approval is required for every wireless communications facility in accordance with article II, division 2 of this chapter, site plan review. The site plan shall show the location, size, screening and design of the tower, the equipment compound and other facilities, and all adjacent buildings and structures, including fences, and the location, number, and species of trees and shrubs, and the location and design of vehicular access. The site plan shall be accompanied by the information described in subsection (f). In addition, for wireless communications facilities described in subsection (C)(2), a special land use permit in accordance with article IV of this chapter shall be required. Such site plan review and special land use permit review procedures are modified as set forth below:
- a. *Review procedures.*
 1. Within 14 business days after receipt of an application for a special land use permit under this section, the township shall notify the applicant in writing if the application is incomplete or if any fee is unpaid along with a statement of the information or fee needed. The application shall not be considered complete until all of the requirements for a combined preliminary and formal site plan have been submitted in accordance with this section as determined by the zoning administrator submission of all information required by subsection (f). Provided, the zoning administrator is authorized to establish the date of the public hearing after receipt of the information, notwithstanding article IV.
 2. Except as provided in subsection (h) below, the township board, after recommendation by the planning commission, shall approve or deny the application not more than 90 days after the application is considered complete, unless the applicant agrees to an extension of such time period.
 3. For a co-location project that meets the requirements of subsection (c)(1)(a), but does not meet the requirements of subsection (c)(1)(b) or (c), the township board, after recommendation by the planning commission, shall approve or deny the application not more than 60 days after the application is considered complete, unless the applicant agrees to an extension of such time period.
 - b. *Landscaping plan.* The site plan shall include a detailed landscaping plan to provide screening and aesthetic enhancement of the tower base, storage buildings and surrounding areas in accordance with Sylvan Township Design Standards and other landscaping standards required within the Sylvan Township Zoning Ordinance.
 - c. *Fencing .* The site plan shall show fencing designed to protect the facility and to provide security from unauthorized entry as appropriate, and any alternate or additional security measures.
 - d. *Fall zone.* The plan submittal shall include certification signed by a state licensed professional engineer certifying the fall zone of the tower and the manner in which the tower will fall. This certification will be used along with other criteria such as applicable setback requirements for the district in determining the appropriate setback for the tower and other facilities as described in subsection (d).
 - e. *Security .* The plan submittal shall include a description of the security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer used, as provided in subsection (h), removal. The security shall be in the form of: cash, surety bond, or letter of credit, or an agreement in a form approved by the township attorney and recorded at the office of the register of deeds establishing a promise of the applicant and owner of the property to remove in a timely

manner, the facility as required under this section of the Ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the township in securing removal. The provider shall submit an estimate of the cost of removal of the facility, certified by a licensed engineer for the township's use in determining the security to be posted.

- f. *Map of existing, proposed and projected facilities.* The plan submittal shall include a map showing existing, known proposed and projected potential wireless communication facilities within the township for the next five years, and existing and known proposed facilities within areas surrounding the township in order to determine potential co-location of facilities and to demonstrate the need for the proposed facility. If, and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality.
 - g. *Contact person.* The site plan submittal shall include the name, address and telephone number of the person to contact for engineering, maintenance, and other notice purposes of the facility. The owner shall update this information annually during all times the facility is on the premises. Current contact information shall also be posted at the facility.
 - h. *Conditions .* Conditions for approval of the application shall be consistent with applicable township ordinances, and other applicable, state, federal and local laws and ordinances.
- (g) *Demonstration of availability for co-location .*
- (1) *Statement of policy.* It is the policy of the township to minimize the overall number of newly established wireless communications facilities, including towers within the township and to encourage the use of existing towers and structures.
 - (2) *Feasibility .* Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met:
 - a. The wireless communication provider under consideration for co-location will undertake to pay market rent or other market compensation for co-location.
 - b. The tower can provide structural support for additional antennae, taking into consideration reasonable modification or replacement of a facility.
 - c. The co-location is technologically reasonable, e.g., the co-location 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 tower necessary for co-location will not be increased beyond a point deemed to be permissible by the township, taking into consideration the standards set forth in this section.
 - (3) *Requirements for co-location.*
 - a. A permit for the construction and use of a new tower or facility shall not be granted unless the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
 - b. All new and modified wireless communications facilities shall be designed and constructed so as to accommodate the maximum number of feasible providers for co-location.
 - c. If a provider fails or refuses to alter an existing wireless communications facility to accommodate a proposed and feasible co-location, such provider's facilities in the township shall be deemed nonconforming uses and shall not be altered, expanded or extended in any respect.
- (h) *Removal .*
- (1) The township reserves the right to request evidence of ongoing operation at any time after the construction of an approved wireless communication facility.

- a. *Conditions for removal.* A condition of approval of a wireless communications facility shall be adequate provision for removal of the facility upon the occurrence of one or more of the following events:
 1. Failure to use the facility for 90 consecutive days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 2. Three consecutive months after new technology is available at reasonable cost as determined by the township, which permits the operation of the facility without a tower. Each applicant shall certify its agreement to provide the township with information on such new technology if and when it is available as part of the approval process.
- b. The situation in which removal of a facility is required may be applied and limited to portions of a facility.
- c. *Application for demolition or removal .* Upon the occurrence of one or more of the events requiring removal of a facility, the provider shall promptly apply for demolition or removal of the facility and proceed with removal of the facility and restoring the affected area to a condition reasonably acceptable by the township, as determined by the zoning administrator.
- d. *Failure of provider to remove .* If a facility has not been removed within 60 days of the required removal date then after 30 days' written notice to the provider, the township may remove or secure the removal of the facility, or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.
- e. A wireless communications facility shall be removed when it has not been used for three consecutive months or more. The period of non-use shall begin immediately upon the cessation of operations (transmission or reception of radio signals) or the removal of antennas or other equipment essential to operations. Prior to issuance of a certificate of zoning compliance, the provider shall record an agreement to remove the facility with the county register of deeds. The agreement shall be in a form and content acceptable to the township and shall establish a covenant by both the provider and property owner to remove the facility in a timely manner and restore the property to its prior condition or better. The agreement shall also provide that the provider and property owner shall be responsible for payment of any and all removal costs, site restoration costs, and legal and administrative fees incurred by the township in securing removal of the facility. The agreement shall include a financial guarantee sufficient to cover all costs of removal.

(Comp. Ords. 1994, § 68.001; Ord. No. 54, § 1, 6-18-1999; Ord. No. 15-1, 10-21-2014)

Sec. 30-805. - Open space preservation development option.

- (a) *Purpose.* This section is intended to carry out the provisions of section 506 of Public Act No. 110 of 2006 (MCL 125.3506) to include an open space preservation provision in this chapter. This section proposes to accomplish this purpose by permitting grouping of dwelling units on the portions of land that are most suitable for residential development while permitting the remaining portions of land most suitable for open space use to be perpetually preserved as undeveloped open space. The regulations in this section are also intended to accomplish the following nonexclusive list of purposes:
 - (1) Preserve natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmentally sensitive areas.
 - (2) Achieve a higher quality of residential development than could otherwise be achieved under conventional zoning.
 - (3) Permit development that is consistent with the township's adopted comprehensive plan.

- (4) Preserve natural vegetation to the extent feasible.
 - (5) Preserve open space.
 - (6) Reduce capital costs of development.
 - (7) Limit soil erosion potential by reducing the amount of clearing and grading needed for development.
- (b) *Review authority.* The township planning commission shall have authority to review and approve or deny applications for an open space preservation development option (OSPDO) that is to be developed as a site condominium or by metes and bounds land divisions. The township board shall have authority to approve or deny an application for an OSPDO that is to be developed as a subdivision after review and recommendation by the planning commission.
- (c) *Eligible property.* An owner of parcel of land, which shall be the parent lot for purposes of this section, may apply for approval of an OSPDO if all the following requirements are met:
- (1) The parent lot is zoned AG or LR, with a density equivalent to two or fewer dwelling units per acre if not served by a public sewer, or three or fewer dwelling units per acre if served by a public sewer.
 - (2) The parent lot has an area of at least five acres of contiguous land, not divided by a road.
 - (3) The parent lot is under single ownership or control such that a single person or entity has proprietary responsibility for completing and maintaining the development. The applicant shall provide documentation of such ownership or control in the form of agreements, contracts, etc., that assures that the development will be completed in its entirety as approved and continue to be maintained as approved.
 - (4) The proposed development does not depend upon extension of public water or sanitary sewer services, unless development of the parent lot without the exercise of the OSPDO would also depend upon such an extension.
- (d) *Permitted uses.*
- (1) *AG district.* A single-family detached dwelling unit and accessory buildings or structures shall be permitted on each lot or condominium unit. All other uses listed in section 30-277 shall be permitted in the dedicated open space, except intensive livestock or poultry raising operations, such as poultry houses, hog hotels, etc., shall not be permitted.
 - (2) *LR district.* All uses permitted in section 30-347.
- (e) *Density regulations.*
- (1) *Maximum units calculation.* The number of lots or site condominium units permitted on a parent lot under an OSPDO shall not exceed the area of the parent lot times 0.45 in the AG district, or the area of the parent lot times 0.85 in the LR district. Maximum lot coverage shall be 20 percent and maximum floor area ration shall be 0.20. The area of the parent lot shall be as defined in the definition of the term "lot area" in section 30-5.
 - (2) *Alternative calculation.* In the alternative, at the option of the applicant, the maximum density in an OSPDO may be determined as follows:
 - a. The applicant must prepare and submit to the township planning commission a parallel design for the project showing a feasible development under the requirements of all state, county, and township rules and laws. The design should include all information required for preliminary plat designs. The planning commission thereafter must review the design and determine the number of lots that could be feasibly constructed on the subject property according to the parallel design. This number, as determined by the planning commission, is the maximum number of dwelling units allowable for the OSPDO project. It must be determined by the planning commission that this parallel plan is feasible and practical to be constructed and that it meets all current applicable regulations should the OSPDO request be denied or not constructed. The planning

commission shall determine and declare this number of allowable dwelling units following a public hearing with proper notice. If there is a question regarding water, septic, wetlands, or floodplains, the planning commission may request validation from the proper regulatory authority.

- b. In calculating maximum density under this section, the planning commission may consider only buildable areas; existing water, wetlands, and roadways may not be considered.

- (f) *Minimum lot area.* The minimum area of each lot or site condominium unit in an OSPDO shall not be less than the minimum area required by the county for well and septic tank/drainfield permits.
- (g) *Minimum required yards.* Each lot or site condominium unit in an OSPDO shall provide the following minimum required yards:

<i>AG district</i>	
Front, Corner side	35 feet
Side	20 feet
Rear	35 feet
<i>LR district</i>	
Front, Corner side	30 feet
Side	10 feet
Rear	30 feet

- (h) *Minimum lot width.* Each lot or site condominium unit in an OSPDO shall have the following minimum widths, provided that the length to width ratio of any lot or unit shall not exceed 4:1:
 - (1) AG district: 100 feet.
 - (2) LR district: 75 feet.
- (i) *Wells and septic tanks/drainfields.* Each proposed lot or site condominium unit shall have a permit for a well and septic tank/drainfield approved by the county before the planning commission may approve the final site plan or the township board may give final approval to the preliminary plan for a proposed OSPDO.
- (j) *Design standards.*
 - (1) The OSPDO shall be designed to promote preservation of natural features. Lots or site condominium units, roads, stormwater management facilities, and other improvements shall be designed and situated to minimize alteration of or intrusion into the natural environment.

- (2) Lots or site condominium units shall be located on soils that are most suitable for drainfields.
- (3) Dwelling units shall be located away from environmentally sensitive areas. They shall not be located in areas most suitable for open space. Dwelling units shall be located as far as possible from agricultural areas.
- (4) Placement of wells, septic tanks, and drainfields shall comply with all requirements of the county.
- (5) Each lot or site condominium unit shall have access to and frontage on a public road.
- (6) Pedestrian access shall be provided within a development between lots or site condominium units and non-agricultural open space, between open space areas, and to appropriate on and off-site uses.
- (7) The planning commission or township board, whichever applies, may require that structures of historic, cultural, or architectural significance on the site of an OSPDO be retained, if suitable for rehabilitation. Adaptive reuse for a permitted use may be permitted.

(k) *Dedicated open space requirements.*

- (1) At least 50 percent of the area of the parent lot, defined as "lot area" in section 30-5, shall be dedicated open space.
- (2) At least 60 percent of dedicated open space shall be linked as a single unit.
- (3) The open space shall be located so that it preserves significant natural resources and connects open spaces throughout the development with adjacent open space.
- (4) The open space shall be connected with existing or potential open space, or public land, if feasible.
- (5) An accessory structure for permitted uses may be erected in the open space in accordance with the approved site plan or plat.
- (6) All owners of lots or site condominium units in an OSPDO shall be permitted access to the dedicated open space. Use of dedicated open space may be restricted to property owners in the development.
- (7) Management plan. The applicant shall submit a plan for maintaining the dedicated open space with the application for the OSPDO.
- (8) Owner's association. An owner's association shall be created for development under this section and shall own and maintain the dedicated open space.

(l) *Guarantee of dedicated open space.*

- (1) The applicant for an OSPDO shall set aside the dedicated open space through an irrevocable conveyance that guarantees that the dedicated open space will remain perpetually in an undeveloped state and will be maintained in the manner approved by the township. This conveyance shall be in the form of a permanent conservation easement.
- (2) The purpose of the conservation easement is to ensure that dedicated open space will be:
 - a. Protected from all forms of development as approved;
 - b. Shown on an approved site plan or plat; and
 - c. Never changed to another use.
- (3) The conservation easement shall contain, at a minimum, provisions that:
 - a. Describe the permitted use of the dedicated open space.
 - b. Prohibit storing or dumping of refuse or any hazardous materials or refuse on the dedicated open space.

- c. Prohibit any activity that might cause risk of soil erosion on the dedicated open space.
 - d. Prohibit use of off-road vehicles on the dedicated open space.
 - e. Prohibit cutting, filling, or removal of vegetation, except invasive species, from wetland or wooded areas, except as needed for acceptable resource management practices, on the dedicated open space.
 - f. Prohibit use of pesticides, herbicides, or chemical fertilizers within 100 feet or 200 feet if slope is greater than 30 percent or adjacent to wetlands in the dedicated open space.
 - g. Require that the owner's association maintain the dedicated open space in accordance with the approved management plan.
 - h. Provide for maintenance of the dedicated open space to be undertaken by the township board and the costs thereof assessed against the person or entities responsible for maintaining the dedicated open space, if:
 - 1. The person or entity which the township board declares to be responsible for its maintenance fails to adequately maintain the open space; or
 - 2. The township board determines that the dedicated open space is a public nuisance.
 - i. Reflect that the conveyance is recorded on every deed of parcel in the development.
 - j. Provide that, if the land trust or conservancy holding the conservation easement ceases to exist, the dedicated open space shall revert to the township.
- (4) The conservation easement shall be held by the township or a recognized land trust or conservancy approved by the township board. The easement shall be in a form acceptable to the township and must be duly recorded in the county register of deeds office. This provision does not prohibit a transfer of ownership or control, provided notice of such transfer or control is provided to the township board and the property in the OSPDO continues in compliance with the township's original approval.
- (m) *Review procedures.* An application for an OSPDO shall be reviewed as follows:
- (1) *Subdivisions.* If an OSPDO is for a subdivision, review of the preliminary and final plats shall proceed as provided in the chapter 10, development.
 - (2) *Site condominiums.* If an OSPDO is for a site condominium, review shall proceed as provided in section 30-802.
 - (3) *Metes and bounds divisions.* If an OSPDO is for land division by metes and bounds descriptions, the review shall proceed as provided for preliminary and final site plans in article II, division 2 of this chapter.
- (n) *Review standards.* The planning commission shall make findings upon review of final site plans for site condominiums and metes and bounds land divisions. The township board shall make findings upon review of subdivisions, after review and recommendations by the planning commission, prior to approving or denying the final version of the preliminary plat. All findings shall be in writing and shall be recorded in the minutes of the meeting at which the decision is made. An application for an OSPDO shall meet all the following standards or it shall be denied:
- (1) The proposed OSPDO is consistent with the township's adopted comprehensive plan.
 - (2) The proposed OSPDO does not adversely affect existing or future use and value of adjacent properties.
 - (3) The site plan shall meet all requirements and standards for a preliminary and final site plan, as provided in article II, division 2 of this chapter. A subdivision plat shall meet all requirements and standards for a preliminary and final plat in the chapter 10.

- (4) The proposed OSPDO meets all requirements and standards in this section and all other applicable provisions of this chapter.
 - (5) The proposed OSPDO complies with all applicable federal, state, and local rules and regulations, including rules regarding groundwater suitability for on-site water supply for land not served by public water, and soil suitability for on-site sewage disposal for land not served by public sewers.
- (o) *Conditions of approval.* The planning commission or township board, whichever applies, may impose reasonable conditions of approval for an OSPDO that will ensure that all elements of the approval will be continued.
- (p) *Recording of action.*
- (1) Upon approval of a final site plan by the planning commission or final approval of a preliminary plat by the township board, the applicant shall record an affidavit with the county register of deeds within 30 days of the approval. The affidavit shall contain the full legal description of the property in the OSPDO, specify the date of township approval, state the conditions the planning commission or township board imposed, and declare that all improvements will be carried out pursuant to the approved OSPDO plan or plat, unless an amendment is endorsed by the planning commission or township board, whichever applies. The deed restrictions and conservation easement shall be duly filed with the county register of deeds, and copies of recorded documents shall be delivered to the township board immediately after recording.
 - (2) Upon approval of a final site plan by the planning commission or final approval of a preliminary plat by the township board, the township board shall promptly record the approval of the OSPDO on the township's official zoning map.
- (q) *Time limits.*
- (1) Unless the planning commission or township board (whichever gave the approval) approves an extension, an approved OSPDO expires and is of no effect if:
 - a. The construction does not commence within 12 months after approval;
 - b. Construction is not diligently pursued after approval;
 - c. The applicant does not complete construction; or
 - d. The applicant does not comply with the conditions specified in the approval.
 - (2) The applicant may apply in writing to the approving body for an extension of time in which to commence construction, with an explanation of reasons justifying the requested extension. An applicant may not request an extension exceeding 12 months. The body granting the original approval may grant a requested extension for good cause. Not more than one extension may be approved.
- (r) *Continuing compliance.*
- (1) An applicant who fails to comply with the approved final site plan or the preliminary plat with final approval, whichever applies, shall be deemed in violation of this chapter, as provided in article II, division 1 of this chapter.
 - (2) The planning commission may require a development agreement and performance guarantee as a condition of final site approval, and the township board may require a subdivision agreement and performance guarantee as a condition of final approval of a preliminary plat, to ensure completion of a proposed OSPDO as approved.

(Comp. Ords. 1994, § 86.000; Ord. of 3-1-2003, § 5)

Sec. 30-806. - Bed and breakfast operations.

A bed and breakfast operation, where permitted as a special use, shall comply with the following regulations:

- (1) A bed and breakfast operation shall be permitted only in a single-family detached dwelling unit that is the principal dwelling unit on the property. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator, and the operator shall live in the principal dwelling unit during the time the bed and breakfast operation is active.
- (2) A dwelling unit containing a bed and breakfast operation shall comply with state regulations for bed and breakfast operations, and applicable fire safety regulations, and shall be regularly maintained so as to remain in compliance with all applicable codes and regulations. The applicant for a special use permit shall provide written evidence of inspection and compliance with applicable codes and regulations to the township zoning inspector before a certificate of occupancy issued.
- (3) A dwelling that is to be used for a bed and breakfast operation shall have a minimum floor area of 1,600 square feet, excluding basement and garage floor areas. Each sleeping room shall have a minimum floor area of 150 square feet and shall not have more than two occupants. Not more than six rooms shall be provided for bed and breakfast operations in one single-family detached dwelling. If the applicant cannot comply with off-street parking, as required by subsection (13) of this section, and the other provisions of this chapter, the number of rooms for bed and breakfast operations shall be reduced to that number of rooms under the requirements of this section would adversely affect the residential character of the site within the particular zoning district.
- (4) Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast operation in that structure. A minimum of one bathroom containing a lavatory, toilet and bathtub or shower shall be provided for each two sleeping rooms. Each such bathroom shall be physically separated from the living quarters of the resident family. Bathrooms required under this subsection for guests shall be in addition to the facilities utilized by the resident family. Sharing of bathrooms between guests and the resident family shall not be permitted.
- (5) A single-family detached dwelling unit that contains a bed and breakfast operation shall not have, or be converted to, more rental rooms than the number of bedrooms that existed on the date of adoption of this amendment. Any addition to a dwelling for the purpose of increasing the number of bed and breakfast rooms shall be prohibited. For purpose of application of this subsections, bedrooms shall include rooms used on a regular basis for sleeping by the inhabitants prior to the conversion of the single-family detached dwelling to bed and breakfast operations and rooms which have dual purposes such as dens/bedrooms, studies/bedrooms, and libraries/bedrooms.
- (6) No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast operation. Cooking facilities in a dwelling containing a bed and breakfast operation shall be limited to the residential kitchen.
- (7) No meals or food service shall be provided to a guest except the following; breakfast, snacks, coffee and tea service provided there shall be no separate or extra charge for these services.
- (8) Service of alcoholic beverages in a bed and breakfast operation shall be prohibited.
- (9) One sign, not more than three square feet in area, shall be permitted for each bed and breakfast operation. The sign shall be wall mounted and shall meet all applicable regulations of article VII of this chapter.
- (10) A single-family detached dwelling unit containing a bed and breakfast operation shall have no outside appearance of the presence of the operation, except the sign permitted herein.
- (11) Bed and breakfast facilities shall not be used for receptions, weddings and similar celebrations and parties.

- (12) The maximum length of stay for any occupant of a bed and breakfast operation shall be 23 days in any period of 90 consecutive days.
- (13) One off-street parking space shall be provided for each bedroom in a bed and breakfast operation. Parking spaces for bed and breakfast registrants shall be in addition to spaces required for the dwelling unit and shall comply with the regulations of article V of this chapter.
- (14) A property survey, drawn to scale, with dimensions, and showing property lines and all structures and other improvements shall be submitted with the application for a special use permit. If the proposed use involves changes to the site outside the building, the planning commission may require that the applicant submit a final site plan, as required in article II, division 2 of this chapter, or portions of a final site plan that are applicable to the proposed changes and be reviewed and approved by the planning commission before the special use permit may be issued.
- (15) An approved special land use permit for a bed and breakfast operation shall not become effective, and a bed and breakfast operation shall not be opened for business, until all licenses required therefore have been issued in accordance with this Code.

(Comp. Ords. 1994, § 15.818; Ord. of 12-3-2003(adopt.))

State Law reference— Bed and breakfasts considered as single-family residential structures under the state construction code, MCL 125.1504b.

Sec. 30-807. - Residential use of property; adult foster care facilities; family or group child care homes.

Notwithstanding any other provision in this chapter, the provisions of section 206 of Public Act No. 110 of 2006 (MCL 125.3206) shall apply.

Sec. 30-808. - Agricultural commercial/tourism business.

- (a) It is the intent of the township to allow, through a special land use permit, uses of a commercial/tourism nature that are complementary and accessory to the primary agricultural land use in the AG 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) 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.
 - (1) A farm's size must be adequate to accommodate any agricultural tourism use so as not to create a nuisance or hazard. Issues affected by farm size include, but are not limited to, setbacks for noise abatement, adequate off road space for a farm stand, and adequate parking for all farm activities including, but not limited to, daily operation and special events.
 - (2) Agricultural commercial/business tourism uses must meet all township zoning ordinances as well as all health, building, road, safety and other applicable local, state and federal regulations and codes.
 - (3) Agricultural operations whose gross revenues are solely or primarily derived from alcoholic products are not included under these provisions. Applicable state or local laws will apply.

- (4) Documentation that an agricultural tourism use as defined in the township ordinance is operating within these limits must be made available to the township upon request.
- (c) The following agricultural commercial/tourism businesses may be permitted after a special land use review, pursuant to article IV, special uses of this chapter provided that the agricultural heritage and rural character of the site are respected and maintained.
- (1) Cider mills or wineries selling product, in a tasting room, if at least 50 percent of the cider or wine offered for sale contains crops or produce grown on-site or in Michigan.
 - (2) Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
 - (3) The processing, storage, and retail or wholesale marketing of agricultural products into a value-added agricultural products containing agricultural products grown on site or in Michigan.
 - (4) Community supported agriculture or CSA.
 - (5) Farm markets and or u-pick operations.
 - (6) Kitchen facilities, for the processing, cooking, and/or baking of goods featuring agricultural products grown on site or in Michigan.
 - (7) Farm-to-table restaurant or café focused on products grown on site or in Michigan.
 - (8) Gift shops and markets for the sale of agricultural products and agriculturally related products. Gift shops for the sale of non-agriculturally related products, are limited to 25 percent of items offered for sale.
 - (9) Uses (1) through (8) 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 non-agriculturally related uses comprise less than 50 percent of the gross receipts from the farm.
 - a. Value-added agricultural products or activities such as educational tours of the site or processing facilities, educational classes, lectures, seminars, 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. Historical agricultural exhibits.
- (d) The following supplemental regulations are required:
- (1) Minimum lot area of ten acres without a special event facility. A minimum lot area of 50 acres is required for an agriculture commercial/tourism business with an event facility.
 - (2) All uses permitted by this section shall be accessed on any public road 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. Agricultural commercial/tourism businesses with an event facility shall be located on a paved public road.
 - (3) A 200-foot open buffer shall be provided on all sides of the property not abutting a public roadway unless it is adjacent to a natural feature such as a wetland, lake, river, or public land subject to planning commission review and approval.
- (e) The intent of this section is to provide guidelines for ancillary uses in keeping with the agricultural heritage and which preserves the rural character of the agriculture district.
- Special event facility:

- (1) The above regulations will apply including the following:
 - a. The site must include an active farm operation as defined in section 30-5.
 - b. The special event facility shall be reviewed as a site plan application.
 - c. Any outdoor dining and entertainment areas shall meet the required buffer area as defined in subsection (d)(3).
 - d. The design of structures is to be an agricultural or residential character complementary to the rural character in which it is located.
 - e. Parking areas for special event patrons must be on a surface that is flat and durable enough to withstand the event traffic. Any requirements of article V may be waived or modified through the site plan review approval, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity that would make the required standards unnecessary, inappropriate, or ineffective.
 - f. A traffic and parking management plan shall be submitted at the time the special use permit application is filed. At a minimum, such traffic and parking management plan shall include the number of vehicles anticipated, and surface parking areas to be used to accommodate the event. Traffic control and signage will be provided on site to prevent traffic hazards and nuisances internal to the site as well as ingress and egress to the event facility.
 - g. Parking for all events will be confined to the farm site. No parking of any vehicle will be permitted on a public right of way, and will be subject to removal at the cost of the vehicle owner.
 - h. Accessory uses to a special event facility may include managerial facilities, maintenance facilities, educational facilities, and a standard restaurant/cafe that may serve alcoholic beverages.
 - i. Lodging of patrons is not permitted.
- (2) *Special event performance standards.*
 - a. A special use permit shall be required for any special event where the expected number of participants is as follows:
 1. More than 200 people for sites less than 25 acres;
 2. More than 300 people for sites 25 acres or larger and smaller than 30 acres; or
 3. More than 350 people for sites 30 acres or larger.
 - b. A special event special use permit will require the following information:
 1. Description of activity or event;
 2. Number of people involved including event staff;
 3. Frequency of event or activity if more than one event is planned for the calendar year;
 4. Hours of operation for the special event;
 5. Structures to be utilized; no tents may be on the property three days before or three days after the special event.
 - c. No temporary sanitary facility shall be on the property more than three business days before or three days after the special event.
 - d. Temporary sanitary facilities or trash receptacle shall not be located within the buffer zone identified in subsection (d)(3).
 - e. Parking area shall be subject to the review and approval of the planning commission based on a standard that minimizes the effect on neighboring properties.

- f. The hours of operation for outdoor special events shall be subject to planning commission approval with consideration of the impact on the safety, health, and welfare of the district and community.
 - g. Special event management will be the sole responsibility of the property owner, manager, or leaseholder. All expenses including, but not limited to, legal expenses, emergency responder, etc., incurred will be the responsibility of the property owner, manager, leaseholder.
 - h. No amplification of sound for the event shall commence earlier than 11:00 a.m. nor extend later than 10:00 p.m.
 - i. Outdoor music events unrelated to the permitted farm special event will be subject to a special use permit approval by the planning commission and to the restrictions of subsection (e)(3) below.
 - j. Sound levels will be held to the decibel level as determined by article II.
 - k. Event staff will monitor sound levels and ensure sound level is within the ranges as designed under article II. Sound measurement data will be supplied to the township upon request.
 - l. Lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners. All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.
 - m. The name, email address, and telephone number of the person(s) responsible for the event will be provided to the zoning administrator at the time of application. Any change in the contact information will be provided to the zoning administrator no less than two weeks in advance of the event. In the event a viable contact person has not been provided, the special event permit may be subject to revocation.
- (3) All outdoor music events will comply with the special event performance standards in addition to the following supplemental standards:

Outdoor music event supplemental standards:

- a. *Setback* . The stage and sound amplification equipment shall not be oriented toward any residence located within 500 feet of the property line upon which the outdoor music event is to be held. Further, sound amplification equipment shall be oriented so that sound is directed away from the closest residential property.
- b. *Noise* . A maximum noise level determined by article II shall be measured at the boundary line of the nearest adjacent residential property and in each directional property border.
- c. All outdoor music event activity shall take place only between the hours of 11:00 a.m. and 10:00 p.m. on weekends and holidays and shall last a maximum of six hours per day. No more than one outdoor music event may be held on the property at the same time. The applicant shall provide the zoning administrator with a list of the date(s) and time(s) of the scheduled outdoor music event(s) prior to obtaining a permit. The permit holder shall annually update the information on file with the zoning administrator regarding the event date(s) and time(s), and the zoning administrator shall be notified of any change in the date(s) and time(s) of events at least ten days prior to the event.
- d. *Attendance* . Outdoor music events shall be limited to a maximum of 500.
- e. *Revocation of permit* . The zoning administrator shall have the authority to revoke an outdoor music event permit upon the violation of any of the terms and conditions of the special use permit or of the provisions of this section. Prior to taking action to revoke an outdoor music special use event permit, the zoning administrator shall have received a petition documenting the violation(s) signed by owners/occupants representing a majority (50 percent plus one) of the properties within the event notification area and a copy of the matter of record report from the responding police department, provided that no petition shall be

required whenever the zoning administrator determines that there has been a repeat violation of this section or has grounds to believe that a repeat violation has occurred within the past 12 months. Upon revocation, applicants shall not be permitted to apply for another outdoor music special use event permit for a period of one year. Revocations may be appealed to the board of zoning appeals pursuant to section 30-145 of the Sylvan Township Zoning Code of Ordinances.

- (f) The planning commission has the authority to require that a special land use permit granted for an agricultural commercial/tourism business may be reviewed annually by the planning commission at a regularly-scheduled meeting. The evaluation will review any violations of the special use permit, other zoning violations, whether the violations have been resolved or are recurring, and complaints by neighboring property owners. If violations of the special use permit continue the approvals may be revoked by the planning commission.

(Ord. of 8-12-2014; Ord. No. 15-3, § 1, 11-3-2015; Ord. No. 18-01, § 1, 6-5-2018)

Secs. 30-809—30-837. - Reserved.

ARTICLE X. - NONCONFORMITIES^[9]

Footnotes:

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

Sec. 30-838. - Purpose and general intent.

Certain existing lots, structures and uses of lots and structures were lawful before this chapter was adopted, but have become nonconformities 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. Nonconformities 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. Nonconformities are declared by this chapter to be incompatible with the structure and uses permitted in the various districts.

(Comp. Ords. 1994, § 15.841; Ord. No. 1, § 57.01, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-839. - Nonconforming lots of record.

- (a) A principal structure and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage 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 requirement other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the zoning board of appeals.
- (b) If two or more lots or combinations of lots and portions of lots are contiguous and are in single ownership and 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 individual parcel for the purposes of this chapter, and 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 below the requirements stated in this chapter.

(Comp. Ords. 1994, § 15.842; Ord. No. 1, § 57.02, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-840. - Nonconforming uses of lots.

A nonconforming use of a lot may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) The nonconforming use shall not be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this chapter and no accessory use, building or structure shall be established therewith.
- (2) The nonconforming use shall not be moved in whole or in part to any other portion of the lot which was not so occupied on the effective date of adoption or amendment of this chapter.
- (3) If the nonconforming use ceases for any reason for a period of more than 365 consecutive days, such use shall not be re-established. Subsequent use of the lot shall conform to the regulations of the district in which it is located.

(Comp. Ords. 1994, § 15.843; Ord. No. 1, § 57.03, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-841. - Nonconforming structures.

- (a) A nonconforming structure shall be a structure which was lawful on the effective date of adoption or amendment of this chapter and which does not conform to the new chapter regulations for lot area, lot area per dwelling unit, lot width, lot coverage, floor area ratio, height, transition and landscape strips, off-street parking, loading space, and yard requirements of the zoning district in which it is located.
- (b) A nonconforming structure may continue after the effective date of adoption or amendment of this chapter. 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 provisions of the district in which it is located, unless the lot is a nonconforming lot of record, in which case section 30-840 will 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 thereafter conform, after it is moved, to the regulations of the district in which it is located.
- (d) Expansion. 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 township zoning inspector 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 inspector, 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, in any zoning districts, may be expanded only after approval by the zoning board of appeals, as provided in section 30-845.
- (e) A nonconforming structure may be altered to decrease its nonconformity.

(Comp. Ords. 1994, § 15.844; Ord. No. 1, § 57.04, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-842. - Nonconforming uses of structures.

A nonconforming use may be continued subject to the following provisions:

- (1) 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 the zoning board of appeals' approval.
- (2) 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 such use shall not be extended to occupy any land outside such building.
- (3) An existing structure containing a nonconforming use shall not be enlarged, constructed, reconstructed, moved or structurally altered or extended, unless the use is changed to a use which is permitted in the district in which the structure is located.
- (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued for more than one year, the building or structure shall not thereafter be used except in conformance with regulations of the district in which it is located.
- (5) Any structure, or structure and lot in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed.

(Comp. Ords. 1994, § 15.845; Ord. No. 1, § 57.05, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-843. - Alterations and repairs.

Except as provided in sections 30-841 and 30-842, 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 this chapter 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. A nonconforming structure or portion thereof, or a structure or portion thereof which contains a nonconforming use and which has structurally deteriorated to an extent that it has been condemned by a duly authorized official, and the cost of repair to meet standards for occupancy exceeds 50 percent of the structure's replacement cost, shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

(Comp. Ords. 1994, § 15.846; Ord. No. 1, § 57.06, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-844. - Change in tenancy or ownership.

There may be a change of tenancy, ownership or management of an existing nonconformity.

(Comp. Ords. 1994, § 15.847; Ord. No. 1, § 57.07, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-845. - Expansion and substitution.

- (a) 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) The reasons for a nonconformity shall be limited to minimum lot area, lot width, required yards, off-street loading and parking requirements, and transition or landscape strip requirements. In no case shall a structure that is nonconforming because of lot coverage, floor area ratio, lot area per dwelling unit, or height requirements be permitted to expand without removing the nonconformity, except as permitted under a variance.
 - (2) The existing and proposed uses of such buildings and structures shall be permitted in the district in which they are situated.
 - (3) The proposed improvement shall conform to all requirements of the district in which it is situated.
 - (4) The board of appeals shall determine the following in approving a request:
 - a. That the retention of the nonconforming structure is reasonably necessary for the proposed improvement or that requiring removal of such structure would cause undue hardship;
 - b. That the proposed enlarged or otherwise improved nonconforming structure will not adversely affect the public health, safety and welfare; and
 - c. That the proposed improvement is reasonably necessary for continuation of the use on the lot.
 - (5) The board of appeals shall have authority to require modification of the nonconformity, where such requirement 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) All expansions permitted under this section shall meet all requirements of article II, division 2 of this chapter, if a site plan is required. The site plan may be a final site plan and shall be first reviewed by the planning commission. Upon completion of its review, the planning commission shall transmit the site plan and a summary of its review to the zoning board of appeals. The board of appeals shall then act upon the request and return the site plan and the board's findings on the request to the planning commission for its action on the site plan.
- (b) A structure which does not conform to zoning chapter regulations shall not be substituted for, or replace, any conforming or nonconforming structure.
- (c) A nonconforming use of a structure may be substituted for another nonconforming use upon permission of the board of appeals, provided that no structural alterations are made, and provided further, the board of appeals finds that such other nonconforming use is more appropriate than the existing nonconforming use in the district in which it is located. The board of appeals may require appropriate conditions and safeguards in accordance with the intent of this chapter. A nonconforming use, when superseded by a more appropriate use as provided in this subsection, shall not thereafter be resumed.

(Comp. Ords. 1994, § 15.848; Ord. No. 1, § 57.08, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-846. - 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.).

(Comp. Ords. 1994, § 15.849; Ord. No. 1, § 57.09, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-847. - Nonconforming extraction operations.

- (a) A nonconforming extraction operation may be extended subject to the following provisions:
- (1) Extraction may be extended within the proxy based upon the property lines of record at the time this chapter was adopted or amended, provided, however, that such extension shall not cross a public road.
 - (2) All extensions to be commenced following the effective date of adoption or amendment of this chapter shall first comply with all provisions of this section and section 30-797.
 - (3) Any extension of operations shall not exceed the depth of extraction existing at the effective date of adoption or amendment of this chapter, unless extraction to a greater depth is specifically approved by the township planning commission. An increase in the depth of extraction shall not adversely affect the water table level in the vicinity, shall not result in pollution of subsurface water or otherwise affect water supplies in the vicinity; and shall not create unstable soil conditions, health or safety hazards.
 - (4) Plans for the extension of operations and restoration of the site shall be filed with the township planning commission.
- (b) If a nonconforming extraction operation ceases for a period of two or more consecutive calendar years, the extraction operation shall not be resumed and the subsequent use of the lot shall thereafter conform to the regulations of the district in which it is located.
- (c) The equipment and processes of a nonconforming extraction operation may be upgraded periodically in order to maintain the operation in a modern condition and in order to meet contemporary environmental and pollution control standards. Such changes shall be permitted, even if they will result in an increase in production, provided the following conditions are met:
- (1) The changes in equipment and processes shall not have the effect of changing the nature or character of the operation into a use prohibited in the district in which it is located.
 - (2) The noise, dust, odors, and other objectionable attributes of the operation shall not be increased beyond the levels existing at the effective date of the ordinance from which this chapter is derived or of any amendment of this chapter.
 - (3) The owner of the extraction operation shall notify the township planning commission in writing of each change prior to the installation of such change.
 - (4) Building permits for any structure shall be obtained prior to installation or construction.

(Comp. Ords. 1994, § 15.850; Ord. No. 1, § 57.10, 8-19-1974; Ord. of 5-15-1980)