

Sumpter Township  
Zoning Ordinance

2013



# Sumpter Township Zoning Ordinance

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**TOWNSHIP OF SUMPTER**  
**WAYNE COUNTY, MICHIGAN**

**APPENDIX A**

THE TOWNSHIP OF SUMPTER ORDAINS:

**ARTICLE 1**  
**TITLE, PURPOSE, SCOPE, CONSTRUCTION,**  
**VALIDITY, SEVERABILITY, CONFLICT AND VESTED RIGHT**

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**Section 1.1**            **Title.**

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

**Section 1.2**            **Purpose.**

The purpose of this Ordinance is to promote, protect, regulate, restrict and provide for the use of land and buildings within the Township of Sumpter in accordance with P.A. 110 of 2006, as amended; to meet the needs of the state's residents for places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

The Township is divided into districts which include regulations designating land uses or activities that shall be permitted or subjected to special regulations.

It is also the purpose of this Ordinance to provide for the establishment of a Board of Appeals and its powers and duties; to provide for the administration and enforcement hereof and for penalties for its violation; and to provide for the repeal of any and all ordinances inconsistent herewith.

**Section 1.3 Scope and Construction of Regulations.**

- (a) This Ordinance shall be liberally construed in such manner as to best implement its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
- (b) No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no new use or change shall be made of any building, structure or land, or part thereof, except as permitted by the provisions of this Ordinance.
- (c) Where a condition imposed by a provision of this Ordinance upon the use of any lot, building, or structure is conflicting with a condition imposed by any other provision of this Ordinance, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive shall govern.
- (d) Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

**Section 1.4 Validity and Severability Clause.**

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

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

**Section 1.5 Conflict with Other Laws, Regulations, and Agreements.**

Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable conditions imposed by any other provision of this Ordinance or by the provision of any Ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

This Ordinance is not intended to modify or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

**Section 1.6**                    **Vested Right.**

It is hereby expressly declared that nothing in this Ordinance be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege or permit.



## ARTICLE 2

### DEFINITIONS AND RULES APPLYING TO TEXT

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#### Section 2.1 Construction of Language and Rules Applying to Text.

This Ordinance shall be liberally construed in such a manner as to best achieve its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, or by the provision of an Ordinance adopted under any other law, the provision that is more restrictive or which imposes a higher standard or requirement shall govern.

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

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Words used in the present tense shall include the future, words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (e) The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (f) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

#### Section 2.2 Definitions.

For the purpose of this Ordinance, certain words and terms are herewith defined.

**Accessory Building or Structure.** A detached or attached subordinate building or structure located on the same lot as an existing principal building, the use of which is clearly incidental or

secondary to that of the principal building including, but not limited to a private garage, carport/cover or implement shed.

**Accessory Use.** A use or activity normally and naturally incidental to, subordinate to, and related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; including, but not limited to garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

**Adult Day-Care Facility.**

- (1) *Adult Family Day-Care Home.* A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (2) *Adult Group Day-Care Home.* A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (3) *Adult Day-Care Center.* A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

**Adult Foster Care Facility.** A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this Ordinance:

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

**Adult Regulated Uses.** Includes all of the following:

- (1) *Adult Book or Supply Store.* An establishment having twenty percent (20) or more of its stock-in-trade or its sales devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- (2) *Adult Cabaret.* An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.
- (3) *Adult Motion Picture Theater.* An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

- (4) *Adult Motion Picture Theater, Adult Live Stage Performing Theater.* An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.
- (5) *Adult Physical Culture Establishment.* An "Adult Physical Culture Establishment" is any establishment club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:
- A. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
  - B. Electrolysis treatment by a licensed operator of electrolysis equipment;
  - C. Continuing instruction in material or performing arts or in organized athletic activities,
  - D. Hospitals, nursing homes, medical clinics or medical offices; and
  - E. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.
- (6) *Body-Piercing.* Body-piercing means the perforation of human tissue other than an ear for a non-medical purpose.
- (7) *Body-Piercing Establishment.* An establishment where the perforation of human tissue other than an ear for a non-medical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.
- (8) *Brand or Branding.* The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.
- (9) *Burlesque Show.* An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where beer or intoxicating liquors are not sold on the premises.



- (10) *Escort Agency.* Any business, agency, or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- (11) *Nude Modeling Studio.* An establishment used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph or draw.
- (12) *Specified Anatomical Areas.* Specified anatomical areas means and includes any one (1) or more of the following: (a) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (13) *Specified Sexual Activities.* Specified sexual activities means and includes any one (1) or more of the following: (a) the fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (b) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy; (c) human masturbation, actual or simulated; (d) human excretory functions as part of, or as related to, any one of the activities described above, and (e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.
- (14) *Tattoo Parlor.* An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.
- (15) *Tattoo, Tattooed, Tattooing.* Any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

**Agricultural Land.** Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees and other similar uses and activities.

**Aircraft.** As defined in the Michigan Aeronautics Code, any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air.

**Airfield.** The landing field of an airport.

**Airport.** As defined in the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code, any location, either on land or water, which is used for the landing and take-off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established.

**Airstrip.** The runway without normal airport facilities.

**Alley.** A public or legally-established private right-of-way primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.

**Alteration.** Any modification, addition, or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building, whether by increasing the height or extension or diminution; or the moving of a building from one location to another.

**Animals.**

- (1) *Class I Animal.* Domesticated animals which are not Class II, III, or IV, or Class V animals and which are customarily considered household pets.
- (2) *Class II Animal.* An animal which is normally part of the livestock maintained on a farm, including:
  - A. bovine and like animals, including, but not limited to the cow, buffalo, elk, llama, and alpaca;
  - B. equine and like animals, including, but not limited to the horse;
  - C. swine and like animals, including, but not limited to the hog which are in excess of six (6) months in age;
  - D. bovine and like animals, including, but not limited to the sheep and goat;
  - E. other animals weighing in excess of seventy-five (75) pounds and not otherwise specifically included in Class II including, but not limited to the ostrich and the emu.
- (3) *Class III Animal.* Rabbits which are not maintained or kept as domesticated household pets, animals considered as poultry, and other animals weighing less than seventy-five (75) pounds not specifically treated herein.
- (4) *Class IV Animal.* Wild or undomesticated animals which are not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of

this or any other country. Such animals would generally weigh less than one hundred (100) pounds and would not cause a reasonable person to be fearful of bodily harm or property damage.

- (5) *Class V Animal.* Dangerous wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals would cause a reasonable person to be fearful of bodily harm or property damage.

**Animal Rescue or Shelter.** A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

**Apartment.** A dwelling unit within a multiple-family residential dwelling (see Dwelling, Multiple Family).

**Appeal.** An entreaty or demand for a hearing and/or review of facts and/or actions.

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

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

**Artisan Market.** The sale of professional or amateur art work/crafts, including, but not limited to paintings, sculptures, metalworks, jewelry, furniture, photographs, clothing and seasonal products.

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

**Automobile Dealer.** A building or premises used primarily for the sale of new or used automobiles, not including farm equipment and recreational vehicles.

**Automobile Repair Shop or Garage.** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, including, but not limited to body, frame, or fender straightening and repair, overall painting, and vehicle rust proofing.

**Automobile Service Station.** 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 sale of accessories and services, including, but not limited to: polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including body work, painting, or refinishing thereof. In addition to automobile service, towing, convenience stores and carry out restaurants may be included.

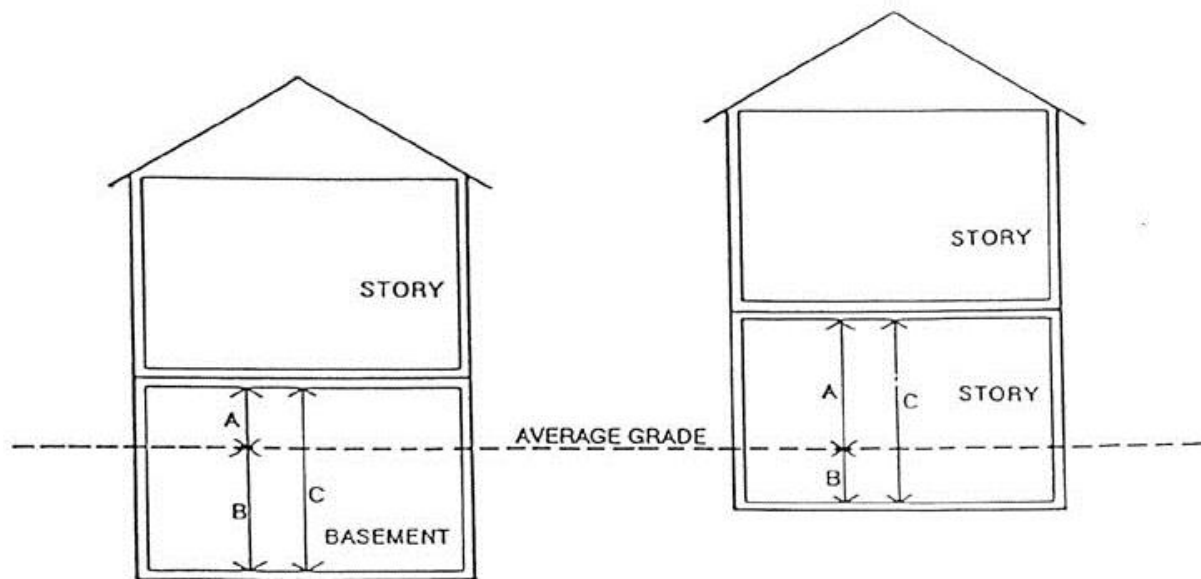
**Automobile Washes or Car Wash Establishment.** A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

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

**Barn.** A building for the storage of farm products, for feed, or for the housing of farm animals or farm equipment.

**Barrier.** A natural or artificial separation, such as a lake, river, canal, railroad embankment, or levee.

**Basement.** That portion of a building having more than one-half ( $1/2$ ) of its height below finished grade.



If the average of A is equal to or less than  $1/2$  of B then C is a basement.

If the average of A is greater than  $1/2$  of B then C is a story.

**Basin.**

- (1) *Detention.* A basin wherein water is stored for a relatively brief period of time, part of its being retained until the outlet can safely carry the ordinary flow plus the released water. Some basins have outlets usually without control gates, and are used for flood regulation.
- (2) *Retention.* A basin wherein water is stored for a period of time until the outlet can safely carry the released water. Such basins have control gates which can be released at a given time. This type of basin is used for flood regulation.

**Bed and Breakfast Operations.** A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

**Bedroom.** A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes by human beings.

**Block.** The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development.

**Boarding House.** A building other than a hotel or motel, where for compensation and by prearrangement for a definite period, lodging or lodging and meals are provided for three (3) but not more than twenty (20) persons. A rooming house shall be deemed a boarding house for this Ordinance.

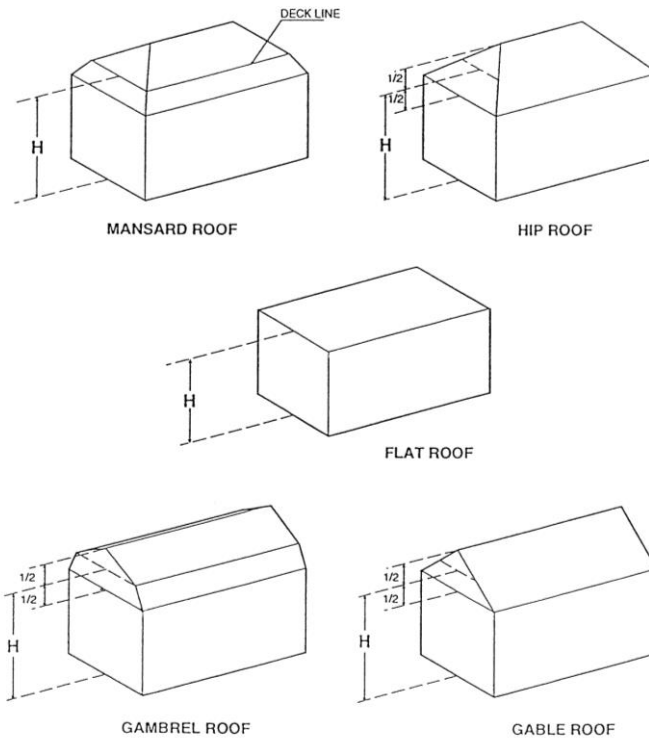
**Breezeway.** Any covered passageway with open sides between two (2) buildings.

**Building.** A structure having a roof supported by columns or walls.

**Building Code.** The currently adopted code or codes regulating building construction in the Charter Township of Sumpter.

**Building, Farm.** Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.

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

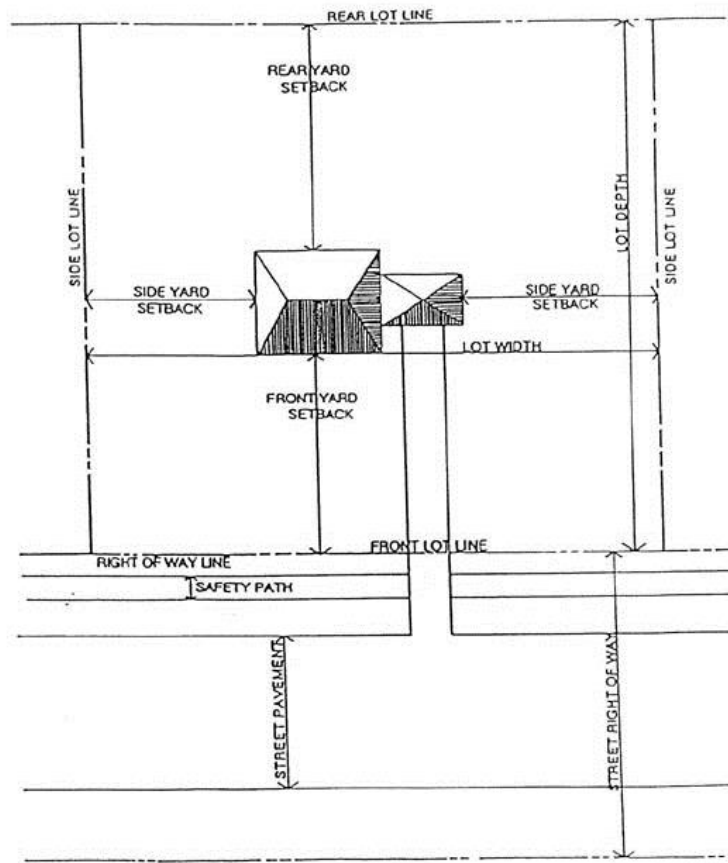


**Building Inspector.** The person(s) designated by the Township Board to enforce the Building Code.

**Building Official.** The officer or other designated authority charged with the administration and enforcement of the Building Code, or a duly authorized representative.

**Building Permit.** The permit is a written authority issued by the Building Official permitting the construction, removal, moving, alteration or use of a building, fence, or sign in conformity with the provisions of this Ordinance. The permit is also an official finding that the intended activity as described in the formal permit application complies with the requirements of the Ordinance and meets the special conditions of a variance or special use permit. A permit shall be required for the following activities: excavations, improvements to any building or structure, grading, leveling or contouring of land, change of use, signage, construction of a parking lot, construction of a new building or structure, the construction, erection or moving of a temporary dwelling, the erection of any temporary construction building, the establishment of mobile home sales, landfill operations, any activity within a wetland area.

**Building Setback Line.** The line established by the minimum required setbacks forming the area within a lot in which a building may be located.



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

**Certificate of Occupancy.** An official certification that the intended use of structure, as-built, conforms to the provisions and requirements of this Ordinance and all other pertinent Township Ordinances, and that it also meets any special conditions of a variance or special use permit and may be occupied or used in its intended manner. Unless such certificate is issued, a structure shall not be occupied or used.

**Child Day-Care Facilities.** The following definitions shall apply in the construction and application of this Ordinance:

- (1) *Child Family Day-Care Home.* A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

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

**Child Foster Family Facilities.** Means the following:

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

**Church.** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, along with all accessory buildings and uses customarily associated with such primary use.

**Clinic, Medical.** A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional; including, but not limited to, a physician, dentist, or the like, except that the patients are not lodged therein overnight.

**Club or Lodge.** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

**Cluster Housing.** The transfer of a residential unit density from one (1) portion of a parcel to another portion of the same parcel that may allow the clustering of residential units to preserve land for natural feature conservation. Such transfers will not be combined with any other parcel to satisfy other zoning density requirements.



**Commercial Recreation.** A recreational type of business that is primarily operated for profit and that can be subdivided into either indoor or outdoor types, including, but not limited to an indoor or outdoor golf driving range.

**Commercial Use.** The use of property concerning the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal service.

**Community Wastewater Utility System or Systems (CWUS).** A facility which is owned by a non-governmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one (1) dwelling unit or structure. The system shall include any individual septic tanks, pumps, lines, and appurtenances serving each dwelling unit or structure in addition to facilities, sewers, and appurtenances that serve more than one (1) dwelling unit or structure.

**Condominium.** A building or lot governed under Act 59, Public Acts of 1978, as amended. The following condominium terms shall apply in the application of this Ordinance:

- (1) *Condominium Documents.* 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.
- (2) *Condominium Lot.* 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.
- (3) *Condominium Subdivision Plan.* The drawings and information prepared in accordance with Section 66 of the Condominium Act.
- (4) *Condominium Unit.* The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- (5) *Consolidating Master Deed.* 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.
- (6) *Contractible Condominium.* A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.
- (7) *Expandable Condominium.* A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

- (8) *General Common Elements.* A portion of the comment elements reserved in the master deed for the use of all of the co-owners.
- (9) *Limited Common Elements.* A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (10) *Master Deed.* The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
- (11) *Notice of Proposed Action.* The notice required by Section 71 of the Condominium Act, to be filed with the Charter Township of Sumpter and other agencies.
- (12) *Site Condominium.* A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

**Confined Animal Feedlot.** Any parcel of land or premises on which the principle use the concentrated feeding of livestock (includes beef and dairy cattle, goats, hogs, poultry, sheep) within a confined area.

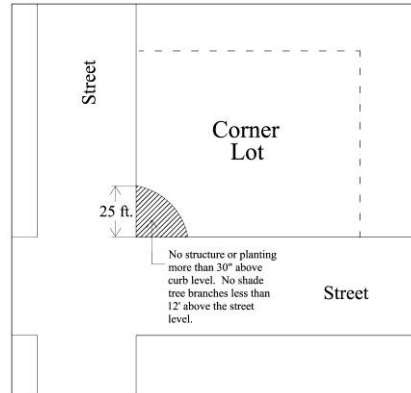
**Construction.** Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private right-of-way, structures, utilities or similar property.

**Container Warehouse.** The storage of pre-packed containers which are only accessible upon on-site delivery and do not include shipping containers.

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

**Convenience Grocery Store.** A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

**Corner Clear Zone.** The portion of a corner lot which shall be maintained free of any structures, grade change (i.e. berm) or plantings to ensure sufficient visibility for motor vehicles (see Section 5.18, Visibility at Intersections).



**County Road, Gravel.** Any gravel road which has been dedicated to and accepted for maintenance by the Wayne County Road Commission, the State of Michigan or the federal government, but which is subject to Township approval.

**County Road, Paved.** Any paved road which has been dedicated to and accepted for maintenance by the Wayne County Road Commission, the State of Michigan or the federal government, but which is subject to Township approval.

**Depth-to-Width Ratio.** The ratio of the lot depth to the lot width.

**Detached.** A self contained and enclosed building which does not depend on shared or common walls with adjacent building or buildings.

**Development.** The construction of a new use or building, or other structure on a lot or parcel, the relocation of an existing use or building on another lot or parcel, or the use of acreage or open land for the new use or building.

**Drive-In Business.** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions and is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons while in said vehicle.

**Driveway.** A paved or unpaved road intended for vehicular access to an individual lot. A circular and/or continuous drive with up to two (2) access points shall be considered a single driveway.

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

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

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

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

**Dwelling.** A dwelling is a building used exclusively as a residence by not more than one (1) family but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent or other portable building is considered a dwelling.

**Dwelling, Farm.** A dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

**Dwelling, Multiple-Family.** A building consisting of three (3) or more dwelling units.

**Dwelling, Single-Family, Attached.** A single-family dwelling designed as a part of a series of three (3) or more dwellings, all of which are either attached to adjacent dwellings or dwellings by common, separating walls or located immediately adjacent thereto with no visible separation between walls and roofs.

**Dwelling, Single-Family, Detached.** A building designed and arranged to provide living, cooking, and kitchen accommodations for one (1) family only.

**Dwelling, Two-Family.** A building consisting of two (2) dwelling units.

**Dwelling Unit.** One (1) or more rooms with kitchen and sanitary facilities designed as a unit for occupancy by not more than one (1) family for cooking, living and sleeping purposes.

**Easement.** A grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a "public" or "private" easement depending on the nature of the use.

**Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for occupancy for living, cooking and sleeping purposes and having no separate, designated bedroom.

**Emergency Vehicle, Machinery or Alarm.** Any machinery, vehicle or alarm used, employed, performed or operated in an effort to protect or restore safe conditions in the community or for the citizenry or work by private or public utilities when restoring utility service.

**Emergency Work.** Any work performed for the purpose of preventing or alleviating the

physical trauma or property damage threatened or caused by an emergency or work by private or public utilities when restoring utility services.

**Erected.** Build, construct, alter, reconstruct, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

**Essential Services.** Services and utilities needed for the health, safety, and general welfare of the community, including, but not limited to underground, surface, or overhead electrical, gas, telephone, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

**Excavation.** The removal of fifty (50) cubic yards of rock, gravel, sand, topsoil or earth in any calendar year for disposition away from the premises except when said activity occurs concerning the construction of a building or within public highway rights-of-way.

**Extractive Operation.** Premises from which any rock, gravel, sand, topsoil or earth in excess of five hundred (500) 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.

**FAA.** Federal Aviation Administration.

**FCC.** Federal Communications Commission.

**Family.** A family shall be defined by one (1) of the following:

- (1) One (1) or more persons related by blood, marriage, adoption, or guardianship, plus not more than two (2) persons not so related, who are either domestic employees, caregivers, including, but not limited to a nurse, nanny, or physical therapist, or persons who occupy rooms for which compensation may or may not be paid, living together as a single housekeeping unit.
- (2) Two (2) persons and their children by natural birth or adoption, plus not more than two (2) persons not so related, who are either domestic employees, care givers, including, but not limited to a nurse, nanny or physical therapist, or persons who occupy rooms for which compensation may or may not be paid.
- (3) A functional family living together as a single housekeeping unit.

**Family, Functional.** A group of no more than four (4) persons, plus their minor children, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. A functional family shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals, exceeding four (4)

persons in number, where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

**Family, Immediate.** An immediate relative related by blood, marriage, adoption or guardianship, including a parent, child, grandparent or grandchild.

**Farm.** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

**Farm Dwelling.** A residential dwelling unit solely for farm workers which shall be occupied by persons or families, at least one of whom derives substantial income from agricultural and/or floricultural work and work incidental thereto.

**Farm Pond.** An excavation of more than fifty (50) cubic yards of sand, gravel or other soil materials for the purpose of creating a small pond or lake upon the premises. None of the excavated materials shall be transported off the premises and shall be spread around the pond in an acceptable manner.

**Farm Structure.** A structure other than a dwelling that is moved, upon, maintained, used, or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

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

**Farmers Market.** The seasonal or year round sale of such locally grown products as fruits, vegetables and plants, farm products including, but not limited to honey, eggs and milk, and homemade foods including, but not limited to jams, jellies, pies and breads.

**Farm Operation.** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the production, harvesting, and storage of farm products, and includes, but is not limited to:

- (1) Marketing produce at roadside stands or farm markets.
- (2) The generation of noise, odors, dust, fumes, and other associated conditions.
- (3) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- (4) Field preparation and ground and aerial seeding and spraying.

- (5) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- (6) Use of alternative pest management techniques.
- (7) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- (8) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- (9) The conversion from a farm operation activity to other farm operation activities.
- (10) The employment and use of labor.

**Farm Product.** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

**Farm Structures.** Any structure other than a dwelling that is moved upon maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

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

**Fence.** A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure.

**Filling.** The depositing or dumping of any matter onto or into the ground, except common household grading and general farm care.

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

**Flea Market.** An outdoor facility for the sale, barter, trade of exchange of goods.

**Flood Insurance Study.** The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

**Floodplain.** That portion of land adjacent to or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100) year flood cycle as determined by the U.S. Army Corps of Engineers or other applicable federal agency.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study that must be reserved in order to discharge the base flood.

**Floor Area.** For the purpose of computing, the minimum allowable floor area in a residential dwelling unit, which is the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, non-habitable attached accessory buildings (garages), breezeways and enclosed and unenclosed porches.

**Floor Area, Gross (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (1/2) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

**Floor Area, Usable (UFA).** The measurement of usable floor area shall be as follows:

- (1) *Nonresidential.* The measurement of usable floor area for nonresidential uses shall be the sum of the area of the first floor, as measured by the exterior face of the exterior walls plus that area similarly measured, of all other stories that are accessible by the fixed stairway, ramp, escalator or elevator, which may be made fit for use, the measurement shall include the floor area of all accessory buildings measured similarly.
- (2) *Residential.* The measurement of usable floor area for residential uses shall be the sum of the area of the first floor, as measured by the exterior face of the exterior walls plus the area, similarly measured, of all other stories having more than ninety (90) inches of headroom, that are accessible by the fixed stairway and which may be usable for human habitation, but excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways and unenclosed porches.

**Freeway.** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation.



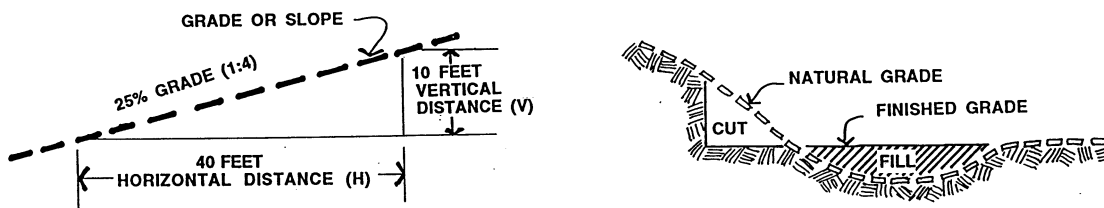
**Garage.** A non-habitable attached or detached accessory building which is designed for the storage of private automobiles, materials, tools or other equipment necessary to maintain the property.

**Garage, Commercial.** Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

**Garage, Private.** A building suitable for the storage of motor vehicles for the use solely of the owner or occupant of the principle building on a lot, family or domestic employees, and with capacity of not more than three (3) motor vehicles.

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

**Grade.** The degree of rise or descent of a sloping surface.



**Grade, Finished.** The final elevation of the ground surface after development.

**Grade, Natural.** The elevation of the ground surface in its natural state, before man-made alternations.

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

**Habitable Space.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

**Hazardous Substances.** Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of

Natural Resources. Petroleum products and waste oil are subject to regulation under this Ordinance are also hazardous substances.

**Height.** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

**Historical Building, Site or Area.** Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the Township by preserving or allowing a structure or use which reflects elements of the community's cultural, social, economic, political, or architectural history; (b) stabilize and improve property values in the area; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

**Home Business.** An occupation, profession, activity, or use that is clearly incidental and secondary but integrated into a dwelling unit. The business may also employ non-residents of the home.

**Home Improvement Center.** A facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, including, but not limited to tools, builder's hardware, paint and glass, house wares and household appliances, garden supplies and cutlery.

**Home Occupation.** An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

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

**Hotel or Motel.** A building or group of buildings in which lodging is provided to the transient public.

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

**Junk Yard.** A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials including, but not limited to old iron or 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, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage or salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

**Kennel, Commercial.** A primary business of which the main enterprise is the boarding, training and/or grooming of domestic dogs in any number and age.

**Kennel, Private.** Any lot or premises on which four (4) or more domestic dogs, more than six (6) months in age are housed, groomed, bred, trained and/or sold as a hobby.

**Laboratory.** A place in which the principal use is devoted to experimental, routine, or basic study including, but not limited to testing and analytical operations.

**Lake.** A body of water having a surface area of five (5) acres or more as measured from the ordinary high water mark.

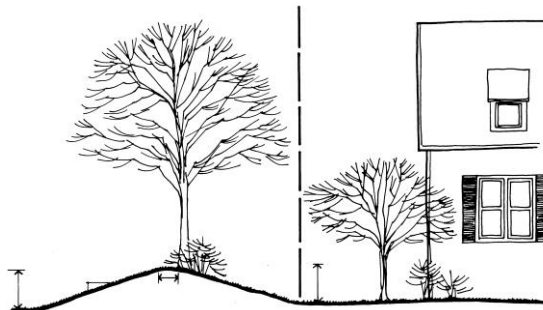
**Landfill.** Any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse.

**Landing Field.** A field where aircraft may land and take off.

**Landing Strip.** An airstrip.

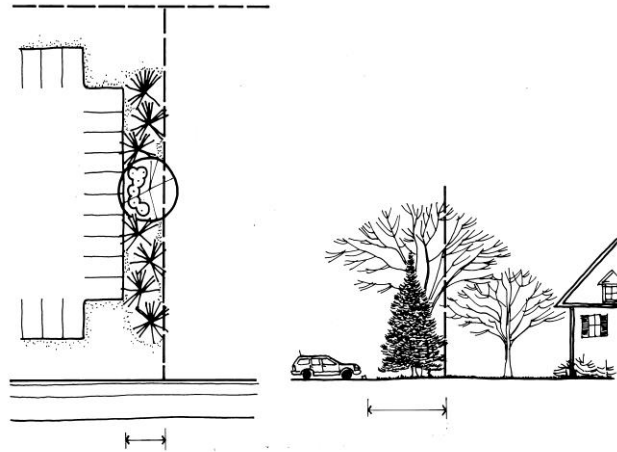
**Landscaping.** The following definitions shall apply in the application of this Ordinance:

- (1) *Berm.* A landscaped mound of earth which blends with the surrounding terrain.



- (2) *Buffer.* A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
- (3) *Conflicting non-residential land use.* Any non-residential use, including, but not limited to office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.

- (4) *Conflicting residential use.* Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.
- (5) *Greenbelt.* A landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.



- (6) *Ground cover.* Low growing shrubs, woody vegetation, wildflowers, and other small herbaceous plants.
- (7) *Opacity.* The state of being impervious to sight.
- (8) *Plant material.* A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

**Live/Work Unit.** A structure which is principally used for commercial purposes with living space physically integrated into the structure and neither space being separately rented, leased or sold.

**Living Area.** The total habitable square footage as defined by the Building Official. The exterior dimensions or “footprint” of the residential dwelling excluding any attached accessory structures or building area.

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

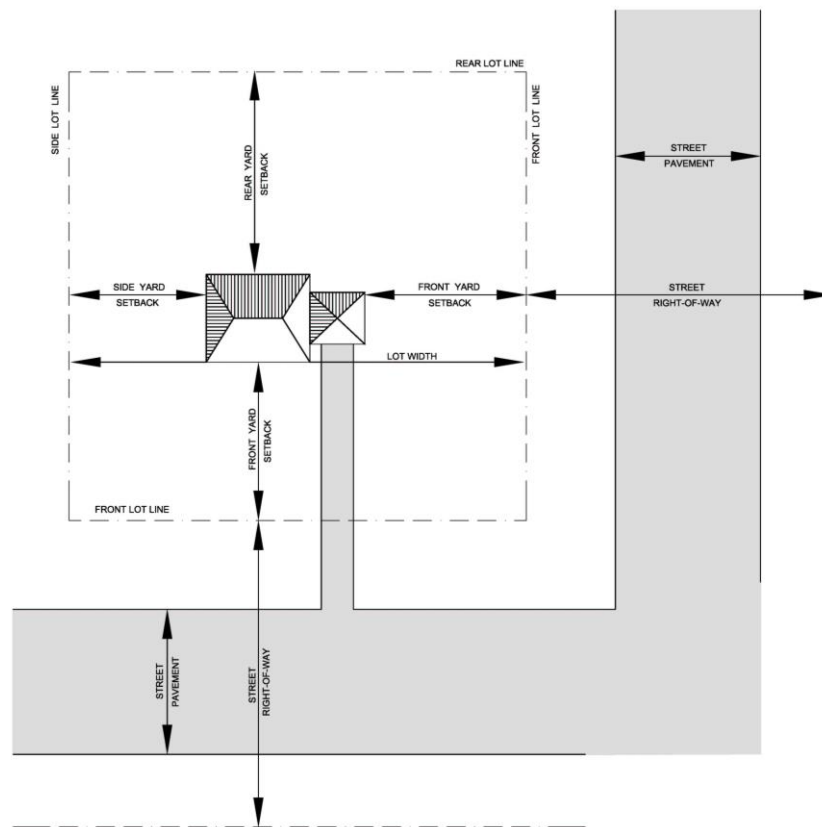
**Lot.** A lot is a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) Any combination of complete and/or portions of lots of record;
- (4) A parcel of land described by metes and bounds.

**Lot Area, Gross.** The net lot area plus any public road right-of-way or private road easement contained within the property boundary.

**Lot Area, Net.** The total horizontal area within the lot lines of the lot, exclusive of any public road rights-of-way or private road easements. Net lot area shall be used to determine compliance with minimum lot area requirements.

**Lot, Corner.** A lot with frontage on two (2) intersecting streets.

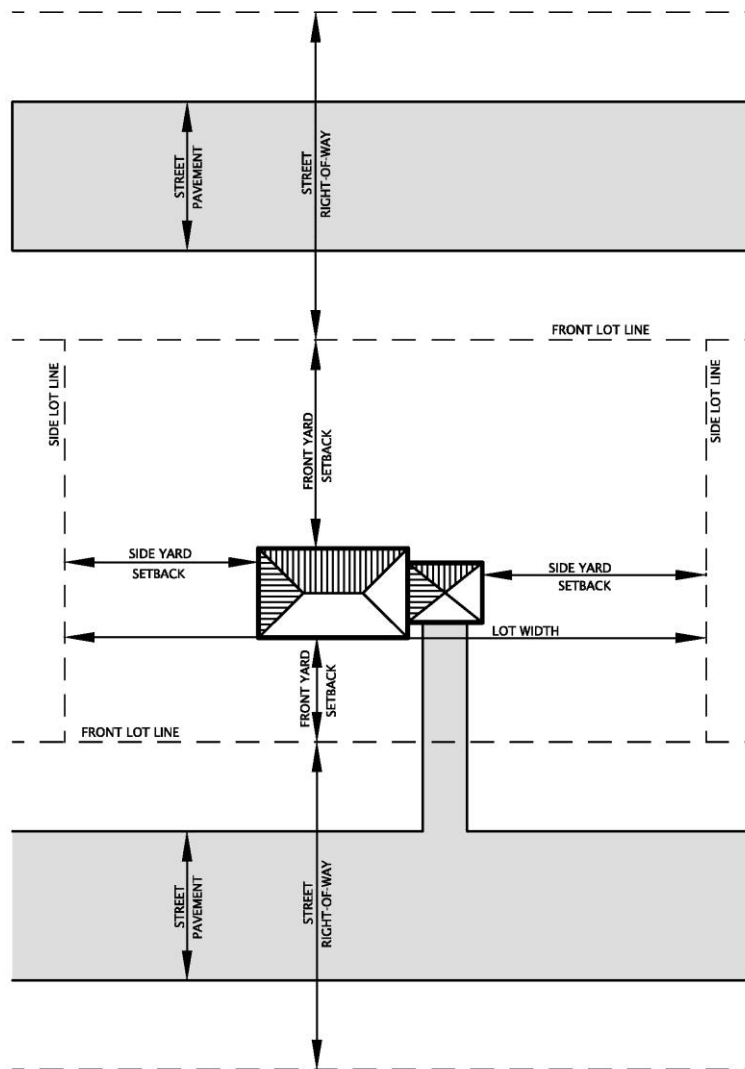


**Lot Coverage.** That part or percentage of the lot occupied by buildings, including attached and detached accessory buildings.

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

**Lot, Interior.** An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

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



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

**Lot Line, Front.** In case of an interior lot, the lot line separating said lot from the street or private road.

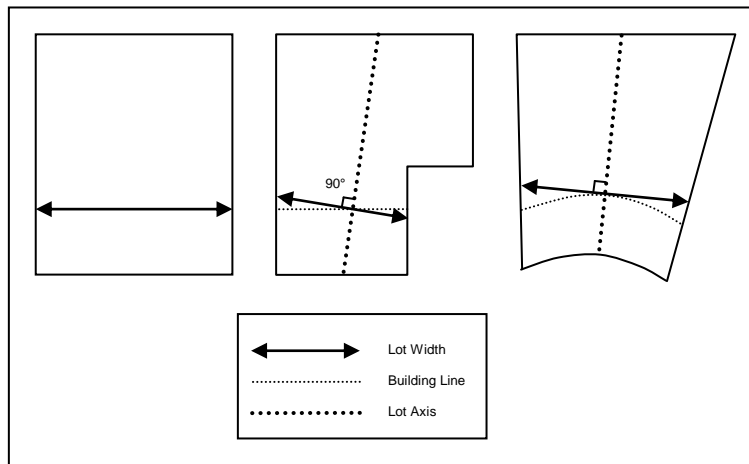
**Lot Line, Rear.** The lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, such lot line shall be an imaginary line parallel to the front lot line but not less than ten (10) feet long and measured wholly within said lot.

**Lot Line, Side (Interior or Exterior).** Any lot line which is not a front lot line or a rear lot line. A lot line separating a lot line from the side street is an exterior side lot line while a lot line separating a lot from another lot, or lots, is an interior side lot line.

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

**Lot, Waterfront.** Any lot which abuts and faces onto a lake, river or similar body of water (natural or man-made).

**Lot, Width.** The horizontal distance between the side lot lines measured at the two (2) points where the required front yard setback line intersects the side lot lines. Where the side lot lines are not parallel, lot width shall be the length of a straight line perpendicular to the lot axis, measured where the lot axis crosses the building line. The lot axis shall be a straight line, located within the lot lines of the lot, joining the midpoints of the front and rear lot lines.



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

**Lumber Yard.** A building, structure, or area used for the storage of or the sawing or planing wood into beams, planks or boards of convenient size that are for sale with other related retail items and services for construction purposes. May include facilities for kiln drying of lumber.

**Manufactured Housing Unit or Mobile Home.** A dwelling unit manufactured in one (1) or more sections, designed for year-round, temporary or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed manufactured housing community or mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD) or the American National Standards Institute (ANSI), if built prior to 1976, and installed in accordance with this Ordinance and the State Construction Code. Such dwellings do not include recreational vehicles including, but not limited to travel trailers, motor coaches, campers and the like.

**Manufactured Housing Community or Mobile Home Park.** A specifically designated parcel of land constructed and designed to accommodate three (3) or more manufactured housing units for residential dwelling use, and licensed by the State of Michigan in accordance with Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.), the Mobile Home Commission Act.

**Master Land Use Plan.** The plan prepared and adopted by the Township Planning Commission in accordance with Public Act 168 of 1959 relative to the agreed upon desirable physical land use pattern for future Township development. The Plan consists of a series of maps, plans, charts, and written material, representing in summary form, the soundest planning direction to the Township as to how it should grow in order to realize the very best community living environment in the Township.

**Master Right-of-Way Plan.** The right-of-way and/or thoroughfare plan officially adopted by the Township, the County of Wayne and/or the Inter-County Highway Commission.

**Material.** Soil, sand, gravel, clay, peat, mud, debris, and refuse, or any other organic or inorganic substance.

**Mezzanine.** See Story, Mezzanine.

**Modular Home.** A structure, transportable in one (1) or more sections and is not built on a permanent chassis and is designed to be a dwelling with a permanent foundation connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein.

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

**Non-Conforming Building or Structure.** A nonconforming building or structure is a complete building or structure or portion thereof lawfully existing at the effective date of this Ordinance, or



subsequent amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

**Non-Conforming Use.** A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

**Non-Habitable.** A building or a portion of a building which cannot be defined as a dwelling unit whether attached or detached from the main building.

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

**Occupied.** The use of any structure, parcel or property for human endeavor, but not including the preparation of any structure of land for occupancy.

**Off-Street Parking Area.** 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 (2) automobiles.

**Open Air Business Use.** A business use operated for profit, substantially in the open air, usually without buildings or structures, including uses including, but not limited to the following:

- (1) Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- (2) Outdoor display and sales or garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- (3) Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- (4) Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

**Open Front Store.** A business establishment other than a restaurant, bank, automobile service or repair station, so developed that service to the patrons may be extended beyond the walls of the building, not requiring the patrons to enter said building.

**Open Space.** Any land area suitable for growing vegetation, recreation, gardens or household service activities, including, but not limited to, clothes drying, but not occupied by any buildings or other structures, except as provided in this Ordinance.

**Open Space Use.** Any principal or accessory use of a lot or parcel not involving the use of buildings or structures which are required to meet the Township Construction Code or any construction requirement of the County or Township Ordinances, Rules or Regulations, except as provided in this Ordinance.

**Open Storage.** A land area occupied and used for outdoor storage of building materials, sand gravel, stone, lumber, equipment and other supplies.

**Ordinary High Water Mark.** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is distinguished from the upland as evidenced in the soil, the configuration of the surface of the soil and vegetation.

**Outdoor Wood, Corn, Pellet-fired, Cherry pits, or Coal Broiler or Furnace.** A fuel burning device designed:

- (1) To burn primarily wood, corn, or pellets by hand-firing.
- (2) Not to be located inside structures ordinarily occupied by humans.
- (3) To heat spaces or water by the distribution through pipes of a fluid heated in the device, typically water.

Examples of common uses of outdoor wood-fired boilers include residential or commercial space heating, heating of domestic hot water, and heating of water for swimming pools, hot tubs, or whirlpool baths.

**Parcel.** A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder. This includes a lot, lot of record, or a piece of land created through other methods.

**Park, Private.** A parcel of land used by a limited group of people, an organization, or an institution for recreational purposes which may include, but not be limited to such uses as pools, playgrounds, picnic areas, camping grounds, nature trails, driving ranges, etc.

**Park, Public.** A parcel of land use for recreation purposes by the community-at-large, which may include similar activities as outlined under “Private Parks”.

**Parking Space.** One (1) unit of a parking area provided for the parking of one (1) vehicle, and shall be exclusive of driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

**Parking Structure.** An area utilized for the off-street parking of automobiles which is constructed according to the standards of this or other Township ordinances and which may be two (2) or more stories in height.

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

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

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

**Person.** Person shall include any individual, firm, association, partnership, joint venture, corporation, limited liability company or other entity.

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

**Pet.** Shall mean only such animals as may commonly be housed within domestic living quarters.

**Planned Unit Development.** A land area of at least fifteen (15) acres having both building sites and open spaces including, but not limited to parks held in common ownership and which is developed by one proprietor as a separate neighborhood.

**Planning Commission.** An appointed Commission empowered to help administer the provisions of this Ordinance.

**Plat.** A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Subdivision Control Act and the Subdivision regulations of the Township.

**Plant Nursery.** A lot and/or structure or combination thereof for the growing, storage, wholesale sale, or retail sale, of live trees, shrubs, and plants, and including as incidental sales,

the sale of products used for gardening or landscaping. This definition of nursery does not include a roadside or temporary sales facility for Christmas trees.

**Playground.** An area of landscaped open space equipped with children's play equipment including, but not limited to slides, swings, wading pools or similar equipment and game areas.

**Pollutant Incident Prevention Plan (PIPP).** A report filed with the Township Fire Chief and the Wayne County Health Department which lists all hazardous substances manufactured, stored or sold on a premises, the best management practices used to store such substances, and a plan to manage the storage and proper containment of such substances to prevent leakage.

**Pond.** Any excavation, or the alternating of a watercourse by damming or excavation, or combination thereof, for the purpose of creating thereby a body of water greater than fifty (50) square feet in area, and eighteen (18) inches in depth, except for detention or retention basins.

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

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

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

**Practical Difficulties.** See "Zoning Variance".

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

**Principal Building or Structure.** The main building or structure in which the primary use is conducted.

**Principal Use.** The primary, or chief purpose for which a lot is used.

**Property Line.** The imaginary line which represents the legal limits of property, including an apartment, condominium, room or other dwelling unit, owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the "property line" shall be the nearest boundary of the public right-of-way.

**Protective Barrier.** A structure composed of wood, woven wire fence, or other suitable materials limiting access to a protected area.

**Public Service.** Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses include essential services.

**Public Utility.** Any person, firm, corporation, or municipal agency authorized under Federal, State, County or municipal regulations to furnish electricity, gas, communications, transportation, water, or sewer services.

**Recreational Facilities.** Recreational facilities shall include the following:

- (1) *Active Recreation.* An area of land dedicated to recreational activities that require intensive development of facilities and often involve cooperative or team activities.
- (2) *Passive Recreation.* An area of land dedicated to recreational activities that require a low-level of development and preservation of natural areas, and often involve solitary or small group, unstructured activities.

**Recreational Vehicle.** "Recreational Vehicles" shall include the following:

- (1) *Boats and Boat Trailers.* "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- (2) *Folding Tent Trailer.* A canvas folding structure mounted on wheels and designed for travel and vacation use.
- (3) *Motor Home.* A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- (4) *Other Recreational Equipment.* Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- (5) *Pickup Camper.* A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (6) *Travel Trailer.* A portable vehicle on a chassis, not exceeding thirty-six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

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

- (1) *Restaurant, Carry-Out.* A carry-out restaurant is a restaurant whose method of operation involved sale of food, beverages, and/or frozen deserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off of the premises.
- (2) *Restaurant, Drive-In/Drive-Through.* A drive-in/drive-through restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.
- (3) *Restaurant, Fast-Food.* A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- (4) *Restaurant, Sit Down.* A standard restaurant is a restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- (5) *Bar/Lounge.* A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

**Right-of-Way, Public.** A legally dedicated public strip or area of land which may be varying widths allowing the right of passage and upon which a public road may be constructed, and having the minimum width as depicted on the Right-of-Way Master Plan as adopted by the Wayne County Road Commission.

**Right-of-Way, Private.** A strip or area of land which may be varying widths allowing passage.

**Road.** A public or private thoroughfare which affords the principal means of access to abutting property. The road types are defined as follows:

- (1) *Arterial:* Provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.

- (2) *Collector*: Provides a less highly developed level of service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials.
- (3) *Local*: Consists of all roads not defined as arterials or collectors; primarily provides access to land with little or no through movement.

**Road Frontage.** The legal line which separates a dedicated road right-of-way or easement from abutting land to which it provides over-the-curb vehicular access.

**Road, Frontage Access.** A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

**Road, Hard Surface.** A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission, the Michigan Department of Transportation, or the Sumpter Township engineering design standards.

**Roadside Stand or Market.** A roadside stand or market is a temporary use of property or facilities for the selling of produce.

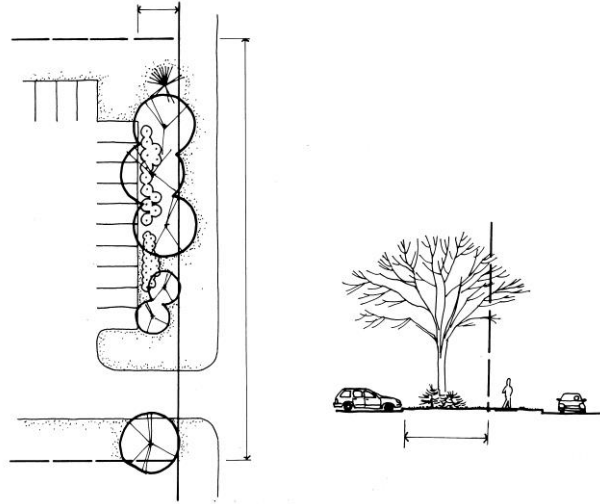
**Roomer or Boarder.** A person who occupies a rooming unit or occupies a room unit and receives meals for compensation in a rooming house or in a dwelling unit.

**Rooming and Boarding House.** A portion of an owner-occupied, single-family dwelling unit or accessory building, not to exceed a total of 1,000 square feet in area, with or without separate kitchen facilities, for not more than six (6) individuals other than family, for an extended period of time, for compensation.

**Rooming Unit.** Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

**Sanitary Sewer.** An artificial conduit to convey water and waste matter to a central treatment facility.

**Screen.** A structure providing enclosure, including, but not limited to a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials including, but not limited to trees and shrubs.



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

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

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

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

**School.** A building used for the purpose of public or private elementary or secondary, special or higher education, which meets all requirements of the compulsory education laws of the State of Michigan.

**Shed.** A self contained and enclosed single story building of less than or equal to 200 square feet which does not depend on shared or common walls with adjacent building or buildings.

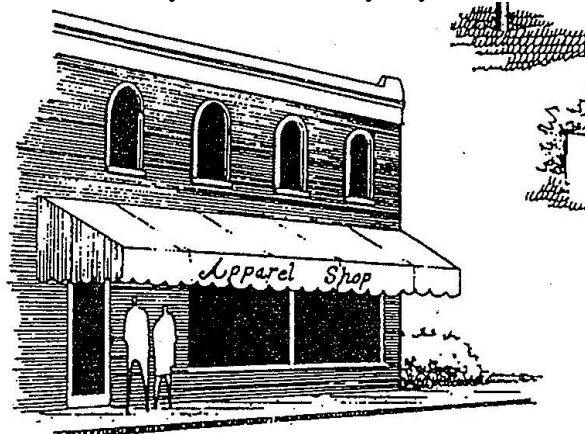
**Shoreline.** The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County Drain Commissioner in the State Department of Natural Resources. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

**Shopping Center.** More than one (1) commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.



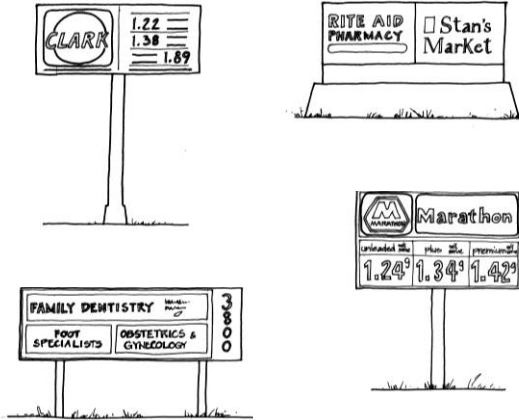
**Sign.** A device which is affixed to, or otherwise located or set upon a building, structure or parcel of land which directs attention to an activity, or business. The definition includes interior signs, which are directed at persons outside the premises of the sign owners, and exterior signs, but not signs primarily directed at persons within the premises of the sign owner. The definition does not include goods for sale displayed in a business window. The following additional definitions are provided:

- (1) *Banners and Flags.* Considered part of a site's signage and shall include all removable fabric, cloth, paper or other non-rigid material suspended or hung from light poles, buildings or other site amenities. These signs may or may not include a business logo or symbol.
- (2) *Billboard.* A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted (an off-site sign) and is regulated in accordance with regulations governed by the Highway Advertising Act, P.A. 106 of 1972 as amended.
- (3) *Canopy Sign.* Means a sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits off the canopy.

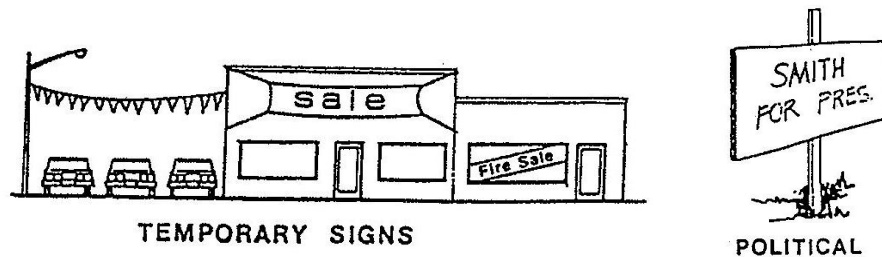


- (4) *Changeable Copy Sign.* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the structural integrity of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time, temperature or stock market information shall be considered a "time, temperature and stock market" portion of a sign and not a changeable copy sign for purposes of this ordinance.
- (5) *Digital/Electronic Sign.* A sign that uses changing lights or other electronic media to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by an electronic process.

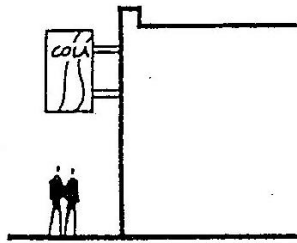
- (6) *Directional Sign.* A sign directing and guiding vehicular or pedestrian traffic or parking but bearing no advertising matter.
- (7) *Ground Sign.* A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.



- (8) *Menuboard.* A sign that displays menu items and may contain a communication system for placing food orders or other items at an approved drive-through facility.
- (9) *Nameplate Sign:* A single face sign directly attached/affixed to a single family residence which only identifies the name and address of the residents.
- (10) *Temporary Sign:* A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, easily movable, and not permanently attached to the ground or a building. Political signs are included within the definition for portable temporary signs.



- (11) *Projecting Sign:* A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign. Marquee signs are included within the definition for projecting signs.



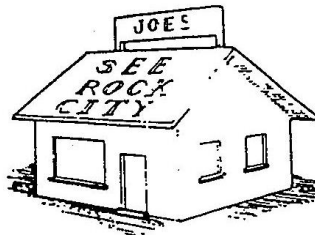
**PROJECTING SIGN**

- (12) *Promotional Banner.* A sign made of fabric, cloth, paper or other non-rigid material that is typically not enclosed in a frame and advertises a product or service offered on the premises.
- (13) *Real Estate Sign:* A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.



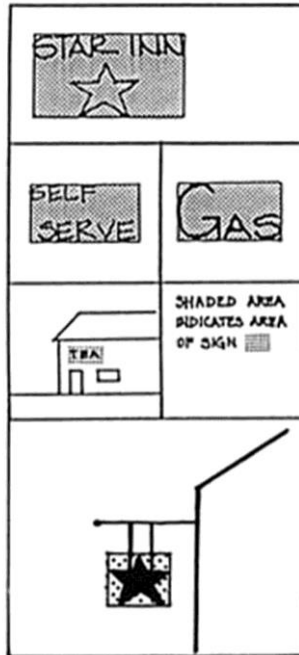
**REAL ESTATE**

- (14) *Roof Sign:* Any sign wholly erected to, constructed/or maintained on the roof structure of any building.

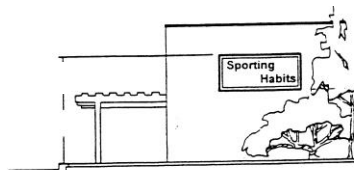


**ROOF SIGNS**

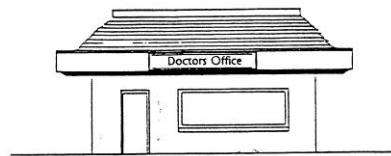
- (15) *Sign Structure:* That part of the sign which structurally supports the sign message area whether integrated into the message area through the use of the same materials or through the use of complementing but different materials.
- (16) *Sign Surface:* That part of the sign upon, against, or through which the message is displayed or illustrated.
- (17) *Sign Message Area.* A sign message is the area, computed in square feet, within which the letters, figures, numbers or symbols are contained. The area is determined by measuring the height of the extreme perimeters of all letters, figures, numbers or symbols, by the width of the same. The area of all changeable copy signs shall be determined by measuring the total area within which the copy can be altered.



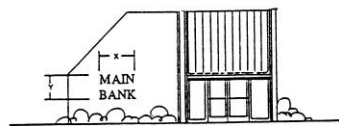
- (18) *Subdivision Entryway Sign:* A ground mounted single or double sided sign which identifies the name of the subdivision/development and street address only.
- (19) *Suspended Sign.* A sign that is suspended or hung from the underside of an eave, porch roof or awning.
- (20) *Wall Sign:* Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.



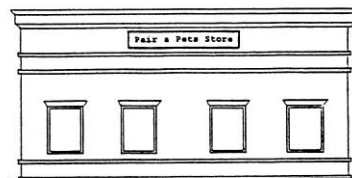
Wall Sign



Fascia Sign

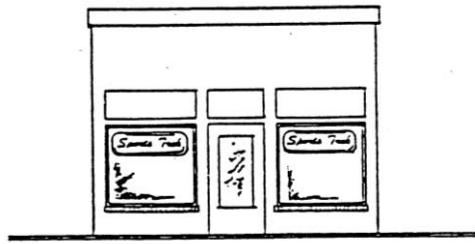


Wall Sign



Parapet Sign

- (21) *Window Sign:* A sign installed inside a window and intended to be viewed from the outside.



**Single Ownership.** Ownership by one (1) person or by two (2) or more persons jointly, as tenants by the entirety, or as tenants in common, or a separate parcel of real property not adjacent to land in the same ownership.

**Site Plan.** A scaled drawing which shows the intended and/or existing location and dimensions of improvement or structures upon a parcel of property, including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities, utilities or similar physical improvements.

**Slaughter House.** A building used for the slaughtering of animals and the scalding, butchering and storage of carcasses for human consumption, but not including the rendering, smoking, curing or other processing of meat, fat, bones, offal, blood, or other byproducts of the permitted operations.

**Soil Removal.** The removal of any kind of soil or earth matter, including topsoil, sand or other type of soil matter or combination thereof, except common household gardening and ground care. (Also see "Excavation".)

**Solid Waste.** Garbage, rubbish, ash, incinerator ash, incinerator residue, street cleaning residue, municipal and industrial sludge, and solid commercial and industrial waste, animal waste, but not including human body waste, liquid or other waste regulated by statute, ferrous or non-ferrous scrap directed to a scrap metal processor or to a re-user of ferrous or non-ferrous products.

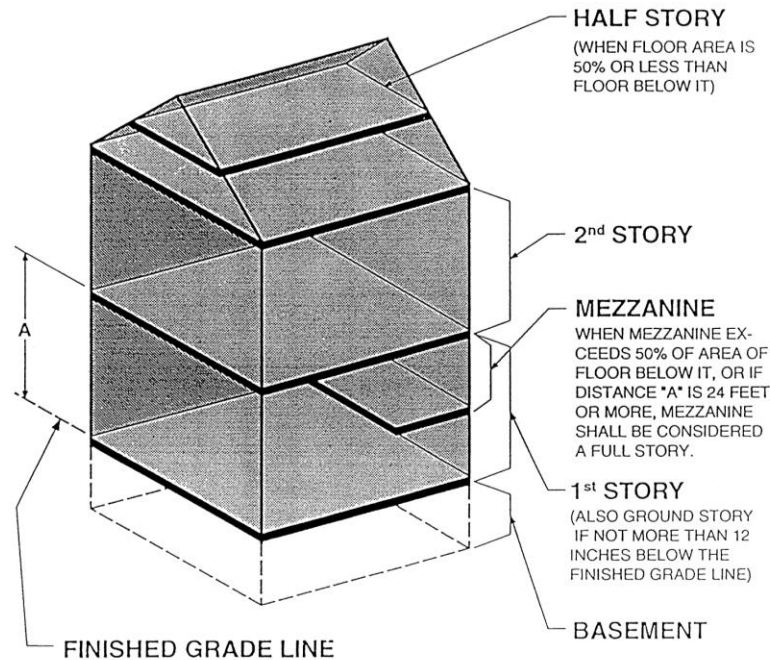
**Special Land Use.** A use which is subject to special land use approval by the Planning Commission. A special land use may be granted only when there is a specific provision in this Ordinance. A special land use is not considered to be a nonconforming use.

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

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

**State Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State under the Adult Foster Care Facility Act, and provides residential services for six (6) or fewer persons under 24-hour supervision or care.

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



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

**Story, One-Half.** A story under the gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed one-half (1/2) of the area of the floor below.

**Street.** See Road.

**Structure.** Anything constructed or erected above ground level or which is attached to something located on the ground. Structures typically include such things as buildings, amateur radio towers, sheds, carports/covers and decks.

**Subdivision.** A partitioning or dividing of a parcel or tract of land by the owner or any legal representatives for the purpose of sale, or lease for more than one year, or building development.

**Supermarket.** A retail establishment primarily selling food as well as other convenience and household goods to the general public, which operates on a self-service, cash and carry basis and may include facilities for parcel pickup. Supermarkets commonly have a gross floor area of between thirty-five thousand (35,000) and seventy-five thousand (75,000) square feet.

**Swimming Pool.** Any structure or container located either above or below grade designed to hold water to depths greater than 24 inches, intended for swimming or bathing, including swimming pools, hot tubs, jacuzzis, whirlpools and ponds.

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

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

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

**Temporary Use of Building or Land.** A use of a building or premises permitted to exist during construction of the main building, or for special events.

**Thoroughfare.** A roadway contained within the limits of a right-of-way, having a high degree of continuity throughout a municipality or geographic region and used primarily for the conveyance of large volumes of traffic.

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

- (1) *Days.* Consecutive periods of twenty-four (24) hours.
- (2) *Weeks.* Consecutive periods of seven (7) days.
- (3) *Months.* Consecutive periods of twenty-eight (28) to thirty-one (31) days,
- (4) *Years.* Consecutive periods of three hundred sixty-five (365) days.

**Township Board.** The duly elected legislative body of the Charter Township of Sumpter.

**Travel Trailer.** An object designed for accommodation intended and used exclusively for travel, recreation and vacation and which is capable of being drawn or propelled by a motor

vehicle or is self-propelled and includes tent trailers or similar transportable accommodations, but does not include a mobile home.

**Travel Trailer Park/Campground.** Land intended to house travel trailers, tents or other similar temporary methods of travel, recreation or vacation housing.

**Unnecessary Hardship.** See "Zoning Variance"

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

**Variance.** See "Zoning Variance"

**Vegetation, Woodland.** Referring to plant life (i.e. shrub and ground cover as it pertains to part of a woodland area protected herein.

**Veterinary Clinic.** An enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and used as a boarding place for such animals limited to short time boarding incidental to clinic or hospital use. Such clinics include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal clinics shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

**Wall.** An obscuring structure of definite height and location, constructed of masonry, concrete or similar approved material.

**Wetland.** Land characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation, aquatic plant or animal life that requires saturated or seasonally saturated soil conditions for growth and reproduction of hydrophytic vegetation and is commonly called a bog, swamp, marsh or wet meadow.

**Wildlife.** Native, non-domesticated plant life, mammals, marsupials, birds, reptiles, amphibians, and fish.

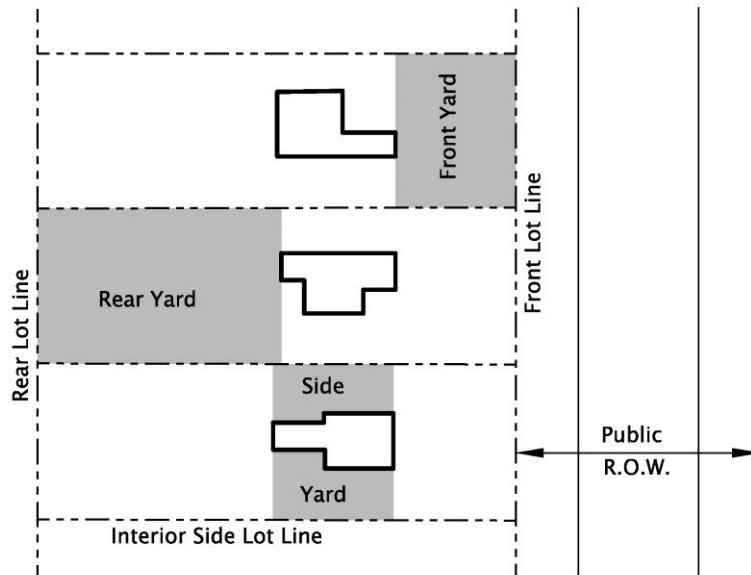
**Wireless Communication Facilities.** Shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham amateur radio facilities; satellite dishes; and, governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:



- (1) *Attached Wireless Communications Facilities.* Any wireless communication facility affixed to an existing structure, including, but not limited to a building, tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.
- (2) *Wireless Communication Support Structures.* Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- (3) *Collocation.* The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

**Woodland Area.** Any area (including all trees, shrubs and ground cover whatever the size) which are designated on the Woodland Area Map, including trees that were existing as of the effective date of this Ordinance.

**Yard.** An open space which is unoccupied except for certain structures which are specifically permitted by the Ordinance.



**Yard, Front.** The required open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building in which the principal use is located. Parcels fronting on two (2) public roadways shall be deemed to have two (2) front yards.

**Yard, Front, Road and Waterfronts.** Both are defined as front yards or setbacks from road right-of-way lines and shorelines of water bodies.

**Yard, Rear.** The required open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the back lot line and the nearest point of the main building in which the principal use is located.

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

**Yard, Side.** The required open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building in which the principal use is located.

**Zoning Administrator.** The Township Board appointed official designated to administer and enforce duties and responsibilities as specified in this Ordinance, or a duly authorized representative.

**Zoning Appeal.** An entreaty or demand for a hearing and/or review of facts and/or actions conducted by the Zoning Board of Appeals in accordance with the duties and responsibilities specified in this Ordinance.

**Zoning Board of Appeals.** As used in this Ordinance, means the Charter Township of Sumpter Zoning Board of Appeals.

**Zoning District.** A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance and designated on the Zoning District Map.

**Zoning Interpretation.** A review which is necessary when the provisions of this Ordinance are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance are therefore required in accordance with the procedures and provisions of this Ordinance.

**Zoning Permit.** A permit for commencing construction issued by the Zoning Administrator in accordance with all the provisions of this Zoning Ordinance and/or an approved site plan.

**Zoning Variance.** The term "Variance" shall mean a modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) unnecessary hardship, (b) practical difficulties, (c) unique circumstances, and (d) exceptional and unusual elements, are present which would preclude the same type of development permitted in the zoning district from being repeated, but, which with a variance, would permit compatible

development similar to the character of development permitted in a zoning district. The term Variance shall not mean to include granting variances for substantially larger buildings or additional uses other than those permitted in the respective zoning districts.

- (1) *Practical difficulties.* Shall mean those dimensional zoning requirements which cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of these characteristics from other more typical lots located in the same zoning district.
- (2) *Unnecessary hardship.* Shall mean that a permitted principal or accessory use because of its specific limitations by normal definition is in need of modification through combining permitted principal or accessory uses when only one such use is permitted on a lot or parcel.



## ARTICLE 3

### ADMINISTRATION AND ENFORCEMENT

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#### **Section 3.1 Zoning Administration.**

This Zoning Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies as the Administrator may delegate to enforce this Zoning Ordinance.

#### **Section 3.2 Duties.**

The Zoning Administrator shall:

- (a) Receive and review for completeness all applications for site plan review and special land uses which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
- (b) Receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
- (c) Receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
- (d) Make periodic site inspections to determine Ordinance compliance, and answer complaints on Zoning Ordinance violations.
- (e) Implement the decisions of the Planning Commission and Township Board.

#### **Section 3.3 Special Land Uses.**

- (a) Applications for a special land use authorized in this Zoning Ordinance shall be submitted to the Zoning Administrator. A fee shall be charged to the applicant to defray the cost of the notification requirements of this Zoning Ordinance associated with the proceedings required on the application. Approvals of special land use requests will be at the discretion of the Planning Commission.
- (b) An application for a special land use shall contain the following information:
  - (1) The applicant's name, address, and telephone number.
  - (2) The names and addresses of all owners of record and proof of ownership.

- (3) The applicant's interest in the property, and if not the fee simple owner, a signed authorization from the owner(s) for the application.
- (4) Legal description, address, and tax parcel identification number of the property.
- (5) A scaled and accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives and other improvements.
- (6) A detailed description of the proposed use.
- (7) A conceptual site plan which includes adequate information to evaluate the functionality of the site.

(c) When the Zoning Administrator receives an application for a special land use, the following procedure shall be followed:

- (1) One (1) notice indicating that a request for a special land use has been received shall be published in a newspaper of general circulation within the Township. Notices shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.
- (2) Notices indicating that such a request has been received will also be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property for which a special land use has been requested. Notices will also be sent by mail or personal delivery to the owners of property, to persons to whom real property is assessed, and the occupants of all structures located within three hundred (300) feet of the property in question whether the property or occupant is located in the zoning jurisdiction. If the name of an occupant is not known, the term "Occupant" may be used in making notification. Notices shall be given not less than fifteen (15) days before the either the date of the public hearing or the date the special land use application will be considered by the Planning Commission.
- (3) The notice shall include the following:
  - A. Describe the nature of the special land use request;
  - B. Indicate the property that is the subject of the special land use request, including a listing of all existing street addresses within the property, if applicable;
  - C. State when and where the special land use request and/or public hearing will be held; and
  - D. Indicate when and where written comments will be received concerning the request.

E. The notice of receipt of a special land use application shall indicate that a public hearing on the special land use application may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located in the Township.

(d) A public hearing on a special land use application may be requested by the Planning Commission, the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property. -Notification as required in Section 3.3(c) hereof, shall be provided before a decision is made on the special land use request.

(e) Following the public hearing, if requested, the Planning Commission may deny, approve, or approve with conditions, requests for special land use. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

(f) The Planning Commission shall review the proposed special land use in terms of the following standards:

- (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan;
- (2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
- (3) Will not be hazardous or disturbing to existing or future nearby uses;
- (4) Will be an improvement in relation to property in the immediate vicinity and to the community as a whole;
- (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility;
- (6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the community; and
- (7) Will be consistent with the intent and purposes of this Zoning Ordinance.

(g) The Planning Commission may impose conditions and safeguards deemed necessary for ensuring that the purposes of this Zoning Ordinance. Conditions imposed shall meet all of the following requirements:

- (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social economic wellbeing, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- (2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity; and
- (3) Be necessary to meet the intent of the purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(h) Any special land use approval given by the Commission, shall become null and void unless construction and/or use are commenced within one (1) year from the date of approval. Any special land use that has been commenced but abandoned for a period of one (1) year, shall lapse and cease to be in effect unless the Planning Commission approves a one (1) year extension of the special land use approval. Only one (1) extension may be granted per application.

### **Section 3.4 Site Plan Review.**

Site plan review and approval of all development proposals within specific zoning districts shall be required as provided in this Section. The intent of this Section is to provide for consultation and cooperation between the developer and the Planning Commission so that both parties might realize maximum utilization of land and minimum adverse effect upon the surrounding land uses. Through the application of the following provisions, the attainment of the Master Plan will be assured and the Township will develop in an orderly fashion.

(a) Site Plan Review Required. A site plan shall be submitted to the Commission for review and approval for the following:

- (1) Any permitted use or special land use within the Township, except one-family detached and two-family dwellings and their accessory buildings and uses;
- (2) Any use or development for which the submission of a site plan is required by any provision of the Township's Ordinances;
- (3) Any change and/or conversion of use as permitted and regulated by this Ordinance that may result in a modification to off-street parking, traffic circulation, services, facilities or other physical conditions on the site;
- (4) Any use or development subject to the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended; and



- (5) Any addition to an existing principal or accessory building within the Township, except one-family detached and two-family dwellings, and their accessory buildings and uses.

(b) Site Plan Review Standards. The site plan shall be reviewed in accordance with the following standards:

- (1) The proposed design will not be injurious to the surrounding neighborhood or impede the normal and orderly development of surrounding property for uses permitted by the Township's Ordinances.
- (2) The location, design and construction materials of all buildings and structures will be compatible with the topography, size and configuration of the site, and the character of the surrounding areas.
- (3) There will be a proper relationship between streets, sidewalks, service drives, driveways and parking areas protecting the safety of pedestrians and motorists.
- (4) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and the occupants of surrounding areas.
- (5) Township requirements and standards for streets, lighting, driveway approaches, grading, surface drainage, storm sewers, storm water retention facilities, water mains, sanitary sewers and necessary easements will be met.
- (6) All buildings or groups of buildings will be so arranged as to permit emergency vehicle access by some practical means to all sides.
- (7) Appropriate site design measures have been taken which will preserve and protect the landscape, existing topography, natural resources and natural features including, but not limited to lakes, ponds, streams, wetlands, steep slopes, groundwater recharge areas and woodlands.
- (8) Sites which include storage of hazardous materials or waste, fuels, salt or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, ground water or nearby water bodies.
- (9) Landscaping, including greenbelts, trees, shrubs and other vegetative materials, is provided to maintain and improve the aesthetic quality of the site and the area.
- (10) The proposed use is in compliance with the Township's Ordinances and any other applicable standards and laws.

(c) Information Required on Site Plan. A site plan submitted for review shall contain all of the following data prior to its submission to the Commission for review and approval:

(1) General Information.

- A. Plans drawn to a scale of not less than one (1) inch equals fifty (50) feet for property less than three (3) acres or not less than one (1) inch equals one hundred (100) feet for property three (3) acres or more;
- B. The proprietors', applicants' and owners' names, addresses and telephone numbers;
- C. The date (month, day, year), title block, scale and north arrow;
- D. The signed professional seal, name and address of the architect, engineer, surveyor, landscape architect or planner responsible for the preparation of the plan;
- E. The zoning district classification of the petitioner's parcel and all abutting parcels;
- F. Pertinent area, height, lot coverage and setback requirements of the zoning district in which the parcel is located; and
- G. A legal description, including a gross acreage figure.

(2) Physical Features.

- A. Existing and proposed lot lines, building lines, structures and parking areas on the parcel and within one hundred (100) feet of the site;
- B. The location of existing and proposed traffic and pedestrian circulation facilities, including:
  - i. Centerline and existing and proposed right-of-way lines of abutting streets;
  - ii. Access drives;
  - iii. Service drives;
  - iv. Fire lanes;
  - v. Street intersections;
  - vi. Acceleration, deceleration and passing lanes and approaches;
  - vii. Sidewalks and pedestrian paths; and
  - viii. Curbing.
- C. The location of existing and proposed service facilities above and below ground, including:
  - i. Chemical and fuel storage tanks and containers;

- ii. Storage, loading and disposal areas of chemicals, hazardous substances, salt and fuels;
  - iii. Water mains, hydrants, pump houses, standpipes and building services and sizes;
  - iv. Sanitary sewers and pumping stations;
  - v. Stormwater control facilities and structures, including storm sewers, swales, retention/detention basins, drainage ways and other facilities, including calculations for sizes;
  - vi. Existing and proposed easements; and
  - vii. Public utility distribution systems.
- D. Dimensioned floor plans, finished floor elevations, typical elevation views and specifications of building materials of all buildings;
  - E. Dimensioned parking spaces and calculations, drives and type of surfacing;
  - F. Exterior lighting locations, type of light and illumination patterns;
  - G. The location and description of all existing and proposed landscaping, berms, fencing and walls;
  - H. The trash receptacle pad location and the method of screening;
  - I. The transformer pad location and the method of screening;
  - J. Sign locations, height and size; and
  - K. Any other pertinent physical features.
  - L. Compliance with Sumpter Township engineering design standards.
- (3) Natural Features.
- A. For parcels of more than one (1) acre, existing and proposed topography with a maximum contour interval of two (2) feet on the site and beyond the site for a distance of one hundred (100) feet in all directions. Spot elevations shall be required for parcels of less than one (1) acre in size;
  - B. The location of existing drainage courses and associated bodies of water, on and off site, and their elevations; and
  - C. The location of natural resource features, including wetlands and woodlands.
- (4) Additional Requirements for Multiple Family Districts.

- A. Density calculations by type of unit;
- B. Designation of units by type and number of units in each building;
- C. Carport locations and details where proposed; and
- D. Details of community building and recreational facilities.
- E. Master Deed, Bylaws and Exhibit B for all condominium developments.

(5) Additional Requirements for Commercial and Industrial Districts.

- A. Loading/unloading areas;
- B. Total and usable floor area; and
- C. Number of employees, customers, clients or patients in peak usage.
- D. Master Deed, Bylaws and Exhibit B for all condominium developments.

(d) Application Procedure. An application for site plan review shall be processed in the following manner:

- (1) All site plans shall be submitted to the Township Clerk at least twenty-one (21) days before the next regularly scheduled meeting of the Planning Commission and must contain the following to be accepted:
  - A. A completed application signed by the owner. If the owner is not the applicant, the signature of the owner required on the application shall constitute authorization for representation by the applicant. If the owner is a corporation, the application must be signed by a corporate officer. If the owner is a partnership, the application must be signed by a general partner. If the owner is an individual, each individual owner must sign the application.
  - B. Sufficient copies of the site plan as determined by the Township Clerk, as well as all of the required fees.
  - C. All items required by Section 3.4(c) hereof.
- (2) Upon receipt of the site plan, the following shall apply:
  - A. The Clerk shall forward a copy of the site plan and application to the appropriate Township departments and consultants.

- B. Prior to submission to the Commission, the Department shall schedule a meeting with the applicant and applicable staff to determine informational completeness and general compliance with the Ordinance.
- C. The applicant shall submit revised plans based upon the comments from the pre-Planning Commission meeting with staff and consultants.
- D. The Clerk shall place review of the site plan on the next available Commission agenda.

(e) Planning Commission Review. The Commission shall consider the application for approval, conditional approval or denial at the scheduled meeting.

- (1) Upon a determination by the Commission that a site plan is in compliance with the Township's Ordinances, Planning Commission shall grant approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.
- (2) Upon a determination by the Commission that a site plan is in compliance, except with minor revisions, the Commission may grant conditional approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.
- (3) If the site plan does not comply with the provisions of the Township's Ordinances, it shall be denied. In this case, the basis for the action shall be indicated in the official minutes from the proceedings.

(f) Effect of Approval. When an applicant receives final site plan approval, he or she must develop the site in complete conformity with the approved site plan. If the applicant has not obtained a building permit and commenced construction within one (1) year of site plan approval, the site plan approval becomes null and void unless the Planning Commission approves a one (1) year extension of the site plan approval. Only one (1) extension may be granted per application.

(g) Certificate of Zoning Compliance. Within thirty (30) days of Planning Commission approval, but prior to receiving a certificate of occupancy, the applicant shall submit a revised set of plans which address all of the conditions of site plan approval. Upon verification of compliance with the conditions of Planning Commission approval, the Zoning Administrator may sign the plans and submit a letter to the applicant indicating compliance with all applicable zoning provisions. The signed plans and associated letter shall become part of the official record which shall be retained by the Township Clerk.

(h) Amendment of a Site Plan. If an applicant seeks an amendment to an approved site plan or seeks an extension of time in which to commence building from an approved site plan, the approved site plan shall be amended or the time extension granted only upon the mutual agreement of the Commission and the applicant.

(i) Administrative Review. In the following cases, the Zoning Administrator shall have the authority to approve a site plan without submission to the Planning Commission, but subject to all the criteria set forth in Sections 3.4(a) to (c) hereof.

(1) Where Applicable.

- A. Accessory uses incidental to a conforming existing use where said use does not require any variance or further site modifications;
- B. Expansion and/or addition of five hundred (500) square feet or less to an existing conforming structure or use; and
- C. Provision for additional loading/unloading spaces and landscape improvements as required by this section.

(2) Information Required. The Zoning Administrator shall require all applicable criteria set forth in Sections 3.4(a) to (c) hereof to be met and shall have the authority to waive information required in Section 3.4(c) hereof which is not necessary to determine whether site plan review requirements have been met. The Zoning Administrator shall also have the authority to refer any site plan eligible for administrative review under Section 3.4(i)(1) hereof to the Planning Commission and/or any consultants employed by the Township for the purposes of site plan review

**Section 3.5 Condominium and Site Condominium Project Regulations.**

(a) Intent. Pursuant to the authority conferred by Section 141 of the Condominium Act, preliminary and final site plans shall be regulated by the provisions of this Ordinance and subject to the review by the Planning Commission and approval by the Township Board.

(b) General Requirements.

- (1) Each condominium lot shall be located within a zoning district that permits the proposed use.
- (2) For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
- (3) In the case of a condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot.

- (4) Each condominium lot shall front on and have direct access to a public road or a private road approved by the Township. An approved private road shall comply with the same standards for public subdivision streets as established and in accordance with Sumpter Township engineering standards.
- (5) All condominium project plans shall conform to the plan preparation requirements, design, layout and improvement standards, and all other requirements as established by the Township.

(c) Site Plan Approval Requirements. Preliminary approval of the site plan and final approval of the site plan and condominium documents by the Planning Commission shall be required as a condition to the right to construct, expand or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Township Planning Commission and is in effect. Preliminary and final approval shall not be combined.

(1) Preliminary Approval.

- A. Each preliminary site plan submitted for review shall provide the following information:
  - i. property owner's and applicant's name and address;
  - ii. scale, north arrow, and date of plan;
  - iii. location, description, dimensions, and area of the site; zoning classification; and, demonstration of compliance with lot area, width, coverage and setback requirements.
  - iv. general topography and soils information and existing natural and man-made features to be retained or removed;
  - v. location and dimensions of proposed buildings/structures; including floor area, number of floors, height, number and type of dwelling units (where applicable);
  - vi. proposed streets/drives; including general alignment, right of way, surface type, and width;
  - vii. proposed parking; including location and dimensions of spaces and aisles, and surface type;
  - viii. adjacent land uses, property owners, and zoning and location of adjacent buildings and drives/streets;
  - ix. proposed phasing; and
  - x. location and width of any easements on the site.

- B. If the site plan conforms in all respects to applicable laws, ordinances and design standards, preliminary approval shall be granted by the Planning Commission.
- C. If the site plan fails to conform, the Planning Commission shall either deny the application, or grant preliminary approval with conditions, provided such conditions are met before final approval.

(2) Final Approval.

- A. Following preliminary approval, the applicant shall submit a final site plan pursuant to the standards and procedures set forth in Section 3.4 of this Ordinance. In addition to the final site plan, the Condominium Documents shall be submitted to the Township for the review by the Township Attorney and other appropriate staff and consultants. The Condominium Documents shall be reviewed with respect to all matters subject to regulation by the Township including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.
- B. The applicant shall also submit engineering plans in sufficient detail for the Township, to determine compliance with applicable laws, ordinances and design standards for construction of the project.
- C. Upon completion of the review of the Condominium Documents and engineering plans and receipt of the recommendations and findings from the Township Attorney, Engineer and Planner, the site plan shall be submitted to the Township Board for final review.
- D. If the site plan, Condominium Documents and/or engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be granted by the Township Board.
- E. If the site plan, Condominium Documents and/or engineering plans fail to conform, final approval shall be denied by the Township Board.
- F. In the interest of insuring compliance with this Ordinance and protecting the health, safety and welfare of the residents of the Township, the Township Board, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in Section 3.7 of the Zoning Ordinance for the completion of improvements associated with the proposed use.

(d) Required Improvements.



- (1) All design standards and required improvements that apply to a subdivision, under the Subdivision Regulations adopted by the Township Board, shall apply to any condominium development.
- (2) Utility standards stated in Building Code shall apply to all condominium units proposed for location on property which is not subdivided and recorded, or property which is to be further subdivided.
- (3) Monuments shall be set at all boundary corners and deflection points and at all road right of way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

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

- (4) 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 declare easements to the Township for all public water and sanitary sewer lines and appurtenances.
  - (5) All improvements in a site condominium shall comply with the design specifications as adopted by the Township Board and any amendments thereto.
- (e) Information Required Prior to Occupancy. Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Zoning Administrator:
- (1) A copy of the recorded Condominium Documents (including exhibits).
  - (2) A copy of any recorded restrictive covenants.
  - (3) A copy of the site plan on laminated photostatic copy or mylar sheet.
  - (4) Evidence of completion of improvements associated with the proposed use including two copies of an “as-built survey”.

(f) Revision of Site Condominium Plan. If the site 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) Amendment of Condominium Documents. 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 Township Attorney and 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 site plan.

(h) Relocation of Boundaries. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

(i) Subdivision of Condominium Lot. 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, shall comply with all regulations of the zoning district in which it is located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

### **Section 3.6 Use of Consultants.**

From time to time, at the cost of the applicant, the Township may employ planning, engineering, legal, traffic or other special consultants to assist in the review of special use permits, site plans, rezonings or other matters related to the planning and development of the Township.

### **Section 3.7 Performance Guarantee.**

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

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

authorized to employ the Township Engineering Department and/or Township consultants to review cost estimates and conduct periodic inspection of the progress of improvements.

(b) Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Township prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee the Township shall issue the appropriate building permit, and the Township shall thereafter deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest bearing account to the applicant.

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

(d) In the event the performance guarantee deposited is a cash deposit or a certified check, the Township shall rebate to the applicant fifty (50) percent of the deposited funds when seventy-five (75) percent of the required improvements are completed as confirmed by the Township, and the remaining fifty (50) percent of the deposited funds when one hundred (100) percent of the required improvements are completed as confirmed by the Township. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to assure compliance with Zoning Ordinance standards and the specifications of the approved site plan.

(e) Upon the satisfactory completion, as determined by the Township, of the improvement for which the performance guarantee was required, the Township shall return to the applicant the performance guarantee deposited and any interest earned thereon. However, the Township is not required to deposit the performance guarantee in an interest-bearing account.

(f) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically, the right to enter upon the subject property to make the improvements.

If the performance guarantee is not sufficient to allow the Township to complete the improvements for which such guarantee was posted, the applicant shall be required to pay the Township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposit. Should the Township use the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.

If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to insure completion of an improvement associated with

the site, the applicant shall not be required to deposit with the Township a performance guarantee for that same improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

**Section 3.8 Fees.**

The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for all zoning and building permits, certificates of occupancy, appeals, and other matters pertaining to the Zoning Ordinance. The Township shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. The schedule of fees shall be posted in the Township Offices, and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

**Section 3.9 Violations and Penalties.**

Unless otherwise expressly provided, whoever (including, but not limited to owner, tenant, occupant or person) violates any of the provisions of this Zoning Ordinance is guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offence, or by both such fine and imprisonment in the discretion of the court, together with the cost of such prosecution. In addition to all other remedies, including the penalties provided in this section of this Ordinance, the Township may commence and prosecute appropriate actions or proceedings in a court of competent jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such noncompliance or violation. Buildings erected altered, razed or converted, or uses carried on in violation of any provision of this Ordinance or in violation of any regulations made under the authority of Act 184 of the Michigan Public Acts of 1943, as amended, are hereby declared to be a nuisance per se, and the court shall order such nuisance abated.

**Section 3.10 Amendments.**

An amendment to the zoning district boundaries contained on the official zoning map (rezoning) and to the text of this ordinance may be initiated by the Township Board or the Planning Commission. An amendment to the zoning district boundaries may also be initiated by the owner or owners of property that is the subject of the proposed rezoning. An amendment to the text of this ordinance may also be initiated by petition of one (1) or more residents or property owners of the Township.

- (a) Rezoning and Zoning Ordinance Text Amendment Application Procedure.

- (1) Application Information for Amendments. An amendment to the official zoning map or this ordinance, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a complete application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board. Said application shall explicitly describe the proposed amendment and shall be signed by the applicant.
  
- (2) Application Information for Zoning Map Amendment. In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application.
  - A. Information to indicate the dimensions, location and size of the subject property including, but not limited to a sketch plan, property identification number, a legal description, street address of the subject property, a map identifying the subject property in relation to surrounding properties, or other method required by the Planning Commission.
  - B. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
  - C. The existing and proposed zoning district designation of the subject property.
  - D. A written description of how the requested rezoning meets Section 3.10(c) Criteria for Amendment of the Official Zoning Map (Rezoning).
  - E. At the Planning Commission's discretion the following additional information may be required.
    - i. A site analysis site plan illustrating existing conditions on the site and adjacent properties; including, but not limited to woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
    - ii. A conceptual plot plan to scale demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors.
    - iii. A traffic impact analysis if any use permitted in the requested zoning district could generate one hundred (100) or more peak hour directional trips, or 1,000 or more vehicle trips per day; the traffic study should contrast the daily and peak hour trip generation rates for representative use

in the current and requested zoning district; the determination of representative uses shall be made by the Planning Commission with input from Township staff and consultants.

- iv. The site to be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.

(b) Rezoning and Zoning Ordinance Amendment Process.

- (1) Public Hearing. Upon initiation of a rezoning or zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of the hearing, and in accordance with the provisions of the Michigan Zoning Enabling Act, as amended.
- (2) Planning Commission Review and Recommendation. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in Section 3.10(c) Criteria for Amendment of the Official Zoning Map (Rezoning), below, in making its finding and recommendation.
- (3) Township Board Review and Action. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed ordinance map or text amendment. In the case of an amendment to the text of this zoning ordinance, the Township Board may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment. In the case of an amendment to the official zoning map (rezoning), the Township Board shall approve or deny the amendment, which may be based on consideration of the criteria contained in Section 3.10(c) Criteria for Amendment of the Official Zoning Map (Rezoning).
- (4) Notice of Adoption. Following adoption of a zoning text or map amendment the Township Board, a notice will be published in accordance with the Michigan Zoning Enabling Act, as amended.
- (5) Resubmittal. No petition for rezoning or zoning ordinance text amendment that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

(c) Criteria for Amendment of the Official Zoning Map (Rezoning). In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission and the Township Board shall consider the following criteria in making its findings, recommendations and decision.

- (1) Consistency with the goals, policies and Future Land Use Map of the Sumpter Township Master Plan, including all applicable sub-area and corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
- (2) Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
- (3) Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
- (4) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- (5) The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township;
- (6) The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.
- (7) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

(d) Criteria for Amendment of the Official Zoning Ordinance Text. The Planning Commission and Township Board shall, at minimum, consider the following before taking action on any proposed amendment.

- (1) Compatibility with the basic intent and purpose of the Zoning Ordinance.
- (2) Consistency with the goals and objectives and future land use map of the Sumpter Township Master Plan, including any sub-area or corridor studies.
- (3) The requested amendment will correct an error in current appropriate documentation.

- (4) The requested amendment will resolve an inequitable situation created by the Zoning Ordinance and does not grant special privileges.
- (5) The requested amendment will not result in unlawful exclusionary zoning.
- (6) There is documentation from Township staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
- (7) The requested amendment will address changes in state legislation, other Township ordinances, or federal regulations.
- (8) The requested amendment will resolve potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

(e) Conditional Rezoning of Land. As an alternative to a rezoning amendment as described in Section 3.10(b) of this Ordinance, the Township may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Act No. 110 of Public Acts of Michigan of 2006 as amended. It is recognized that, in certain instances, it would be an advantage to both the Township and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Township, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- (1) The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Section 3.10(a).
- (2) In addition to the procedures as noted in Section 3.10(a), the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
  - A. A conditional rezoning request must be voluntarily offered by an owner of land within the Township. All offers must be made in writing and must provide the specific conditions to be considered by the Township as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the Township and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
  - B. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
  - C. Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height,



setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Article 12 of this Ordinance.

- D. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Section 3.3 of this Ordinance.
- E. All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.
- F. In addition to the informational requirements provided for in Section 3.10(a)(2) of this Ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Township. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.

(3) Time Limits and Reversion of Land to Previous District.

- A. If the proposed conditions of rezoning are acceptable to the Township, the Township may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in Section 3.10(b) of the Zoning Ordinance.
- B. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.
- C. Upon approval of a conditional zoning, a copy of the written agreement between the property owner and Township shall be filed with the Wayne County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the Township.
- D. The Township may not add to or alter any conditions approved as a part of a

rezoning during the time period specified above.

E. The time limits specified and approved by the Township may be extended upon the application of the landowner and approval of the Township.

(4) Review Procedures. The factors found in Section 3.10(c) of this Ordinance must be considered in any conditional rezoning request.

(f) Amendments Required to Conform to Court Decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing.

## ARTICLE 4

### ZONING DISTRICT REGULATIONS

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#### **Section 4.1            Establishment of Zoning Districts**

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

- AG**        -    Agricultural District
- RF**        -    Rural Small Farm District
- R-1**       -    Country Home District
- R-2**       -    Single-Family Residential District
- RM**       -    Two-Family and Multiple Family Residential District
- RMH**     -    Manufactured Housing Park District
- CBD**      -    Central Business District
- C-1**      -    Local Commercial District
- C-2**      -    General Commercial District
- LI**        -    Light Industrial District
- GI**        -    General Industrial District
- PUD**      -    Planned Unit Development District

#### **Section 4.2            Provisions for Official Zoning Map**

These districts, so established, are bounded and defined as shown on the map entitled: "Zoning Map of Sumpter Township" adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

#### **Section 4.3            Changes to Official Zoning Map**

If, in accordance with the procedures of this Ordinance and of Public Act 110 of 2006, as amended a change is made in a zoning district boundary, such change shall be made by the Township Board with the assistance of the Zoning Administrator promptly after the Ordinance

authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Board with the assistance of the Zoning Administrator.

#### **Section 4.4 Authority of Official Zoning Map**

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

#### **Section 4.5 Interpretation of Zoning Districts**

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

- (a) A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
- (b) A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- (c) A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
- (d) 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.
- (e) 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.
- (f) A boundary indicated as parallel to or an extension of a feature indicated in Sections 4.5(a) through 4.5(e) above shall be so construed.
- (g) A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (h) All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

## Section 4.6

## AG, Agricultural District

### **Intent and Purpose**

This district is established to preserve rural character and support stable and viable agricultural operations. The primary use of this district is considered to be agriculture. The regulations of this district are designed to conserve and protect farm operations, including dairy farming, pasturage, cash cropping, stables (public and private), orchards, as well as other agricultural and related uses. The regulations of the district are designed to exclude or discourage uses and buildings that demand substantial public or private services, including, but not limited to major thoroughfares, water supply and waste water treatment facilities, drainage, and other public or private utility type services.

### **Section 4.6.1 Permitted Land Uses**

- (a) Adult Family Day-Care Homes, subject to Section 6.2.
- (b) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes (six or fewer adults), subject to Section 6.3.
- (c) Agricultural and farming operations, subject to Section 6.41.
- (d) Child Family Day-Care Homes, subject to Section 6.2.
- (e) Child Foster Family Homes, subject to Section 6.3.
- (f) Conservation areas, including forest preserves, game refuges, and nature preserves.
- (g) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements, subject to Section 5.4.
- (h) Governmental and municipal buildings and structures.
- (i) Intensive livestock operations, subject to Section 6.28.
- (j) Kennels, Commercial, subject to Section 6.29.
- (k) Landscape material sales, subject to Section 6.36.
- (k) Livestock auction yards/markets, subject to Section 6.33.
- (l) Private recreation facilities.
- (m) Single-family dwellings, detached.

- (n) Sod farms.
- (o) Stables, private.
- (p) Wind Energy Conversion Systems, subject to Section 6.54
- (q) Uses similar to the above permitted principal land uses.

#### **Section 4.6.2 Special Land Uses**

The following special land uses are permitted, subject to the provisions of Section 3.3, Special Land Uses:

- (a) Adult Group Day-Care Homes, subject to Section 6.2.
- (b) Adult Day-Care Centers, subject to Section 6.2.
- (c) Adult Foster Care Small Group Homes (seven to twelve adults), subject to Section 6.3.
- (d) Airports, airstrips and heliports, subject to Section 6.5.
- (e) Animal rescues or shelters, subject to Sections 6.6.
- (f) Bed and breakfast establishments, subject to Section 6.10.
- (g) Cemeteries, subject to Section 6.11.
- (h) Child Group Day Care Homes, subject to Section 6.2.
- (i) Child Day Care Centers, subject to Section 6.2.
- (j) Child Foster Family Group Homes, subject to Section 6.3.
- (k) Churches, subject to Section 6.12.
- (l) Commercial feedlots.
- (m) Extracting, removing, filling, depositing or dumping operations, subject to Section 6.18.
- (n) Farm dwellings, subject to Section 5.5. This is regulated by the State, migrant housing, part time farm workers etc.

- (o) Funeral homes and mortuaries, subject to Section 6.19.
- (p) Golf courses and country clubs, subject to Section 6.22.
- (q) Gun ranges, subject to Section 6.23.
- (r) Keeping and raising of ClassII and III animals, subject to Section 6.41.
- (s) Outdoor recreational facilities, subject to Section 6.37.
- (t) Plant nurseries and retail greenhouses.
- (u) Parochial, and private elementary, middle or high schools.
- (v) Public and private parks, playgrounds and recreational activities.
- (w) Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other water related activity sites, non-intensive recreation facilities related to the natural environment, organized camping and campgrounds which are located on an area of at least twenty (20) contiguous acres of land.
- (x) Riding stables, commercial, subject to Section 6.42.
- (y) Slaughterhouses, subject to Section 6.49.
- (z) Veterinary hospitals or clinics, subject to Section 6.53.
- (aa) Wireless Communication Facilities, subject to Section 6.55.
- (bb) Uses similar to the above permitted principal special land uses.

### **Section 4.6.3            Accessory Land Uses**

The following accessory uses are permitted, subject to the provisions of Section 5.3, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Farm vehicle and implement repair and maintenance in conjunction with farming or other principal agricultural use located on the same parcel.
- (c) Grain, feed, cold and other storage of agricultural products in conjunction with

- farming or other principal agricultural use located on the same parcel.
- (d) Herbicide, insecticide and fertilizer sales and application in conjunction with a farming or other principal agricultural use located on the same parcel.
  - (e) Home businesses, subject to Section 5.8.
  - (f) Home occupations, subject to Section 5.9.
  - (g) Kennels, private, subject to Section 6.30.
  - (h) Outdoor furnaces, subject to 6.39.
  - (i) Ponds, subject to Section 6.40.
  - (j) Roadside stands selling seasonal farm produce, subject to Section 6.43.
  - (k) Sales of seed and other product sales in conjunction with farming or other principal agricultural use located on the same parcel.



## Section 4.7

## RF, Rural Small Farm District

### Intent and Purpose

This district is established to provide a district that preserves the Township's rural character by accommodating a variety of agricultural uses deemed generally compatible with residential uses, and simultaneously permitting single family residential development on large size lots. The regulations of this district are designed to exclude or discourage uses and buildings that demand substantial public services, including, but not limited to major thoroughfares, water supply and wastewater treatment facilities/plants, drainage, and other public or private utility type services.

### Section 4.7.1 Permitted Land Uses

- (a) Adult Family Day-Care Homes, subject to Section 6.2.
- (b) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes (six or fewer adults), subject to Section 6.3.
- (c) Agriculture and farming operations, subject to Section 6.41.
- (d) Child Family Day-Care Homes, subject to Section 6.2.
- (e) Child Foster Family Homes, subject to Section 6.3.
- (f) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements, subject to Section 5.4.
- (g) Governmental and municipal buildings and structures.
- (g) Single-family dwellings, detached.
- (h) Uses similar to the above permitted principal land uses.

### Section 4.7.2 Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.3, Special Land Uses:

- (a) Adult Group Day-Care Homes, subject to Section 6.2.
- (b) Adult Day-Care Centers, subject to Section 6.2.

- (c) Adult Foster Care Small Group Homes (seven to twelve adults), subject to Section 6.3.
- (d) Animal rescues or shelters, subject to Sections 6.6.
- (e) Bed and Breakfast establishments, subject to Section 6.10.
- (f) Cemeteries, subject to Section 6.11.
- (g) Child Group Day Care Homes, subject to Section 6.2.
- (h) Child Day Care Centers, subject to Section 6.2.
- (i) Child Foster Family Group Homes, subject to Section 6.3.
- (j) Churches, subject to Section 6.12.
- (k) Golf courses and country clubs, subject to Section 6.22.
- (l) Kennels, commercial and private, subject to Sections 6.29 or 6.30.
- (m) Parochial, and private elementary, middle or high schools.
- (n) Public and private parks, playgrounds and recreational activities.
- (o) Temporary buildings or trailer offices incidental to construction.
- (p) Veterinary hospitals or clinics, subject to Section 6.53.
- (q) Wireless communication facilities, subject to Section 6.55.
- (r) Uses similar to the above permitted principal special land uses.

### **Section 4.7.3            Accessory Land Uses**

The following accessory uses are permitted, subject to the provisions of Section 5.3, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Class II and III animals, subject to Section 6.41.
- (c) Farm implement and vehicle repair and maintenance.

- (d) Grain, feed, cold and other storage of agricultural products in conjunction with farming or other principal agricultural use located on the same parcel.
- (e) Home businesses, subject to Section 5.8.
- (f) Home occupations, subject to Section 5.9.
- (g) Outdoor furnaces, subject to Section 6.39.
- (h) Ponds, subject to Section 6.40.
- (i) Roadside stands selling seasonal farm produce, subject to Section 6.43.
- (j) Stables, private
- (k) Wind energy conversion systems, subject to Section 6.54.

**Section 4.8**

**R-1, Country Home District**

**Intent and Purpose**

This district is established to provide areas in which the primary use is single-family residential on large, estate size lots, plus customary accessory and compatible supportive uses. Selective ranges of agricultural types of land uses are also accommodated within the district. Certain other private and public uses are permitted, as well as special uses subject to conditions that will insure compatibility with the primary use and essential rural character of this district. The regulations of the district are designed to exclude or discourage uses and buildings that demand substantial public services, including, but not limited to major thoroughfares, public sewer or water facilities, drainage, and other public services.

**Section 4.8.1 Permitted Land Uses**

- (a) Adult Family Day-Care Homes, subject to Section 6.2.
- (b) Adult Foster Care Family Homes and Adult Foster Care Small Group Home (six of fewer adults), subject to Section 6.3.
- (c) Child Family Day-Care Homes, subject to Section 6.2.
- (d) Child Foster Family Homes, subject to Section 6.3.
- (e) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements, subject to Section 5.4.
- (f) Single-family dwellings, detached.
- (g) Uses similar to the above permitted principal land uses.

**Section 4.8.2 Special Land Uses**

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.3, Special Land Uses:

- (a) Adult Group Day-Care Homes, subject to Section 6.2.
- (b) Adult Day Care Centers, subject to Section 6.2.
- (c) Adult Foster Care Small Group Homes (seven to twelve adults), subject to Section 6.3.

- (d) Bed and Breakfast accommodations, subject to Section 6.10.
- (e) Cemeteries, subject to Section 6.11.
- (f) Child Group Day Care Homes, subject to Section 6.2.
- (g) Child Day Care Centers, subject to Section 6.2.
- (h) Child Foster Family Group Homes, subject to Section 6.3.
- (i) Churches, subject to Section 6.12.
- (j) Golf courses and country clubs, subject to Section 6.22.
- (k) Kennels, commercial and private, subject to Sections 6.29 or 6.30.
- (i) Public libraries, museums and post offices.
- (i) Parochial, and private elementary, middle or high schools.
- (j) Ponds, subject to Section 6.40.
- (k) Public and private parks, playgrounds and recreational activities.
- (l) Residential clustering option, subject to Section 8.4(a).
- (m) Rooming and Boarding facilities, subject to Section 6.44.
- (n) Uses similar to the above permitted principal special land uses.

**Section 4.8.3            Accessory Land Uses**

The following permitted accessory uses are permitted, subject to the provisions of Section 5.3, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Class II and III animals, subject to Section 6.41.
- (c) Home businesses, subject to Section 5.8.
- (d) Home occupations, subject to Section 5.9.

- (e) Outdoor furnaces, subject to Section 6.39.
- (f) Roadside stands selling seasonal farm produce, subject to Section 6.43.
- (g) Stables, private.
- (h) Temporary buildings or trailer offices incidental to construction.
- (i) Wind energy conversion systems, subject to Section 6.54.

**Section 4.9 R-2, Single-Family Residential District**

**Intent and Purpose**

These districts are established to provide for residential development at a low to medium density, plus customary accessory and compatible support uses. Development within these areas are suburban in character and are designed to preserve and enhance the Township's rural character and natural features while also adding to the range of lot sizes and potential housing opportunities for various segments of the general public.

**Section 4.9.1 Permitted Land Uses**

- (a) All permitted land uses within the R-1, Country Home District.
- (b) Uses similar to the above permitted land uses.

**Section 4.9.2 Special Land Uses**

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.3 Special Land Uses:

- (a) All special land uses within the R-1, Country Home District.
- (b) Housing for the Elderly and Nursing Homes/Convalescent Centers, subject to Sections 6.3 and 6.24.
- (c) Kennels, commercial and private, subject to Sections 6.29 or 6.30.
- (d) Municipal buildings and uses not requiring outdoor storage of materials or vehicles.
- (e) Private golf courses, subject to Section 6.22.
- (f) Private recreation centers, swimming pools, community centers, clubhouses, etc.
- (g) Two family dwellings.
- (h) Uses similar to the above permitted principal special land uses.

**Section 4.9.3 Accessory Land Uses**

The following permitted accessory uses are permitted, subject to the provisions of Section 5.3, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in these Districts.
- (b) Home businesses, subject to Section 5.8.
- (c) Home occupations, subject to Section 5.9.
- (d) Temporary buildings or trailer offices incidental to construction.
- (e) Wind energy conversion systems, subject to 6.54.



## Section 4.10

## RM, Two-Family and Multiple Family Residential District

### Intent and Purpose

This district is established to provide areas for single family attached or multiple family dwelling structures, and to serve as a transitional zoning district between lower-density residential districts and non-residential districts. These districts are typically situated near urban concentrations where public utilities are available. Normally accessory and compatible uses supportive uses are also permitted within the areas.

### Section 4.10.1 Permitted Land Uses

- (a) All permitted land uses within the R-2, Single-Family Residential District.
- (b) Housing for the Elderly and Nursing Homes/Convalescent Centers, subject to Sections 6.3 and 6.24.
- (c) Multiple-family dwellings.
- (d) Public parks, playgrounds and recreational activities.
- (e) Single-family attached dwellings.
- (f) Uses similar to the above permitted principal land uses.

### Section 4.10.2 Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.3, Special Land Uses:

- (a) Adult and Child Day Care Centers, subject to Section 6.2.
- (b) Churches, subject to Section 6.12.
- (c) Parochial and private elementary, middle or high schools.
- (d) Public or private golf courses, subject to Section 6.22.
- (e) Public or private recreation centers, swimming pools, community centers, clubhouses, etc.
- (f) Public libraries.
- (g) Uses similar to the above permitted principal special land uses.

### **Section 4.10.3          Accessory Land Uses**

The following permitted accessory uses are permitted, subject to the provisions of Section 5.3, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Home occupations, subject to Section 5.9.
- (c) Wind energy conversion systems, subject to Section 6.54.

**Section 4.11**

**RMH, Manufactured Housing Park District**

**Intent and Purpose**

This district is established to allow the development of functional, compatible, and aesthetically pleasing manufactured home residential parks of imaginative design, adjacent to essential community services, including public and/or private sanitary sewer and water supply, and otherwise protect the health, safety and welfare of mobile home residents in Sumpter Township. See Section 6.34 for the general development requirements for the RMH district.

**Section 4.11.1 Permitted Land Uses**

- (a) Manufactured homes.
- (b) Manufactured housing communities, subject to Section 6.34.
- (c) Private parks, playgrounds and recreational activities.
- (d) Uses similar to the above permitted principal land uses.

**Section 4.11.2 Special Land Uses**

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.3, Special Land Uses:

- (a) Churches, subject to Section 6.12.
- (b) Day Care Centers, subject to Section 6.2.
- (c) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements, subject to Section 5.4.
- (d) Parochial, and private elementary, middle or high schools.
- (e) Private recreation centers, swimming pools, community centers, clubhouses, etc.
- (f) Uses similar to the above permitted principal special land uses.

### **Section 4.11.3          Accessory Land Uses**

The following permitted accessory uses are permitted, subject to the provisions of Section 5.3, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Home occupations, subject to Section 5.9.
- (c) Wind energy conversion systems, subject to Section 6.54.

**Section 4.12            CBD, Central Business District**

**Intent and Purpose**

This district is established to provide for office buildings and the great variety of retail stores and related activities which occupy the prime retail frontage, by serving the comparison, convenience and service needs of the area. The regulations of the districts are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive-related services and non-retail uses which tend to break up such continuity.

**Section 4.12.1            Permitted Land Uses**

- (a) Business service establishments, including, but not limited to typing services, photocopying services, office supply stores, and similar establishments.
- (b) Credit unions, banks, savings and loan offices and similar financial institutions.
- (c) Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
- (d) Day care centers, subject to Section 6.2.
- (e) Generally recognized retail businesses which supply commodities on the premises within completely enclosed buildings, such commodities include, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions or hardware.
- (f) Government offices and public buildings.
- (g) Health and fitness clubs.
- (h) Housing for the Elderly and Nursing Homes/Convalescent Centers, subject to Sections 6.3 and 6.24.
- (i) Live/work units, subject to Section 6.32.
- (j) Meeting halls, clubs and similar uses designed to serve the needs of the members rather than of the general public.
- (k) Medical and dental offices including clinics but not for the care or boarding of a person on an around-the-clock basis.
- (l) Office-type businesses related to executive, administrative or professional occupations including, but not limited to, offices of a lawyer, accountant, tax

consultant, financial advisor, insurance/real estate agent, architect, engineer and similar occupations.

- (m) One-family dwellings located above the first floor within a building containing another permitted use, and subject to Section 4.19.
- (n) Outdoor display of products or materials intended for retail sale or rental, subject to Section 6.36.
- (o) Pet grooming facilities for small household pets.
- (p) Personal service establishments including, but not limited to watch, small appliance, shoe, and television repair shops, and beauty and barber shops, tailor and seamstress shops, upholstery shops
- (q) Public libraries and museums.
- (r) Restaurants, carry-out or sit down.
- (s) Seasonal and transient display of products or materials intended for retail sale or rental, subject to Section 6.46.
- (t) Sidewalk cafe service, operated by a restaurant or other food establishment which sells food for immediate consumption, subject to Section 6.48.
- (u) Studios for professional work and/or teaching of interior decorating, photography, music, drama, and/or dance.
- (v) Theaters, when completely enclosed.
- (w) Veterinary hospitals or clinics, subject to Section 6.53.
- (x) Uses similar to the above permitted principal land uses.

#### **Section 4.12.2 Special Land Uses**

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.3, Special Land Uses:

- (a) Artisan and farmers markets, subject to Section 6.7.
- (b) Assembly and dance halls.
- (c) Banquet halls and similar rental facilities.

- (d) Bars, lounges and night clubs.
- (e) Motels and hotels, subject to Section 6.35.
- (f) Uses similar to the above permitted principal special land uses.

**Intent and Purpose**

This district is established to serve the convenience shopping and personal service needs of persons residing in adjacent residential areas, but with the restrictions necessary to minimize any disturbance to those areas. These regulations are intended to discourage strip or linear development, and to encourage stable and desirable development in a cluster or planned pattern.

**Section 4.13.1 Permitted Land Uses**

- (a) Business service establishments, including, but not limited to typing services, photocopying services, office supply stores, and similar establishments.
- (b) Credit unions, banks, savings and loan offices and similar financial institutions.
- (c) Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
- (d) Day care centers, subject to Section 6.2.
- (e) Dry cleaners (coin operated or distribution station) and dry cleaning/laundry outlet
- (f) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements, subject to Section 5.4.
- (g) Funeral homes and mortuaries, subject to Section 6.19.
- (h) Governmental offices and public buildings.
- (i) Health and fitness clubs.
- (j) Libraries and museums.
- (k) Housing for the Elderly and Nursing Homes/Convalescent Centers, subject to Sections 6.3 and 6.24.
- (l) Meeting halls, clubs, and similar uses designed to serve the needs of the members rather than of the general public.
- (m) Medical and dental offices including clinics but not for the care or boarding of a person on an around-the-clock basis.



- (n) Office-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, tax consultant, financial advisor, insurance/real estate agent, architect, engineer and similar occupations.
- (o) Personal service establishments including, but not limited to watch, small appliance, shoe, and television repair shops, and beauty and barber shops, tailor and seamstress shops, upholstery shops.
- (p) Pet grooming facilities for small household pets.
- (q) Restaurants, carry-out or sit down.
- (r) Retail businesses of less than 30,000 square feet in gross floor area and supplying commodities, including, but not limited to antiques, automobile parts, tire stores, baked goods, books, candy, clothing, delicatessen products, dairy products, drugs (with or without pharmacy), florist, furniture, gifts, groceries, magazines and newspapers, party store items (including package liquor), meats, notions, hardware, and other similar commodities.
- (s) Studios for professional work and/or teaching of interior decorating, photography, music, drama, and/or dance.
- (t) Veterinary hospitals or clinics, subject to Section 6.53.
- (u) Wind energy conversion systems, subject to Section 6.54.
- (u) Uses similar to the above permitted principal land uses.

#### **Section 4.13.2 Special Land Uses**

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.3, Special Land Uses:

- (a) All drive-in or drive through facilities, subject to Section 6.17.
- (b) Automobile filling stations, repair garages, service stations and dealerships, subject to Section 6.8.
- (c) Automobile washes or car wash establishments, subject to Section 6.9.
- (d) Farm equipment sales, subject to Section 6.38.
- (e) Bars, lounges and night clubs.

- (f) Commercial greenhouses or plant nurseries, subject to Section 6.36.
- (g) Commercial recreational facilities, indoor or outdoor, subject to Section 6.37.
- (h) Large scale retail facilities-subject to Section 6.31.
- (i) Kennels, commercial, subject to Sections 6.29.
- (j) Motels and hotels, subject to Section 6.35.
- (k) Quick lube/oil change operations, subject to Section 6.8.
- (l) Self storage facilities, subject to Section 6.47.
- (m) Theatres, when fully enclosed.
- (n) Transient and temporary amusements, subject to Section 6.51.
- (o) Wireless Communication Facilities, subject to Section 6.55.
- (p) Uses similar to the above permitted principal special land uses.

#### **Section 4.13.3          Accessory Land Uses**

The following permitted accessory uses are permitted, subject to the provisions of Section 5.3, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Temporary buildings for construction projects.
- (c) Seasonal outdoor dining, operated by a restaurant or other food establishment which sells food for immediate consumption, subject to Section 6.48.

**Section 4.14**

**C-2, General Business District**

**Intent and Purpose**

This district is established to serve the overall shopping needs of the population both within and beyond the Township boundaries, including both convenience and comparison goods.

**Section 4.14.1 Permitted Land Uses**

- (a) All permitted principal land uses in the C-1, Local Business District.
- (b) Automobile filling stations, repair garages and service stations, subject to Section 6.8.
- (c) Automobile washes or car wash establishments, subject to Section 6.9.
- (d) Commercial recreational facilities, indoor or outdoor, subject to Section 6.37.
- (e) Large scale retail facilities subject to Section 6.31.
- (f) Veterinary hospitals and clinics, subject to Section 6.53.
- (g) Wind energy conversion systems, subject to Section 6.54
- (h) Uses similar to the above permitted principal uses.

**Section 4.14.2 Special Land Uses**

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.3, Special Land Uses:

- (a) All drive-in or drive through facilities, subject to Section 6.17.
- (b) Animal rescues or shelters, subject to Sections 6.6.
- (c) Assembly and dance halls.
- (d) Auto body and paint shops, subject to Section 6.8.
- (e) Automobile and farm equipment sales (new, used and rental), subject to Sections 6.38.
- (f) Banquet halls and similar rental facilities.
- (g) Bars, lounges and night clubs.

- (h) Commercial greenhouses or plant nurseries, subject to Section 6.36.
- (i) Hospitals and health clinics, subject to Section 6.21.
- (j) Kennel, commercial, subject to Section 6.29.
- (k) Mobile home and recreational vehicle sales, service and repair, subject to Section 6.38.
- (l) Motels and hotels, subject to Section 6.35.
- (m) Outdoor sales, storage lots and display areas, subject to Section 6.36.
- (n) Quick lube/oil change operations, subject to Section 6.8.
- (o) Theatre, when fully enclosed.
- (p) Transient, temporary amusements, subject to Section 6.51.
- (q) Wireless Communication Facilities, subject to Section 6.55.
- (r) Uses similar to the above permitted principal special land uses.

**Section 4.14.3      Accessory Land Uses**

The following permitted accessory uses are permitted, subject to the provisions of Section 5.3, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a principal or special land use permitted in this District.
- (b) Temporary buildings for construction projects.
- (c) Warehouse/indoor storage associated with a retail sales business.
- (d) Seasonal outdoor dining, operated by a restaurant or other food establishment which sells food for immediate consumption, subject to Section 6.48.

## Section 4.15

## LI, Light Industrial District

### Intent and Purpose

This district is established to make available resources and services essential to high quality light industrial development, including manufacturing, office/research, warehousing and distribution, and other similar light and low impact industrial uses, while also guarding against the encroachment of these uses into districts where they may be considered incompatible.

### Section 4.15.1 Permitted Land Uses

- (a) Business research, development and testing laboratories and offices.
- (b) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements.
- (c) Industrial park, subject to Section 6.26.
- (d) Industrial research, development and testing laboratories and offices.
- (e) Manufacturing, compounding, processing, packaging or treatment of the following uses when conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located:
  - (1) Electrical appliances, electronic instruments and devices.
  - (2) Food, cosmetics, pharmaceuticals, toiletries, hardware and cutlery.
  - (3) Jewelry, silverware and plated ware, metal or rubber stamps, or other small molded products, musical instruments and parts, toys, amusement, sporting and athletic goods, office and artists materials, notions, signs and advertising displays.
  - (4) Office, computing and accounting machines.
  - (5) Previously prepared materials including, but not limited to bone, canvas, cellophane, ceramic, clay, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings including, but not limited to automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood, (excluding saw and planing mills), and yarns.

- (6) Professional, scientific and controlling instruments, photographic and optical goods.
- (f) Printing, publishing and allied industries.
- (g) Research, development and testing laboratories and offices.
- (h) Wind energy conversion systems, subject to Section 6.54.
- (i) Uses similar to the above permitted principal land uses.

#### **Section 4.15.2 Special Land Uses**

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.3, Special Land Uses:

- (a) Adult regulated uses, subject to Section 6.4.
- (b) Airports, airstrips, helicopters and other vertical landing take off craft landing ports and aircraft landing fields, subject to Section 6.5.
- (c) Auto body and paint shops, subject to Section 6.8.
- (d) Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumers at retail.
- (e) Construction and farm equipment sales, subject to Section 6.38.
- (f) Flea markets and open air businesses.
- (g) Landfills, per the Sumpter Township Landfill Ordinance.
- (h) Major vehicle repair shops and overhauling facilities, vehicle bump and paint shops and the like, subject to Section 6.8.
- (i) Manufacturing, compounding, processing, packaging or treatment of the following uses:
  - (1) Asphalt, concrete, construction or petroleum products defined as hazardous by the State Fire Marshall.
  - (2) Electric or neon signs.
  - (3) Fabricated metal products, excepting heavy machinery and transportation equipment.

- (4) Furniture and fixtures.
- (5) Monuments, cut stone, stone cutting and stone products.
- (j) Metal fabrication, and tool and die shops.
- (k) Open storage of building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, subject to Section 6.20.
- (l) Public or private waste or water treatment facilities.
- (m) Radio, television, telephone, transmitter towers.
- (n) Self-storage facilities, subject to Section 6.47.
- (o) Storage of commercial and recreational vehicles subject to Section 6.14.
- (p) Tennis houses, ice arenas, soccer complexes and other similar uses involving large structures of the type than can be easily converted to industrial usage.
- (q) Trucking and transit terminals.
- (r) Vocational training facilities, subject to Section 6.13.
- (s) Warehousing and materials distribution centers.
- (t) Wholesale of goods and materials.
- (u) Wireless Communication Facilities, subject to Section 6.55.
- (v) Uses similar to the above permitted principal special land uses.

**Section 4.15.3            Accessory Land Uses**

The following permitted accessory uses are permitted, subject to the provisions of Section 5.3, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Temporary buildings for construction projects.
- (c) The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the permitted principal use is located:

- (1) Banking.
- (2) Education, library and training facilities.
- (3) Medical and health care facilities.
- (4) Recreation and physical fitness facilities.
- (5) Restaurants and cafeteria facilities for employees.
- (6) Sales display facilities and areas.
- (7) Warehouse and storage facilities.
- (8) Work clothing sales and service facilities.



## Section 4.16

## GI, General Industrial District

### Intent and Purpose

This district is established to provide locations for the development of medium to heavy industrial uses. Such uses primarily include those involved in manufacturing, assembly and fabrication. It is intended that this District be located where adequate utilities and suitable road and rail access are available.

### Section 4.16.1 Permitted Land Uses

- (a) All permitted principal land uses in the LI, Light Industrial District.
- (b) Industrial park, subject to Section 6.26.
- (c) Manufacturing, compounding, processing, packaging or treatment of the following uses:
  - (1) Automobile and machine manufacturing and assembly, not including tires.
  - (2) Furniture and fixtures.
  - (3) Prefabricated buildings and structural members.
  - (4) Stone, clay and glass products including, but not limited to flat glass, pressed or blown glass and glass-cut stone and stone products, and abrasive, asbestos and miscellaneous non-metallic mineral products.
- (d) Radio, television, telephone, transmitter towers.
- (e) Self-storage facilities, subject to Section 6.47.
- (f) Storage of commercial and recreational vehicles subject to Section 6.14.
- (g) Vocational training facilities, subject to Section 6.13.
- (h) Warehousing and materials distribution centers.
- (i) Wholesale of goods and materials.
- (j) Wind energy conversion systems, subject to Section 6.54.
- (k) Wireless Communication Facilities, subject to Section 6.55.
- (l) Uses similar to the above permitted principal land uses.

## **Section 4.16.2 Special Land Uses**

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.3, Special Land Uses:

- (a) Airports, airstrips, helicopters and other vertical landing take off craft landing ports and aircraft landing fields, subject to Section 6.5.
- (b) Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumers at retail.
- (c) Construction and farm equipment sales, subject to Section 6.38.
- (d) Container warehouse facilities, subject to Section 6.16.
- (e) Incineration of any refuse, industrial, hazardous or other wastes when conducted within an approved and enclosed incineration plant, subject to Section 6.27.
- (g) Major vehicle repair shops and overhauling facilities, vehicle bump and paint shops and the like, subject to 6.8.
- (h) Manufacturing, compounding, processing, packaging or treatment of the following uses:
  - (1) Aluminum, bronze, copper, copper-base alloy and nonferrous castings.
  - (2) Asphalt, concrete, construction or petroleum products defined as hazardous by the State Fire Marshall.
  - (3) Chemical products including, but not limited to plastic materials, medicinal, chemical, biological products, and pharmaceutical preparations.
  - (4) Electric or neon signs.
  - (5) Leather and leather products including, but not limited to industrial belting and packing, footwear, gloves and mittens, luggage and handbags.
  - (6) Machinery including, but not limited to engines and turbines, farm machinery and equipment, and industrial machinery and equipment.
  - (7) Transportation equipment including, but not limited to motor vehicle equipment and parts, motorcycles, bicycles and parts.
  - (8) Wooden containers and pallets.

- (j) Metal fabrication, plating, buffing and polishing and tool and die shops.
- (k) Open storage of building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, subject to Section 6.20.
- (l) Processing of any mined or excavated material.
- (m) Railroad yards and railroad terminal activities.
- (n) Salvage yards, scrap waste and wholesaling, subject to Section 6.45.
- (n) Slaughterhouses, subject to Section 6.49.
- (o) Sludge processing and similar resource recovery operations, subject to Section 6.50.
- (p) Tennis houses, ice arenas, soccer complexes and other similar uses involving large structures of the type which can be easily converted to industrial usage.
- (q) Trucking and transit terminals.
- (r) Uses similar to the above permitted principal special land uses.

**Section 4.16.3            Accessory Land Uses**

The following permitted accessory uses are permitted, subject to the provisions of Section 5.3, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Temporary buildings for construction projects.
- (c) The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the permitted principal use is located:
  - (1) Banking.
  - (2) Education, library and training facilities.
  - (3) Medical and health care facilities.
  - (4) Recreation and physical fitness facilities.
  - (5) Restaurants and cafeteria facilities for employees.

- (6) Sales display facilities and areas.
- (7) Work clothing sales and service facilities.

**Intent and Purpose**

This district is established to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of the associated provisions to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district 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 while maintaining the overall density of development of the parcels consistent with the district regulations. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principle.

See Article 8 for specific use regulations.

#### **Section 4.18 Schedule of Area, Height and Placement Regulations.**

The following regulations regarding lot sizes, yards, setbacks, lot coverage, structure size and densities apply within the zoning districts as indicated, including those “additional regulations” referred to in the following table.

No structure shall be erected, nor shall an existing structure be altered, enlarged or rebuilt, nor shall any open space surrounding any structure be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such structure is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, lot area, occupancy, in connection with an existing or projected structure, shall again be used to qualify or justify any other structure existing or intended to exist at the same time.

Zoning District	Minimum Lot Size Per Dwelling Unit		Maximum Building Height (a)		Front (a,c)	Minimum Yard Setback (b)		Rear	Minimum Floor Area Per Dwelling Unit (d)
	Area (m)	Lot width	Stories	Feet		Side	Total of two (2) Side Yards		
AG, Agricultural District	1 acre	150 ft.	2	35	50 ft.	20 ft.	40 ft.	50 ft.	1,200 sq.ft.
RF, Rural Farm District	1 acre	150 ft.	2	35	40 ft.	20 ft.	40 ft.	50 ft.	1,200 sq.ft.
R-1, Country Home District	1 acre	150 ft.	2	28	40 ft.	20 ft.	40 ft.	50 ft.	1,200 sq.ft.
R-2, Single-Family Residential District	(f)	(f)	2	28	30 ft.	10 ft.	25 ft.	40 ft.	1,200 sq.ft.
RM, Two-Family and Multiple Family Residential District	(e)	150 ft.	2	30	25 ft.	10 ft.	25 ft.	50 ft.	(h)
RMH, Manufactured Housing Park District	10 acres				(see Section 6.34)				
CBD, Central Business District	---	---	3	40	---	---	---	---	---
C-1, Local Business District	---	100 ft.	2	30	30 ft.	10 ft.	20 ft. (i)	20 ft.	---
C-2, General Business District	---	150 ft.	2.5	30	45 ft.	10 ft.	20 ft. (i)	20 ft.	---
LI, Light Industrial District	1 acre	200 ft.	4	40	50 ft.	20 ft.	40 ft.	20 ft.	---
GI, General Industrial District	2 acres	250	3	50	75 ft.	30 ft.	60 ft.	30 ft.	---

**Section 4.19 Footnotes to Schedule of Area, Height, Width and Setback Regulations.**

- (a) In all residential and industrial districts, the required front yard setback shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except landscaping, plant materials or vehicle access drives.
- (b) All yards abutting a public street, private road, or access easement shall be considered a front yard for setback purposes.
- (c) Where a front yard of lesser depth than specified in the schedule of regulations exists in front of dwellings on more than sixty (60) percent of the lots of record on one (1) side of the street in any one (1) block in a single-family residential district, the depth of a front yard for any building built or placed afterwards on any lot in such block need not be greater than the average depth of existing building front yards.
- (d) The minimum floor area per dwelling unit shall not include the area of basements, utility rooms, breezeways, porches or attached garages.
- (e) Minimum land area required for each dwelling unit in the RM district shall be:
  - (1) Lot Area and Density. Every lot or parcel of land occupied by a multiple-family structure shall contain no less than the following lot area (excluding existing public road right-of-way):

<b>Dwelling Unit Size</b>	<b>Land Area in Square Feet for Multiple Dwellings</b>	<b>Land Area in Square Feet for Townhouses and Duplexes</b>
Efficiency or one bedroom unit	3,000	4,200
Two bedroom unit	4,200	5,100
Three bedroom unit	5,100	5,700
Four or more bedroom unit	5,700	6,000

- (2) Building Length. The maximum overall horizontal length of any one building or group of buildings attached together over any portion of a common party wall, shall exceed two hundred (200) feet.
- (3) Distance between Buildings. In addition to the required setbacks from property boundaries, the following minimum distances shall be required between each multiple family structure:
  - A. where buildings are front to front or front to rear, three (3) times the height of the taller building, and not less than seventy (70) feet.



- B. where buildings are side to side, one and one-half (1.5) times the height of the taller building, but not less than twenty (20) feet.
- C. where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than thirty-five (35) feet.

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

- (4) The minimum distance of any principal building from the ordinary high water mark shall be fifty (50) feet.
- (f) Single-family lots without municipal sanitary sewer and water shall be a minimum of one (1) acre in area, with one hundred fifty (150) feet of frontage and subject to Wayne County Health Department approval. Lots served by both municipal water and sanitary sewer must be a minimum of fifteen thousand (15, 000) square feet in area with one hundred (100) feet of frontage.
- (g) Public sanitary sewer and public water supply systems shall serve residential developments.
- (h) The minimum required floor space per dwelling unit shall be as follows:
 

Efficiency Unit	350
1 bedroom unit	600
2 bedroom unit	800
3 bedroom unit	1,000
Each additional bedroom	80
- (i) Properties containing public or private horse stables must have a minimum of three (3) acres regardless of the zoning designation.

**Section 4.20 Additional Regulations.**

- (a) Exceptions to height limitations.
  - (1) Specific height limitations contained in the Schedule of Regulations, Section 4.18, are intended to be modified in penthouses or roof structures for the housing of elevators, water tanks, ventilating fans, or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, cooling towers, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials

and wireless masts, or similar structures. These structures may exceed, by no more than fifteen (15) feet, the height limits of the district in which they are located. However, no such structure shall have a total area greater than twenty (20) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than an activity in mechanical support to the main use of the building.

- (2) Height limitations contained in Section 4.18 applicable to public and semi-public buildings in residential districts do not apply to spires, cupolas, bell towers or scenery lofts. However, any building that exceeds the height limit of the district in which it is located shall increase the yard setback requirements by one (1) foot for each two (2) feet of the total height exceeds the maximum permitted. The total height shall never exceed forty-five (45) feet.
- (3) Specific height limitations in the AG and RF districts are intended to be modified as to allow accessory buildings and structures to be built to a height not exceeding thirty-five (35) feet in height, except silos that may be built to a height of one hundred (100) feet.

(b) Ordinary projections of window sills, string courses, cornices, eaves, bay windows and other architectural features may project into any required yard provided such projection does not exceed eighteen inches.

(c) Terraces, patios and similar accessory structures may project into a required yard, if the structure is unroofed and without walls or other continuous enclosure, and the structure not be placed closer than five (5) feet to any property line. Such encroachments may have open railings or fences not exceeding three (3) feet in height; and may have noncontinuous windbreaks, visual screens or walls not exceeding eight (8) feet in height in a rear yard, or four (4) feet in height in a front or side yard, or not enclosing more than one-half the perimeter of said terrace, patio or similar structure.

Unenclosed roofed porches may project into a required yard up to six (6) feet; if such porches do not exceed one (1) story in height, that such porches are not located within eight (8) feet of any lot line; and that no building shall have more than one (1) porch in any one (1) yard.

Enclosed porches and other enclosed structures shall be considered an integral part of the building to which they are attached and shall be subject to the same yard requirements. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required yard a maximum of five (5) feet.

(d) On a corner lot in any district, nothing shall be built, placed, planted or allowed to grow to impede vision between a height of two and one-half (2.5) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said lines twenty-five (25) feet from the point of the intersection.

- (e) The depth of a lot in any district may not exceed a depth-to-width ratio of four-to-one (4 to 1).
- (f) No dwelling shall be built in a non-residential zoning district. However, the sleeping quarters of a guard or caretaker may be permitted by the Planning Commission as a special approval use.
- (g) Any building constructed in a LI or GI District shall not be closer than one hundred (100) feet from any boundary adjoining property zoned for single-family residential use.
- (h) The front walls of any building in a LI or GI District shall be constructed or faced with stone, brick, decorative block or materials approved by the Planning Commission.
- (i) Fences and walls.
  - (1) No stockade type fences shall be allowed between the front of the house and the road.
  - (2) If the property were a corner lot, the restriction shall apply to both roads.
  - (3) The fence in the front of the house shall have an opacity of no more than fifty (50) percent.
  - (4) If a road or driveway is involved, a clear space shall be provided so that a safe view of the road is available.
  - (5) Only decorative “picket” or chain link fences are allowed in the front yards of residentially zoned property.
  - (6) Stockade or privacy fences shall be behind the front of the house in either the side or rear yards.
  - (7) Privacy fences may be up to six (6) feet high above the grade of the ground in front of it.
  - (8) If a fence sits on top of an earthen berm, the height of the berm shall be included in the calculation of the fence height.
  - (9) Decorative, chain link or wire fencing may be up to four (4) feet high in the residential zoning district and up to five (5) feet high in the agricultural and rural small farm zoning districts.

(j) There shall be no outside storage of automobiles, trucks, farm tractors, semi-truck tractors and similar vehicles that are abandoned, disabled, wrecked or unlicensed except in a lawful junkyard.

(k) Farm equipment (operable or inoperable), such as but not limited to, tractors, trucks, trailers and cultivators shall not be stored in any residential zone, except that the enclosed cab vehicle normally used by the householder as transportation to and from his farm site shall be permitted.

## ARTICLE 5

### GENERAL PROVISIONS

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#### **Section 5.1 Intent.**

The intent of this Article is to provide for those regulations that generally apply regardless of the particular zoning district and to those conditional uses that may be permitted in certain zoning districts.

#### **Section 5.2 Access Management.**

(a) Purpose. The purpose of this section is to recognize the correlation between land use decisions and traffic safety and operations. This section provides for the accurate evaluation of expected impacts of proposed projects to assist in decision-making. This section of this Ordinance is intended to regulate site plans, Planned Unit Developments (PUDs), plats, lot splits, etc.; it is not intended to regulate an individual single-family residential dwelling site. However, the Zoning Administrator may apply the standards of this Ordinance to one (1) single-family residential dwelling site, as appropriate. It is further intended to help achieve the following objectives:

- (1) Provide a standard set of analytic tools and format for preparing traffic impact studies.
- (2) Allow the community to assess the effects that a proposed project may have on the community by outlining necessary information and evaluation procedures to be used.
- (3) Provide clear access standards and roadway improvement policies that provide property owners with reasonable access and related improvements to those specifically and uniquely attributable to the proposed development.
- (4) Ensure safe and reasonable traffic operating conditions on streets and at intersections after development of the proposed site.
- (5) Reduce the negative impacts created by individual developments by helping to ensure the transportation system can accommodate the expected traffic in a safe and effective manner.
- (6) Realize a comprehensive approach to the overall impacts of developments along arterials and collectors, rather than a piecemeal approach.
- (7) Protect the substantial public investment in the existing roadway system.

- (b) Application of Standards for Arterials and Collectors.
- (1) The standards of this section shall be applied to land uses within all zoning districts located on an arterial or collector road.
  - (2) A traffic impact study (see subsection (3) below) shall be required for a rezoning, site plan, condominiums or subdivision plat under any of the following situations:
    - A. For any proposed rezoning, whether consistent or not with the current Master Plan, when the proposed uses could generate at least one hundred (100) trips during the peak hour or over seven hundred fifty (750) trips in an average day. The traffic impact study shall evaluate the changes between the potential uses that are the most-intense trip generators under the current zoning and the zoning being requested.
    - B. For any proposed site plan when the proposed uses could generate at least one hundred (100) trips during the peak hour or over seven hundred fifty (750) trips in an average day.
    - C. For other proposed development projects, as may be requested by the Planning Commission. Examples may include projects requiring special land use permits or PUDs.
  - (3) The traffic impact study shall be submitted at the time of site plan application. The study shall be prepared by a Professional Engineer registered in the State of Michigan or Community Planner with AICP or PCP certification with education and experience in transportation planning and/or traffic engineering. Data should be presented in tables, graphs, maps, and diagrams whenever possible for clarity and ease of review. The contents of the study shall include:
    - A. Description of Site, Surroundings, and Study Area. Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system, including functional classification, number of lanes, speed limits, etc. This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features, and a description of any committed roadway improvements.
    - B. Description of Requested Zoning or Use.
      - (i) For a rezoning or Master Land Use Plan amendment, a description of the potential uses which would be allowed, compared to those allowed under current zoning, should be provided.
      - (ii) For a site plan, plat, or development plan, a description of factors including, but not limited to number and types of dwelling units,

the gross and usable floor area, or the number of employees should be provided.

- C. Description of Existing Traffic Conditions. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configurations, geometrics, signal timing, posted speed limits, and any sight distance limitations.
- D. Traffic Counts. Existing conditions, including peak-hour volumes and daily volumes on roads adjacent to the site should be provided. Existing counts and levels of service calculations for intersections in the vicinity which are expected to be impacted should be provided. Traffic count data shall not be over three (3) years old, and shall be adjusted by a growth factor to reflect current conditions. Counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts on other weekdays or on weekends may be required in some cases, as requested by the Planning Commission.
- E. Traffic Crash Data and Analysis. Crash data shall be evaluated, covering the most recent three (3) years of available information for the study area.
- F. Road Right-of-Way. The existing road right-of-way shall be identified, along with any planned expansion of the right-of-way by the applicable road agency.
- G. Background Traffic Growth. For any project with an anticipated completion date beyond one (1) year from the time of the study, the analysis shall also include a scenario analyzing forecast traffic at the date of completion. The forecast shall be based on long range projections from a network traffic assignment model, if available, historic annual percentage increases, and/or future development in the area which has been approved.
- H. Trip Generation.
  - (i) Trip generation of the proposed use shall be forecasted for the a.m. (if applicable) and p.m. peak hour and the average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE).
  - (ii) If a particular land use code in Trip Generation has a data set that is statistically significant, then a value one standard deviation above the average value of the data set shall be used. If it is not statistically significant, then the maximum value of the data set shall be used.

- (iii) Alternately, a published or unpublished trip generation study for a comparable development may be utilized, if performed by a Professional Engineer and subject to review and approval by the Township Engineer.
  - (iv) Trip reduction for pass-by trips, ride-sharing, transit, etc. are generally not allowed, without specific approval of the Township.
  - (v) For projects intended to be developed in phases, the trip generation by phase shall be described.
- I. Trip Distribution. The projected traffic generated shall be distributed for inbound and outbound movements onto the existing road network to forecast turning movements at site access points and nearby intersections, where required. Forecasted turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be included.
- J. Impact Analysis.
- (i) Capacity or level-of-service (LOS) analysis at the proposed access points and intersections to be reviewed shall be performed using the procedures outlined in the most recent edition of Highway Capacity Manual, published by the Transportation Research Board. Generally, capacity analyses shall be performed for all intersections in the study area where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity, and/or locations experiencing a relatively high crash rate.
  - (ii) Gap studies and/or traffic signal warrant studies for unsignalized intersections should be provided, where applicable.
- K. Other Study Items.
- (i) The need for, or provision of, any additional road right-of-way.
  - (ii) Changes which should be considered to the plat or site plan layout.
  - (iii) The adequacy of the queuing (stacking) area for a drive-through facility, or other facilities of concern.
  - (iv) Evaluation of sight distances at proposed site driveways.



- L. Mitigation and Alternatives. The study shall outline mitigation measures specifically and uniquely attributable to the development that are needed to maintain traffic flow to, from, and within the site at an acceptable and safe level. It shall demonstrate any changes to the level-of-service (LOS) achieved by these measures. The mitigation measures may include, but are not limited to, items including, but not limited to roadway widening, passing lanes, turning lanes, deceleration tapers/lanes, changes to signalization, use of access management or travel demand management techniques, and the reduction in the proposed intensity of development.
- (4) The access management and driveway standards contained herein shall be required in addition to, and, where permissible, shall supersede, the requirements of the Michigan Department of Transportation (MDOT) and/or the Wayne County Department of Public Services (WCDPS).
- (5) For expansion and/or redevelopment of existing sites, where the Planning Commission determines that compliance with all standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates that all of the following apply:
- A. Size of the parcel is insufficient to meet the dimensional standards.
- B. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
- C. The use will generate less than five hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers.
- D. There is no other reasonable means of access.
- (c) Access Controls. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be by way of a local road, shared driveway or a marginal access (service) drive. Where it is not possible to provide shared access, this access may be by a single driveway. The control of driveway and local road access to arterial and collector roads in the Township is critical to the safe and efficient operation of these facilities. Experience has shown that implementation of these policies will minimize highway congestion and crashes, while creating more attractive, function, and economically viable places throughout the Township.

- (1) Direct Access. The number of driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. No more than one (1) driveway (or a one-way pair) is allowed per property, unless appropriate documentation is provided demonstrating the need for additional driveways. Additional driveways may be permitted for a property only under one of the following:
  - A. One (1) additional two-way driveway may be allowed for properties with a continuous frontage of over five hundred (500) feet, and one (1) additional two-way driveway for each additional five hundred (500) feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities.
  - B. Two (2) one-way driveways may be permitted along a frontage of at least one hundred twenty-five (125) feet, provided that the driveways do not interfere with operations at other driveways or along the road.
  - C. The Planning Commission may determine additional driveways are justified due to the amount of traffic generated by the use, without compromising traffic operations along the public road, based upon a traffic impact study submitted by the applicant. Similarly, they may determine that additional driveways are required due to community interests, including, but not limited to emergency vehicle access or to avoid unduly concentrating traffic into or out of the site.
  
- (2) Indirect Access. The use of shared driveways, service roads, and cross access, in conjunction with driveway spacing, is intended to preserve traffic flow along arterials and collectors and minimize traffic conflicts, while retaining reasonable access to the property. Where noted herein, or where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, access from a side road, a shared driveway, or service street connecting two (2) or more properties or uses may be required. In particular, service drives, frontage roads, or parking lot maneuvering lane connections between lots or uses may be required in the following cases:
  - A. Where the driveway spacing standards of this section cannot be met.
  - B. When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
  - C. The site is along a corridor within the Township where there is congestion or a relatively high number of accidents.
  - D. The property frontage has limited sight distance.

- (3) Re-Circulation of Traffic within Sites. If developments are proposed that utilize one-way circulation aisles, the site shall be configured to allow the re-circulation of traffic within the site without the need to first exit out onto the street system. For those developments that utilize cross access with adjacent properties, re-circulation of traffic may occur through the cross access, upon approval of the Planning Commission.
- (4) Interconnection Requirements between Plats/Site Condos. All plats or site condominiums constructed after the adoption date of this Ordinance shall provide an interconnecting street or dedicated easement to adjacent vacant properties and/or existing developments, when determined feasible by the Planning Commission. Therefore, all interconnecting streets shall be designed to the current WCDPS standard and, whether public or private, shall be coordinated with adjacent property owners.
- (5) Access Conflicts with Major Intersections. Driveways should be located and designed to minimize interference with the operation of left-turn lanes at arterial road intersections.
- (6) Driveway Locations.
  - A. Driveways shall be so located that no undue interference with the free movement of road traffic will result, to provide the required sight distance, and the most favorable driveway grade.
  - B. Driveways, including the radii, but not including right-turn lanes, passing lanes and tapers, shall be located entirely within the permit applicant's right-of-way frontage, unless the driveway is being shared by adjacent property owners. This right-of-way frontage is determined by projecting the property lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certification from the adjacent property owner agreeing to such encroachment or as necessary to preserve the safety of the road.
- (7) Driveway Spacing Between Driveways. The minimum spacing between two (2) driveways on the same side of the street shall be based upon posted speed limits along the parcel frontage. The minimum spacing indicated below is measured from centerline to centerline.

**Driveway (Two-Way) Spacing Standards for Arterial Roads**

<b>Posted Speed Limit (MPH)</b>	<b>Minimum Driveway Spacing (In Feet)</b>
25	130
30	185
35	245
40	300
45	650
50 +	455

**Driveway (Two-Way) Spacing Standards for Collector Roads**

<b>Posted Speed Limit (MPH)</b>	<b>Minimum Driveway Spacing (In Feet)</b>
25	125
30	150
35	175
40	200
45	230
50 +	275

For sites with insufficient street frontage to meet the above criterion, the Planning Commission may require construction of a driveway out to a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the other driveway, or require a service drive /frontage road.

- (8) Driveway Spacing From Intersections. A proposed driveway should be located as far as practicable from an intersection, either adjacent to it or on the opposite side of the road. The distance may be set on a case-by-case basis by the Planning Commission during site plan review, but in no instance shall be less than the distances listed above. For sites with insufficient road frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side road, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection, or require a service/frontage road.
- (9) Driveway Offsets. To reduce left-turn conflicts, new driveways should be aligned with driveways or roads on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of two hundred fifty (250) feet along an arterial highway and one hundred fifty (150) feet along

collector roadways. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways, or sight distance limitations.

(d) Roadway Improvement Design Concepts. In the event that roadway widening is proposed to provide for safe access into the development of left-turning traffic, the Township encourages the provision of center lanes for left turns, and discourages the use of passing lanes. Passing lanes shall not be permitted if any portion of the passing lane or its tapers overlap or fall within two hundred (200) feet of any existing center lane for left turns or its tapers. In such cases, the existing center lane for left turns shall be extended to provide turning storage for access to the proposed development.

- (1) Measuring Driveway Spacing and Offsets. For the purposes of determining the distances between driveways, their offsets to one another, and the spacing to intersections, the measurement shall be based on extending the centerline of the driveway(s) out to the center of the traveled portion of the road, and measuring along the center of the road.
- (2) Sight Distance. The minimum and desirable sight distance for the indicated types of approaches shall be in accordance with the following tables:

**Commercial Driveways and Private Roads**

<b>Speed Limit, MPH</b>	25	30	35	40	45	50	55
Minimum Sight Distance, ft.	360	430	490	560	620	680	760
Desirable Sight Distance, ft.	360	430	530	660	830	1030	1240

**Residential Drives, When Driving Forward Out Of The Driveway**

<b>Speed Limit, MPH</b>	25	30	35	40	45	50	55
Minimum Sight Distance, ft.	250	300	350	400	450	500	550
Desirable Sight Distance, ft.	360	430	490	560	620	680	760

**Residential Drives, When Backing Out Of The Driveway**

<b>Speed Limit, MPH</b>	25	30	35	40	45	50	55
Minimum Sight Distance, ft.	300	350	400	450	500	550	600
Desirable Sight Distance, ft.	375	440	520	600	700	830	980

Sight distance shall be measured fifteen (15) feet from the edge of pavement. The eye height will be assumed to be 3.25 feet and the object height will be two (2) feet. The posted speed limit will be used to determine the required sight distance.

- (3) Driveway Details. Driveways shall be designed according to the applicable standards of the MDOT or WCDPS and in accordance with the following:
- A. For high traffic generators, or for driveways along roadways experiencing or expected to experience congestion, all as determined by the Planning Commission, two (2) egress lanes may be required, one being a separate left-turn lane.
  - B. Where a boulevard entrance is designed by the applicant or required by the Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate emergency vehicles. The minimum area of the island shall be one hundred eighty (180) square feet. The Planning Commission may require landscaping of the area located outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions. Direct alignment of boulevard entrances across from one another is discouraged.

**Section 5.3 Accessory Buildings, Structures and Uses.**

(a) Detached Accessory Buildings (Residential). Except as otherwise permitted in this Zoning Ordinance, all detached accessory buildings located in a residential district, and less than six hundred (600) square feet in area, are subject to the following regulations:

Districts	Location	Ground Floor Area (Up to)	Minimum Yard Setbacks			Maximum Building Height	
			Side (ft.)	Rear (ft.)	Btw. Bldgs. (ft.)	Stories	Feet
RF	Rear Yard <sup>1</sup>	2% of the lot	20	20 <sup>4</sup>	See footnote 2	2	30
R-1	Rear Yard <sup>1</sup>	3% of the lot	20	20 <sup>4</sup>	See footnote 2	2	30
R-2	Rear Yard <sup>1</sup>	5% of the lot	10	10	See footnote 2	2 <sup>4</sup>	30 <sup>4</sup>
R-3	Rear Yard <sup>1</sup>	8% of the lot	10	10	See footnote 2	2 <sup>4</sup>	30 <sup>4</sup>
RM	Rear Yard <sup>1</sup>	10% of the lot	20	50	See footnote 2	2	30
RMH	Rear Yard	200 sq. ft.	See footnote 2	See footnote 2	See footnote 2	2	30

1. If located on a corner lot, the detached accessory building may be located in the non-addressed front yard providing the front yard setback is comparable to the principal building on the adjacent lot.
2. No detached accessory building of greater than two hundred (200) square feet shall be located closer than ten (10) feet from a principal building, nor closer than six (6) feet from any other accessory building, regardless of whether or not the buildings are on the same or adjacent lots.
3. The height shall not exceed that of the existing principal building.
4. See Article 4.20.1(j) for farm structures (i.e. detached accessory structures larger than 600 sq. ft. in area).

- (1) All accessory buildings shall be architecturally compatible with the principal building (i.e. building materials, roof pitch, height, etc.). A determination of architectural compatibility can be referred to the Planning Commission at the sole discretion of the Zoning Administrator.
- (2) Habitable space is allowed within a detached accessory buildings subject to the special land use criteria and procedures of Section 3. 3 and the following:
  - A. No more than 50% of the total floor area (combined first and second floors where applicable) may be occupied as habitable space.
  - B. The space may only be occupied by an immediate family member (i.e. father, mother, daughter, son, grandparent, and grandchild).
  - C. Under no circumstance shall the space be rented or cause to be occupied by someone other than an immediate family member.
  - D. All such detached accessory buildings shall be located no less than twenty (20) feet from a rear or side property line and no less than thirty (30) feet another building.
- (3) The following detached accessory buildings are exempt from the above provisions:
  - A. One (1) shed of up to two hundred (200) square feet in area, no more than fourteen (14) feet tall located within the rear yard.
  - B. School bus shelters.
  - C. Temporary building for the incidental sale of crops or products grown on the premises.
- (4) With corner lots, an accessory building erected at the side lot line shall not project beyond the front yard setback line required on the lot to the rear of the corner lot.
- (4) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

(b) Detached Accessory Buildings (Commercial). Except as otherwise permitted in this Zoning Ordinance, all detached accessory buildings located in an office or commercial district are subject to the following regulations:

- (1) All buildings shall be subject to review by the Zoning Administrator.
- (2) All buildings shall be located in the rear yard only.

- (3) All buildings are subject to the same placement and height requirements applicable to main structures in the district.
- (4) All buildings shall not exceed a ground floor area of nine hundred (900) square feet.
- (5) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

(b) Attached Accessory Buildings (Residential). Except as otherwise permitted in this Zoning Ordinance, all attached accessory buildings located in a residential district are subject to the following regulations:

<u>Districts</u>	<u>Floor Area</u>	<u>Maximum Building Height</u>	
		<u>Stories</u> <sup>1</sup>	<u>Feet</u> <sup>1</sup>
RF, R-1, R-2	40% of the principal building	2	30
RM	40% of the principal building	2 ½	35
RMH	40% of the principal building	See Section 6.34	See Section 6.34

1. The height shall not exceed that of the existing main building.

- (1) All accessory buildings shall be architecturally compatible with the main building (i.e. building materials, roof pitch, height, etc.). A determination of architectural compatibility can be referred to the Planning Commission at the sole discretion of the Zoning Administrator.
  - (2) The minimum yard setbacks shall be the same as the main structure and governed by Section 4.18, Schedule of Area, Height and Placement Requirements. Section 6.34, Manufactured Housing Park Development Standards, shall apply within the MHP district.
  - (3) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.
- (c) Decks. Decks requiring a foundation shall be subject to the following:
- (1) The total square footage, excluding steps, shall not exceed the ground floor area of the principal building.



- (2) Decks shall be subject to the following minimum setback requirements:
    - A. A deck shall comply with the side yard requirements of the district in which it is located.
    - B. A deck shall be permitted to encroach in the required rear and/or front yard by no more than ten (10) feet, provided the portion of a deck that occupies the required yard shall not be above the elevation of the first floor of the residence. Furthermore, the portion of a deck that occupies the required yard shall not contain any enclosed or covered structures, including, but not limited to a gazebo or screened porch.
  - (3) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.
- (d) Private Swimming Pools. Except as otherwise permitted in this Zoning Ordinance, all private swimming pools (above or below ground) shall be subject to the following:
- (1) Only permitted in the rear or side yard.
  - (2) No swimming pool shall be located within five (5) feet of any building.
  - (3) There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall.
  - (4) No swimming pool shall be located less than thirty-five (35) feet from a front lot line.
  - (5) No less than a twenty-five (25) foot separation is required between a pool and a private water well and seventy-five (75) feet from a public or semi-public water well.
  - (6) The pool shall be three (3) feet horizontally from any sewer line and ten (10) feet from any septic field.
  - (7) The pool shall be at least ten (10) feet horizontally from any point directly under any overhead electrical or telephone line.
  - (8) No swimming pool shall be located in an easement.
  - (9) The pool area shall be constructed so that runoff from the pools will not flow onto adjoining property. The construction of a pool near a property line could require a curb or mounding of the earth to prevent runoff on adjoining property.

- (10) All pools shall be constructed so that there will not be a cross connection between potable water system and pool circulation system. The water supply to the pool shall be protected against back flow by use of an approved back flow preventer.
- (11) All pools shall be protected by a minimum four (4) foot wall or fence. Any gate or access to the pool shall be equipped with a lock. The fencing material shall be such so that it is not easy for children to climb. The stair or ladder, if it can be locked in an up position so that one cannot climb into the pools, can be used to secure an above ground pool.
- (12) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

#### **Section 5.4 Essential Services.**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of buildings associated with essential services shall be subject to the provisions of Section 3.4, Site Plan Review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this Ordinance.

#### **Section 5.5 Farm Dwellings.**

In addition to other regulations set forth in this Ordinance, one (1) additional detached single family dwelling shall be permitted for seasonal agricultural workers. The additional dwelling unit shall conform to the following regulations.

- (1) An additional single family dwelling constructed, erected, created or maintained according to these special provisions shall conform to all other regulations and restrictions set forth by this Ordinance that pertain to similar such structures and, or as modified by this section.
- (2) An additional single-family dwelling shall be allowed only on a lot containing no less than ten (10) acres.
- (3) A proposed additional single-family dwelling shall conform to all setback requirements for such structures according to Section 4.20, in addition to (4) below.
- (4) An additional single-family dwelling shall be located no less than one hundred (100) feet from any property lines.
- (5) The Planning Commission shall review the proposed additional single-family dwelling in accordance with the special land use process outlined in Section 3.3.

**Section 5.6 Fences, Walls and Screens.**

Except as otherwise required by this Ordinance, the following regulations shall apply:

- (a) All Districts: Fences, walls and screens shall not to be located in any public right-of-way, clear zone (see Section 5.16, Visibility at Intersections) or any easement granted for the purposes of ingress or egress. These structures may be located on the property line, provided they do not interfere with underground utilities, and the applicant can provide evidence that the structure does not extend onto the adjacent property. The Zoning Administrator shall evaluate the fence type to determine which side of a six (6) foot privacy shall face outward with the rule being that the finished side faces the neighbor.
- (b) AG District. Within the limits of the required front yard of a lot in the above district, no fence wall, or other screening structure shall exceed four (4) feet in height unless at least fifty (50) percent of the surface area is open when viewed from the perpendicular as determined by the Zoning Administrator.
- (c) Residential Districts. Within the limits of the required front yard of a lot within a residential district, no fence wall, or other screening structure shall exceed four (4) feet in height. No such fence, wall or other screening structure located within a side or rear yard shall exceed six (6) feet in height. Refer to Article 2, Definitions, for the definition of required front, side and rear yards and setbacks.
- (d) Non-Residential Districts. Within the limits of the required front yard of a lot within a non-residential district, no fence wall, or other screening structure shall exceed four (4) feet in height. No fence, wall, or other screening structure shall exceed ten (10) feet in height on the rear and side yards.
- (e) The use of barbed wire, spikes, nails, or any other sharp pointed instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited except in conjunction with agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
- (f) On waterfront lots fences that are located between the rear of the principal building and the shoreline shall be of an open-air type, permitting visibility through at least eighty (80) percent of its area.
- (g) Retaining walls shall be designed and constructed in accordance with applicable building code requirements.
- (h) Fenced dog runs and/or pens shall be located no less than twenty (20) feet from all property lines, and shall not be located in a front yard.
- (i) Open Storage.

- (1) There shall be no outdoor storage of any industrial or commercial equipment, vehicles and/or other materials, including wastes, unless otherwise provided by this Ordinance. Any storage shall be screened from public view from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored, except in LI and GI Districts and unless specifically covered in this Ordinance. Whenever such open storage is adjacent to a residential zone, special purpose or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height.
- (2) Such masonry wall or wood fence shall be repaired, maintained and kept in good condition by the owners, and where necessary, if the wall or fence is not properly maintained, money shall be put in escrow for repair and maintenance so as to not allow disrepair to continue.

### **Section 5.7                    General Exceptions.**

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

- (a) Essential Services. Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township of Sumpter, it being the intention hereof to exempt such essential services from the application of this Ordinance.
- (b) Voting Place. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.
- (c) Height Limit. The height limitations of this Ordinance shall not apply to chimneys, church spires, flagpoles, essential services or public monuments; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires special land use approval. The Planning Commission shall only give approval if the total height is not adverse to the character of the area, detrimental to the use and/or value of the surrounding properties, and not injurious to the health, safety, and welfare of the Township of Sumpter. In addition, any height requirement, variance, or waiver in excess of seventy (70) feet shall require mandatory approval of the Federal Aviation Agency.
- (d) Lots Adjoining Alleys. In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
- (e) Yard Regulations. When yard regulations cannot reasonably be complied with, as in the case of a planned unit development in the multiple-family district, or where their application cannot be determined on lots existing and of record at the time this Ordinance became effective,

and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Appeals by the granting of a variance.

(f) Multiple Dwelling Side Yard. For the purpose of side yard regulations, a two-family or multiple dwelling shall be considered as one (1) building occupying one (1) lot.

(g) Terrace. An open, unenclosed paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

(h) Projections into Yards. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally demountable.

## **Section 5.8 Home Businesses.**

It is the intent of this section to establish standards for a family business, which will insure compatibility with adjacent land uses and maintain the rural and agricultural character of the Township.

(a) Home businesses shall be a permitted accessory land use only in the following districts: AG, RF, R-1 and R-2.

(b) Home businesses shall conform to the requirements of Section 5.3, Accessory Buildings, Structures and Uses and all applicable provisions of Section 4.18, Schedule of Area, Height and Placement Regulations.

(c) Home businesses must be operated solely within a single (1) building or structure, and be located on the same parcel as the operating family's residence. The family operating the family business must reside in the residence.

(d) Home businesses must be incidental and secondary to the principal use, therefore they shall not occupy a space within any building or structure that is greater in gross square footage than 49% of the gross square footage of the principal residential structure located on the subject property.

(e) The Township may limit the type of home business. It may also require that the particular business be operated only for a specified period of months or years unless an additional permit is granted. The Township may impose additional conditions and regulations, as it deems necessary, to adequately protect adjoining residents and property owners, and the values of the adjoining properties.

- (f) Family members and up to three (3) additional employees shall be allowed to work in the business.
- (g) Home businesses shall not be established on a vacant lot or parcel, or within any platted subdivision or site condominium.
- (h) Any expansions to the building or structure approved to contain the home business, or any additional buildings or structures proposed to be built on the subject property that will increase or expand the home business shall be considered an amendment to the original permit, subject to review and approval by the Zoning Administrator.
- (i) Home businesses shall not diminish the value of the land, buildings or structures, in the immediate area, or on the whole.
- (j) The nature, location and size of the use shall not change the essential character of the surrounding area, and not disrupt the orderly and proper development of the AG, RF, R-1 and R-2 districts. The use shall also not be in conflict with, or discourage the development of the adjacent or neighboring lands or buildings.
- (k) Home businesses shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, smoke, glare, lights, or disposal of waste, than the operation of any principal permitted use, nor shall the conditional land use increase hazards from fire or other dangers to either the property or adjacent property.
- (l) Outdoor storage is subject to review and approval by the Zoning Administrator. No outdoor storage shall be allowed, unless it is adequately screened to effectively block all views from the adjoining, roads and properties. Screening shall consist of evergreen plantings at least six (6) feet in height and spaced so as to form a solid screen, or it may consist of a solid fence made of new materials and attractive in design, and maintained at all times.
- (m) The hours of operation of the home business shall be specified on the application and depending on the type of use and proximity to adjacent single family homes, may be limited at the discretion of the Zoning Administrator.
- (n) The use shall not increase traffic hazards or cause congestion on the public roads or streets of the area. Adequate access to the parcel shall be furnished in accordance with the standards of the Wayne County Department of Public Services (WCDPS).
- (o) Signs not customarily found in residential areas shall be prohibited, provided however that one non-illuminated name plate, not more than six (6) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises. See Article 9 for additional information on a sign for a home occupation.
- (p) No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.

(q) The Zoning Administrator shall inspect the property once every three (3) years, unless a written complaint is received, to determine if all conditions of the use permit are met. Violations of requirements or conditions of the use permit shall be subject to Section 3.9, Violations and Penalties.

(r) The Zoning Administrator reserves the right to forward any and all requests for a home business to the Planning Commission when it is determined that additional review is warranted.

## **Section 5.9 Home Occupation.**

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

(a) A home occupation must be clearly incidental and secondary to the primary use of the dwelling unit used for dwelling purposes (up to 20% of usable floor area of the principal building).

(b) A home occupation shall not change the character or appearance of the structure or the premises, or other visible evidence of conduct of such home occupation. There shall be no external or internal alterations not customary in residential areas or structures

(c) A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.

(d) A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.

(e) No employees shall be permitted other than members of the immediate family residing in the dwelling unit.

(f) A home occupation shall be conducted within the dwelling unit. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation, with the exception of a sign (nameplate) as described in paragraph "i" below and Article 9.

(g) There shall be no vehicular traffic permitted for the home occupation, other than as is normally generated for a single-family dwelling unit in a residential area, both as to volume and type of vehicles.

(h) Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises. Off street parking is subject to all regulations in Article 10, Off Street Parking and Loading. Parking spaces shall not be located in the required front yard.

(i) No signs (wall, ground, or vehicular) shall be used to advertise the business.

(j) No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.

(k) The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.

### **Section 5.10 Open Space Preservation.**

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

The dedicated open space shall be set aside by the applicant through an irrevocable conveyance that is found acceptable to the Planning Commission, including, but not limited to:

- (1) Recorded deed restrictions.
- (2) Covenants that run perpetually with the land.
- (3) Conservation easements including, but not limited to those established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
- (4) Land Trust.

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

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



- (4) Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon property owners within the proposed development.

### **Section 5.11            Open Space Preservation Option.**

At the option of the owner, land zoned AG, RF, R-1 or R-2 may be developed for detached single-family residential subdivisions and condominiums in the fashion established under P.A. 177 of 2001, as amended. Land developed under this option must adhere to the following requirements:

(a) Minimum Open Space Required. In all developments proposed under the standards of this option, up to fifty (50%) percent of the “gross buildable area” of the subject property may be perpetually preserved as open space. “Gross buildable area” is defined as that portion of the gross site area that is buildable and specifically excluding areas that are not buildable including, but not limited to: open bodies of water, streams, floodplains, wetlands and other such non-buildable areas as defined by the MDEQ.

(b) The following land areas shall not be applied toward satisfaction of the open space provision stated under Section 5.11(a) above:

- (1) Unbuildable land, including wetlands, floodplain area, open bodies of water and streams.
  - i. The area of any public road right-of-way or private road easement.
  - ii. Areas within established lots or units within the development.
  - iii. Public or private golf courses.
  - iv. Any other area that is not buildable.

(c) The following land areas may be applied toward satisfaction of the open space provision stated under Section 5.11(a) above:

- (1) Un-cleared areas of the site left in their natural condition.
- (2) Landscaped greenbelts.
- (3) Public and private parks developed with recreational amenities including but not limited to landscaping, gazebos, benches, play equipment, pathways (woodchip or paved), and wildlife enhancements.

- (4) Storm water management facilities, including detention, retention and sedimentation basins, up to twenty-five (25%) percent of the total amount of open space required under Section 5.11(a) above.
- (5) Buildable areas.

(d) Open Space Standards. Open space intended to satisfy the provisions stated under Section 5.11(a) must adhere to the following standards:

- (1) Open space shall be centrally located, located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
- (2) Open space must be left in its natural condition, provided with recreational amenities, or landscaped. Preserved open space shall not be left primarily as lawn. This subsection shall not apply to storm water management basins.
- (3) Open space provided along exterior public roads shall generally have a depth of at least one hundred (100) feet, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one (1) evergreen or canopy tree for each forty (40) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting this frontage landscaping requirement.
- (4) Open space must be accessible. Access can be provided via sidewalks and pathways throughout the development or where open space abuts road rights-of-way within the development.
- (5) The Planning Commission may require connections with adjacent open space, public land or existing or planned pedestrian/bike paths.
- (6) Views of open spaces from lots (or units) and roads within the development are encouraged. For larger developments (over one hundred (100) residential units or golf course communities), the Planning Commission may require view sheds of lakes or other areas as a condition of site plan approval. A view shed shall be composed of at least one hundred (100) lineal feet of road frontage having an unobstructed view of a lake or other landscape feature found acceptable to the Planning Commission.
- (7) Where lakes and ponds are located within or abut a development, the Planning Commission may require open space to provide lake access.
- (8) Preservation of Open Space. Open space shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Commission and Township Board as per Section 3.7.

- (9) Preservation of open space as described above under Section 5.10, shall assure that open space will be protected from all forms of development, except as shown on an approved plat or site plan, and shall never be changed to another use. The recorded document utilized shall indicate the proposed allowable use(s) of the preserved open space. The Planning Commission and Township Board may require the inclusion of open space restrictions that prohibit or require the following:
- A. Prohibit dumping or storing of any material or refuse.
  - B. Prohibit activity that may cause risk of soil erosion or threaten any living plant material.
  - C. Prohibit cutting or removal of live plant material, except for removal of dying or diseased vegetation or seasonal pruning and necessary maintenance.
  - D. Prohibit use of motorized off-road vehicles.
  - E. Prohibit cutting, filling or removal of vegetation from wetland areas;
  - F. Prohibit use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
  - G. Require that parties who have an ownership interest in the open space maintain the preserved open space.
  - H. Require for the provision of standards for scheduled maintenance of the open space.
  - I. Require for the provision of maintenance to be undertaken by Sumpter Township, at the Township's option, in the event that the preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners. Subject to Section 3.7, Performance Guarantee.
- (10) Continuing Obligation. The preserved open space shall remain perpetually in an undeveloped state subject only to uses approved by the township on the approved site plan or plat. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.
- (11) Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the preserved open space, subject to the approved site plan. Accessory structures may include:

- A. Maintenance buildings;
- B. Clubhouse;
- C. Recreation structures (gazebos, boardwalks, docks, etc.);
- D. Other structures as approved by the Planning Commission.

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

(e) Lot Size Reduction.

- (1) The minimum width and area for lots or units in single-family detached residential developments, as prescribed in the Schedule of Area, Height and Placement Regulations, under Section 4.20 of the Zoning Ordinance, may be reduced by up to fifty (50%) percent when developed using the option provided under this section.
- (2) Every square foot of lot area reduction proposed below the minimum lot area normally permitted for the district must be preserved as open space, and may be counted toward the open space described above under Section 5.11(a).

(f) Required yard setbacks shall not be reduced.

(g) Land shall not be developed using this option in a manner that would necessitate the extension of public sewer or water outside of the Township's established utility district(s).

**Section 5.12 Similar Permitted and Special Land Uses.**

Land uses which are not contained by name in a zoning district list of uses permitted by right, special land uses, or accessory uses may be permitted by the Zoning Administrator provided that such uses are clearly similar in nature and/or compatible with the listed or existing uses in that district. However, the Zoning Administrator may refer any or all such uses to the Planning Commission when there is a question of compatibility.

(a) Determination of Compatibility. In the evaluation of a proposed use, the Zoning Administrator shall consider specific characteristics of the use in question and compare such characteristics with the characteristics of uses expressly permitted in the district. Such characteristics shall include, but not be limited to, daily traffic generation, types of merchandise or service provided, types of goods produced, expected hours of operation, and building characteristics.

(b) Type of Use. If the Zoning Administrator finds that the proposed use is similar in nature and/or compatible with permitted or existing uses, the Zoning Administrator shall determine

whether the proposed use shall be permitted by right, a special land use, or permitted as an accessory use. Uses that possess unique characteristics or unusual features that serve an area larger than the Township, or require large tracts of land shall be designated as special land uses, subject to the provisions set forth in Section 3.3. Uses permitted by right or as accessory uses shall be subject to the review and approval requirements of the district in which they are located.

**Section 5.13            Single Family Dwellings, Manufactured Housing, Prefabricated Housing.**

(a)    Construction Standards. Minimum construction standards for all one-family dwellings shall be pursuant to all applicable State, Federal and/or local laws, codes and ordinances.

(b)    Unit Size and Dimensions. Each dwelling unit shall comply with the minimum square footage requirements of the zoning district in which it is located. Each dwelling unit shall have a minimum width on all elevations of twenty-four (24) feet.

(c)    Foundation and Anchoring.

(1)    Single family dwellings must be installed on a permanent foundation. At a minimum, this shall include a cement block or poured foundation with cement footings around the complete outside perimeter of the dwelling. A basement, in accordance with applicable Township Codes, may be substituted for equivalent portions of the foundation. If the foundation or basement does not meet specifications for imposed load capacity, adequate additional support shall be provided.

(2)    A crawl space of not less than twenty-four (24) inches shall be provided between the bottom of the home and the ground level. The crawl space shall not be utilized for storage purposes.

(3)    A minimum of two (2) exterior doors must be provided. All means of access, including, but not limited to porches, steps and ramps, shall be fixed to the foundation of dwellings.

(d)    Roof Design. The roof of each dwelling unit shall be pitched with a minimum 5:12 slope and shingled, with an overhang of not less than twelve (12) inches on all sides. The roof must be permanently attached to and supported by the dwelling and not by exterior supports. All dwellings shall have roof drainage systems concentrating roof drainage at collection points. Eaves troughs must be provided where appropriate.

Exceptions to roof design and materials may be granted when said roof design and materials are typical of a particular architectural style and/or are compatible with dwelling units in the surrounding area. Sealed architectural plans shall be furnished to the Zoning Administrator for his or her review as to this exception.

(e) Sewer and Water Service. All single family dwellings shall be served by public sewer and water service, where available, or approved on-site systems in the case where public sewer and water service are not available.

(f) Storage Areas. All single family dwellings shall contain inside storage areas equal to ten (10) percent of the square footage of the building, or one hundred (100) square feet, whichever is less. Such storage areas may be located in a basement beneath the dwelling, in an attic area, in one (1) or more closet areas or in an attached or detached structure, with construction standards and material of equal quality and durability to the principal structure.

(g) Compatibility Determination.

(1) In terms of construction standards, character, materials, design, appearance, aesthetics and quality, all dwellings shall be compatible, (i.e. meet equal or greater standards), as compared with existing dwellings in the area. The Zoning Administrator shall make the determination of compatibility in the first instance, based upon the plans, specifications and elevations that shall be presented upon application for a building permit. Such determination shall be made in view of the following:

- A. The area of consideration. If the dwelling is to be located in a platted subdivision, planned unit development or site condominium development, it shall be compatible with the houses in the plat. If not in a platted subdivision, planned unit development or site condominium development, it shall be compatible with the dwellings within five hundred (500) feet of the property in question.
- B. The square footage of floor space.
- C. The length, width and height of the structure.
- D. The architectural type and design, including, without limitation, exterior materials, the custom nature of the design, the roof style and the like, to the extent that the same would likely bear upon property values.
- E. The attachment of garages.
- F. Maximum lot coverage shall be in accordance with Section 4.20.

These regulations shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices, including solar energy, view, unique land contour and/or custom qualities.

(2) The Zoning Administrator may request a review by the Planning Commission of any dwelling unit with respect to this section. The Zoning Administrator or the Planning Commission shall not seek to discourage architectural variation, but

shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the Township at large.

(h) Criteria for Permitting Single Family Dwellings Within a Building Containing Another Permitted Use.

(1) First Floor Uses. Due to the potential for incompatibilities of use when a residential dwelling unit is located on the first floor of a building in a non-residential area, certain criteria must be satisfied as part of the special land use request. The criteria associated with a first floor residential use include the following:

- A. Compatibility of architecture. The front façade of the building shall be designed to be compatible with the adjacent structures when located in a predominantly non-residential area.
- B. Driveways. Only one driveway will be permitted for the structure unless located on a corner lot.
- C. Location of off-street parking. The required parking shall be provided on-site and located within the rear of the property.
- D. Trash containers. All such containers shall be located within an enclosure situated within the rear of the property.
- E. Building occupancy. A residential use shall not occupy more than 50% of the gross first floor area.

(2) Second Floor Uses. A residential use located above a first floor office or commercial use is permitted through the special land use process, and subject to the requirements of Section 3.3.

**Section 5.14 Storage of Vehicles.**

(a) No motor vehicle shall be kept, parked or stored in any district zoned for residential use unless it shall be in operating condition or properly licensed, or kept inside a building. The purpose of this provision is to prevent the accumulation of junk motor vehicles, and therefore, it shall not apply to any motor vehicle ordinarily used, but temporarily out of running condition. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Planning Department may grant the owner a reasonable time, not to exceed six (6) months, to procure such license.

Likewise, no old, rusty and unsightly machinery, machines or part of machines not suited for use upon the premises, or quantities of old and used materials, shall be kept or stored outside

of a building; provided however, that building materials fit to be used to improve the premises may be kept if it is piled off the ground so as not to become a rat and rodent harbor.

If a motor vehicle is to be stored outdoors for a long period because a family member is in the military service, or some other similar reason, and the vehicle does not have an appearance detrimental to the area, the Planning Department may grant the right to store the vehicle for said period, without a license, under the best conditions available, which conditions shall be stated in writing.

(b) The open parking and/or storage of a travel trailer, boat or similar vehicle not owned by a resident of the Township, for periods exceeding seventy-two (72) hours on land not approved for said parking or storage shall be expressly prohibited unless the provision of Section 5.16, Temporary Buildings and Structures apply to the proposed use. All travel trailers, boats, recreational vehicles, and similar vehicles owned by residents of the Township and stored on their individual lots, shall be stored within the rear yard.

(c) The storage of vehicles exceeding one (1) ton rated capacity shall be permitted in AG (Agricultural) Districts when such vehicles are utilized for farming purposes, licensed as such, and meet the following conditions:

- (1) The parcel of land on which it is stored shall be five (5) acres or more which is actively being farmed.
- (2) The vehicle shall be owned and/or operated by a resident of the premises.
- (3) It shall not be parked in the front or along the side of the residence, but shall be parked so that it is screened from the road or adjacent properties. Screening may include topographic features, woods, building, and plantings.

(d) The open parking and/or storage of a vehicle exceeding one (1) ton rated capacity may be permitted in a Residential District as a special land use approved by the Planning Commission and shall be subject to the following conditions:

- (1) The parcel of land shall be at least one (1) acre in size. This may be varied by the Planning Commission if it would not be detrimental to the neighborhood.
- (2) The vehicle shall be owned and/or operated by a resident of the premises.
- (3) This special condition use shall be limited to one (1) commercial vehicle. This shall include one (1) tractor/trailer as a unit. This may be varied by the Planning Commission if it would not be detrimental to the neighborhood.
- (4) The vehicle shall be parked to the rear of the dwelling and shall be so parked that it is screened from the street and adjacent properties. Screening and location shall be reviewed and approved by the Planning Commission. This may be varied by the Planning Commission if it would not be detrimental to the neighborhood.



- (5) The vehicles shall be in good operating condition and have current license plates and shall be in use. This does not permit the storage of vehicles for long periods of time. This does not prohibit the parking and/or storage of seasonally used vehicles.
- (6) There shall be no outside storage of parts for the vehicles or from the vehicles.
- (7) The vehicles or any auxiliary units on the vehicles shall not be left running. This may be varied by the Planning Commission if it would not be detrimental to the neighborhood.
- (8) The Planning Commission in approving any such use shall grant said use to the applicant only; continuation of such use by a subsequent resident/operator shall require a new application, review and approval by the Planning Commission.
- (9) Operating a business or carrying on a business activity in excess of the limitations of a home occupation as defined and allowed in this Ordinance in a residential district is prohibited.

#### **Section 5.15 Temporary Building and Structures.**

- (a) No temporary dwelling, whether of a fixed or movable nature, may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as permitted in the following situations:
  - (1) If a permanent principal residential structure is destroyed in whole or in part by a natural or man-made event, including, but not limited to fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a mobile home, travel trailer or motor home may be occupied as an emergency temporary structure by the family so displaced during repair or replacement of the permanent dwelling for a period of up to six (6) months. The Zoning Administrator may renew the permit for the use of a temporary dwelling for such purposes for a second six (6) month period, however, in any case, the use of a temporary dwelling for such purpose shall not exceed one (1) year.
  - (2) A temporary use permit may be granted for the storage and occupancy of a motor home or travel trailer providing the following conditions are met:
    - A. The vehicle may be stored and occupied on-site for no more than three (3) months out of any given year.
    - B. The vehicle is properly licensed.
    - C. The vehicle is stored in the rear yard, but may be stored in the side yard, provided it is at least ten (10) feet from the property line and no less than

twenty (20) feet from or adjacent to a residential dwelling and maintains the required front yard setback.

- D. The vehicle shall be maintained to appear as if it is unoccupied, including the storage of all paraphernalia within the vehicle.

(b) Requirements and Procedures. A temporary dwelling, when permitted, shall conform to the following requirements and procedures. No permit shall be issued and no temporary dwelling occupied until requirements (1) through (4) listed below are met.

- (1) An application for a permit for the temporary use and installation of a mobile home, modular, or prefabricated dwelling unit shall be made to the Zoning Administrator. The application shall be accompanied by a plot plan showing the location of the proposed structure to verify compliance with all yard requirements of the zoning district in which it is located, unless a more restrictive provision exists herein.
- (2) The application shall be reviewed by a committee composed of the Zoning Administrator and two (2) Township Board members. Approval of the application may be granted by a majority vote of the committee upon a finding that all of the following conditions are met:
  - A. The principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable.
  - B. The temporary dwelling unit shall be connected to public sewer and water or septic and well service.
  - C. The temporary dwelling unit shall comply with all applicable Zoning District requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
- (3) The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to one (1) year from the date of approval by the committee. Up to one (1) six (6) month extension may be requested in accordance with the same provisions noted above. Any conditions of approval shall be specified in writing on the permit.

When occupancy in a non-emergency temporary dwelling is anticipated to last longer than three (3) months, the dwelling shall be connected to private water supply and sewage disposal systems approved by the Wayne County Health Department, or to a public water supply or sanitary sewer system.

- (4) The permit shall establish a reasonable date for the vacation or removal of the temporary emergency structure; whichever is applicable, said date shall be within two (2) weeks of the date of occupancy of the constructed, replaced, or repaired dwelling, with the date of occupancy to be as listed on the Certificate of

Occupancy of the permanent dwelling. A performance or cash bond, in an amount to be determined by resolution of the Township Board shall be provided to the Zoning Administrator to insure the vacation or removal of the temporary structure, whichever is applicable.

- (5) The Zoning Administrator shall provide a written statement setting forth the conditions of the use permit to the residents of a temporary dwelling and shall retain a copy in the files of the Zoning Administrator. Upon receiving the permit the owner/occupant shall indicate by his/her signature that he/she has full knowledge of the terms of the permit and penalty pertaining thereto.
- (6) Any permit issued under this section shall not be transferable to any other owner or occupant.
- (7) The Zoning Administrator shall promptly notify the Township Board and Planning Commission in writing of each approval granted and all conditions attached thereto under this section.

**Section 5.16                    Visibility at Intersections.**

On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, tree, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of thirty (30) inches and twelve (12) feet above the road grade in an area bounded points twenty-five (25) feet back from the corner along the street (see illustration in Article 2).



## ARTICLE 6

### SPECIAL PROVISIONS

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#### **Section 6.1 Intent.**

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located. This Article provides standards for both permitted and special uses which must be adhered to in addition to other standards of this ordinance. See Article 2 (Definitions) and Article 4 (Zoning District Regulations) for additional information related to the uses denoted within this Article.

#### **Section 6.2 Adult and Child Day-Care Facilities.**

(a) Family day-care homes serving six (6) or fewer adults or children shall be considered a residential use of property and a permitted use in all residential districts. The family day-care home shall receive minor children for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Such facilities also include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.

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

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

(c) Adult day-care centers are subject to the following conditions:

- (1) The property is maintained in a manner that is consistent with the character of the neighborhood.

- (2) A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
  - (3) Where outdoor activity areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height but no higher than six (6) feet.
- (d) Child group day-care homes with greater than six (6) children are subject to the following:
- (1) The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
  - (2) There shall be an outdoor play area of at least five hundred (500) square feet provided on the premises. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is within five hundred (500) feet of the subject parcel.
  - (3) All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
  - (4) The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 PM and 6:00 AM shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
  - (5) Appropriate licenses with the State of Michigan shall be maintained.
  - (6) The granting of the special land use application shall not impair the health, safety, welfare, or reasonable enjoyment of adjacent or nearby residential properties.
- (e) Child day-care centers are subject to the following conditions:
- (1) The property is maintained in a manner that is consistent with the character of the area.
  - (2) A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

- (3) There shall be an on-site outdoor play area of one thousand five hundred (1,500) square feet or seventy-five (75) square feet for each child, whichever is greater. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
- (4) All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height, but no higher than six (6) feet.
- (5) For each child, a center shall have a minimum of fifty (50) square feet of indoor activity space for use by, and accessible to, the child, exclusive of all of the following: hallways, storage areas and cloakrooms, kitchens and reception and office areas.
- (6) Appropriate licenses with the State of Michigan shall be maintained.

**Section 6.3                      Adult and Child Foster Care Facilities.**

(a) Intent. It is the intent of this section to establish standards for child and adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

(b) Adult Foster Care Facilities.

(1) Application of Regulations.

- A. A State licensed adult foster care family home and adult foster care small group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
- B. The Township may, by issuance of a special land use permit, authorize the establishment of adult foster care small group homes serving more than six (6) persons and adult foster care large group homes.
- C. The Township may, by issuance of a special use permit, authorize the establishment of an adult foster care congregate facility.

(2) Adult foster care small group homes serving between seven (7) and twelve (12) adults and adult foster care large group homes serving between thirteen (13) and twenty (20) adults, shall be considered as a special land use subject to the requirements and standards of Section 3.3 and the following additional standards:

- A. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area

of one thousand five hundred (1,500) square feet per adult, excluding employees and/or care givers.

- B. The property is maintained in a manner that is consistent with the character of the neighborhood.
  - C. Appropriate licenses with the State of Michigan shall be maintained.
- (3) Adult foster care congregate facilities shall be considered as a special land use subject to the requirements and standards of Section 3.3 and the following standards:
- A. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or caregivers.
  - B. Appropriate licenses with the State of Michigan shall be maintained.

(c) Child Foster Care Facilities.

- (1) Foster family homes serving less than four (4) children shall be considered a residential use of property and a permitted use in all residential districts. Such facilities shall provide no less than forty (40) square feet of sleeping room per child with all other requirements provided in accordance with the applicable State standards.
- (2) Foster family group homes serving between four (4) and eight (8) children under the age of seventeen (17), no more than two (2) of which may be under the age of one (1), shall be considered as a special land use subject to the requirements and standards of Section 3.3 and the following standards:
  - A. The proposed use of the residence for foster family care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
  - B. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.



- C. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
- D. Appropriate licenses with the State of Michigan shall be maintained.

**Section 6.4 Adult Regulated Uses.**

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operation characteristics, particularly when several of them are concentrated near to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this Ordinance.

(a) Uses subject to these controls are as follows:

- (1) Adult Book and Supply Store
- (2) Adult Cabaret
- (3) Adult Live Stage Performing Theater
- (4) Adult Motion Picture Theater
- (5) Adult Physical Culture Establishment
- (6) Body Piercing Establishment
- (7) Burlesque Show
- (8) Escort Agency
- (9) Massage Parlor
- (10) Nude Modeling Studio
- (11) Tattoo Parlor

(b) Building shall be setback eight (80) feet from an existing or proposed right-of-way.

(c) The use shall be at least 1,000 feet from the nearest property line of any public, private or parochial school, library, park, playground or other recreational facility that admits minors, day-care center or nursery schools; and at least 1,000 feet from the nearest property line of any church, convent, monastery, synagogue or other similar place of worship.

(d) Ingress and egress points shall be located at least one hundred twenty (120) feet from the intersection of any two streets measured from the road right of way lines.

(e) A five (5) foot high completely obscuring masonry wall compatible with the surrounding area shall be provided where abutting districts are zoned residential.

(f) Approval of any of the regulated uses listed in this section shall be permitted only after a finding has been made by the Planning Commission at a public hearing, as required for Special Land Uses, that the following conditions exist:

- (1) If the use is a use that is listed above in this Section, it shall be located in the LI, Light Industrial District.
- (2) The use is not located within a one thousand (1,000) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:
  - A. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
  - B. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
  - C. That the establishment of a regulated use, or and additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
  - D. That all applicable state laws and local ordinances will be observed.

(g) Limit on Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

### **Section 6.5 Airports, Airstrips, and Heliports.**

(a) Satisfy all requirements of the Federal Aviation Administration (F.A.A.) and the Michigan Department of Transportation's Airport Division.

(b) The plans for such facility shall be given approval by the Federal Aviation Administration prior to submittal to the Planning Commission for their review and action.

(c) The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the F.A.A.

(d) The area of the "clear zone" (FAA definition) shall be provided for within the land area under airstrip ownership, and in no instance shall the "clear zone" be above property zoned for single family residential use.

**Section 6.6                    Animal Rescues or Shelters.**

All animal rescues or shelters shall conform to the Michigan Department of Agriculture, Animal Industry Division, and Regulation Number 151. Pet Shops, Dog Pounds, and Animal Shelters. (By authority conferred on the director of agriculture by Section 2 of Act No. 287 of the Public Acts of 1969, being S287.332 of the Michigan Compiled Laws). All such uses shall also comply with the following:

- (a)        The minimum lot area shall be five (5) acres.
- (b)        The owners of such uses shall be subject to an annual inspection by Animal Control.

**Section 6.7                    Artisan, Farmers Markets and Flea Markets.**

- (a)        The following are the types of vendors permitted at an artisan and/or farmers market:
  - (1)        Farmers – raise agricultural products (i.e. fruits, vegetables, herbs, flowers or nursery crops from seed or purchased “starters”) that are personally cared for, cultivated, and harvested.
  - (2)        Agricultural Processors – farmers who choose to process their agricultural products for pre-packaged sale (i.e. milk, cheese, oils, vinegars, meats, poultry, eggs, honey, soap and herbal preparations).
  - (3)        Food Processors – sale of fresh food products which have been personally prepared (i.e. juice, baked goods, jams, etc.)
  - (4)        Resellers – individuals who purchase produce from local farmers and then resell directly to the customer.
  - (5)        Crafters – individuals who create craft objects made with their own hands and imagination from “raw” materials (i.e. wax, clay, wood, metal, leather, etc.).
  - (6)        Flea Market – individuals that sell and/or resell a variety of projects in a transient manner.
- (b)        The hours of operation, parking, dimensional requirements, signage, lighting, etc. shall be evaluated as a part of the special land use request.

**Section 6.8                    Automobile Filling Stations, Repair Garages, Service Stations and Dealerships.**

Automobile filling stations, repair garages, service stations, and dealerships shall comply with the following conditions:

- (a)        The curb cuts for ingress to and egress from a filling or service station are not permitted at such locations as will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than thirty (30) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts. No more than one (1) curb opening shall be

permitted for each fifty (50) feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than ten (10) feet to any corner or exterior lot line. No driveway shall be located nearer than thirty (30) feet to any other driveway serving the site.

(b) The minimum lot area shall be ten thousand (10,000) square feet, so arranged that ample space is available for motor vehicles which are required to wait.

(c) The minimum dimension of any lot line adjacent to a public right-of-way shall be one hundred and forty (140) feet.

(d) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.

(e) All activities related to automobile service and repair equipment shall be entirely enclosed within a building located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any side lot line.

(f) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.

(g) Inoperative or unlicensed vehicles shall not be stored outside for more than seven (7) days. Such storage shall not occur in front of the building front line.

(h) Automobile sales shall not be permitted on the premises of any automobile filling station, repair garage, service station, and automobile wash.

(i) All coverings of the service or filling station gasoline pumps shall be no taller than the principal structure and constructed of compatible materials. Such canopies shall not be lit internally for signage purposes. All proposed lighting shall be fully recessed.

(j) Gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while waiting for or receiving fuel service.

(k) A filling or service station shall have no more than eight (8) gasoline pumps and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) gasoline pumps and/or one enclosed stall may be included for each additional two thousand (2,000) square feet of lot area above the minimum area set forth in subsection (b).

(l) Where the filling or service station site abuts any residentially zoned district, the requirements for protective screening shall be provided as specified in Section 7.7. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.

(m) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.

(n) All combustible waste and rubbish, including crankcase drainings, shall be kept in metal receptacles fitted with a tight cover until removed from the premises. Sawdust shall not be kept in any gasoline service station or place of storage therein, and sawdust or other combustible material shall not be used to absorb oil, grease or gasoline.

(o) No advertising signs may be placed on-site other than the permitted maximum wall and/or ground sign area per Article 9. The prohibited signs include banners and flags.

(p) A convenience store or restaurant, with or without a drive-through (see Section 6.17) may be located within the station providing it complies with the provisions for an accessory use (see Section 5.3).

## **Section 6.9 Automobile Washes or Car Wash Establishments.**

### **(a) Coin-operated/Self-Service Establishments.**

- (1) All buildings shall have a front yard setback of not less than thirty (30) feet.
- (2) All washing facilities shall be within an enclosed shelter.
- (3) Vacuuming and drying areas may be located outside the building, but shall not be closer than fifteen (15) feet to any residential district.
- (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
- (5) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
- (6) A five (5) foot completely obscuring masonry wall shall be provided where abutting a residential district.

### **(b) Full Service Establishments.**

- (1) All buildings shall have a front yard setback of not less than sixty (60) feet.
- (2) All washing facilities shall be within a completely enclosed building.
- (3) Vacuuming and drying areas may be located outside the building but shall not be closer than twenty-five (25) feet to any residential district.

- (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
- (5) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
- (6) A five (5) foot completely obscuring masonry wall shall be provided where abutting a residential district.

**Section 6.10 Bed and Breakfast Accommodations.**

- (a) Each premise must be occupied and operated by its owner.
- (b) The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting or traffic.
- (c) The total number of sleeping rooms is limited to six (6) rooms. No bed and breakfast sleeping room shall be permitted that does not comply with the State Construction Code.
- (d) There shall be no separate cooking facilities used for a bed and breakfast stay.
- (e) Bed and breakfast bedrooms shall be a minimum of one hundred and twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant.
- (f) The stay of bed and breakfast occupants shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- (g) The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast. The list shall be available for inspection by the Zoning Administrator.
- (h) One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.
- (i) Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
- (j) Signs are permitted in accordance with Article 9.
- (k) One (1) off street parking space shall be provided in the interior side yard or rear yard area for each bed and breakfast bedroom. The Planning Commission may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.

(l) All Wayne County Environmental Health Department regulations must be complied with. Prior to beginning operation the proprietor must provide proof from the Environmental Health Department that on-site disposal facilities are adequate.

**Section 6.11 Cemeteries.**

- (a) Cemeteries shall be located on no less than ten (10) acres with a minimum lot width of one hundred fifty (150) feet, and shall be accessed from a paved road.
- (b) Any building in connection with the cemetery and the premises shall be designed, constructed and landscaped according to a comprehensive and approved plan.
- (c) The use shall be in harmony with the general character of the district.
- (c) No buildings or structures, containing bodies or remains (other than subterranean graves), shall be located nearer than two hundred (200) feet to the property line.
- (d) Screening and/or landscaping shall be provided in accordance with Section 7.7.
- (e) Parking shall be provided in accordance with Article 10.

**Section 6.12 Churches and Houses of Worship.**

- (a) Places of worship shall be located on no less than two (2) acres with a minimum lot width of one hundred fifty (150) feet.
- (b) All ingress and egress from said site shall be directly onto a major or secondary thoroughfare as shown on the Master Right-of-Way Plan of the Wayne County Department of Public Services.
- (b) Parking shall be provided in accordance with Article 10.
- (c) Buffering shall be provided in accordance with Section 7.7.

**Section 6.13 Colleges, Universities, and Technical Training Institutions.**

All colleges, universities, technical training and other such institutions of higher learning, or specialized training, public and private, offering courses in general, technical or religious education, all subject to the following conditions:

- (a) Any use permitted herein shall be developed only on sites of at least ten (10) acres in area.

(b) All ingress and egress from said site shall be directly onto a major or secondary thoroughfare as shown on the Master Right-of-Way Plan of the Wayne County Department of Public Services.

(c) No building other than a structure for residential purposes shall be closer than fifty (50) feet to any property lines.

**Section 6.14 Commercial and Recreational Vehicles Storage Facilities.**

(a) The minimum area shall be one (1) acre.

(b) The storage area shall be enclosed with a six (6) foot chain link fence.

(c) The storage area shall be enclosed with additional screening as outlined in Section 7.7 when adjacent to a residential district.

(d) The storage area surface shall be constructed of six (6) inches of well compacted sub-grade with gravel or paved finish surface.

(e) The storage area surface shall be graded and drained so as not to allow water to collect or pool.

(f) All stored vehicles shall be licensed annually and kept in good repair.

(g) Recreational vehicles and equipment, parked or stored, shall not have fixed connections to electrical, water, gas or sanitary facilities, and shall at no time be used for living or housekeeping purposes.

**Section 6.15 Community Waste Treatment Facilities.**

Community wastewater systems shall require a conditional use permit from the Township Board in accordance with the procedures and standards set forth in Article 3.3, Special Land Use Review. Community wastewater utility system shall be strictly prohibited in areas of the Township served by public sanitary sewers unless it is determined, in the sole discretion of the Township Board, the proposed project to be served by the system provides a recognizable and material benefit to the community and/or provides long-term protection of natural resources and environmental features.

In addition to the requirements established by the Township, the State of Michigan and/or Wayne County, the following site development and use requirements shall apply:

(a) Required standards and findings set forth in Section 3.3, Special Land Use shall be met.

(b) All operations shall be completely enclosed by a fence not less than six (6) feet high.



(c) All operations and structures shall be surrounded on all sides by a setback of at least two hundred (200) feet in width from the nearest dwelling located within a development project served by a community wastewater system and at least two hundred (200) feet from a property line shared with an adjacent property. Landscape buffering in accordance with Section 7.7 shall be placed to minimize the appearance of the installation and to help confine the odors therein. The Township Planning Commission and Township Board shall have the authority to review the design and treatment of all buffer strips.

(d) The point of discharge of a community wastewater utility system shall be located a minimum of:

- (1) One thousand five hundred (1,500) feet from another approved community wastewater utility system.
- (2) Two thousand (2,000) feet from an established public well head protection area.
- (3) Two hundred (200) feet from a wetland.
- (4) Two hundred (200) feet from the ordinary high water mark of any body of water.

(e) A community wastewater utility system should be restricted to a single development project and shall not provide service to other properties and/or development projects.

(f) The area devoted to a community wastewater utility system shall not be used to satisfy open space required by any other provisions of this Ordinance.

## **Section 6.16 Container Warehouse Facilities.**

Container Warehouse Facilities are permitted as a special land use in the GI District, and shall be subject to the following requirements and conditions of this section:

- (1) No activity other than the storage of containers (i.e. pods) shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
- (2) The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the container units.
- (3) All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a container unit.
- (4) All storage shall be contained within a building.
- (5) The exterior design of the building is subject to Planning Commission review and approval, and must be compatible with adjacent properties and the rural character of Sumpter Township. When a building is adjacent to a zoning district that

permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider use of a building material that is aesthetically compatible.

- (6) One (1) parking space shall be provided on-site for every peak hour employee.
- (7) Direct ingress and egress shall be from a paved public road.

### **Section 6.17 Drive Through Facilities.**

All drive through windows for facilities including, but not limited to restaurants, banks, etc. are restricted to the side or rear elevations of all structures that provide drive through services. The following shall also apply:

- (a) A setback of at least sixty (60) feet shall be maintained from an existing or proposed right-of-way.
- (b) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets measured from the road right-of-way lines.
- (c) A six-(6) foot high completely obscuring wall, fence, berm, landscaping, or combination thereof, compatible with the surrounding area shall be provided where abutting districts are zoned residential.

### **Section 6.18 Extracting, Removing, Filling, Depositing and Dumping Operations**

(a) Intent and Purpose. It is the intent and purpose of this section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction, removing, filling, depositing and dumping of minerals in locations where they have been naturally deposited, and to insure that activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public or private services and facilities affected by the land use, and, to insure that activities are consistent with the public health, safety and welfare of the Township.

(b) Use Restriction. Extraction, removal, filling, depositing and dumping operations may be considered as a special land use in the GI District. These operations in the Township shall be prohibited unless first authorized by the granting of a special land use permit by the Township Planning Commission in accordance with this section and Section 3.3, Special Land Uses. The following conditions shall apply to all such operations:

- (1) No hydraulic dredging.
- (2) Containment of soil and windblown fines.

- (3) No topsoil is to leave the site without an engineer's report determining the amount of topsoil on the site and the amount needed for reclamation.
- (4) Allow access to the entire property for inspection of the operations on a yearly basis.
- (5) Allow inspection by any Township representative with twenty-four (24) hours notice to determine the validity of any complaint.
- (6) No surface watercourse may be constructed or used without the permission of the Township as part of the operation without a report from the Township's Engineering Consultant demonstrating that there will be no offsite impacts.
- (7) The Township's Engineering Consultant shall recommend a bond amount for the reclamation of the site.
- (8) Provide a detailed plan and a timetable for the reclamation/restoration of the site.
- (9) File a site plan per the requirements of Section 3.4, Site Plan Review.
- (10) Operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and on Saturday between the hours of 7:00 a.m. and 12 p.m. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. (Source: United States Code, Title 5, Section 6103).
- (11) Provide a letter to the Township with specific date for the start and completion of the operations once mining operations have commenced.
- (12) No stock piling of materials brought to the site.
- (13) There shall be not more than one (1) entrance way from a public paved road to said lot for each six hundred sixty (660) feet of front lot line. Said entrance shall be located not less than five hundred (500) feet from an intersection of two (2) or more public roads.
- (14) Stockpiles of stripped topsoil shall be seeded with grass or other plant materials and shall be prevented from eroding onto other properties.
- (15) On said lot, all roads, driveways, parking lots and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered or chemically treated so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.

- (16) Each operator shall be held responsible for all public roads, upon which trucks haul materials from the quarries, to keep these roads in a driveable condition at least equal to that which existed prior to the beginning of quarrying operations; and to keep the roads dust free and to clean up any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment.
- (17) Any noise, odors, smoke, fumes, or dust generated on said lot by any digging, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- (18) Such activities shall not be conducted as to cause the pollution by any material of any surface or sub-surface watercourse or water body outside the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.
- (19) Such activities shall not be conducted as to cause or threaten to cause the erosion by water of any land outside the lot or of any land on the lot so that earth materials are carried outside of the lines of the lot. Such activities shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such activities shall cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation as specified in this paragraph.
- (20) All fixed equipment and machinery shall be located at least one hundred (160) feet from any lot line and five hundred (500) feet from any zoning district that permits residential dwellings or that is currently used in a residential manner. In the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to a residential classification subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (160) feet from any lot line adjacent to the residential district. A fence of not less than six (6) feet in height shall be erected around the periphery of the area being excavated. Fences shall be adequate to prevent trespass.
- (21) All areas within a quarry shall be rehabilitated progressively as they are worked out, so as to be non-hazardous. Further these areas shall be inconspicuously blended with the general surrounding ground form, so as to appear natural.
- (22) The applicant shall submit a plan for the use of the property during extracting, removing, filling, depositing and dumping operations at the time of application for the permit. The Planning Commission shall review and approve the plan. The plan shall provide the following information:

- A. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;
  - B. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;
  - C. Existing site improvements including, but not limited to buildings, drives, well, and drain fields;
  - D. Existing topography at contour intervals of five (5) feet;
  - E. Extent of future operations thereof;
  - F. Location and nature of structures and stationary equipment to be located on the site during such operations;
  - G. Location and description of soil types;
  - H. An estimate of the kind and amount of material to be withdrawn from or added to the site and the expected termination date of such operations;
  - I. Description of all operations to be conducted on the premises, including, but not limited to, but not limited to, digging, sorting and washing operations, and the type, size and nature of equipment to be used with each operation;
  - J. Location and width of drives, sight distances; lane widening on public roads at intersections of same with drives;
  - K. Tree areas and other natural features to be retained;
  - L. Description of pollution and erosion control measures;
  - M. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site; and
  - N. Map showing truck routes to and from the site.
- (23) The applicant shall file a plan for restoring the site to a safe, attractive and usable condition. The plan shall be filed at the time of application for the special land use permit. The Planning Commission shall review and approve the plan. The restoration plan shall provide the following information:
- A. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;

- B. Location and extent of all natural features to be retained during such operations;
  - C. Contour lines at intervals of five (5) feet of the proposed, restored surface, clearly showing connection to existing undisturbed contour lines;
  - D. Schedule and areas of progressive rehabilitation;
  - E. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
  - F. Sketch plan of the proposed use of the site when restored; and
  - G. Description of methods and materials to be used in restoring the site.
- (24) The applicant shall provide a security deposit in the name of the Township, in the form and amount acceptable to the Township Board, to guarantee restoration of the site and certification of conformance by the Township Engineer.
- (25) The applicant shall provide a performance guarantee when required by the Township Board, to maintain and replace public roads traversed by trucks associated with the mining operation. The security shall be deposited with the Wayne County Department of Public Services (WCDPS) in the form and amount required by the WCDPS.
- (26) The Township Planning Commission shall not approve a special land use permit for any such operation until the Commission has received the plans required in this Section, and until the required security deposit has been provided.
- (27) The applicant shall provide a date for completing the operation, such date to be based upon the estimated volume of material to be extracted and/or added and an average annual extraction/filling rate. The special use permit shall expire on that date. Any extension of operations beyond that date shall require a new special land use permit, which shall be applied for and processed as provided in this Ordinance.
- (28) Travel routes for trucks entering and leaving the pit shall be shown on a map of the Township at the time of application for the special use permit. Such routes except arterial streets or their equivalents shall not pass through residential areas.
- (29) Only equipment owned or leased by the operator and used in the operations of the facility shall be stored overnight or for longer periods anywhere on the premises. Storage of any other equipment on the premises shall be prohibited.

- (30) Potable water supply and sanitary sewage disposal systems shall be approved by the County Health Department before a special use permit is issued.
- (31) Concrete, cement or asphalt production shall not be allowed as part of the operations.

(c) Exemption. Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this Section. The following are examples of such exemptions:

- (1) For the regrading, moving, or leveling of earth or rock materials by a property owner solely upon his property. If more than one (1) acre of land is disturbed, a soil erosion permit may be required from the County.
- (2) The filling of land where it is low or is in need of fill to make the land buildable as long as the fill used does not contain any refuse and is in an area of less than two (2) acres in size and as long as it does not affect the drainage of adjoining properties.
- (3) For the excavation and removal of soil from an industrial and/or commercial site if the soil to be removed is the result of construction of a building, structure, or facility for which a Site Plan and Building Permit has been approved by the Township.
- (4) For the installation of public utilities or public roads.

(d) Application. An application shall be filed with the Zoning Administrator and shall include the following:

- (1) Site plan prepared in accordance with Section 3.4.
- (2) Vertical aerial photograph, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photograph flown at a negative scale no smaller than one (1) inch equals six hundred sixty (660) feet. The date of the aerial photograph shall be certified, and shall have been flown at such time when the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:
  - A. All land anticipated to be mined in the application, together with adjoining land owned by the applicant.
  - B. All contiguous land, which is or has been used by the owner or leasehold applicant for mineral extraction and processing and storage, and all contiguous (land) in which the applicant or any affiliate has a current interest.

- C. All lands within one-half (1/2) mile of the proposed mining area.
  - D. All private and public roads from which access to the property may be immediately gained.
  - E. Boundary of the entire planned extracting, filling, removing, filling, depositing and dumping area by courses and distance.
  - F. Site topography and natural features including location of watercourses within the planned mining area.
  - G. Means of vehicular access to the proposed operation.
- (3) Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site;
- (4) Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:
- A. Property within a radius of one (1) mile around the site; and
  - B. The property fronting on all vehicular routes within the Township contemplated to be utilized by trucks that will enter and leave the site.
- (5) Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
- A. Level of water table throughout the proposed mining areas;
  - B. Opinion as to each and every effect on the water table and private wells and property owners within the reasonably anticipated area of impact during and subsequent to the operation;
  - C. All qualitative and quantitative aspects of surface water, ground water, and water shed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected; and,
  - D. Opinion whether the exposure of subterranean waters and the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public,



- (6) Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, and the anticipated noise and vibration levels.
- (e) Review Procedure.
- (1) The Township Clerk shall retain the original application for the file, and forward the copies to the members of the Planning Commission, The Township's Engineering and Planning consultants, the Wayne County Department of Public Services and soil erosion control authority.
  - (2) The Township Engineer and the Township Planner shall each file a report with the Zoning Administrator, together with a recommendation on the need for additional experts. The Zoning Administrator shall retain the original of these reports for the file, and forward copies to the Planning Commission.
  - (3) The Zoning Administrator shall request a report from the Wayne County Department of Public Services regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare.
  - (4) After receiving all reports, including any additional reports of experts recommended by the Township Engineer and/or Planner, if deemed appropriate the Planning Commission shall consider the application in accordance with the procedures set forth in Section 3.3, Special Land Uses.
  - (5) Reasonable conditions may be required with the approval of the application for the special land use, to insure that public or private services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.
- (f) Requirements and Standards. The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in the discretion of the Planning Commission, and if the application is approved, the applicant shall maintain such standards and requirements as a condition to continued operation and use:
- (1) Demonstration by the applicant that the proposed special land use shall not result in a probable impairment, pollution, or destruction of the air, water, natural resources, and public trust therein.

- (2) Demonstration by the applicant that the proposed special land use shall not result in a probable impairment to the water table or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
- (3) Demonstration by the applicant that the proposed special land use shall not create a probable impairment of and/or unreasonable alteration in the course, quantity, and quality of surface water, ground water, and/or the watershed anticipated to be impacted by the operation.
- (4) Taking into consideration the duration and size of the operation, viewed within the context of the surrounding land uses in existence, or reasonably anticipated to be in existence during the operation, the proposed special land use shall not be incompatible with such surrounding uses, based upon an application of generally accepted planning standards and principles.
- (5) The proposed special land use shall not unreasonably burden the capacity of public or private services and facilities.
- (6) The proposed special land use shall have immediate and direct access to a paved public road having a planned right-of-way not less than one hundred twenty (120) feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
- (7) The proposed special land use shall not unreasonably impact upon surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics.
- (8) All activities conducted in connection with the operation shall occur at least one hundred sixty (160) feet from the nearest property line, provided, all processing and stockpiling shall be conducted at least two hundred sixty (260) feet from the center of the nearest street and two hundred (200) feet from the nearest property line and three hundred (300) feet from a zoning district which permits residential uses or land is in residential use.
- (9) The hours of operation shall not reasonably interfere with usual and customary uses of land within the surrounding area anticipated to be impacted. Hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday and on Saturday between the hours of 7:00 a.m. and 12:00 p.m. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. For further information refer to the United State Code, Title 5, Section 6103.
- (10) Taking into consideration that the Township is conditionally authorizing this special land use in residential districts and areas used for residential purposes, and

that this special land use, is to some extent, inharmonious with child rearing and other residentially-related activities, and as an attempt to legislate a balance of interests between the mineral mine user and the owners and/or the occupants of residential property, the maximum duration of the proposed special land use, if conducted in or immediately adjacent to a residential zoning district, shall be ten (10) years.

- (11) The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels in a manner which meets the maximum requirements of this Ordinance.
  - (12) The total area (or areas) being mined, and which has (or have) not been reclaimed, shall at no time exceed the lesser of seventy-five (75) acres and forty (40%) percent of the entire parcel approved as a special land use.
  - (13) The activities of the proposed special land use shall not result in a demand for local services and/or facilities that are or become unavailable, including, without limitation, road and/or drainage facilities, maintenance and repair.
  - (14) The proposed transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined at the discretion of the Planning Commission at the time of application, and thereafter.
  - (15) The proposed special land use has obtained all other applicable local, state and federal licenses and permits as required.
- (g) Reclamation. Reclamation of the site shall be in accordance with a reclamation plan approved by the Planning Commission as part of the application review process. There shall be no final slopes having a grade in excess of a minimum ratio of one (1) foot vertical to five (5) feet horizontal, and, for permanent water areas, for a distance of not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal; the entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site, unless, following approval of the Planning Commission the same are deemed consistent with the zoning district in which the site is situated. The Planning Commission or Township Board shall have the right to impose performance bonds to insure that the reclamation and restoration plans as submitted are implemented.

## **Section 6.19                      Funeral Homes and Mortuaries.**

The purpose of regulating a funeral home or mortuary is to assure adequate off-street parking and staging room for cars lined up for the funeral procession plus compatibility in the area. A funeral home is permitted subject to the following conditions:

- (a) The funeral home shall be a licensed facility by the State of Michigan.
- (b) A funeral home may contain a dwelling unit for the owner.
- (c) Signage shall meet the requirements of Article 9.
- (d) The lot area shall be adequate to accommodate an off-street assembly area for a funeral procession in addition to any required off-street parking area.
- (e) The site shall be so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way width, either existing or proposed, and all ingress and egress for the site shall be directly onto said major thoroughfare, or a marginal access service drive thereof.
- (f) Points of ingress and egress for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent major thoroughfares, and funeral processions or visitors entering or leaving the site.
- (g) No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of the district when said property line abuts any residential district.
- (h) Loading and unloading area used by ambulance, hearse, or other such service vehicles shall be obscured from all residential view with a solid wall, fence, berm, landscaping, or combination thereof, six (6) feet in height.

**Section 6.20 General, Building and Landscape Contractor's Offices and Yards.**

- (a) A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage. Storage of all motorized equipment shall be on a paved surface.
- (b) Storage shall not be located within the required front yard. Stored materials shall not be located in any required parking or loading space(s). Storage of any kind shall not interfere with ingress and egress of fire and emergency vehicles and apparatus.
- (c) Open storage of building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, provided such are enclosed within an obscuring wall on those sides abutting any residential district and on any front yard abutting a public thoroughfare. Storage shall be screened from the view of a public street and adjacent properties in accordance with the requirements of Section 7.7.
- (d) The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including a description of materials, height, and typical elevation of the

enclosure, shall be provided as part of the information submitted under Article 3.4, Site Plan Review.

(e) The loading and unloading of equipment shall be conducted entirely within the site and shall not be permitted within a public right-of-way.

**Section 6.21 General Hospitals and Mental Health Facilities.**

(a) All such hospitals shall be developed only on sites of at least five (5) acres in area.

(b) The proposed site shall have at least one (1) property line abutting a major thoroughfare of at least one hundred and twenty (120) feet in right-of-way as indicated on the current Master Right-of-Way Plan of the Wayne County Department of Public Services. At least two (2) ingress routes shall be provided for the facility.

(c) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least fifty (50) feet for front, rear and side yards for all (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.

(d) Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence six (6) feet in height. Ingress and egress to the site shall be directly from a major thoroughfare.

(e) All ingress and egress to the off-street parking area for guests, employees, staff or other users of the facility, shall be directly from a major thoroughfare.

**Section 6.22 Golf Courses.**

Golf courses and country clubs, including accessory uses including, but not limited to: clubhouses, driving ranges, pro shops, maintenance buildings, tennis courts, swimming pools, restaurants, caretaker residence, and other similar facilities, shall be subject to the following conditions:

(a) Minimum site area shall be forty (40) acres.

(b) The location of structures, including, but not limited to the club house and accessory buildings, and their operations shall be reviewed by the Planning Commission to insure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially zoned or used property.

(c) All storage, service and maintenance areas when visible from adjoining residentially zoned land or land presently used for residential purposes shall be screened from view according to Section 7.7.

(d) All proposed outdoor lighting and sound systems shall be reviewed by the Planning Commission to ensure that they do not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land currently zoned or used for residential purposes.

(e) The caretaker's residence must meet the minimum requirements of the district that the golf course is located in.

(f) Direct ingress and egress shall be from a paved public road.

### **Section 6.23 Gun Clubs, Firing and Archery Ranges.**

(a) Enclosed within a building:

(1) A minimum lot area of not less than ten (10) acres shall be maintained, unless the Planning Commission permits a smaller area.

(2) The structure for the completely enclosed firing and archery range shall be bulletproof.

(3) This structure shall be not less than five hundred (500) feet from any residential use or district, or highway right-of-way.

(4) Adequate paved parking is maintained.

(5) A license for such a range be obtained from the Township Board.

(6) Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.

(7) An annual fee as determined by the Township Board shall be paid to the Township for range inspection by the Police Department.

(8) There shall be continuous supervision by a responsible person when such range is in operation.

(b) Outdoor:

(1) A minimum lot area of not less than forty (40) acres shall be maintained, unless the Planning Commission permits a smaller area.

- (2) The gun firing lines of the range shall be not less than five thousand (5,000) feet in length from the firing point, and shall be at least one-quarter (1/4) mile from the nearest residential use district in any direction from the firing point.
- (3) The shooters shall fire in a northerly direction at all times, away from any traveled highways.
- (4) Shooters shall fire into a thirty (30) foot high hill or suitable backstop to be approved by the Zoning Administrator and Police Department.
- (5) A six (6) foot chain link fence shall be provided and maintained to prevent persons from moving into the area and firing line.
- (6) A license for such range shall be obtained from the Township Board.
- (7) Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
- (8) An annual fee as determined by the Township Board shall be paid to the Township for range inspection by the Police Department.
- (9) There shall be continuous supervision by a responsible person when such range is in operation.
- (10) Shooters shall fire from a structure constructed to standards not less than those required as minimum safety standards by the National Rifle Association.
- (11) Shooting on the range shall be limited to the hours between sunrise and sunset but not prior to 6:00 a.m. nor later than 8:00 p.m.

**Section 6.24                    Housing for the Elderly and Nursing Homes/Convalescent Centers.**

(a) Housing for the elderly shall comply with the following conditions:

(1) All housing for the elderly shall provide for the following:

A. Independent Living for the Elderly. Dwellings may be provided for as one-family detached, two-family or multiple family units. The minimum site area requirements for purpose of calculating density shall be as follows:

<u>Dwelling Unit Size</u>	<u>Site Area/Unit (sq. ft.)</u>
Efficiency/One Bedroom	2,000
Two Bedroom	4,000
Each additional bedroom	500

- B. Assisted Living for the Elderly. Where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in Section 4.19.1(d) shall apply. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be two hundred (200) square feet.
- C. Both independent and assisted living facilities shall be contained within a building which does not exceed two hundred and fifty (250) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and natural and topographic features ensure that the building is in scale with the site and surrounding areas.

D. Building setbacks shall comply with the following:

- i. Perimeter setbacks shall be no less than seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.
- ii. Internal setbacks for one and two-family dwellings located on an individual lot shall be as follows:

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

- iii. Internal setbacks for one and two-family dwellings not located on an individual lot shall be as follows:

	<u>Multiple Family</u>	<u>One/Two- Family</u>
Internal Drives/Streets	25	25
Side/Side Orientation	30	20
Side/Front, Side/Rear	30	35
Front/Front, Front/Rear, Rear/Rear	50	50

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

<u>Dwelling Type</u>	Floor Area (sq. ft.)	
	<u>Assisted Living Unit</u>	<u>Independent Living Unit</u>
Efficiency	400	500



One Bedroom	550	650
Two Bedroom	700	800
Additional bedroom	150 per	150 per

F. Building Height. The maximum height of a building is two (2) stories or thirty-five (35) feet in all zoning districts except the CBD, Central Business District which by right may be three (3) stories tall. In the remaining zoning districts the Planning Commission may at its discretion, permit up to three (3) stories only if the following conditions are met:

- i. The site contains significant natural resources including, but not limited to slopes or wetlands.
- ii. No increase in density shall be allowed.
- iii. Approval by the Fire Department is required.
- iv. An increased front, rear and side yard setback distance and spacing requirements between buildings. The extent of increase, if any, for each setback measurement shall be established as part of the approval of the Planning Commission.
- v. In no event shall the maximum height of any such building exceed forty-five (45) feet as calculated in accordance with the terms of this Ordinance.

G. Open Space/Recreation. Open space and recreation shall be provided in accordance with the following requirements:

- i. Total open space required shall be a minimum of fifteen (15) percent of the site.
- ii. Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.

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

(b) Nursing homes and convalescent centers shall comply with the following conditions:

- (1) Minimum lot size shall be based upon no less than two thousand (2,000) square feet per bed.

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

**Section 6.25 Industrial or Commercial Waste Lagoon Ponds.**

- (a) In no instance shall a waste lagoon pond be closer than five hundred (500) feet to an existing or proposed street right-of-way or abutting residential district.
- (b) An eight (8) foot wall or fence shall be erected around the entire site and control gates shall be installed. In addition, an earth embankment in the form of a berm with a minimum height of eight (8) feet may be required at the discretion of the Planning Commission.
- (c) All such ponds shall also comply with all applicable State and County regulations.

**Section 6.26 Industrial Park Standards.**

- (a) The minimum parcel size for the Industrial Park as a whole shall be twenty (20) acres while the minimum lot size within an Industrial Park shall be two (2) acres.
- (b) Outside Storage.
  - (1) The outside storage of materials, supplies, vehicles, equipment or similar items is allowed only when such storage is specifically shown on the site plan as approved by the Planning Commission.
  - (2) Outside storage shall be limited to the rear yard area.
  - (3) Outside storage areas shall be completely fenced with a chain link fence at least eight (8) feet high.

- (4) Outside storage areas shall be screened from view of all roadways. This screening shall be a wall, fence, berm, landscaping or combination thereof.
- (c) Off-Street Parking.
  - (1) No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line.
  - (2) The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.
- (d) Internal Roadway. The internal roadway shall not be closer than one hundred (100) feet to an adjacent property line.
- (e) Loading and Unloading.
  - (1) The loading and unloading area shall be located in the rear or side yard. However, it may be located in a front yard area only when the loading area is of a drive-through design as approved by the Planning Commission.
  - (2) Truck wells shall not be located in the front yard area.
- (f) All activities and uses within the park shall conform to the performance standards outlined in Section 3.7.

**Section 6.27 Incineration of Any Refuse, Industrial, Hazardous or Other Waste.**

Incineration of any refuse, industrial, hazardous or other waste when conducted within an approved and enclosed incinerator plant subject to the following conditions:

- (a) Any incinerator facility (incinerator, storage area and receiving area) shall be at least one thousand (1,000) feet from the perimeter of the parcel. Any non-hazardous waste incinerator facility with a capacity of one thousand (1,000) pounds per hour, or less, shall be exempt from these setback requirements, except for Items (b) and (c) below. Industrial buildings for other uses may be allowed in the one thousand (1,000) foot buffer when part of a cooperative energy recovery development and non-hazardous waste incinerator.
- (b) Any other structure, building or materials, other than the incinerator, receiving area, and waste storage shall be set back a minimum of one hundred (100) feet from all abutting property lines, streets, and railroad rights-of-way; however, any structure or building higher than forty (40) feet shall be set back an additional one (1) foot in height in excess of the minimum one hundred (100) foot setback, but in no instance shall this distance be less than five hundred (500)

feet. All stack heights shall follow U.S. Environmental Protection Agency guidance for Good Engineering Practice (EPA 450/2-78-046) and demonstrations shall be provided that Ground Level Concentrations (GLC's) at the property line shall not cause a nuisance or community air pollution impact.

(c) The entire site shall be surrounded by a planted and maintained greenbelt conforming to Section 7.7.

(d) All uses permitted in this subsection shall be subject to the provisions of Act 64 of the Public Acts of 1979, known as the Hazardous Waste Management Act, and Act 641 of 1978, the Solid Waste Management Act.

(e) All residues resulting from the operation of an incinerator shall be removed from the site of the incinerator and disposed of in an approved disposal site.

(f) Any request for approval of a hazardous waste incinerator shall include an operations and maintenance plan in graphic and text form describing the method and practices to be followed in the actual day-to-day operation of the incinerator. Data necessary to be submitted and included as a part of the operational plan include the following:

- (1) A complete Environmental Impact Report prepared pursuant to the specifications of the Michigan Environmental Protection Act, being Act 127 of 1970. This shall also include a review of alternative sites. This plan shall be supplemented by a detailed analysis of impacts from noise, vibration, odor, visual impairment and air pollutants past the property line and in the surrounding communities.
- (2) A copy of Act 64 of 1979 hazardous waste disposal facility construction permit with all attachments, and/or Act 641 of 1978 permits with all attachments.
- (3) A copy of Act 348 of 1965 Air Quality Permit with all attachments.
- (4) A market analysis report indicating the economic feasibility of the proposed use.
- (5) A site operational plan describing the methodology of transfer of wastes from vehicles to the incineration point, methods of mitigating hazardous waste spills and accidents, staffing expectations, hours of operation, and methods for closing and removal of the buildings, structures, and facilities should the incinerator cease operation for a period exceeding six (6) months.

(g) Paved access with curbing that will retain rainfall and potential spills shall be available to each site, and each site shall abut a paved major thoroughfare proposed to be at least one hundred and twenty (120) feet in right-of-way.

(h) All storage drums, or material to be incinerated, other than that stored in large holding tanks, shall be stored within a totally enclosed building(s). In addition, loaded tank trucks shall

be parked only within a diked area which shall be at least one and one-half (1-1/2) times the volume of the amount to be stored, and shall not include the access road(s).

- (i) There shall be no unlicensed or non-manifested carriers on the site at any time.
- (j) All facilities for rail tank cars or other rail container cars shall be provided with storage facilities under the storage rails to assure that any spillage shall be contained until removal to the approved storage area. Said storage shall be at least one and one-half (1-1/2) times the volume of the amount to be stored.
- (k) Security methods including fencing for the incinerator facility shall be submitted with the required site plan.
- (l) Fire and explosive hazard control shall be outlined and submitted with the required site plan.
- (m) Methods of controlling and avoiding any spillage of liquids or materials into the storm sewer system or off the property shall be outlined for all operational areas, including access.
- (n) The storage capacity of the material to be incinerated on the site shall not exceed 20 (twenty) days at the rated capacity of the plant. Residue storage shall not exceed one-hundred and twenty (120) cubic yards at any time, and shall be stored inside on a contained concrete or superior surface.
- (o) The site for the disposal facility shall be at least one thousand (1,000) feet from any existing or proposed overhead utility lines.
- (p) Facilities shall be provided for washing all carriers and containers prior to departure from the disposal site. An approved method shall be provided to store used liquids used for washing until movement to the approved disposal site.

**Section 6.28 Intensive Livestock Operations.**

New livestock production facilities must follow and be in conformance with all Generally Accepted Agricultural and Management Practices (GAAMPS) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

- (a) Contact the Michigan Department of Agriculture (MDA), Right to Farm Program, Lansing Michigan.
- (b) Provide the Township proof of MDA review and verification for conformance to appropriate GAAMPS for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

**Section 6.29 Kennels.**

- (a) Minimum lot size for a hobby kennel shall be a full two (2) acres for the first four (4) dogs and one-half (1/2) acre for each additional three (3) dogs. The maximum number of permanent dogs over the age of six (6) months shall never exceed twenty-five (25).
- (b) A commercial kennel shall have a minimum lot size of five (5) full acres.
- (c) Buildings in which dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any dwelling and shall not be located in any required front, rear, or side yard setback. This applies to all kennels.
- (d) All kennels shall be operated in conformance with all Township, County and State regulations. License shall not be valid longer than one (1) year. An annual inspection and renewal of license is required.
- (e) All kennels shall have a noise baffle, obscuring fence, landscaped buffer, building orientation, or a combination of such design elements to minimize noise impacts on surrounding residences.

**Section 6.30 Large Scale Retail Facilities.**

These provisions are intended to regulate retail establishments of greater than 30,000 square feet of floor area, whether located as an individual use on a single site or as part of a shopping center with a grouping of attached and/or detached buildings. While it is recognized that large scale retail establishments may provide goods and services to Township residents, such stores are primarily focused on attracting consumers from a market area larger than the Township. Therefore, specific standards are required to ensure that large scale retail stores can be adequately served by and do not create an inordinate impact upon roads, utilities, storm drainage and police and fire services and are subject to the following conditions:

- (a) Building Design Standards.
  - (1) Facades and exterior walls:
    - A. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses extending at least twenty (20%) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.
    - B. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty (50%) percent of their horizontal length.
    - C. Building facades must include a repeating pattern that includes no less than two (2) of the following elements:

- i. Color change;
  - ii. Texture change; and
  - iii. An expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, including, but not limited to an offset, reveal or projecting rib.
  
- (2) Roofs. Roofs shall have no less than two of the following features:
  - A. Parapets concealing flat roofs and rooftop equipment including, but not limited to HVAC units from public view are required. Parapets shall not exceed 1/3 of the height of the supporting wall at any point. Such parapets shall feature three-dimensional cornice treatment;
  - B. Overhanging eaves, extending no less than three feet past the supporting walls;
  - C. Sloping roofs with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run; and
  - D. Three or more roof slope planes.
  
- (3) Materials and Colors.
  - A. Predominant exterior building materials shall be high quality material, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units.
  - B. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
  - C. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
  - D. Exterior building materials shall provide texture to at least fifty (50%) percent of the facade and shall not be completely made up of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.
  
- (4) Entryways. Each principal building on a site shall have clearly defined, highly visible customer entrances.
  
- (b) Site Design Standards.

- (1) Parking lot location. No more than fifty (50%) percent of the off-street parking area devoted to the large scale retail establishment shall be located between the front facade of the principal building and the abutting streets.
- (2) Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses. Pavement/material changes at drive crossings should be installed where possible to better define pedestrian crosswalks.
- (3) Pedestrian circulation.
  - (a) Internal pedestrian walkways, no less than six (6) feet in width, shall be provided connecting the public sidewalk to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity including, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flowerbeds, ground covers or other such materials for no less than 50% of the length of the walkway.
  - (b) Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least ten (10) feet from the facade of the building to provide planting beds for foundation landscaping, except where features including, but not limited to arcades or entryways are part of the facade.
  - (c) All internal pedestrian walkways which cross or are incorporated with vehicular driving surfaces shall be distinguished from such driving surfaces through the use of durable, low maintenance surface materials including, but not limited to pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Surface materials used for internal pedestrian walkway shall be designed to accommodate shopping carts.
- (4) Central features and community space. Each large scale retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Township, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network, and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
- (5) Off-street loading, outdoor storage, refuse and recyclable containers.



- (a) Off-street loading shall be located in accordance with the standards set forth in Article 10.
- (b) Refuse and recyclable containers shall be located in accordance with the standards set forth in Section 7.7 (j).
- (c) All screening shall be in accordance with the standards set forth in Section 7.7.
- (d) Outdoor storage areas shall be prohibited.

**Section 6.31            Live/Work Units.**

(a) Design and Development Standards. Live/work units shall be subject to the following criteria:

- (1) At the time of application approval and for the reasonable foreseeable future the commercial site and surrounding area are suitable for joint residential and commercial use.
- (2) The project is designed to provide flexible work space in conjunction with living areas that are conducive to work environment.
- (3) Residential and commercial uses are integrated in such a manner as to address noise, hazardous materials, and other health and safety issues onsite as well as offsite.
- (4) The project site must remain primarily in commercial use. At no time shall more than fifty (50%) percent of the combined floor area of buildings identified for re-use or new buildings constructed on a project site be dedicated or used for non-commercial use. All remaining floor area on a project site shall be dedicated and reserved exclusively for other commercial and uses allowable in the C-1 District.
- (5) All designated work space shall be designed to accommodate commercial uses as evidenced by the provision of flooring, interior storage, ventilation, storefront windows, roll-up doors and/or other physical improvements of the type commonly found in exclusively commercial facilities used for the same work activity.
- (6) The living area of the live/work unit shall be at least five hundred (500) square feet and shall not be occupied so that each person residing therein shall have less than two hundred (200) square feet of living space.
- (7) The living area of the live/work unit shall be attached to or part of the primary building in which a business is normally operated.

(b) Integration of Commercial and Living Space. The commercial use shall be the primary focus of the front of the building. Living space shall be physically integrated into the commercial space and shall not be separately rented, leased, or sold. Mezzanines and lofts within the unit may be used as living space subject to compliance, with the other provisions of this Section.

(c) Parking Requirements. Live/work units shall comply with the parking standards set forth in Article 10. However, the Planning Commission may modify this requirement as appropriate to allow for the re-use of existing structures with limited parking or to accommodate authorized employees and/or customer or client visits.

(d) Operating Requirements.

- (1) A live/work unit shall be occupied and used only by the owner of the business within the unit and his/her immediate family.
- (2) Notice to occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial uses at higher levels than would be expected in more typical residential areas. Noise and other standards shall be those applicable to commercial properties in the CBD District.
- (3) An ongoing business must exist to allow residential occupancy of the live/work unit. If the business ceases to operate, the special land use permit shall end and the living area must be vacated within 6 months of the last day of business.
- (4) The business and residential areas must be maintained separately and no business activity inclusive of but not limited to storage of any inventory or servicing or maintenance of any product shall be allowed in the residential area.

### **Section 6.32 Livestock Auction Yards/Markets.**

Those who wish to operate a livestock auction market must first obtain bonding and a livestock dealer/broker license from the Animal Industry Division, Michigan Department of Agriculture, Lansing, Michigan. The following must be provided:

- (a) Copy/proof of required bonding.
- (b) Copy of the livestock dealer/broker license.
- (c) License must be kept current on a yearly basis.
- (d) All such facilities shall be located on a paved primary arterial road.

**Section 6.33**

**Manufactured Housing Park Development Standards.**

(a) General Site Development Standards.

- (1) No manufactured housing park shall be constructed within the limits of Sumpter Township unless the owner and/or operator hold a valid construction permit issued by the Michigan Department of Labor and Economic Growth in accordance with the provisions of Public Act 96 of 1987, as amended, and a copy of said permit is given to the Township.
- (2) A permit and Certificate of Occupancy shall be obtained from the Building Department for each manufactured home connected to the Township water, sanitary sewer, and electrical, and the placement of the home. Skirting shall be installed within 30 days after the Certificate of Occupancy is issued, weather permitting.
- (3) A permit shall be obtained from the Building Department for construction of a canopy, awning, sunroom, carport, or other accessory or year-round enclosure detached or attached to a manufactured home.
- (4) Fees for the above-mentioned permits shall be set by the Township Board.
- (5) Each road access point to a manufactured housing park from a Country or State highway shall have prior written approval of the Wayne County Department of Public Services having jurisdiction within the Township.
- (6) It shall be the duty of the Building Inspector or assistant to personally inspect all of the development, construction, or installation of the facilities in the mobile home park for which a State permit has been issued. The Township Building Inspector is hereby granted the power and authority to enter upon the premises of any manufactured housing park at any reasonable time for the purpose herein set forth and for the purpose of enforcing any provisions of this Ordinance.
- (7) It shall be the duty of the owner and operator of each manufactured housing park to enforce the following regulations:
  - A. The keeping of all domestic pets shall be in compliance with Township Ordinances.
  - B. The operation, maintenance and supervision of the manufactured housing park shall be by a responsible person who shall be available at all times in case of emergencies.
  - C. It shall be the duty of each manufactured housing park owner and operator to report to the Wayne County Health Inspector and Township Supervisor,

the existence of any known unsanitary conditions prevailing within the boundaries of the manufactured housing park.

D. It shall be the further duty of the manufactured housing park owner or operator, in order to safeguard against the hazards of a fire, to prohibit the parking of any manufactured home or trailer, not possessing two (2) exits, within any manufactured housing park. One such exit may be of the emergency type, provided that it is capable of being easily operated by small children, and provided approval has been granted by the Township or State Fire Marshall.

(8) School officials of the affected districts shall be notified of the proposed development.

(b) Lot and Stand Conditions.

(1) The manufactured housing park shall be developed with sites averaging 5,500 square feet per manufactured home unit. The 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under Public Act 96 of 1987, as amended.

(2) For irregular shaped manufactured home lots the access point to the lot must be of sufficient width to accommodate the required on site parking and must be at least twenty (20) feet.

(3) No manufactured home shall be located closer than fifty (50) feet to the right-of-way of a public thoroughfare, nor closer than eighty (80) feet to a railroad right-of-way, nor closer than ten (10) feet to any dedicated easement or road right-of-way within a manufactured housing park.

(4) The manufactured home foundation shall be of concrete piers, slabs or runners to be designed and constructed in conformance with the standards established in Public Act 96 of 1987, as amended.

(5) All manufactured homes shall be anchored with only those systems which are approved by Public Act 96 of 1987, as amended.

(6) If provided, patios and bases of storage sheds shall be constructed of four (4) inch thick concrete.

(c) Accessory Structures and Enclosures.

(1) Storage Areas - No storage of any personal property except licensed operable motor vehicles shall be stored outside or under any manufactured home. Storage

sheds may be utilized for any such storage but need not be supplied by the owner of the manufactured home development.

- (2) Canopies and awnings may be attached to any manufactured home and said accessory structures shall conform to all area, height, and placement regulations applicable to the manufactured home itself, except it may occupy a portion of the side yard provided it is located no closer than ten (10) feet to another manufactured home.
  - (3) Canopies and awnings may be enclosed with screens for summer recreation or sunroom purposes, or they may be enclosed with glass for climatic reasons, but no enclosure shall be used for permanent living purposes.
  - (4) If any permanent living area is added to a manufactured home, such addition shall conform in every way to the placement regulations of the principal structure.
  - (5) Manufactured homes shall be skirted and must meet the standards of Public Act 96 of 1987, as amended.
  - (6) There shall be no storage underneath any manufactured home of any item except for the hitch and wheels and tires of that manufactured home, and each manufactured home lot should be maintained in the manner that it was originally constructed.
- (d) Roads, Parking and Walks.
- (1) Streets shall be provided on the site where necessary to furnish principal traffic-ways for convenient access to the manufactured home site, and other important facilities on the property. The street system shall provide convenient circulation by means of minor streets and properly located collector and arterial streets. Closed ends of dead-end streets shall be provided with a turn around capability.
  - (2) The roads shall be of adequate widths to accommodate the contemplated traffic load but shall not be less than twenty-one (21) feet in width.
  - (3) Curbing shall be required, provided however, the Planning Commission may approve plans without curbs, where such plans show other adequate means for the control of surface drainage. Protection of the edges of the pavement and protection to the roadway shoulder shall be provided to prevent erosion along the shoulder and berm of the roadway.
  - (4) All roads and parking areas shall be constructed of concrete, blacktop, or other similar hard surface material in conformance with standards set in Public Act 96 of 1987, as amended.
  - (5) Hard-surfaced off-street parking spaces shall be provided on manufactured home site in sufficient number to meet the needs of the occupants of the property and

their guests, without interference with normal movement of traffic. Such facilities shall be provided as required by Public Act 96 of 1987, as amended.

- (6) For the protection of the park residents and the easy passage of fire apparatus there shall be no parking on any road in the manufactured housing park unless they meet the standards established in Public Act 96 of 1987, as amended.
- (7) The manufactured housing park primary walk system, if provided, including walks along main drives and secondary streets shall meet requirements of Public Act 96 of 1987, as amended.
- (8) Recreational Vehicle Storage. The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the manufactured housing park, shall be in accordance herewith. The storage of the vehicles or items in the manufactured housing development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence five (5) feet in height around its perimeter or by some other similar screening device.

(e) Utilities and Trash Disposal.

- (1) Fire hydrants of a size and with a pressure approved by the Township of Sumpter Fire Department shall be placed along each street within the manufactured housing park within ten (10) feet of a roadway and at intervals not exceeding five hundred (500) feet so that no mobile home shall be more than two hundred fifty (250) feet from a hydrant.
- (2) Running water from a public or a State-tested and approved water supply shall be piped to each manufactured home and shall be adequately protected from frost.
- (3) Plumbing fixtures shall be connected into a public sanitary sewer or Township approved facilities.
- (4) All electric lines, from supply poles and leading to each manufactured home stand, shall be underground and shall conform to Public Act 96 of 1987, as amended.
- (5) Street lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be in conformance with Public Act 96 of 1987, as amended.
- (6) Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and shall be approved by the State Health Department and the Township of Sumpter. Manufactured housing parks shall provide for removal of rubbish as required in Public Act 96 of 1987, as amended.

(f) Recreation and Open Space.

- (1) The front yard and the side yard adjacent to a public thoroughfare shall be landscaped and the entire manufacturing housing park shall be maintained in a clean, presentable condition at all times.
- (2) A greenbelt planting strip not less than ten (10) feet in width shall be placed or located along the perimeter of the manufactured housing park. Such a greenbelt shall be so constructed as not to cause or constitute a traffic hazard and plantings shall be at least twenty (20) feet back from an intersection. The requirements for a greenbelt along the perimeter of a manufactured housing park does not apply when the abutting land is zoned RMH, Manufactured Housing Park District.
- (3) Open space shall be in conformance with Public Act 96 of 1987, as amended.
- (4) Manufactured home lot line fences, when provided, shall be uniform in height thirty six (36) inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each manufactured home and shall be provided with two (2) gates.
- (5) Models may be placed on lots in the manufactured housing park, if they are installed in accordance with Public Act 96 of 1987, as amended, and a temporary Certificate of Occupancy is issued. These models are to be used primarily for sales in the park and shall not be occupied as living units. Also, they shall not have any bright or flashing lights on the units.

**Section 6.34 Motels and Hotels.**

- (a) No guest shall rent a unit at a motel or hotel for more than thirty (30) consecutive days within any calendar year.
- (b) Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.
- (c) A minimum fifty (50) foot front yard setback shall be maintained.
- (d) Signs may be permitted to be a maximum of fifty (50) feet in height when adjacent to a freeway.

**Section 6.35 Outdoor Display and Sales.**

(a) General Standards.

- (1) An outdoor display shall be considered as an accessory use to the principal use conducted on the premises.

- (2) The exterior of the premises shall be kept clean, orderly and maintained.
- (3) The Township shall not be held liable or responsible for any type of damage, theft or personal injury that may occur as a result of an outdoor display.
- (4) In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
- (5) See Section 6.38 for the outdoor display and sale of vehicles.

(b) Standards Within CBD District.

- (1) An outdoor display may be located in front of or adjacent to the establishment. An outdoor display that extends beyond the property lines of the applicant shall require the permission of the affected property owners.
- (2) If an outdoor display is located on a public sidewalk, a minimum of five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside. An outdoor display on a public sidewalk shall be confined to normal business hours.

(c) Standards Within C-1 and C-2 Districts.

- (1) An outdoor display may be located within any required yard but shall not be located within any public road right-of-way.
- (2) An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.

(d) Building Materials, Nursery Stock and Garden Supplies.

- (1) Outdoor sales areas shall not be located within the required front setback, except for sales of living nursery stock. Ornamental displays associated with the sale of nursery stock shall be permitted; however, in no case shall the outdoor storage or sale of bulk materials, including, but not limited to topsoil, mulch or gravel, whether packaged or not, be permitted within the front yard setback.
- (2) Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 7.7.



**Section 6.36 Outdoor Recreational Facilities.**

(a) Active Recreation. All active outdoor recreational facilities for adults or children, including, but not limited to paint ball, 3-D archery, motor cross and other similar uses are subject to the following:

- (1) All uses shall comply with the performance standards outlined in Section 3.7.
- (2) Parking areas shall be provided off the road right-of-way and shall be enclosed with a four (4) foot wall, fence, berm and/or evergreen plantings.
- (3) No less than one (1) acre of land are required to accommodate any active outdoor recreational facility (except motor cross) with no less than a twenty (20) foot open space along all parcel perimeters. Motor cross facilities shall require no less than five (5) acres, one hundred fifty (150) feet of frontage and no less than one hundred (100) feet of open space along all parcel perimeters.

(b) Passive Recreation. All passive outdoor recreational facilities for adults or children, including, but not limited to amusement parks, carnivals miniature golf courses, drive-in theaters and other similar uses except public parks are subject to the following:

- (1) All uses shall comply with the performance standards outlined in Section 3.7.
- (2) Parking areas shall be provided off the road right-of-way and shall be enclosed with a four (4) foot wall, fence, berm and/or evergreen plantings.
- (3) Children's amusement parks must be fenced on all sides with a four (4) foot wall or fence.
- (4) Drive-in theaters shall have a solid fence around the site and all lighting shall be shielded from adjacent parcels.

**Section 6.37 Outdoor Sales of Automobiles or Vehicles.**

Outdoor sales of new and used automobiles, boats, mobile homes, lawn care and construction machinery and other vehicles, shall be subject to the following requirements:

- (a) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- (b) All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building.

- (c) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- (d) Inoperative vehicles or discarded or salvaged materials shall not be stored outside.
- (e) Vehicle sales shall not be permitted on the premises of any automobile service station, automotive wash or automobile or vehicle repair garage.
- (f) No banners or flags are permitted except as permitted in Article 9.
- (g) A landscaped greenbelt measuring a minimum of ten (10) feet in width shall be provided. No vehicles or merchandise shall be displayed within the required greenbelt.
- (h) There shall be no broadcast of continuous music and/or announcements over any loudspeaker or public address system.
- (i) The automobile sales agency must be located on a site having frontage of no less than one hundred and fifty (150) feet and area of no less than thirty-five thousand (35,000) square feet.

**Section 6.38 Outdoor Furnaces.**

Requirements for outdoor wood, corn, pellet-fire, cherry pit, or coal boilers or furnaces shall be subject to the following:

- (a) Location. Shall only be permitted in the AG, RF and R-1 Districts.
- (b) This section is intended to promote the public health, safety, and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the citizens of the Township of Sumpter due to the air pollution and fire hazards of outdoor burning. However, it does not apply to the following:
  - (1) Grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances.
  - (2) Burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.
  - (3) Use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.
- (c) An outdoor wood, corn, pellet-fired, cherry pit, or coal boilers or furnaces may be installed and used in the Township only in accordance with the following provisions:
  - (1) Shall not be used to burn any refuse, leaves, green vegetative matter and noxious plants. Every outdoor wood, corn, pellet-fired, cherry pit, or coal boiler or furnace shall only be used to burn fuel designed or intended to be burned in the

furnace. No garbage, household trash, petroleum products, rubber, construction waste, or other solid waste shall be burned in such a furnace regardless of design or manufacturer's intended fuel source.

- (2) Shall be located at least seventy-five (75) feet from the property line when located adjacent to a vacant parcel or the same distance from an existing home on any abutting parcels.
  - (3) A chimney located within thirty (30) feet of the principle building shall extend to a height no less than thirty (30) feet or above the highest point of the building, whichever is greater. A chimney located further than thirty (30) feet from the principle building shall extend to a height no less than two (2) feet. The Fire Chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
  - (4) All furnaces shall be located within the rear yard and the base structure shall be fully screened using landscaping and/or fencing of comparable height to the structure. All furnaces shall be located within the rear yard and the base structure shall be fully screened using landscaping and /or fencing of comparable height to the structure.
  - (5) All brush and shrubbery shall be cleared within a twenty-five (25) feet radius of the location on any outdoor freestanding wood-burning furnace, and such twenty-five (25) foot cleared area shall be maintained free of brush and shrubbery at all times. Any firewood or other allowed fuel stored within such twenty-five (25) foot radius shall either be covered or otherwise reasonable protected against accidental ignition or combustion.
  - (6) All wood, corn, pellet-fired, cherry pit, or coal boiler or furnace must be maintained in good condition.
- (d) Applicants shall attain a Zoning Compliance Certificate form the Township Zoning Administrator prior to construction of all wood, corn, pellet-fired, cherry pit, or coal boilers or furnaces to ensure that all standards in this Section have been met.

### **Section 6.39 Ponds and Farm Ponds.**

- (a) A pond shall not be created, built, or used until a plan is submitted, and a permit shall have been obtained from Zoning Administrator and a permit fee and any inspection fees shall have been paid in an amount as set by the Township Board of Trustees.
- (b) No pond shall be located closer than twenty (20) feet from the side and rear lot lines, nor closer than one hundred fifty (150) feet from the front right-of-way line, nor closer than fifty (50) feet from the principal structure, nor closer than one hundred (100) feet from any septic tank and/or septic field.

- (c) Material excavated from the pond site shall be disposed of on the site with the proper grading to allow no alteration in the runoff to adjoining lots or parcels.
- (d) No pond shall be located closer than fifty (50) feet from any telephone, electrical or other utility line.
- (e) A pond shall be constructed in such a manner that no overflow, spillage, or seepage shall encroach on adjacent lots or parcels.
- (f) The side slopes of the pond shall not be greater than one (1) foot vertical to four (4) feet horizontal to a water depth of five (5) feet.
- (g) The pond shall have a minimum depth of ten (10) feet in the middle of the pond.
- (h) The plan shall be a scale drawing that must provide sufficient information and details concerning the following:
  - (1) The size and dimensions of the proposed pond including at least one cross section of the pond.
  - (2) The proposed location of the pond and its relationship to all existing dwellings within eight hundred (800) feet, existing or proposed building on the subject parcel, existing septic system and drainfield on the subject parcel and adjacent parcels, utility lines including gas, electric, telephone and cable, property line of the subject parcel with verification by a mortgage survey, and dimensions from all property lines and the street right-of-way.
  - (3) Proposed site grading and finished elevations shall be illustrated on the site plan in sufficient detail to determine the direction of storm water runoff and the drainage system to receive the runoff.
  - (4) Material to be excavated shall be used on the subject parcel and graded to conform to the natural landscape.
- (i) Refer to the Building Code for swimming pool regulations.
- (j) Ornamental Ponds: The following regulations shall apply to ornamental ponds.
  - (1) Such structures shall comply with all accessory use setbacks.
  - (2) No such impoundment shall contain more than 450 cubic feet of water. All ponds exceeding the requirements of this section are subject to the criteria listed in Subsections (a) through (i) above.
  - (3) No such pond shall have a length or diameter exceeding fifteen (15) feet nor a maximum depth exceeding two (2) feet.

**Section 6.40 Regulation of Animals.**

- (a) Class I Animals may be maintained in any zoning classification district, subject to specific restrictions herein.
- (b) Class II Animals may be maintained in the AG District only. While horses and equine type animals are considered Class II, commercial riding stables are regulated under Section 6.41, herein.
- (c) The following stocking densities for Class II animals on parcels of ten (10) acres or less in close proximity of their neighbors.

**STOCKING DENSITIES FOR  
CLASS II ANIMALS ON PARCELS OF  
10 ACRES OR LESS IN THE AGRICULTURE DISTRICTS**

<b>Animal</b>	<b>Number of Animals Permitted</b>	<b>Area</b>	<b>Additional Animals</b>
Beef Cattle	1	3 acres	½ acre per additional animal.
*Beef Cattle with Calf	1	3 acres	
Dairy Cow	1	3 acres	
Pigs	1	3 acres	
Sheep, Goats, Alpaca	1	3 acres	
Llama	1	3 acres	
Horses/Equine Type Animals	1	3 acres	

\* One (1) beef cattle with calf is considered one (1) animal until the calf is fully grown.

- (1) There should be adequate fencing, or other restraining devices for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- (2) Structures housing Class II animals should be located at least, no nearer than seventy-five (75) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- (3) The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- (4) All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act,

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

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

(d) Class III Animals may be maintained in the AG District only. The following stocking densities for Class III animals on parcels of ten (10) acres or less in close proximity of their neighbors.

**STOCKING DENSITIES FOR  
CLASS III ANIMALS ON PARCELS OF  
10 ACRES OR LESS IN THE AG, AGRICULTURE DISTRICT**

Animal	Number of Animals Permitted	Area	Additional Animals
Geese, Ducks, Turkeys	125	3 acre	10,890 s.f. (1/4 acre) for each additional animal.
Chickens (Broiler Hens, Layers)	250	3 acre	
Rabbits	250	3 acre	

- (1) There should be adequate fencing, or other restraining devices, for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- (2) Structures housing Class III animals should be located, at least, no nearer than seventy-five (75) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- (3) The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- (4) All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- (5) It is highly recommended that property owner's in the AG District who plan to keep/raise Class III livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for

manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.

(e) Regulation of Animals in Residential Districts. Class II and Class III animals are not permitted to be maintained in residential districts with the exception of RF and R-1 Districts.

**STOCKING DENSITIES FOR CLASS II AND III ANIMALS  
IN THE RF AND R-1 DISTRICT**

<b>Class of Animal</b>	<b>Animals</b>	<b>Number of Animals Permitted</b>	<b>Area Required for First Animal</b>	<b>Additional Animals</b>
Class II	Beef Cattle	1	3 acres for first animal	½ acre per additional animal up to a maximum of 10 animals. <sup>1</sup>
	Dairy Cow	1	3 acres for first animal	
	Pigs	1	3 acres for first animal	
	Sheep, Goats, Alpaca	1	3 acres for first animal	
	Llama	1	3 acres for first animal	
	Horses/Equine Type Animals	1	3 acres for first animal	
<hr/>				
Class III	Geese, Ducks, Turkeys	10	1 acres for first 10 animals	10,890 sq. ft. (1/4 acre) for each additional animal to a maximum of 20 animals. <sup>1</sup>
	Chickens (Broiler Hens, Layers)	10	1 acres for first 10 animals	
	Rabbits	10	1 acres for first 10 animals	

1. Special land use approval is required to exceed the maximum of any 10 Class II animals and 20 Class III animals.

As a part of the special land use review process, the Planning Commission may choose to impose any reasonable conditions, including conditions on the following items:

- (1) Adequate fencing.
- (2) Setbacks for structures housing animals from property lines.
- (3) The refuse and wastes resulting from the maintenance of animals.
- (4) The storage of feed and other substances on the premises for the maintenance of animals.

(f) Conformance to Law. In reference to the above provisions, the following may apply: All federal, state and local laws and regulations to include, but not limited to the Michigan Right to Farm Act, all adopted Generally Accepted Agricultural Management Practices and all Michigan Department of Agriculture rules and regulations. All violations of the Michigan Right to Farm Act are investigated by and can be reported to the Michigan Department of Agriculture.

**Section 6.41 Riding Stables, Commercial**

- (a) A minimum lot area shall be provided of not less than ten (10) acres, with a minimum lot width of not less than five hundred (500) feet.
- (b) A commercial stable shall provide an area of not less than two (2) acres for each horse stabled and used as a part of such commercial stable use, but shall not be less than (a) above.
- (c) All buildings, corrals, and runways for housing or keeping of such animals shall not be less than one hundred fifty (150) feet from any adjacent property line, provided, however, such yard space may be used for pasture in connection with a riding stable.
- (d) All yard space used for pasture or riding areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.

Any permit after being issued for such uses shall terminate immediately when the lot area requirements herein set forth are decreased in any manner.

#### **Section 6.42 Roadside Produce Stands and Markets.**

Because roadside stands and markets (moveable and stationary) are seasonal in character and utilized on a temporary basis, roadside markets that sell produce that has been purchased for resale shall be permitted by the Zoning Administrator subject to the following requirements (See also, Section 6.45, Seasonal Sales):

- (a) The sale of products shall not take place in the dedicated right-of-way of any thoroughfare within the Township, and assurances shall be made to the Township that off-street parking and adequate ingress and egress has been provided.
- (b) Upon discontinuance of the temporary use, any temporary structures shall be removed from the roadside.
- (c) All requirements of a temporary permit shall be met.

#### **Section 6.43 Rooming and Boarding Houses.**

- (a) A portion of an owner-occupied, single-family dwelling unit or accessory building.
- (b) The portion of the owner-occupied, single-family dwelling or accessory building used as a rooming or boarding house shall not exceed a total of one thousand (1,000) square feet in area, with or without separate kitchen facilities for not more than six (6) individuals other than family, for an extended period of time, for compensation.



**Section 6.44 Salvage Yards.**

- (a) The minimum lot size for a salvage yard shall be ten (10) acres.
- (b) The storage yard shall be completely enclosed with a wall, fence, berm, landscaping or combination thereof at least six (6) feet high, and must obscure all items stored and/or outside machinery (cranes and wreckers).
- (c) Nothing shall be stored within four (4) feet of the fence.
- (d) An office sales outlet area which can be entered from the outside shall be provided, and include a sales area free of normal parts storage. Storage may be located behind a service counter. This office may be of modular construction, but must have a foundation.
- (e) Parking shall be provided outside the yard and shall be paved with cement, asphalt or other permanent surface approved by the Township Engineer. There shall be at least ten (10) spaces plus one (1) space for each employee.
- (f) Operating hours shall be limited to 7 AM to 7 PM, Monday through Saturday.
- (g) Screening by berm, shrubs, or fencing (walls) shall be provided wherever nearby property and public right-of-ways within one thousand (1,000) feet would normally look into the storage yard.
- (h) Metal crushers may be operated during regular business hours, but must meet Township performance standards.
- (i) A permanent performance bond or deposit in addition to other bonds including, but not limited to construction or landscape bonds, equivalent to the cost of the fencing and \$0.10/square foot of yard space is required as a performance bond since this type of operation could become a nuisance (yearly evidence of the bond shall be evidenced to the Clerk).
- (j) All dismantling operations will be done within a totally enclosed building. Individual parts may be removed from vehicles in the front, side or rear yard.
- (k) There shall be no incineration of refuse.
- (l) There can be no parking, storage or standing of inoperative vehicles in the front yard.
- (m) Storage of vehicles shall be on inflated tires, supports, or stands and not set on the ground.
- (n) Vehicular storage shall be in neat, organized rows with accessible aisles, and vehicles shall be uniformly perpendicular or parallel with access aisles.

- (o) Vehicles shall be stored no more than one (1) level high unless in racks, and no higher than the screening fence.
- (p) If screening slats are used in a chain link fence, they must be wooden rather than metal.
- (q) A Pollution Incident Protection plan, and any other specific requirements to assure the requested usage will not produce a detrimental effect on the surrounding area and the Township as a whole are required.
- (r) Utility information shall detail the method of storm water retention or detention, and information shall be provided to indicate the retention of liquids that may seep onto the ground.

**Section 6.45                      Seasonal and Transient Display of Products or Materials Intended for Sale.**

The sale of seasonal items including, but not limited to Christmas trees, flowers and plants, pumpkins and other such seasonal items, and the sale of any other merchandise by persons other than the owner or occupant of the premises, shall require a permit from the Zoning Administrator subject to the following standards and conditions (See Section 6.42, Roadside Stands and Markets):

- (a) Transient or seasonal sales may be located within any required yard, provided a ten-foot landscaped greenbelt meeting the requirements of Section 7.7 is provided between any outdoor display and any public road right-of-way. Where outdoor displays abut residentially zoned property, landscape screening in accordance with Section 7.7 shall also be provided.
- (b) Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of Section 7.7 or Article 10 or create a traffic or safety hazard.
- (c) All such sales shall be conducted in a manner so as not to create a nuisance to neighboring properties through adequate on-site parking and ingress and egress to the site.
- (d) Upon discontinuance of the seasonal use, any temporary structures shall be removed.
- (e) Signs shall conform to the provisions of the district in which the seasonal use is located.

**Section 6.46                      Self-Storage Facilities.**

(a) Requirements and Conditions. Self Storage Facilities are permitted as a special land use in the LI and GI Districts, and shall be subject to the following requirements and conditions of this section:

- (1) No activity other than the rental of storage units and the rental of outside storage space for operable and licensed recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
- (2) Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.
- (3) The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.
- (4) All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.
- (5) Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with Section 7.7, Landscaping and Screening.
- (6) The exterior design of the storage units is subject to Planning Commission review and approval, and must be compatible with adjacent properties and the rural character of Sumpter Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.
- (7) All storage units must be accessible by safe circular drives clearly marked to distinguish direction (if one-way) and separate from parking lanes. Parking lanes a minimum of ten (10) feet wide shall be provided for loading and unloading adjacent to all storage units. A combination parking lane-driveways must meet the following minimum standards:
  - A. When storage units open onto one (1) side only, twenty-six (26) feet wide for one-way traffic, and thirty (30) feet for two-way traffic.
  - B. When storage units open onto both sides thirty-six (36) feet wide for one-way traffic and forty (40) feet for two-way traffic.
- (8) A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be imposed by the Planning Commission as well as the following:
  - A. The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinance's requirements

for a single-family residence, not including the office space for the self storage facility.

- B. Exterior design of the caretaker or watchman's residence is subject to the review and approval of the Planning Commission.
  - C. The caretaker or watchman's residence is subject to all area and setback requirements of the district that it is located in.
  - D. The maximum height of the caretaker or watchman's residence shall be thirty-five (35) feet or 2.5 stories.
- (9) Parking Requirements. One (1) space for every one hundred fifty (150) self-storage units with a minimum of three (3) spaces to be provided adjacent to the office.
- (10) Direct ingress and egress shall be from a paved public road.

(b) Waiver. Where the Planning Commission determines that compliance with all of the above standards are unreasonable, the standards shall be applied to the maximum extent possible. In such a situation, the Planning Commission may accept suitable alternatives that substantially achieve the purpose of this Section, provided that the applicant demonstrates that one of the following apply:

- (1) That architectural or structural integrity and quality are not undermined.
- (2) That any deviations from the above standards will still provide for a harmonious development and serve to minimize any possible impacts to adjacent properties and residences.

#### **Section 6.47 Sidewalk Café Service and Seasonal Outdoor Dining.**

(a) A sidewalk cafe service operated by a restaurant or other food establishment that sells food for immediate consumption may be permitted in the CBD, Central Business District, subject to the following conditions:

- (1) An outdoor cafe shall be allowed only during normal operating hours of the establishment.
- (2) If a sidewalk cafe is located on a public sidewalk, a minimum of five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained.
- (3) All food preparation shall be inside the establishment.
- (4) If alcoholic beverages are to be served, the current Liquor Control Commission Rules and Regulations must be abided.

- (e) No music, intercom or other noise shall be permitted that impacts adjacent properties.
- (5) Appropriate screening and/or fencing shall be provided as determined to be necessary and advisable by the Planning Commission in the course of its site plan review process.
- (6) Cafe service areas shall comply with all regulations and provisions required for the establishment/building.
- (7) The exterior of the premises, including the sidewalks, shall be kept clean, orderly and maintained or the permit may be revoked. All food preparation shall be inside of the premises.
- (8) The Township shall not be held liable or responsible for any type of damage, theft or personal injury that may occur as a result of a sidewalk cafe operation.

(b) Seasonal Outdoor Dining. Seasonal outdoor dining operated by a restaurant or other food establishment that sells food for immediate consumption may be permitted as an accessory use within the C-1, Local Business District, and C-2, General Business District, subject to the following conditions:

- (1) A seasonal outdoor dining area may be allowed only during normal operating hours of the establishment.
- (2) No such dining area shall be located within the public sidewalk and/or road right-of-way.
- (3) All food preparation shall be inside the establishment.
- (4) If alcoholic beverages are to be served, the current Liquor Control Commission Rules and Regulations must be abided.
- (5) No music, intercom, or other noise shall be permitted that impacts adjacent properties.
- (6) When located adjacent to a residentially zoned and/or used parcel, the outdoor dining area shall be screened as determined to be necessary by the Zoning Administrator.
- (7) The exterior of the premises shall be kept clean, orderly, and maintained or the permit may be revoked.

**Section 6.48 Slaughterhouses.**

- (a) The physical plant structure, pens, stockyard or cages shall in no instance be closer than two thousand (2,000) feet to any adjacent residential district.
- (b) A minimum six (6) foot high chain link fence shall be provided around the entire site to assure that individuals will not unknowingly trespass on the property, particularly the stockyard area.
- (c) The site shall have at least one (1) continuous boundary five hundred (500) feet in length along a major thoroughfare of at least one hundred and twenty (120) feet in right-of-way as indicated on the current Master Right-of-Way Plan of the Wayne County Department of Public Services.

**Section 6.49                      Sludge Processing and Similar Resource Recovery Operations.**

- (a) The facility shall be one thousand (1,000) feet from the perimeter of the parcel.
- (b) Sludge processing and similar resource recovery operations shall not include hazardous materials.
- (c) A complete Environmental Impact Report prepared pursuant to the specifications of the Michigan Environmental Protection Act, being Act 127 of 1970, shall be prepared.
- (d) Any residue resulting from the operation shall be removed from the site or disposed of in an approved disposal site.
- (e) Any stocks shall meet the height requirements of the U.S. Environmental Protection Agency guidelines for Good Engineering Practice (EPA 450/2-78 046).
- (f) A market analysis report indicating the economic feasibility of the proposed use shall be submitted.
- (g) A site operational plan describing the methodology of transfer of material from vehicles to the operation, methods of mitigating spills and accidents, staffing expectations, hours of operation, and methods for closing and removal of the buildings, structures, and facilities should the operation cease for a period exceeding six (6) months.
- (h) There shall be no unlicensed or non-manifested carriers on the site at any time.
- (i) All facilities for any rail tank cars or other rail container cars shall be provided with storage facilities under the storage rails to assure that any spillage shall be contained until removal to the approved storage area. Said storage shall be at least one and one-half (1-1/2) times the volume of the amount to be stored.
- (j) Security methods including fencing for the operation shall be submitted with the required site plan.

(k) Fire and explosive hazard control shall be outlined and submitted with the required site plan.

(l) Methods of controlling and avoiding any spillage of liquids or materials into the storm sewer system or off the property shall be outlined for all operational areas, including access.

#### **Section 6.50                    Transient and Temporary Amusement Establishments.**

(a) The purpose of this Section is to ensure the safety and general welfare of the public, it being necessary to limit the number, size and place of various transient and temporary amusement enterprises including, but not limited to carnivals, fairs, circuses, outdoor socials, benefits and other-fund raising affairs.

(b) The Township Board may permit transient and temporary amusements to be set up in any District.

(c) Transient and temporary amusement establishments may be permitted:

(1) When engaged in by schools, churches, fraternal societies, and similar non-profit organizations as an accessory use for the sole purpose of raising money for the financial support of such institutions in pursuit of their natural functions.

(2) When such use and occupancy is temporary and/or seasonal only.

(3) When such use and occupancy is not detrimental to adjacent surrounding property.

(4) When such use and occupancy is not disturbing to the public peace and tranquility.

(5) When such use and occupancy will not create undue traffic hazard and congestion.

(e) Permits for such uses may be granted for periods not to exceed eight (8) days consecutively, and may be renewable for not more than eight (8) days.

#### **Section 6.51                    Travel Trailer Parks and Campgrounds.**

(a) Each specific camp site shall be identified by a number, shall be graded so that surface water will run off and not pond shall be of sufficient size to allow for the parking of the recreational vehicle or recreational trailer and motor vehicle used for towing, with a separate space for picnic table and privacy between sites. Sites may be pull-through type or back-in type with space for motor vehicle located in front or at the side of the recreational vehicle.

(b) The minimum size for travel trailer parks and campgrounds shall be twenty (20) acres.

**Section 6.52                    Veterinary Hospitals or Clinics.**

- (a) For small animals, including, but not limited to dogs and cats and other Class I animals:
  - (1) All activities must take place inside of a building.
  
- (b) For veterinary hospitals or clinics that serve Class II and III Animals – including, but not limited to horses, cows, chickens, duck etc.
  - (1) All activities must take place inside of a building.
  - (2) For each Class II Animal to be served the following applies:
    - A One and a half (1.5) acres for the first animal.
    - B. One (1) additional acre for the second through tenth animal.
  - (3) Ten (10) Class III animals equal one (1) Class II animal. (Chickens, ducks, rabbits)
  
- (c) Front, side and rear setbacks for veterinary hospitals or clinics serving Class II or Class III animals are as follows:
  - (1) Front Yard: No less than 25 feet, unless specific district require more.
  - (2) Side Yards: Each side twenty (20) feet, unless specific district requires more.
  - (3) Rear Yard: Thirty five (35) feet unless the specific district requires more.

**Section 6.53                    Wind Energy Conversion Systems**

- (a) Purpose. Sumpter Township promotes the effective and efficient use of Wind Energy Conversion Systems (WECS) with the minimum regulations on the siting, design, and installation of conversion systems so that the public health, safety, and welfare of the neighboring property owners or occupants will not be jeopardized. In no case shall the provision of this ordinance guarantee the wind rights or establish access to the wind.
  
- (b) Definitions.
  - (1) Wind Energy Conversion System (WECS) shall mean any device such as a wind charger, windmill, or wind turbine, tower and air pumped mills that convert wind energy to a form of usable energy.



- a. Agricultural WECS shall mean any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation.
  - b. Private WECS shall mean any WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use which is intended to primarily reduce on-site consumption of utility power. The maximum height of a Private WECS is seventy (70) feet.
  - c. Commercial WECS shall mean any WECS that is designed and built to provide electricity to the electric utility's power grid.
- (2) Manual and Automatic Controls give protection to power grids and limit rotation of WECS blades to below the designed limits of the conversion system.
  - (3) An Authorized Factory Representative shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
  - (4) A Professional Engineer shall mean any licensed engineer registered in the State of Michigan.
  - (5) A Utility Scale wind farm shall mean all wind farms that produce greater than 50 kilowatts of energy.
  - (6) Facility Abandonment shall mean out of production for a period of time not less than one (1) year.
- (c) Approval Required. Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Sumpter Township unless a special land use permit has been obtained pursuant to this Ordinance.
- (1) Agricultural WECS projects accessory to permitted farm and agricultural operations shall be exempt from the requirements of this Section. Agricultural WECS projects shall conform to the regulations of the zoning district, including maximum height and minimum setback standards.
  - (2) Application for special use permit required by this Section shall be made on forms provided by Sumpter Township and shall contain the following, in addition to the requirements of Section 3.3, Special Land Use:
    - a. Plot plan to show location of the WECS pole of tower, guy lines where required, guy line anchor bases, and their distance from all property lines.

- b. Methods to screen the base of the WECS pole and/or other ground apparatus.
- c. A permit fee for each WECS as set by Sumpter Township Board must accompany the application.

(d) Exemption for Special Land Use Permit. Private WECS not exceeding forty (40) feet may be permitted with Administrative Approval. An application shall be submitted to the Zoning Administrator for approval.

(e) General Standards. The following standards shall apply to all private and commercial wind energy conversion systems in Sumpter Township:

(1) Design Safety Confirmation. The safety of the design of all private and commercial WECS towers shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the permit application.

(2) Controls and Brakes. All private and commercial WECS projects shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards.

No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.

(3) Electrical Components. All electrical compartments, storage facilities, wire conduit, and interconnections with utility companies will conform to national and local electrical codes.

(4) Compliance with Township Ordinances. All private and commercial WECS projects shall be in compliance with all Sumpter Township Zoning Ordinance requirements and other applicable ordinances.

(5) Setbacks. All private and commercial WECS projects must be setback from property lines at a distance equal to or greater than one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blade. No part of the wind system structure, including guy wire anchors, may extend within the required setbacks.

(6) Height. Maximum height of private WECS shall be seventy (70) feet including the wind turbine or blades at their maximum height. Small wind energy height is measured by the height above grade of the fixed portion of the wind energy tower, including the wind turbine itself. Commercial WECS projects shall be exempt

from the height requirements of the Ordinance, subject to the provisions of Special Land Uses, Article 3.0, and compliance with FAA regulations.

- (7) Installation Certification. The Professional Engineer shall certify that the construction and installation of the private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.
- (8) Climb Prevention. All private/small and commercial WECS towers or poles must be un-climbable by design or protected by anti-climbing devices such as:
  - a. Fences with locking portals at least six (6) feet high;
  - b. Anti-climbing devices twelve (12) feet from base of pole; or
  - c. Anchor points for guy wires supporting tower shall be enclosed by a six (6) foot high fence or shall be located within the confines of a yard that is completely fenced.
- (9) Interference. It shall be the responsibility of the person in charge of the private or commercial WECS to submit acceptable documentation as part of the special land use permit to determine if the WECS project would in any way cause interference with microwave transmissions, residential television reception, or radio reception.
- (10) Fire Risk. All private and commercial WECS projects must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections, and must utilize twistable cable on turbines.
- (11) Waste. All solid wastes, whether generated from supplies, equipment parts, packaging, operation, or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to, lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
- (12) Noise Levels. The noise level measured at the property line of the property on which the private or commercial WECS project has been installed shall not exceed fifty-five (55) decibels.
- (13) Liability Insurance. The owner or operator of the private or commercial WECS project shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of special land use approval. For private WECS projects accessory to a principal residence, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.

(f) Additional Standards for Private Wind Energy Systems.

- (1) Utility Notification. No private WECS shall be installed until written evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (2) Signage and Color. No private WECS shall display visible signage, such as advertisements, on its face and should be painted a neutral grey, white or light blue. Other neutral colors may be approved by the Zoning Administrator.
- (3) Shadow Flicker. At the discretion of the Zoning Administrator, the applicant shall submit a copy of a shadow flicker analysis at the property line to identify the locations of shadow flicker that may be caused by the project and it shall also identify problem areas where shadow flicker may affect adjacent parcels and show measures that shall be taken to eliminate or mitigate the problems.
- (4) Guy Wire Safety. If a small wind energy system is supported by guy wires, the wires shall be visible to a height of at least six (6) feet above the guy wire anchors.
- (5) Lightning Protection. All wind energy towers shall have lightning protection.
- (6) Performance Guarantee Required. In the interest of insuring compliance with these provisions that applicant shall deposit a performance guarantee for a Special Land Use as set forth in Section 3.7.
- (7) Abandonment and Removal. In the event a private wind energy system which has been granted a special land use permit or Administrative Approval is abandoned or unused for a period of one hundred eighty (180) days, or damaged, the owner of the wind energy system or land shall promptly remove the private wind energy system and all related equipment. Failure to remove the private wind energy system and related equipment in accordance with the foregoing shall subject the private wind energy system and land owner to fines established by the Township Board. In addition, by accepting a special land use permit for the private wind energy system the applicant and the land owner agree that in the event the tower and equipment is not removed as required, after thirty (30) days notice from the Township, the Township shall undertake such removal and bill the costs to the applicant and the land owner plus administrative fees of fifteen percent (15%) which, if not paid within thirty (30) days shall be assessed against the land on which the private WECS and related equipment is located and collected in the same manner as delinquent taxes.

(g) Additional Standards for Commercial WECS Projects. The following additional standards shall apply to all commercial WECS systems in Sumpter Township.

- (1) Color. Towers and blades shall be painted any neutral color that is acceptable to Sumpter Township or otherwise required by law.
- (2) Compliance with FAA. It shall be the responsibility of the person in charge of the commercial WECS project to complete the property FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS project to obtain a determination of no significant impact to air navigation from the FAA.
- (3) Warnings. A visible warning sign of “High Voltage” may be required to be placed at the base of all commercial WECS projects. The sign must have at a minimum six-inch letters with ¾ inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.
- (4) Annual Inspection. Every commercial WECS project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to Sumpter Township and considered a part of a continuing special land use permit.
- (5) Compliance with Additional Regulations. It shall be the responsibility of the person in charge of the commercial WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable federal or state regulation for the installation, prior to Sumpter Township granting a special land use permit.
- (6) Migratory Birds. The Township may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS project may present to migratory birds. The study as part of the conditional use permit must provide assurances that the WECS project does not negatively affect the path of migratory birds.
- (7) Decommissioning Plan and Escrow. The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.

Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life of facility abandonment.

The Decommissioning Plan shall state how the facility will be decommissioned, the Professional Engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with

which the resources shall be deposited. The Decommissioning Plan shall also include an agreement between the applicant and the Township that:

- a. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to Sumpter Township.
- b. The Township shall be access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life of facility abandonment.
- c. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- d. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

**Section 6.54            Wireless Communication Facilities.**

(a) Purpose and Intent. It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. It is the further purpose and intent of the Township to provide for such authorization in a manner that will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- (1) Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- (2) Establish predetermined areas considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- (3) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within predetermined areas. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently,

more stringent standards and conditions should apply to the review, approval and use of such facilities.

- (4) Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- (5) 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.
- (6) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- (7) Promote the public health, safety and welfare.
- (8) Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- (9) Consideration that the presence of numerous tower structures, particularly if located within residential or agricultural areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

(c) Permitted as Principal Uses. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a principal permitted use, subject to site plan and the conditions set forth in paragraph (3) below, and if approved, constructed and maintained in accordance with the standards and conditions of this Section.

- (1) Attached wireless communication facilities within all districts where the existing structure (e.g. transmission line, water tower, etc.) is not, in the determination of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
- (2) Colocation of an attached wireless communication facility which has been pre-approved for such colocation as part of an earlier approval by the Planning Commission.

- (3) Attached wireless communication facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
  - (4) New monopole wireless communication support structures in all LI and GI districts only.
- (c) Permitted as a Special Use.
- (1) Subject to the standards and conditions set forth in subsection (d), new wireless communication facilities with monopole support structures shall be permitted as a special use subject to the conditions hereinafter imposed in the AG District, except that they shall not be located within two hundred (200) feet of any district zoned for single-family residential purposes, and other major roads and railroads. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located in a front yard.
  - (2) If it is demonstrated to the satisfaction of the Planning Commission by an applicant that a wireless communication facility may not reasonably be established as principal permitted use under paragraph (1) above and is required to be established outside of a district identified in paragraph (1) in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the Township by special land use approval only subject to the requirements set forth in paragraph (3), and subject further to the special land use approval procedures of Section 3.3 and if approved, constructed and maintained in accordance with the standards and conditions of this Section, and also subject to the following criteria and standards:
    - A. At the time of the submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage and/or capacity needs of the applicant.
    - B. Wireless communication facilities shall be of a design including, but not limited to a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission, and shall comply with the colocation requirements of paragraph (d)(14).
    - C. Locations outside of the areas identified in Subsection (b) or (c)(1) above shall be limited to the following locations, subject to application of all other standards contained in this section:
      - i. Municipally owned sites.



- ii. Other governmentally owned sites.
- iii. Religious or other institutional sites.
- iv. Public or private school sites.
- v. Public utility sites.
- vi. Other locations where there is a demonstrated need for service.

D. All other criteria and standards set forth in Subsection (d) are met.

(d) Required Standards for Wireless Communication Facilities. All applications for wireless communication facilities shall be reviewed, in accordance with the following standards and conditions, and if approved shall be constructed and maintained in accordance with such standards and conditions. In addition, if a facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion.

(1) All applications for the required permit to place construct or modify any part or component of a wireless communication facility shall include the following:

A. A site plan prepared in accordance with Section 3.4, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

For colocations, the applicant may provide a copy of the originally approved site plan if no changes to the approved layout are required.

B. A disclosure of what is proposed, demonstrating the need for the proposed wireless communication support structure to be located as proposed based upon the presence of one or more of the following factors:

- i. Proximity to an interstate highway or major thoroughfare.
- ii. Proximity to areas of population concentration.
- iii. Proximity to a concentration of commercial, industrial and/or other business centers.
- iv. Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
- v. Other specifically identified reason(s) creating need for the facility.

- C. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs goals and objectives.
- D. The existing form of technology being used and any changes proposed to that technology.
- E. As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication support structure height and type, and signal power expressed in ERP upon which the service area has been planned.
- F. The nature and extent of the applicant/provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- G. The identity and address of all owners and other persons with a real property interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- H. A map showing existing and known proposed wireless communication facilities within Sumpter Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and/or other structures of the same approximate height within a one-half (½) mile radius of the proposed site which could accommodate a feasible colocation of the applicant's proposed attached wireless communication facility.
- I. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.
- J. For each location identified in the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due

diligence in attempting to obtain information through lawful means prior to application:

- i. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
  - ii. Whether property owner approvals exist or have been requested and obtained.
  - iii. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility; if the location cannot be used, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing services.
- K. A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria including, but not limited to applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.
- L. A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed as provided in paragraph (c)(20). The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Attorney and recordable at the office of the Wayne County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for payment of any costs and attorney's fees incurred by the Township in securing approval.
- M. The site plan shall include a landscape plan where the wireless communication support structure is being placed at a location which is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communication support structure base, accessory buildings and enclosures. In all cases there shall be fencing of at least six (6) feet in height, which is required for the protection of the tower.
- N. Evidence of site plan approval from the Federal Aviation Administration, if required due to a site's proximity to the Detroit Metropolitan Wayne County Airport, or evidence that such approval is not required.

- O. The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- (2) The wireless communication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless communication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.
- (3) The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be one hundred seventy-five (175) feet, or such lower maximum heights as approved and/or allowed by the Federal Aviation Administration under CFR 14 Part 77. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- (4) The setback of a monopole wireless communication support structure from any lot line shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the monopole is located. The setback of all other wireless communication support structures from any lot line shall be no less than the height of the structure, unless it can be demonstrated and certified by a registered professional engineer, to the satisfaction of the Township Engineer, that the wireless communication support structure has a shorter fall-zone distance.
- (5) Where the wireless communication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless communication support structure and accessory structures shall be in accordance with the required setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communication support structure is located. See paragraph (d)(1)(J).
- (6) There shall be an unobstructed access to the wireless communication support structure for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.

- (7) The division of property for the purposes of locating a wireless communication support structure is prohibited unless all zoning requirements and conditions are met.
- (8) The Zoning Board of Appeals may grant variances only for the setback requirements of a wireless communication support structure, to reduce its visual impact, or meet the required standards of subsection (d)(15), Colocation. The Zoning Board of Appeals may also grant variances for the height of a support structure up to twenty (20) feet only in cases where a variance would permit additional colocations.
- (9) Where a wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that an accessory building conforms to all district requirements for accessory buildings, including yard setbacks and building height.
- (10) The Planning Commission shall, with respect to the color of the wireless communication support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- (11) Wireless communication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- (12) Lighting on a wireless communication facility shall be prohibited. If the Federal Aviation Administration requires lighting, the applicant shall propose a height reduction to eliminate the need for lighting, or shall submit detailed technical data demonstrating the need for the requested height including an analysis demonstrating that other sites are unavailable or inadequate for their purposes.
- (13) A maintenance plan, and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

- (14) If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of Sumpter Township. The provisions of this subsection are designed by carry out and encourage conformity with the policy of the Township.
- (15) All wireless communication support structures shall accommodate no less than three (3) attached wireless communication facilities. Support structures shall allow for further rearrangement or attached wireless communication facilities to accept other attached facilities mounted at varying heights.
- A. Wireless communication support structures shall not be approved unless the applicant documents that its attached wireless communication facilities cannot be feasibly collocated or accommodated on an existing support structure or other existing structure due to one or more of the following reasons:
- i. The planned equipment would exceed the structural capacity of the existing support structure or other structure, as documented by licensed engineer, and the existing support structure or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - ii. The planned equipment would cause interference affecting the function of other equipment on the existing support structure or other structure as documented by a licensed engineer, and the interference cannot be prevented at a reasonable cost.
  - iii. Support structures and other structures within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
  - iv. Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing support structure or other structure.
- B. Colocation shall be deemed to be “feasible” when all of the following are met:
- i. The applicant/provider will pay market rent or other market compensation for colocation.
  - ii. The site is able to provide structural support, considering reasonable modification or replacement of a facility.

- iii. The colocation being considered is technically reasonable and will not result in unreasonable interference, given appropriate physical adjustments.
  - iv. The height of the structure necessary for colocation will not be increased beyond maximum height limits.
- (17) If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- (18) If a party who owns or otherwise controls a wireless telecommunication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance and, consequently, such party shall take responsibility for the violation and be subject to any and all penalties applicable to a violation of the Zoning Ordinance, and shall also be prohibited from receiving approval for a new wireless communication support structure with Sumpter Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.
- (19) Review of an application for colocation, and review of an application for a permit for use of a facility shall be expedited by Sumpter Township.
- (20) When a wireless communications facility has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a wireless communication facility without the requirement of a wireless communication support structure, the entire wireless communications facility, or that portion of the wireless communications facility made obsolete by the new technology, shall be removed by the users and/or owners of the wireless communications facility. For the purposes of this Section, the removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.

(d) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the wireless communications facility.

(e) If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days' written notice, the Township may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications facility.

(f) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

(g) Effect of Approval.

(1) Subject to subsection (2) below, final approval for a wireless communication support structure shall be effective for a period of six (6) months.

(2) If construction of a wireless communication support structure has commenced within two (2) miles of the land upon which a facility has been approved, but upon which construction has not been commenced during the six (6)-month period of effectiveness, the approval for the support structure that has not been commenced shall be void thirty (30) days following written notice from the township of the commencement of the other support structure. Such voiding shall apply when the applicant granted approval of the support structure which has not been commenced demonstrates that it would not be feasible to collocate on the support structure that has been newly commenced.

(h) Review Period, Fees for Wireless Communication Facilities.

(1) An application for wireless communication facility special use shall be governed according to the time limits and application fees as specified in PA 110 of 2006, MCL 125.3514 and as summarized below.

(2) After an application for a special land use approval is filed with the Township, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator determines that the application is deficient and notifies the application accordingly, the application shall be considered to be administratively complete within fourteen (14) business days after receipt of the application.

(3) For wireless communication equipment proposed for placement or installation on an existing wireless support structure, the Planning Commission shall approve or



deny the application not more than sixty (60) days after the application has been deemed administratively complete.

- (4) For wireless communication equipment proposed at new sites without an existing wireless communication support structure, the Planning Commission shall approve or deny the application not more than ninety (90) days after the application has been deemed administratively complete.
- (5) Fees required by Sumpter Charter Township shall not exceed \$1,000.00.



## ARTICLE 7

### ENVIRONMENTAL PROTECTION AND DESIGN PROVISIONS

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#### Section 7.1 Intent.

Environmental protection and design standards are established in order to preserve the short and long-term environmental health, safety, and quality of the Township. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy, and operation. These standards are established as minimum requirements to be maintained.

#### Section 7.2 Airborn Emissions.

(a) Smoke.

- (1) A person shall not cause or permit to be discharged into the atmosphere from a single source of emission, visible air contaminant of a density darker than No. 1.0 of the Ringlemann Chart or not more than twenty (20) percent opacity except:
  - A. A visible air contaminant of a density not darker than No. 2 of the Ringlemann Chart or not more than forty (40) percent opacity may be emitted for not more than three (3) minutes in any sixty (60) minute period but this emission shall not be permitted on more than three (3) occasions during any twenty-four (24) hour period.
  - B. Where the presence of uncombined water vapor is the only reason for failure of an emission to meet the requirements of this rule.
- (2) The density of an air contaminant emission shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
- (3) Darkness of a visible emission of an air contaminant shall be graded by using the Ringlemann Chart or by means of a device or technique which results in a measurement of equal or better accuracy.

- (4) Opacity of a visible emission of an air contaminant shall be graded by observers trained by and certified by the Air Pollution Control Division, Wayne County Health Department.

(b) Dust, Dirt and Fly Ash.

- (1) No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne or airborne solids shall not exceed those allowed by the Wayne County Air Pollution Control Regulation.
- (2) Method of Measurement. For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. test code for the dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

(c) Air Contaminants, Water Vapors and Odors.

- (1) Air Contaminants and Water Vapors. A person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, either of the following:
  - A. Injurious effects to human health or safety, animal life, plant life of significant economic value, or property.
  - B. Unreasonable interference with the comfortable enjoyment of life and property.

(2) Odors. Odorous emissions shall be classified according to the following scale:

0	A concentration of an odorant which produces no sensation.
1	Concentration which is just barely detectable.
2	A distinct and definite odor whose characteristic is clearly detectable.
3	An odor strong enough to cause a person to attempt to avoid it completely.
4	An odor so strong as to be overpowering and intolerable for any length of time.

An odor which has an odor intensity of two (2) or more but does not cause a reasonable person to believe that the odor unreasonably interferes with the comfortable enjoyment of life and property does not constitute a violation of this Section. A person in violation of this Section is subject to enforcement activities pursuant to this Ordinance.

(d) Gases. The escape of or emission of any gas which is injurious, a nuisance, destructive or explosive shall be unlawful and may be summarily caused to be abated.

(e) Wind Borne Pollutants. It shall be unlawful for any person to operate or maintain, or cause to be operated or maintained, on any premise, open area, right-of-way, storage pile of materials, or vehicle, or construction, alteration, demolition, or wrecking operation or any other enterprise that involves any handling, transportation, or disposition of any material or substance likely to be scattered by the wind, or susceptible to being wind-borne, without taking precautions or measures that will eliminate the escape of air contaminants. No person shall maintain or conduct, or cause to be maintained or conducted any parking lot, or automobile and/or truck sales lot, or cause or permit the use of any roadway under his control unless such lot or roadway is maintained in such a manner as to eliminate the escape of air contaminants.

### **Section 7.3 Building Grades.**

(a) Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water run-off damage does not occur to adjoining properties prior to, during, and after construction.

(b) When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Building Official shall use the existing established finished grade or the minimum established (natural) grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude excessive quantities of run-off of surface water to flow onto the adjacent property.

(c) Final grades shall be approved by the Building Official who may require a grading plan that has been duly completed and certified by a registered engineer or land surveyor.

**Section 7.4                    Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.**

No use shall:

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

**Section 7.5                    Fire and Explosive Hazard.**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State's Rules and Regulations as established by Public Act No. 207 in 1941, as amended.

**Section 7.6                    Glare and Exterior Lighting.**

- (a) Glare from any process (including, but not limited to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
- (b) The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property. Vehicle access drives are the only exclusion to this provision.
- (c) Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting.
- (d) Any operation, which produces intense glare, shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines.

(e) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

(f) On-site lighting, i.e. pole or wall mounted lights, etc. shall conform to the following regulations:

- (1) It is the goal of the Township to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote “dark skies” in keeping with the rural character of Sumpter Township.
- (2) When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site effects.
- (3) Only metal halide lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground. Wall-pak type lighting shall be prohibited.
- (4) Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels when measured at five (5) feet above grade do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.
- (5) Where lighting is required, maximum light levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The Planning Commission may allow for an increased level of lighting above maximum permissible levels when determined that the applicant has demonstrated that such lighting is necessary for safety and security purposes.
- (6) For the purposes of this section, all lighting measurements shall be taken at five (5) feet above ground level.
- (7) For parking lots of less than one hundred (100) parking spaces, lighting fixtures shall not exceed a height of sixteen (16) feet measured from the ground level to the centerline of the light source. For parking lots of more than one hundred (100) spaces, lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source. The

Planning Commission may allow for an increased height when determined that the applicant has demonstrated that the additional height is necessary for safety and security purposes.

- (8) Signs shall be illuminated only in accordance with the regulations set forth in this ordinance. In addition, signs within residential districts shall not be illuminated.

### **Section 7.7                    Landscaping and Screening.**

(a) The purpose of this section is to:

- (1) Protect and preserve the appearance, character, and value of the community.
- (2) Minimise noise, air, and visual pollution.
- (3) Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
- (4) Require buffering of residential areas from more intense land uses and public road rights-of-way.
- (5) Prevent soil erosion and soil depletion and promote sub-surface water retention.
- (6) Encourage an appropriate mixture of plant material, including, but not limited to evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
- (7) Encourage the integration of existing woodlands in landscape plans.

(b) Application of Requirements. These requirements shall apply to all uses for which site plan review is required under Section 3.4 of this Ordinance, condominium and site condominium review as required under Section 3.5 of this Ordinance, and subdivision plat review as required under the Subdivision Control Ordinance. No site plan, condominium/site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

(c) Landscape Plan Requirements. A separate detailed landscape plan shall be required to be submitted to the Township as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:

- (1) Location, spacing, size, root type and descriptions for each plant type.
- (2) Typical straight cross section including slope, height, and width of berms.

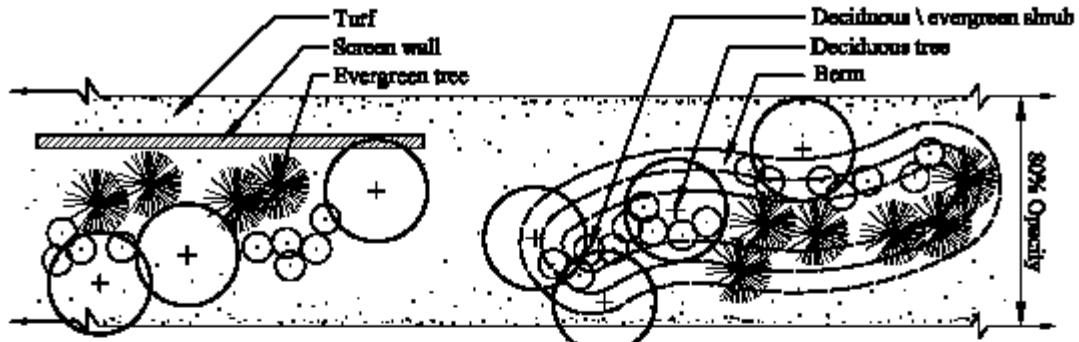


- (3) Typical construction details to resolve specific site conditions, including, but not limited to landscape walls and tree wells used to preserve existing trees or maintain natural grades.
  - (4) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
  - (5) Identification of existing trees and vegetative cover to be preserved.
  - (6) Identification of grass and other ground cover and method of planting.
  - (7) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.
- (d) Screening Between Land Uses.

- (1) Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries between either a conflicting non-residential or conflicting residential land use and residentially zoned or used property (See Exhibit #1). A landscape buffer may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least eighty (80%) percent. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.
- (2) Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the Township. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade (see Section 5.6, Fences, Walls and Screens).

A required wall shall be located on the lot line except where underground utilities interfere and except in instances where this Zoning Ordinance requires conformity with front yard setback requirements. Upon review of the landscape plan, the Township may approve an alternate location of a wall. The Township shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, and precast brick face panels having simulated face brick, stone or wood.

# Exhibit #1



**PLAN VIEW**



**ELEVATION**



**SECTION**

## **SCREENING BETWEEN CONFLICTING LAND USES**

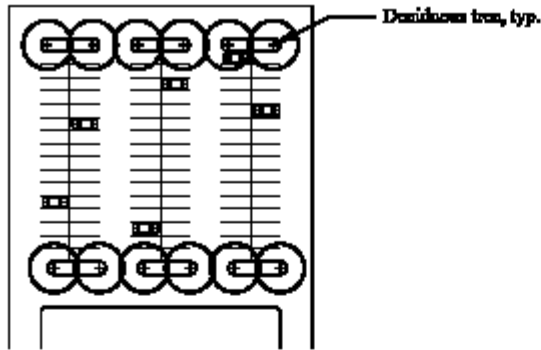
- Screening options
- \* Landscape buffer
- \* Earth berm
- \* Wall
- \* Combination of the above

Prepared By:  
 Carlisle / Wirtman Associates, Inc.  
 Community Planning and Landscape Architecture  
 Ann Arbor, Michigan

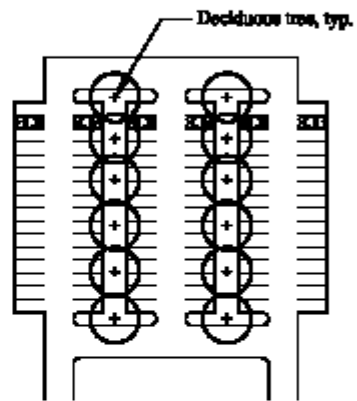
(e) Parking Lot Landscaping.

- (1) Required Landscaping Within Parking Lots. Separate landscape areas shall be provided within parking lots in accordance with the following requirements and Exhibit #2:
  - A. There shall be a minimum of one (1) tree for every eight (8) parking spaces, provided that a landscape island shall be provided for no more than sixteen (16) continuous spaces.
  - B. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than fifty (50) square feet in area.
  - C. A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.
  - D. Each interior parking lot island shall be no less than ten (10) feet wide.
  - E. The Township, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.
- (2) Required Landscaping at the Perimeter of Parking Lots. Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements and Exhibit #3:
  - A. Parking lots which are considered to be a conflicting land use as defined by this Section shall meet the screening requirements set forth in subsection 7.7(d) above.
  - B. Parking lots shall be screened from view with a solid wall at least three (3) feet in height along the perimeter of those sides which are visible from a public road. The Township, at its discretion, may approve alternative landscape plantings in lieu of a wall.

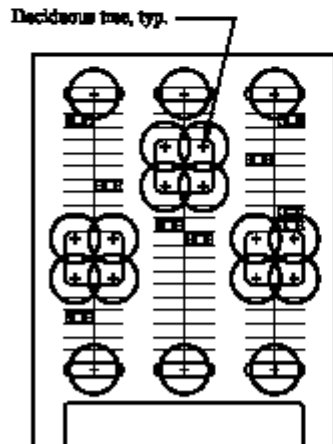
# Exhibit #2



**TREES IN END ISLANDS**



**LANDSCAPE MEDIAN**

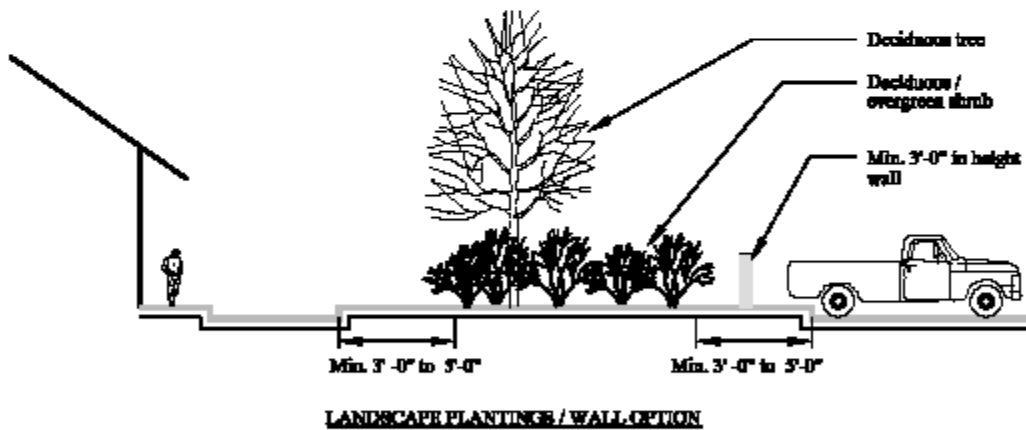
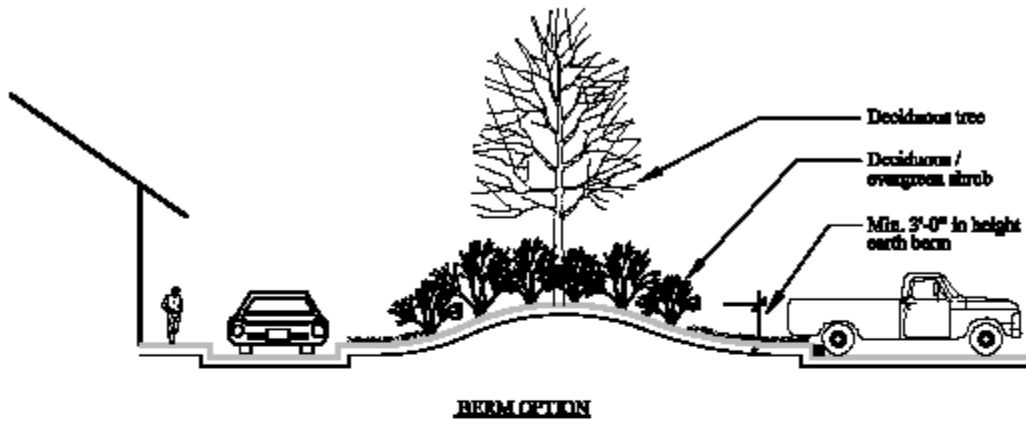


**LANDSCAPE ISLANDS**

## **DESIGN OPTIONS FOR LANDSCAPING WITHIN PARKING LOTS**

Prepared By:  
Curtis / Workman Associates, Inc.  
Community Planners and Landscape Architects  
Ann Arbor, Michigan

# Exhibit #3



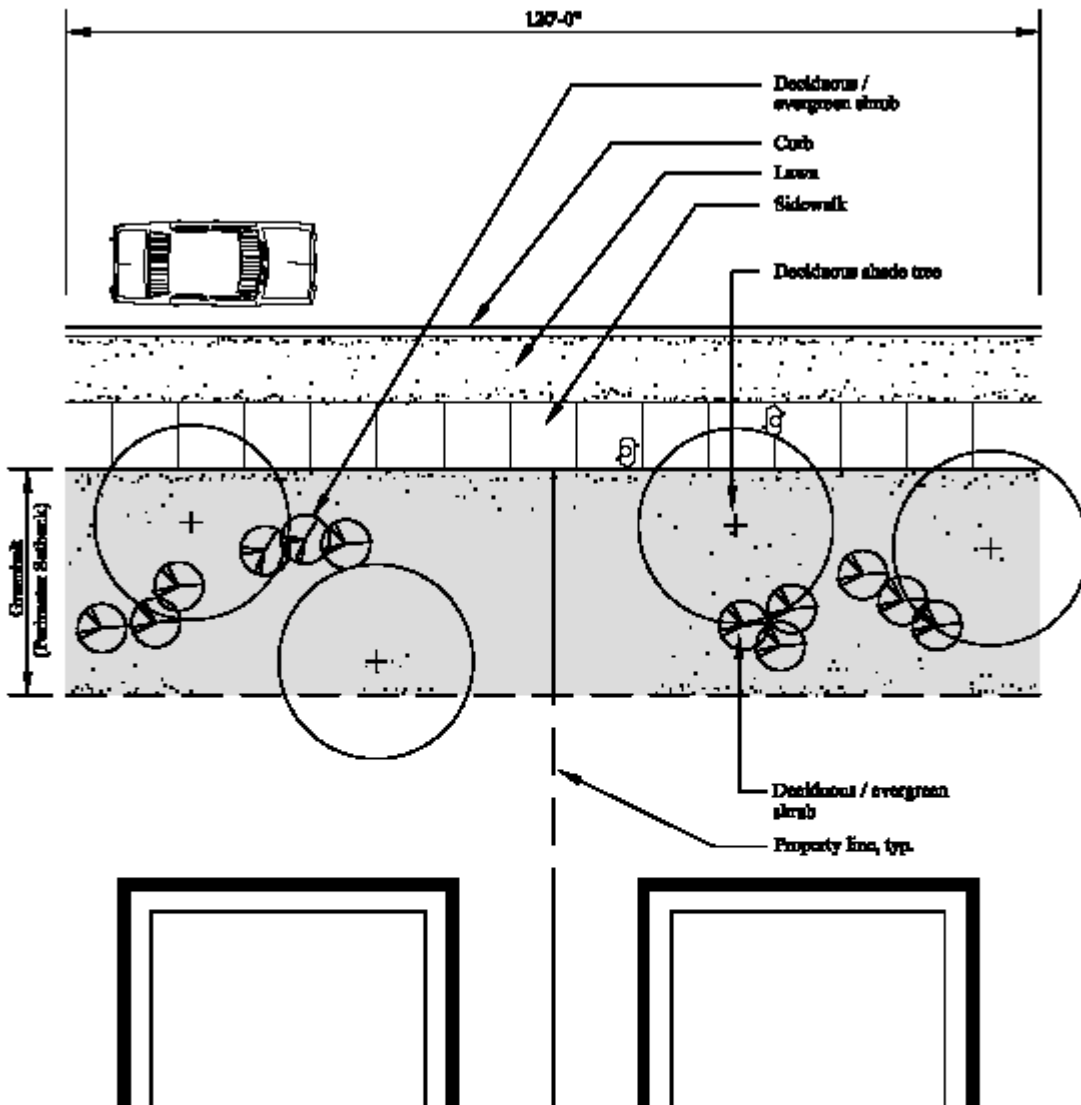
## DESIGN OPTIONS FOR LANDSCAPING AT THE PERIMETER OF PARKING LOTS

Prepared By:  
Carlisle / Workman Associates, Inc.  
Community Planning and Landscape Architects  
Ann Arbor, Michigan

(f) Greenbelts. A greenbelt shall be provided, the depth of which shall be the applicable zoning district's required yard setback dimension as measured around the entire perimeter of the development, and be landscaped as follows and as depicted in Exhibit #4:

- (1) The greenbelt shall be landscaped with a minimum of one (1) tree for every thirty (30) lineal feet, or fraction thereof, of the entire parcel perimeter. Non-ornamental deciduous trees within a greenbelt shall be a minimum caliper of two and one-half (2 1/2) inches or greater. Evergreen trees within a greenbelt shall be a minimum height of six (6) feet.
- (2) If ornamental deciduous trees are substituted for either non-ornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two (2) inches or greater.
- (3) Existing trees may be counted towards the greenbelt planting requirements provided they are located within the perimeter setback area as defined above. However, mitigation/replacement trees may not be used to satisfy the greenbelt planting requirements.
- (4) In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
- (5) Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- (6) The only circumstance under which the greenbelt depth can be modified is as follows:
  - A. An existing lot is less than the minimum lot width requirements of the ordinance and thus results in a restricted building site. Under these circumstances the Planning Commission may consider a reduced front yard greenbelt which in no case shall be less than 50% of the required front yard setback.
  - B. When no more than 20% of the required parking is provided between the building and the front property line, the Planning Commission may consider a reduced front yard greenbelt which in no case shall be less than ten (10) feet.
  - C. When a parcel abuts a non-residentially zoned or used lot, the side and rear greenbelts may be reduced to no less than ten (10) feet.

# Exhibit #4



## PERIMETER GREENBELT

Prepared By:  
Curtiss / Worland Associates, Inc.  
Community Planner and Landscape Architects  
Ann Arbor, Michigan

(g) Site Landscaping. In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features including, but not limited to, transformer pads, air-conditioning units, and loading areas.

(h) Stormwater Retention/Detention Basins. All such ponds shall be designed as an integral part of the overall site plan and considered a natural landscape feature having an irregular shape. The following standards shall be considered minimum landscaping requirements for the zones within a retention/detention pond/basin:

(1) Retention/Detention Pond/Basin Zones.

- A. Pond Zone (depths from 0 to 3 feet). Plants in this zone are entirely or partially submerged, utilize nutrients from storm water runoff, and provide habitat for wildlife including, but not limited to waterfowl and aquatic insects.
- B. Edge Zone (permanent water elevation to high water mark). Plants in this zone can withstand periods of inundation and drought and function to stabilize the side slopes of the basin, utilize nutrients, provide habitat for waterfowl, reduce water temperatures, and conceal drawdown in typical mowed ponds.
- C. Upland Zone (high water mark to 100-year floor elevation and beyond). Plants in this zone can withstand periods of inundation and drought and function to stabilize side slopes, provide habitat for waterfowl, songbirds and other wildlife, consist of low maintenance species, and are selected based on soil condition and light, and function as little or no inundation of storm water may occur.

(2) Minimum Planting Standards by Zone.

- A. Pond Zone. Plants shall be a combination of submerged, emergent and wetland edge plantings, generally plugs and bare-root stock, and consisting of no less than four (4) plant species or a suitable seed mix. No less than 25% of the outer fifteen (15) foot perimeter of the zone shall be landscaped as noted.
- B. Edge Zone. Plants shall be a combination of wetland edge or sedge meadow seed mixes. No less than 50% of the zone shall be landscaped as noted.



C. Upland Zone. Plants shall be a combination of sedge meadow or prairie seed mixes. As measured along the pond perimeter (i.e. top of bank elevation), no less than one (1) deciduous or evergreen tree and five (5) shrubs shall be planted for every fifty (50) lineal feet of pond perimeter. The required trees shall be planted in a random pattern or in groups, and their placement of not limited to the top of the pond bank.

(i) Subdivision and Site Condominium Landscaping. Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements:

- (1) Street Trees. The frontage of all internal public or private streets shall be landscaped in accordance with the greenbelt requirements of subsection 7.7(f). Such street trees shall meet the minimum size and spacing requirements set forth in subsection 7.7(l).
- (2) Screening Between Land Uses. Where a subdivision or site condominium contain uses which are defined as conflicting land uses by this Ordinance, the screening requirements set forth in subsection 7.7(d) shall be met.
- (3) Screening From Public Roads. Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in subsection 7.7(d) shall be met.
- (4) Front Yard Landscaping. No less than 50% of all front yards shall contain pervious materials including, but not limited to sod (not seed), ground cover, hedges, trees, etc.
- (5) Wetland and Watercourse Buffers. No less than a twenty-five (25) foot buffer shall be maintained upland from the ordinary high water mark of a wetland and/or watercourse. No structures or exotic invasive plants (see Section 7.7(k)) may be placed within the buffer. The area shall also be maintained in its natural state, free of turf grass and the use of native plantings is encouraged.
- (6) Water Supply. All landscaped common areas shall be provided with a readily available and acceptable water supply, or at least one (1) outlet within one hundred (100) feet of all planted material to be maintained. Adequate provisions may also be accomplished by installation of an irrigation system or outside hose bibs of sufficient quantity and location to provide water for the landscape common areas.
- (7) Other Site Improvements. A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which

would be enhanced through the addition of landscaping. Where applicable, all such areas shall be seeded or hydro-seeded to minimize weeds and invasive species.

(j) Screening of Trash Containers.

- (1) Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.
- (2) Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the buildings they serve.
- (3) Containers and enclosures shall be located away from public view insofar as possible.
- (4) Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- (5) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.
- (6) For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
- (7) Screening and gates shall be of a durable construction.

(k) Landscape Elements. The following minimum standards shall apply:

- (1) Quality. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to southeast Michigan, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- (2) Size. In determining conformance with the planting requirements of this Ordinance, all plant material shall be measured in accordance with the current American Standard for Nursery Stock, ANSI Z60.1.
- (3) Composition. A mixture of plant material, including, but not limited to evergreen deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement. The

following are species that are prohibited because there are not native to the area (evolved in a country or region other than Wayne County, Michigan), reproduce profusely (have no natural controls) and have potentially harmful effects on natural ecosystems (able to out-complete and gradually displace native plants):

<u>Common Name</u>	<u>Scientific Name</u>
<b>Trees:</b>	
Norway Maple	<i>Acer platanoides</i>
Amur Maple	<i>Acer ginnala</i>
Tree of Heaven	<i>Ailanthus altissima</i>
European Alder	<i>Alnus glutinosa</i>
Goldenraintree	<i>Koelreuteria paniculata</i>
Amur Cork Tree	<i>Phellodendron amurense</i>
White Poplar	<i>Populus alba</i>
Black Locust*	<i>Robinia pseudocacia</i>
Siberian Elm	<i>Ulmus pumila</i>
* A native species, but tends to be invasive.	
<b>Shrubs and Vines:</b>	
Porcelainberry	<i>Ampelopsis brevipedunculata</i>
Japanese Barberry	<i>Berberis thunbergii</i>
Common Barberry	<i>Berberis vulgaris</i>
Butterfly Bush	<i>Buddleia davidii</i>
Oriental Bittersweet	<i>Celastrus orbiculatus</i>
Autumn Olive	<i>Eleagnus umbellata</i>
Russian Olive	<i>Eleagnus angustifolia</i>
Wintercreeper	<i>Euonymus fortunei</i>
English Ivy	<i>Hedra helix</i>
Privet	<i>Ligustrum vulgare</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Amur Honeysuckle	<i>Lonicera maackii</i>
Morrow Honeysuckle	<i>Lonicera morrowi</i>
Tartarian Honeysuckle	<i>Lonicera tatarica</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Glossy Buckthorn	<i>Rhamnus frangula</i>
Multiflora Rose	<i>Rosa multiflora</i>
Japanese Spiraea	<i>Spiraea japonica</i>
Guelder Rose	<i>Viburnum opulus var. opulus</i>
<b>Grasses and Grass-Like Plants:</b>	
Chinese Silver Grass	<i>Miscanthus sinensis</i>
Giant Reed	<i>Phragmites communis</i>
Reed Canary Grass	<i>Phalaris arundinacea</i>

Common Name

Scientific Name

**Flowers and Groundcovers:**

Garlic Mustard  
Spotted Knapweed  
Crown Vetch  
Queen Ann's Lace  
Foxglove  
Japanese Knotweed  
Dame's Rocket  
Purple Loosestrife  
Myrtle, or Periwinkle

*Alliaria officinalis*  
*Centaurea maculosa*  
*Coronilla varia*  
*Daucus carota*  
*Digitalis purpurea*  
*Fallopia japonica*  
*Hesperis matronalis*  
*Lythrum salicaria*  
*Vinca minor*

- (4) Installation, Maintenance, and Completion. All landscaping required by this section shall be planted prior to obtaining a certificate of occupancy, unless the time of year prevents planting to commence. In the latter case, cash, a letter of credit, and/or a certified check shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.

If a project is constructed in phases, the landscape may also be constructed in phases. The Township shall determine the extent and timing of landscaping within each phase based on (a) the necessity to buffer the proposed development from adjacent uses; (b) anticipated commencement on subsequent phases; and (c) building heights and physical characteristics of the site including, but not limited to the topography or existing vegetation.

The owner of property required to be landscaped by this section shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

Minor revisions and deviations from the approved landscape plan may be permitted if approved by the Zoning Administrator. In reviewing such changes, the Zoning Administrator shall ensure that the changes do not constitute a wholesale change of the landscape plan and shall ensure that the revisions to the landscape plan are consistent with the spirit and intent of this article and the previously approved site plan.

- (5) Berms. A berm shall consist of a minimum height of five (5) to six (6) feet with a side slope no steeper than 3:1 (three (3) foot horizontal to one (1) foot vertical). The top of all berms shall have a level horizontal area of at least four (4) feet in width.

The berm shall be graded in a manner that will blend with existing topography, shall be graded smooth, and shall be appropriately sodded, seeded and mulched, or planted. Included, as part of the berm shall be deciduous shade trees, small deciduous ornamental trees and/or evergreen trees planted along the berm area.

(6) Existing Trees. The preservation and incorporation of existing trees is encouraged.

(1) Minimum Size and Spacing Requirements. Where landscaping is required the following schedule sets forth minimum size and spacing requirements for representative landscape materials. All plantings shall be located no less than half of the recommended on-center spacing from all on- and off-site structures:

**SIZE AND SPACING REQUIREMENTS**

	Minimum Size Allowable				Recommended On-Center Spacing			
	Height		Caliper		(in feet)			
<b>TREES</b>	6'	3'-4'	2"	2.5"	30	25	15	10
<b>Evergreen Trees:</b>								
Fir	◆						◆	
Spruce	◆						◆	
Pine	◆						◆	
Hemlock	◆						◆	
Douglas Fir	◆						◆	
<b>Narrow Evergreen Trees:</b>								
Red Cedar		◆						◆
Arborvitae		◆						◆
Juniper (selected varieties)		◆						◆
<b>Large Deciduous Trees:</b>								
Oak				◆	◆			
Maple				◆	◆			
Beech				◆	◆			
Linden				◆		◆		
Ginko (male only)				◆	◆			
Honeylocust (seedless, thornless)				◆	◆			
Birch				◆		◆		
Sycamore				◆	◆			
<b>Small Deciduous Trees (ornamental)</b>								
Flowering Dogwood (disease resistant)			◆				◆	
Flowering Cherry, Plum, Pear			◆			◆		
Hawthorn			◆				◆	
Redbud			◆			◆		
Magnolia			◆				◆	
Flowering Crabapple			◆				◆	
Mountain Ash			◆				◆	
Hornbeam			◆			◆		

**SIZE AND SPACING REQUIREMENTS (con't.)**

	Minimum Size Allowable				Recommended On-Center Spacing				
	Height		Spread		(in feet)				
<b>SHRUBS</b>	6'	3'-4'	24"-36"	18"-24"	10	6	5	4	3
<b>Large Evergreen Shrubs:</b>									
Pyramidal Yew		◆			◆				
Hicks Yew				◆				◆	
Spreading Yew			◆				◆		
Alberta Spruce		◆						◆	
Chinese Juniper Varieties			◆			◆			
Sabina Juniper				◆			◆		
Mugho Pine				◆		◆			
<b>Small Evergreen Shrubs:</b>									
Brown's Ward's Sebion Yews				◆					◆
Horizontalis Juniper Varieties				◆		◆			
Boxwood				◆				◆	*
Euonymus Spreading varieties				◆			◆		
<b>Large Deciduous Shrubs:</b>									
Lilac			◆		◆				
Sumac			◆			◆			
Pyracantha				◆			◆		
Weigela		◆						◆	
Flowering Quince			◆			◆			
Cotoneaster (Peking and Spreading)			◆				◆		
Dogwood (Red Osier & Grey)			◆			◆			
Viburnum varieties			◆			◆			
<b>Small Deciduous Shrubs:</b>									
Spiraea (except Japanese)				◆				◆	
Fragrant Sumac				◆					
Japanese Quince				◆					◆
Cotoneaster (Rockspray, Cranberry)				◆					◆
Potentilla				◆					◆

**Section 7.8                      Noise.**

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unreasonable, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any other person, resident or property owner within the Township.

(a) Definitions. For the purpose of this section, the following items shall be defined as stated:

- (1) *Decibel:* A unit of measurement used to express the magnitude of sound pressure or sound intensity. The sound pressure level measured is twenty (20) times the common logarithm of the reference pressure of twenty (20) micropascals per square meter.
- (2) *dB(A):* The sound pressure level in decibels measured on the “A” scale of a sound level meter having characteristics defined by the American National Standards Institute (ANSI).
- (3) *Sound Level:* The “A” weighted sound pressure measured using a sound level meter, as specified by ANSI.
- (4) *Noise:* Shall be synonymous with the term “sound”, and shall refer to physical manifestation resulting from an oscillation of pressure in the air.
- (5) *Day Time Hours:* The hours between 7:00a.m. and 9:00p.m., local time.
- (6) *Night Time Hours:* The hours between 9:00p.m. and 7:00a.m., local time.

(b) Noise Disturbances.

- (1) No activity, operation or use of land, open body of water, buildings or equipment shall make, continue or cause to be made or continue, any noise disturbance or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described in this section exceeds the sound level limits in Table 7.8(b). The measurements made are to be evaluated under Table 7.8(b) based upon the zoning of the property receiving the emitted sound.
- (2) Where background sound levels exceed the sound level limits in Table 7.8(b), a violation shall be deemed to exist if the complained for activity exceeds the background sound levels by six (6) decibels.
- (3) The measurement of sound level shall be made at a height of five (5) feet (+/-), at a horizontal distance of five and one-half (5.5) feet (+/-) from a lot line or right-

of-way line on any lot or right-of-way line other than that on which the sound sources being measured is located.

The sound level meter shall be a Type I or Type II instrument adjusted to measure dB(A) sound levels using fast meter response. The instrument calibration shall be verified before use. A windscreen shall be used and no measurement shall be made when the wind speed is in excess of twelve (12) miles per hour.

- (4) No person shall sound or permit the sound of any exterior burglar or fire alarm, or motor vehicle alarm unless such alarm is automatically terminated within sixty (60) minutes of activation.
- (5) No person shall idle a motor vehicle, or unnecessarily race the motor of a motor vehicle in any manner, which would annoy or disturb a reasonable person or normal sensitivity.
- (6) Nothing in this subsection shall be interpreted as preempting or otherwise eliminating those provisions of the Sumpter Township Code of Ordinances pertaining to construction activities and noise.

Table 7.8(b) – A-Weighted Sound Level Limits Decibels

AG, RF, R-1, R-2, RM, RMH		LI, GI		CBD, C-1, C-2	
<i>Night Time</i>	<i>Day Time</i>	<i>Night Time</i>	<i>Day Time</i>	<i>Night Time</i>	<i>Day Time</i>
<i>Hours</i>	<i>Decibels</i>	<i>Hours</i>	<i>Decibels</i>	<i>Hours</i>	<i>Decibels</i>
55	60	75	75	60	65

(c) Application for a Permit to Exceed Noise Limits.

- (1) An application for a permit to engage in any activity, noise or use which would otherwise violate subsection (a) of this Ordinance must be made in writing and submitted to the Township Clerk. Application shall be made at least thirty (30) days prior to the date of the proposed use or event. The applicant requesting the permit must be the taxpayer of record for the property on which the use or event will take place. The application shall contain all of the following information:
  - A. Name and mailing address of the person making the application.
  - B. A statement of the type of event to take place which will require the permit.
  - C. The address and legal description of the property the event is to be held on.
  - D. The date and hours during which the event will be conducted.



- E. An estimate of the maximum number of attendants expected at the event.
- (2) Upon receipt of the application by the Township Clerk, copies of the application shall be forwarded to the Sumpter Township Police and Fire Departments, and to such other appropriate agencies as the Township Clerk shall deem necessary. Such officers and officials shall review matters relevant to the application and within ten (10) days of receipt thereof, shall report their findings and recommendations to the Township Supervisor.
- (3) Within 20 days of the filing of the application, the Township Supervisor shall issue or deny a permit. The Township Supervisor may attach reasonable conditions to the issuance of a permit. Where conditions are imposed as prerequisite to the issuance of a permit, or where a permit is denied, within five (5) days of such action, notice thereof must be mailed to the applicant, and in the case of denial, the reasons therefore shall be stated in the notice. A denial (or condition attached to an approval) may be appealed to the Township Board if the applicant files a written notice of appeal with the Township Clerk within 10 days of the date of the Township Supervisor's decision.
- (d) Administration and Enforcement.
- (1) Complaints. Complaints by a resident or property owner in the Township regarding any violations of this Ordinance shall be filed with the Township Zoning Administrator or his/her designee.
- (2) Enforcement. The Township Zoning Administrator is hereby authorized, empowered and directed to enforce all provisions of this Ordinance and any subsequent amendments hereto (including issuing misdemeanor tickets).

## **Section 7.9 Radioactive Materials.**

Radioactive materials and wastes, and including electromagnetic radiation including, but not limited to x-ray machine operation shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

## **Section 7.10 Safety.**

Existing hazards or potential hazards and nuisances, including, but not limited to construction sites, auto wrecking yards, junk yards, land fills, sanitary land fills, demolition sites, unused basements, sand, gravel, and stone pits or stone piles are to be enclosed by suitable fencing or barriers, as determined by the Zoning Administrator, so as not to endanger public health, safety and welfare. Abandoned wells and cistern are to be capped or filled in to the satisfaction of the Zoning Administrator.

## **Section 7.11 Stormwater Management.**

All developments and earth changes subject to review under the requirements of this section shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site. Storm water management shall comply with the following standards:

- (a) The design of storm sewers, detention/retention facilities, and other storm water management facilities shall comply with the standards of the Wayne County Department of the Environment (DOE).
- (b) Storm water management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to storm water runoff and soil erosion from the proposed development.
- (c) The use of swales and vegetated buffer strips are encouraged in cases where the Planning Commission deems to be safe and otherwise appropriate as a method of storm water conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
- (d) Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent upstream or downstream property owners.
- (e) Discharge of runoff from any site, which may contain oil, grease, toxic chemicals, or other polluting materials, is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the Michigan Department of Environmental Quality and the Township, based upon professionally accepted principles; such a proposal shall be submitted and reviewed by the Township Engineer, with consultation of appropriate experts.
- (f) Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.
- (g) On-Site Stormwater Detention/Retention. For the purpose of controlling drainage to off-site properties and drainage ways, all properties with the exception of single-family residences and agricultural operations, which are developed under this zoning ordinance, whether new or improved shall provide for on-site detention/retention storage of storm water in accordance with the current Wayne County Department of the Environment (DOE) standards.

**Section 7.12**

**Use, Storage and Handling of Hazardous Substances, Storage and Disposal of Solid, Liquid and Sanitary Wastes.**

(a) It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the Township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.

(b) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the appropriate permits or approval from the Michigan Department of Environmental Quality, Michigan Fire Marshal Division, Wayne County, or other designated enforcing agencies.

(c) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a Hazardous Chemicals Survey to the Township in conjunction with the following: HAZARDOUS SUBSTANCE REPORTING FORM or MATERIAL SAFETY DATA SHEET (MSDS).

(1) Upon submission of a site plan.

(2) Upon any changes of use or occupancy of a structure or premise.

(3) Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.

(d) All business and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to or greater than twenty-five (25) gallons or two hundred twenty (220) pounds) shall comply with the following standards:

(1) Above-Ground Storage and Use Areas for Hazardous Substances.

A. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

B. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage, accidental damage and vandalism.

C. Secondary containment structures including, but not limited to out buildings, storage rooms, sheds and pole barns shall not have floor drains.

D. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used shall be designed and constructed to prevent discharge or runoff.

(2) Underground Storage Tanks.

- A. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency, the State Police and State Fire Marshal Division, and/or any other Federal, State or local authority having jurisdiction.
- B. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the State Police, State Fire Marshal Division, Michigan Department of Environmental Quality and Sumpter Township. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
- C. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police and State Fire Marshal Division, the Michigan Department of Environmental Quality, and/or any other Federal, State or local authority having jurisdiction.

(3) Loading and Unloading. Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

(e) All site plans for business or facilities which use, store or generate hazardous substances shall be reviewed by the local Fire Chief, Township Engineer and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

## ARTICLE 8

### PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

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#### **Section 8.1 Intent.**

The Planned Unit Development (PUD) District is intended to permit flexibility in the application of zoning standards and requirements where it can be demonstrated that the intent set forth in Section 8.1 and criteria set forth in Section 8.2 can be achieved through the use of PUD regulations. This Article is also intended to ensure the use of land in a manner that encourages the preservation of rural character and large areas of open space, protects valuable natural resources of the Township as identified in documents including, but not limited to the Township Master Plan and Natural Features Inventory, enhances ecological functions, and permits development that is enhanced by the inclusion of open space and active and/or passive recreation planned as an accessory part of the development.

Specifically, the PUD District regulations set forth herein are intended to achieve the following purposes:

- (a) Encourage innovation in land use and excellence in design, layout, and type of structures constructed through the flexible application of land development regulations.
- (b) Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities.
- (c) Encourage the provision of open space for active and passive use.
- (d) Emphasize a planning approach which identifies and integrates natural resources and features in the overall site design concept.
- (e) Provide adequate housing, employment and shopping opportunities particularly suited to the needs of the residents of the Township.
- (f) Incorporate design elements that unify the site through landscaping, lighting, coordinated signage, and pedestrian walks and pathways.
- (g) Encourage the use, reuse and improvement of existing sites and buildings when developed in a compatible manner with surrounding uses.

## **Section 8.2                    General Provisions.**

- (a)    Where Permitted. A PUD may be applied for in any zoning district.
- (b)    Process. Approval of a PUD application shall be a two (2) step process. The first step shall be a preliminary review as set forth in Section 8.6 (c). The final step, as set forth in Section 8.7 (1), shall include a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the Township Board.
- (c)    Qualifications of Subject Parcel for Consideration as a PUD. The applicant for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:
- (1)    The minimum area for an exclusively residential development is 10 acres.
  - (2)    The minimum area for an exclusively non-residential or a complimentary mix of residential and non-residential uses shall be 5 acres.
  - (3)    The intent of Section 8.1 is met.
  - (4)    Approval of the PUD will result in one (1) or more of the following:
    - A.    A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
    - B.    Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
    - C.    A non-conforming use shall, to a material extent, be rendered more conforming to and compatible with the zoning district in which it is situated.
  - (5)    The proposed type and, or density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
  - (6)    The proposed PUD shall be consistent with the public health, safety, and welfare of the Township.
  - (7)    The proposed PUD shall minimize any negative environmental impact on the subject site or surrounding land.

- (8) The proposed PUD shall minimize any negative economic impact upon surrounding properties.
- (9) The proposed PUD shall be consistent with the Goals and Policies of the Sumpter Township Master Plan.
- (10) The proposed PUD shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing, or having legal authority for completing, the project in conformity with this Ordinance, provided that such responsibility shall not include individual principal buildings and facilities on the site of such buildings which serve only such buildings and have no relation or impact upon other portions of the development. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the Clerk.
- (11) Where a project is proposed for construction in phases, a final PUD plan shall be submitted for each phase prior to commencement of construction of that phase.
- (12) The proposed PUD shall meet all design standards as set forth in Sections 8.2 through 8.5.

### **Section 8.3                    Design Considerations and Site Development Capabilities.**

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

- (1) Perimeter setbacks.
- (2) Street drainage and utility design with respect to location, availability, ownership, and compatibility.
- (3) Underground installation of utilities.
- (4) Insulation of separate pedestrian ways apart from vehicular streets and ways.
- (5) Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.
- (6) Noise reduction and visual screening mechanisms from adjoining residential uses.
- (7) Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.

- (8) Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.
- (9) Screening and buffering with respect to dimensions and character.
- (10) Yard areas and other open space.
- (11) Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
- (12) The preservation of natural resources and natural features.

(b) Site Development Capability. In establishing the development capability of the site, the applicant shall submit a site analysis and supportive documentation which will illustrate the following:

- (1) Visual impacts, including but not limited to ridgeline protection areas and protection of scenic views.
- (2) Erosion prevention and control, including but not limited to protection of natural drainage channels and compliance with an approved storm water drainage management plan.
- (3) Preservation of significant native trees and other native site vegetation, including protection of natural area buffer zones.
- (4) Conservation of water, including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas and similar considerations.
- (5) Stream corridor and wetland protection and buffering.
- (6) Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic feature
- (7) Floodplains and floodways.
- (8) Wildlife movement corridors.
- (9) Natural area buffer zones as delineated below.
- (10) The practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.



- (11) Hydrology and groundwater flow.

**Section 8.4 Project Densities and Intensities.**

(a) Residential Density.

- (1) The total number of dwelling units in a PUD project shall not exceed the number of dwelling units permitted in the underlying zoning district. However, a variable density credit of up to fifteen percent (15%) may be allowed at the discretion of the Planning Commission and Township Board, based upon a demonstration by the applicant of design excellence in the PUD. Projects qualifying for a density credit shall include no less than two (2) of the following elements:
- A. A high level of clustered development, where at least twenty percent (20%) of the PUD is common usable open space.
  - B. Providing perimeter transition areas or greenbelts around all sides of the development that are at least one hundred (100) feet in depth.
  - C. The proposed plan is designed to enhance surface water quality and ground water quality.
  - D. Provisions and design that preserve natural features.
  - E. Donation or contribution of land or amenities that represent significant community benefit.
  - F. Other similar elements as determined by the Planning Commission and Township Board.
- (2) The applicant shall be required to submit a conventional zoning layout using the underlying zoning classification and demonstrating a practical project for the subject parcel applying all Township regulations
- (3) In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow more dense development in an earlier phase, while ensuring appropriate overall density.

- (b) Mixed Use Project Density. For PUD projects which contain a residential component, the Township shall make a determination as to appropriate residential density based upon

existing and planned residential densities in the surrounding area, the availability of utilities and service and the natural features and resource of the subject parcel.

(c) Non Residential Component. A PUD with a gross area of ten (10) acres or more may incorporate a non-residential component into an exclusively residential development (based upon the existing zoning), provided that all of the following are met:

- (1) The non-residential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the non-residential land uses may not exceed five percent (5%) of the gross area of the development, or five (5) acres, whichever is less.
- (2) All non-residential uses shall be compatible with the residential area.
- (3) The Planning Commission finds that the architectural design of the structures is compatible with the balance of the development.
- (4) All non-residential structures are connected to a pedestrian access system servicing the project.
- (5) All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the Planning Commission may allow up to twenty five percent (25%) of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than ten (10) feet on center.

## **Section 8.5                    Design Standards.**

(a) Open Space Preservation.

- (1) When completed, the PUD shall have significant areas, but not less than 20% of total land area, devoted to open space, which shall remain in a natural state and/or be restricted for use for active and/or passive outdoor recreational purposes. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.
- (2) In addition to preservation of the most important natural features, additional open space shall be, where possible, located and designed to achieve the following: provide areas for active recreation, provide areas for informal recreation and pathways that connect into adjacent open space, parks, bike paths or pedestrian paths, provide natural greenbelts along roadways to preserve the rural character as

viewed from the roads, and to preserve a buffer from adjacent land uses where appropriate.

Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the Township adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

(3) Areas Not Considered Open Space. The following land areas are not considered as open space for the purposes of this Article:

- A. The area within a public street right-of-way or private road access easements or other easements that include roads, drives or overhead utility lines.
- B. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.
- C. The area within any manmade storm water detention or retention pond.
- D. The required yard (setbacks) area around buildings which are not located on an individual lot or condominium site.

(4) Maintenance.

- A. No PUD shall be approved by the Township Board until documents pertaining to maintenance and preservation of common natural open space areas, common landscaped areas and common recreational facilities located within the development plan, have been reviewed by the Township Attorney and approved by the Township Supervisor.
- B. For non-residential portions of a PUD, the maintenance and preservation shall pertain to all landscaped areas and recreational facilities not enclosed within a building. For residential portions, maintenance shall apply to the open space, landscaped areas, and recreational facilities owned by or used in common by the residents.
- C. The Township shall be identified as having the right to enforce the conditions, covenants and restrictions placed on the open space, unless otherwise directed by the Township Board or Township Attorney, with the documentation utilized for such purpose to be in a form approved by the

Township Attorney. Any costs associated with Township enforcement can be assessed to the property owner.

(b) Buffering from Adjacent Property. There shall be a perimeter setback and buffering, of up to one hundred (100) feet, taking into consideration the use or uses in and adjacent to the development. The setback distance shall be determined in the sole discretion of the Township Board, considering the recommendations of the Planning Commission, and need not be uniform at all points on the perimeter of the development. The Township Board may reduce the perimeter setback and buffering in cases where the density of the proposed use is compatible with adjacent uses and/or natural features including, but not limited to woodlands and topographical features provide adequate buffering to protect adjacent uses.

If natural features, including, but not limited to woodlands and topographical features do not provide adequate buffering from adjacent property, the perimeter setback shall include noise reduction and visual screening mechanisms including, but not limited to landscaping, berms and/or decorative walls.

(c) Vehicular and Pedestrian Circulation.

- (1) Vehicular circulation shall be designed in a manner which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography.
- (2) Physical design techniques, known as traffic calming are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic.
- (3) Walkways shall be provided in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian/bicycle access to, between or through all open space areas, and to appropriate off-site amenities, and located in accordance with the environmental inventory of the site. Informal trails may be constructed of gravel, wood chip or other similar material, but the Township Board may require construction of a pathway of up to eight (8) feet in width and constructed of concrete or asphalt through portions of the development or along any public right-of-way abutting the development.
- (4) Locations for school bus stops shall also be provided on the site plan.

(d) Utilities. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the Township.

(e) Stormwater Drainage/Erosion Control. All storm water drainage and erosion control plans shall meet the standards adopted by the Township for design and construction and shall, to the maximum extent feasible, utilize non-structural control techniques, including but not limited to:

- (1) Limitation of land disturbance and grading;
- (2) Maintenance of vegetated buffers and natural vegetation;
- (3) Minimization of impervious surfaces;
- (4) Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales; and
- (5) Use of infiltration devices.

## **Section 8.6                      Application and Processing Procedures.**

(a) Effects. The granting of a PUD application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Article including all aspects of the final PUD plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

(b) Pre-Application Conference. Prior to the submission of an application for PUD, the applicant shall meet with Zoning Administrator, and such consultants or staff as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the PUD, and the following information:

- (1) A legal description of the property in question.
- (2) The total number of acres to be included in the project.
- (3) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
- (4) The approximate number of acres to be occupied and/or devoted to or by each type of use.
- (5) Departures from the regulations of the Ordinance which may be requested.
- (6) The number of acres to be preserved as open space or recreation space.
- (7) All known natural resources and natural features.

The applicant shall present the sketch plan or a modified sketch plan to the Planning Commission for information purposes. This shall be done prior to submitting the preliminary PUD plan.

(c) Preliminary PUD Plan Application - Submission and Content. Following the above conference or conferences, copies of the application for preliminary PUD plan shall be submitted. The submission shall be made to the Zoning Administrator. The plan shall be accompanied by an application form and fee as determined by the Township Board. The preliminary PUD plan shall contain the following information unless specifically waived by the Zoning Administrator:

- (1) Date, north arrow, and scale which shall not be more than 1" = 100'.
- (2) Locational sketch of site in relation to surrounding area.
- (3) Legal description of property including common street address and tax identification number.
- (4) Size of parcel.
- (5) All lot or property lines with dimensions.
- (6) General location of all buildings within one hundred (100) feet of the property lines.
- (7) General location and size of all existing structures on the site.
- (8) General location and size of all proposed structures on the site. The general size of all buildings shall be within five thousand (5,000) square feet or five percent (5%), whatever is smaller of whatever is constructed.
- (9) General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
- (10) General size and location of all areas devoted to green space.
- (11) Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
- (12) All areas within the 100-year floodplain, wetland areas or bodies of water.
- (13) Existing topographical contours at a minimum of two (2) foot intervals and/or spot elevations which illustrate drainage patterns.

- (14) A narrative describing:
- A. The nature of the project, projected phases and timetable.
  - B. The proposed density, number, and types of dwelling units if a residential PUD.
  - C. A statement describing how the proposed project meets the objectives of the PUD.
  - D. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
  - E. Proof of ownership or legal interest in property.
- (15) All information contained in Section 3.5 (C) (1) a.

(d) Public Hearing - Planning Commission. Prior to setting the public hearing, the applicant shall submit all required and requested information to the Township. The Planning Commission will hold a public hearing and provide for notice in accordance with MCL 125.3103, *et seq.*

(e) Planning Commission Review and Recommendation – Preliminary PUD Plan. The Planning Commission shall review the preliminary PUD plan according to the provisions of Sections 8.02 through 8.05 herein. Following the public hearing, the Planning Commission shall recommend to the Township Board either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards.

- (1) Approval of the preliminary PUD plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
- (2) In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
- (3) The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Article.
- (4) The PUD shall not change the essential character of the surrounding area.
- (5) The proposed PUD shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in

conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Zoning Administrator.

(f) Township Board Review and Determination – Preliminary PUD Plan. After receiving the recommendation of the Planning Commission, the Township Board shall approve, deny, or approve with conditions the preliminary PUD plan in accordance with the standards for approval and conditions for a PUD as contained herein.

(g) Effect of Approval - Preliminary PUD Plan. Approval of the preliminary PUD plan that is required to accompany a PUD application does not constitute final PUD plan or rezoning approval, but only bestows the right on the applicant to proceed to the final site plan stage. The application for final PUD consideration shall be submitted within twelve (12) months of receiving preliminary PUD approval or the application shall be considered null and void.

(h) Contents of the Final PUD Plan. Following preliminary PUD plan approval, copies of the application for final PUD plan shall be submitted. The submission shall be made to the Zoning Administrator. The plan shall be accompanied by an application form and fee as determined by the Township Board. The final PUD plan shall contain the same information required for the preliminary PUD plan along with the following information and any information specifically requested by the Planning Commission in its review of the preliminary PUD plan:

- (1) Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
- (2) Proposed grading plan.
- (3) Proposed landscaping including type, number and size of trees and shrubs.
- (4) Location of signs and exterior lighting.
- (5) Location of sidewalk, foot paths, or other pedestrian walkways.
- (6) Distance of all buildings from lot lines, right-of-ways, and other principal buildings.
- (7) Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
- (8) Proposed phases of project and projected timetable.
- (9) All information contained in Section 3.5 (C) (2) a.

(i) Planning Commission Review and Recommendation – Final PUD Plan and Rezoning. After receiving approval of the preliminary PUD plan from the Township Board, the Planning Commission shall review the final PUD plan and rezoning application and shall recommend to the Township Board either approval, denial, or approval with conditions. In making its



recommendation, the Planning Commission shall find that the proposed PUD still meets the intent of the PUD district along with all development standards outlined in Section 8.2 through 8.5.

(j) Public Hearing – Township Board. The Township Board shall hold a public hearing and give notice in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, M.C.L. 125.3503, *et. seq.*

(k) Township Board Review and Determination – Final PUD Plan and Rezoning. After receiving the recommendation of the Planning Commission and considering the comments from the public hearing, the Township Board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

(l) Effect of Approval – Final PUD Plan and Rezoning. The final PUD plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the final PUD plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Wayne County Register of Deeds, which shall contain the following:

- (1) Date of approval of the final PUD plan by the Township Board.
- (2) Legal description of the property.
- (3) Legal description of the required green space along with a plan stating how this green space is to be maintained.
- (4) A statement that the property will be developed in accordance with the approved final PUD plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

## **Section 8.7                      Conditions.**

(a) Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserving natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

(b) Conditions imposed shall meet the following requirements: be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

(c) Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the Township Board and the landowner. The Township shall maintain a record of conditions which are changed.

### **Section 8.8                    Phasing and Commencement of Construction.**

(a) Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission.

(b) Commencement and Completion of Construction. Construction shall be commenced within one (1) year following final plan approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the Township. If construction is not commenced within such time, any approval of a PUD plan shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period. Moreover, in the event a PUD plan has expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

### **Section 8.9                    Performance Guarantees.**

The Planning Commission may require a performance bond or similar guarantee in accordance with Section 3.7 in order to ensure completion of the required improvements.

**Section 8.10                    Modifications to an Approved PUD Plan.**

(a)     Minor Modifications. Minor changes to a final PUD plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor changes include all matters that were approved by the Planning Commission in the final PUD plan that were not part of the preliminary PUD plan, that the location of structures, roads, parking areas, signs, lighting, and driveways may be moved provided that are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission, and building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross floor area, whichever is smaller. Reduction in project scope shall also be considered a minor change.

(b)     Major Modification. A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PUD approval.



## ARTICLE 9

### SIGNS

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#### **Section 9.1 Intent.**

The intent of this Ordinance is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this Article recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

To achieve its intended purpose, this Article has the following objectives:

- (a) To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses.
- (b) To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products.
- (c) To keep signs within a reasonable scale with respect to the buildings they identify.
- (d) To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets.
- (e) To promote a quality manner of display which enhances the character of the Township.
- (f) To prevent the proliferation of temporary signs which might promote visual blight.
- (g) To eliminate the potential for any adverse affects on the neighboring properties.

#### **Section 9.2 General Conditions.**

- (a) Location. All signs must advertise a business or service on the premises upon which the sign is located and to which the sign is accessory, unless otherwise specified herein.
- (b) Illumination.
  - (1) No sign shall be illuminated by other than electrical means.

- (2) The light from illuminated signs shall be directed and shielded in a manner that will not interfere with vehicular traffic or the enjoyment and use of adjacent properties.
  - (3) No sign may be erected which flashes, rotates, has moving parts.
  - (4) Internal illumination shall be permitted under the following circumstances:
    - A. Individual back-lit letters which are silhouetted against softly illuminated walls.
    - B. Individual letters with translucent faces, containing soft lighting elements inside each letter.
    - C. Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.
  - (5) Only indirectly illuminated signs shall be allowed in any residential district.
  - (6) Internally-illuminated plastic signs with dark-colored detachable letters shall be strictly prohibited in all districts.
  - (7) Gas-filled light types (fluorescent) shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the roadway or sidewalk.
  - (8) Rear-illuminated (backlit) awnings are prohibited.
- (c) Safety.
- (1) All signs shall be erected and maintained in compliance with all applicable building code, and other applicable ordinances governing construction within the Township. In the event of conflict between this Article and other laws, the most restrictive shall govern.
  - (2) All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
  - (3) No sign shall be erected, relocated or maintained so as to obstruct fire fighting or prevent free access to any door, window or fire escape.

(d) Signs Prohibited in All Districts.

- (1) Roof signs.
- (2) Signs containing flashing, intermittent or moving lights, with moving or revolving parts, or reflecting parts which may distract drivers.
- (3) Signs affixed to trees, rocks, shrubs or similar natural features, except, signs denoting a site of historic significance.
- (4) Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words including, but not limited to “Stop”, “Look”, “Danger”, or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
- (5) Temporary signs mounted upon trucks, vans, or other wheeled devices, except for political signs. Signs permanently painted on, or, otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted.
- (6) Signs other than those erected by a public agency which are located within or overhang the public right-of-way or on public property, unless otherwise specified herein.
- (7) Projecting or suspended signs.
- (8) Portable sidewalk signs.
- (9) Billboards.
- (10) Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance.
- (11) Any sign unlawfully installed, erected or maintained.

(e) Signs Permitted in All Districts.

- (1) Nameplates containing only a residents name and address, and not exceeding two (2) square feet in size.
- (2) Political signs shall be permitted on all lots regardless of zoning, provided such sign is located and placed with the permission of the owner or lawful occupant of the lot or parcel where such sign is located, and provided that such sign does not violate any other provision of this ordinance. No more than one (1) sign may be erected on a lot within the Township for each candidate and/or ballot proposal

thirty (30) days before an election and all such signs shall be removed within five (5) days following the election.

- (3) On-premise directional signs which indicate the direction of pedestrian or vehicular traffic flow on private property. Directional signs shall not exceed two (2) square feet in size, shall contain no advertising, and may be illuminated.
- (4) Street numbers.
- (5) No hunting, no fishing, no trespassing signs unless less than two (2) square feet in area and spaced no less than one hundred (100) feet apart.
- (6) Historical markers.
- (7) Signs in the interior of a building, with the exception of window signs.
- (8) Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, including, but not limited to directional signs, regulatory signs, and information signs.
- (9) Names of buildings, dates of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.
- (10) Temporary on premise farm product signs in only the AG districts.
  - A. Not to exceed thirty-two (32) square feet.
  - B. Not to exceed sixty (60) days in any one (1) year period.

### **Section 9.3 Permitted Ground Signs.**

#### **(a) General Requirements.**

- (1) One (1) ground sign shall be permitted per premise which has frontage on only one (1) public road.
- (2) Two (2) ground signs shall be permitted per premise which has frontage on two (2) public roads. One (1) sign shall not exceed the area requirements set forth herein. The second sign shall not exceed fifty (50%) percent of the area requirements set forth herein.
- (3) A ground sign shall have a setback of fifteen (15) feet from a public road right-of-way and a setback distance equal to the height of the sign from all other property boundaries.



(b) Specific Requirements. Ground signs shall be permitted by district in accordance with the following requirements.

<u>District</u>	<u>Height</u> (max.)	<u>Sign Message Area</u> (max.)	<u>Sign Structure Area</u> (max.)
1. C-2 District	Eight (8) feet	Fifty (50) square feet per side, not to exceed a total of one hundred (100) square feet.	1.5 times the sign message area as calculated per side.
2. C-1 District	Six (6) feet	Twenty (20) square feet per side, not to exceed a total of forty (40) square feet.	1.5 times the sign message area as calculated per side.
3. LI-1and GI Districts	Six (6) feet	Thirty (30) square feet per side, not to exceed a total of sixty (60) square feet.	1.5 times the sign message area as calculated per side.
4. AG, RF, R-1, R-2, and RM Districts	Six (6) feet	Twenty (20) square feet per side, not to exceed a total of forty (40) square feet.	1.5 times the sign message area as calculated per side.
5. RMH Districts	Six (6) feet	Twenty (20) square feet per side, not to exceed a total of forty (40) square feet.	1.5 times the sign message area as calculated per side.

(c) Ground Signs Requiring Special Land Use Approval. The Planning Commission may consider a sign that is greater than the maximum height and area requirements or less than the minimum setback requirements as a special land use. In review of a special land use, the Planning Commission shall consider the standards set forth in Section 3.3 and the following:

- (1) The standards set forth in Sections 9.2 and 9.7.
- (2) The size, shape, and topography of the property.
- (3) The relationship of the sign to neighboring properties and signs.
- (4) The relationship to and visibility from the public street where the property is located.

**Section 9.4 Permitted Wall Signs.**

(a) General Requirements.

- (1) No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of the mansard roof are considered to be wall signs.
- (2) All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws, and in accordance with the Building Code. In no case shall any wall sign be secured with wire, straps of wood or nails.
- (3) For buildings with distinct and separate uses, separate wall signs shall be permitted for each such use. However, the total allowable square footage shall not exceed the maximum allowable square footage specified for each district.

(b) Specific Requirements. Wall signs shall be permitted by the district in accordance with the following requirements.

<b>District</b>	<b>Sign Message Area (max.)</b>
1. C-2 District	One (1) square feet for each lineal foot of building frontage not to exceed a total of one hundred (100) square feet.
2. C-1 and CBD Districts	One (1) square foot for each lineal foot of building frontage not to exceed a total of forty (40) square feet.
3. LI and GI Districts	One (1) square foot for each lineal foot of building frontage not to exceed a total of fifty (50) square feet.
4. AG, RF, R-1, R-2, and RM Districts (non-residential uses only)	One (1) square foot for each lineal foot of building frontage not to exceed a total of twenty (20) square feet.

(c) Wall Signs Requiring Special Land Use Approval. The Planning Commission may consider a sign that is greater than the maximum area requirement as a special land use. In review of a special land use, the Planning Commission shall consider the standards set forth in Section 3.3 and the following:

- (1) The standards set forth in Sections 9.2 and 9.9;
- (2) The size, shape, and topography of the property;
- (3) The relationship of the sign to neighboring properties and signs; and
- (4) The relationship to and visibility from the public street where the property is located.

## **Section 9.5 Permitted Temporary Signs.**

The following temporary signs shall be permitted in accordance with the regulations herein.

### **(a) Garage Sales, Rummage Sales, Estate Sale and Similar Activities.**

- (1) One (1) non-illuminated sign used for advertising a garage sale, rummage sale, estate sale or similar activity shall be allowed for a period not to exceed four (4) consecutive days in accordance with Chapter 20 of the Sumpter Township Code of Ordinances.
- (2) Up to three (3) additional non-illuminated off-premises signs may be erected provided they are not erected on utility poles and they comply with the timeframe provisions of subsection (1) above.
- (3) Each sign shall be no more than six (6) square feet in area and four (4) feet tall.
- (4) All signs located within the right-of-way shall require a County permit or they will be removed by Wayne County.
- (5) All such signs may be posted no more than 24 hours before the sale and shall be removed within 4 hours following the sale.

### **(b) Promotional Banners.**

- (1) In all districts, the Zoning Administrator may allow a new business, as part of its start-up phase, to use a one (1) time only temporary sign for up to a forty-five (45) day period. All temporary signs permitted under this provision shall otherwise comply with all requirements pertaining to height and area for the zoning district in which the sign is located.
- (2) Permission to display a promotional banner or sign for civic or charitable activity may be authorized by the Zoning Administrator. Appropriate conditions can be

placed on the granting of the permit including, but not limited to duration, size, location, etc.

- (3) All promotional banners which are not properly maintained shall be removed at the order of the Zoning Administrator.
- (4) All other promotional banners (i.e. streamers, flags, etc.) are strictly prohibited.

(c) Real Estate Signs (on-site).

- (1) In all zoning districts one (1) non-illuminated ground sign shall be permitted to advertise individual lots, land or buildings for rent, lease or sale (including weekend open house signs), provided that such signs are located on the property intended to be rented, leased or sold. Corner lots are permitted to have two (2) signs. Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet in all residential districts (RF, R-1, R-2, RM and RMH), and an area of thirty-two (32) square feet and a height of twelve (12) feet in all other districts.
- (2) In all zoning districts one (1) non-illuminated ground sign shall be permitted listing persons or firms connected with construction work being performed. Corner lots are permitted to have two (2) signs. Such signs shall not exceed thirty-two (32) square feet in area and a height of twelve (12) feet.
- (3) For all residential projects involving the sale of individual lots and/or dwelling units, one (1) non-illuminated freestanding sign shall be permitted per each entrance to the project advertising the sale of such lots and/or dwelling units (including weekend open house signs). Such signs shall not exceed thirty-two (32) square feet in area and a height of twelve (12) feet.
- (4) For all residential projects involving the rental or leasing of dwelling units, one (1) non-illuminated freestanding sign shall be permitted per each entrance to the project advertising the rental or leasing of such units (including weekend open house signs). Such signs shall not exceed thirty-two (32) square feet in area and a height of twelve (12) feet.
- (5) All signs advertising the rental, lease or sale of a property or dwelling unit shall be removed within 48 hours after the property is no longer available for rent or lease, closing on the sale or completion of construction work.
- (6) All weekend open house signs may be posted no more than 24 hours before the open house and shall be removed within 4 hours following the open house.
- (7) All signs located within the right-of-way shall require a County permit or they will be removed by Wayne County.

- (8) All permitted real estate signs shall otherwise comply with all other standards for freestanding signs set forth in this Article.

(d) Weekend Open House Real Estate Signs (off-site).

- (1) For a residential dwelling within an established neighborhood in Sumpter Township, no more than two (2) freestanding signs shall be permitted.
- (2) For a new development in Sumpter Township with multiple dwellings being listed for sale, no more than three (3) freestanding signs shall be permitted. However, additional freestanding signs may be permitted by the Zoning Administrator when circumstances exist that are unique to the property and not self-created. Approval for the additional signs shall be for up to six (6) months at which time another permit would have to be sought.
- (3) Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet.
- (4) All signs located within the right-of-way shall require a County permit or they will be removed by Wayne County.
- (5) All such signs may be posted no more than 24 hours before the open house and shall be removed within 4 hours following the open house.
- (6) All permitted weekend open house real estate signs shall otherwise comply with all other standards for freestanding signs set forth in this Article.

**Section 9.6                      Miscellaneous Permitted Signs.**

(a) Signs for Outdoor Sales of Automobiles or Vehicles. No advertising signs may be placed on-site other than the permitted maximum wall and/or ground signs as per this article. The prohibited signs include banners, flags and digital/electronic signs.

(b) Signs for Automobile Filling Stations, Automobile Repair Garage, Automobile Service Stations, Automobile Washes, and Automobile Dealerships. No advertising signs may be placed on-site other than the permitted maximum wall and/or ground signs as per this article. The prohibited signs include banners and flags, and digital/electronic signs for the display of gas prices may be permitted under the following circumstances:

The Planning Commission may consider a digital/electronic sign for automobile filling stations as a special land use. In review of the special land use, the Commission shall consider the standards as set forth in Section 3.3 and the following:

- (1) The digital/electronic sign shall be exclusively for the display of gas prices.
- (2) The sign message and background shall each be a single contrasting color.

- (3) The foot-candles shall comply with the requirements of Section 7.6.
- (4) The size of the electronic/digital sign message area shall not exceed 50% of the total sign surface area.

(c) Menuboard Signs for Drive-In and Drive-Through Businesses.

- (1) The Planning Commission, in its sole discretion, may approve up to two (2) menuboards upon determination that it is integral to the nature of the business.
- (2) Each menuboard shall not exceed seven (7) feet in height.
- (3) One (1) menuboard (in stacking lane) shall not exceed sixteen (16) square feet and the other (at the speaker) shall not exceed thirty-two (32) square feet in area.
- (4) The area of the menuboard is exclusive of the structures framing.
- (5) All menuboards shall be single sided.
- (6) No menuboard may be located within the required front yard and between twenty (20) and forty (40) feet from any parcel perimeter.
- (7) Only up to four (4) square feet of the menuboard shall include digital/electronic signage.
- (8) The Planning Commission may consider a modified sign area, subject to the following:
  - A. Only one (1) of the menuboards may be increased in area.
  - B. The menuboard is completely screened from the roadway.
  - C. Under no circumstances shall the menuboard exceed forty-eight (48) square feet in area.

(d) Changeable Copy Signs. Manual changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign provided that the area devoted to changeable copy does not exceed twenty (20%) percent of the permissible sign area.

- (1) Lettering used on manual changeable copy signs directed to local or collector streets shall not exceed three (3) inches in height.
- (2) Lettering used on manual changeable copy signs directed to secondary or major arterial streets shall not exceed least six (6) inches in height.
- (3) Lettering used on manual changeable copy signs directed to pedestrians shall be at least two (2) inches in height.

(e) Electronic Message Signs. Electronic Message Signs (LED) shall be permitted only within the C-1 and C-2 zoning districts, as either a freestanding or wall-mounted or window sign. This shall exclude electronic restaurant menu boards for drive-through restaurants. Such signs shall be allowed subject to the sign regulations for each zoning district and subject to the following additional requirements:

- (1) The electronic display shall not be animated, flashing, multi-colored or scrolling.

- (2) The frequency of the message change shall be restricted to no more than once every six (6) seconds.
- (3) The maximum area of an electronic message board shall be considered a part of a wall or freestanding sign and shall not exceed fifty percent (50%) of the total sign area as allowed per zoning district and sign regulations of this Article.
- (4) The maximum height of an electronic message board shall conform to the height regulations for signs allowed in each zoning district.
- (5) The electronic message sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. An electronic message sign shall possess automatic dimming capabilities so that the maximum luminescence level is not more than fifteen (15) foot-candles measured four (4) feet perpendicular to any surface.
- (6) Prior to the issuance of a sign permit, the application shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password-protected software or other method satisfactory to Sumpter Township.

(f) Off-premise Directional Signs. Off-premise directional signs directing vehicular traffic to a church, governmental building, public parks and recreational facilities, public hospitals or educational institution may be permitted in all districts subject to the review of the Planning Commission and the following standards:

- (1) No more than two (2) signs per use shall be permitted.
- (2) The size of an off-premise directional sign shall not exceed two (2) square feet in size.
- (3) The height of an off-premise directional sign shall be no less than three (3) feet nor exceed six (6) feet. However, variations in height may be granted by the Planning Commission to accommodate vehicular visibility to avoid obstruction to visibility.
- (4) Illumination shall not be permitted.
- (5) Permission of the property owner where the proposed sign is to be located must be provided.

(g) Window Signs.

- (1) Window sign means any sign, excluding the posting of hours of operation and/or street and building address, which is painted or mounted onto a window pane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the sidewalk or street.

- (2) Window signs shall not exceed more than thirty (30%) percent of each window area in which they are displayed.
- (3) Non-temporary signs hung inside windows shall be made of clear materials, including, but not limited to transparent plastic, with lettering painted or attached to them, with all hours of operation, credit card and address signs being exempt.
- (4) Window signs do not require sign permits, nor count in the calculation of total building signage permitted.
- (5) Permanent and/or illuminated window signs require a permit and application.

### **Section 9.7 Permits Required.**

- (a) It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, except where otherwise noted within the Ordinance.
- (b) A permit shall be issued by the Zoning Administrator only if the proposed sign meets all requirements of the Ordinance, provided if an alteration of an existing sign is limited to the information communicated on the sign without increasing its size, structural modification of the sign shall not be required.
- (c) When a sign permit has been issued by the Township, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the building official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Township.
- (d) The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the Township and shall be signed by the applicant.
- (e) The application for a sign permit shall be accompanied by the following plans and other information;
  - (1) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
  - (2) The location by street address of the proposed sign structure.
  - (3) Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application.



- (4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guylines, supports and footings, and materials to be use.
- (5) The application, including all required information, for an electrical permit if the sign will have an electrical connection.
- (6) A statement of valuation.



## ARTICLE 10

### OFF-STREET PARKING AND LOADING

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#### Section 10.1 Intent and Purpose.

The purpose of this section is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the Township or with land uses allowed by this Ordinance.

#### Section 10.2 General Provisions.

(a) Where Required. In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

(b) Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.

(c) Required Greenbelt and Setbacks. Off-street parking, including maneuvering lanes, shall not be located within the required front greenbelt in accordance with Section 7.7(f), Greenbelts, unless the following circumstances apply:

- (1) An existing lot is less than the minimum lot width requirements of the ordinance and thus results in a restricted building site. Under these circumstances the Planning Commission may consider a reduced front yard greenbelt/setback which in no case shall be less than 50% of the required front yard setback.
- (2) When no more than 20% of the required parking is provided between the building and the front property line, the Planning Commission may consider a reduced front yard greenbelt/setback which in no case shall be less than ten (10) feet.

Off-street parking may be permitted within the required side or rear yard setbacks of lots abutting non-residentially zoned or used parcels, provided a minimum ten (10) foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties.

(d) Screening. Off-street parking and loading which abuts residentially zoned or used property shall be screened in accordance with Section 7.7, Landscaping and Screening.

(e) Parking Duration. Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district wrecked or junked cars, or for creating a junk yard or a nuisance in such areas.

(f) Units and Methods of Measurement. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- (1) Floor Area. Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area's within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.
- (2) Employees. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- (3) Places of Assembly. In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- (4) Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) parking space.

(g) Location of Parking.

- (1) One and Two Family Dwellings. The off-street parking facilities required for one- and two-family dwellings shall consist of a parking strip, driveway, garage or combination thereof and shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Article.
- (2) Multiple-Family Residential. The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as set forth in this Article. In no event shall any parking space be located nearer than ten (10) feet to any main building.

- (3) Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within three hundred (300) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
  - (4) Restriction on Parking on Private Property. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property without the authorization of the owner or agent of such property.
- (h) Shared Parking.
- (1) Nothing in this Section shall be construed to prevent shared off-street parking facilities. Such shared parking facilities shall not provide less than the sum of the requirements for the various individual uses computed separately according to Section 10.4.
  - (2) Parking spaces already provided to meet off-street parking requirements for theatres, stadiums, auditoriums, and other places of public assembly, stores office buildings and industrial establishments lying within five hundred (500) feet of a church as measured along lines of public access, and is not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays, and is made available for other parking, may be used to meet not more than seventy-five (75%) percent of the off-street parking requirements of a church.

### **Section 10.3            Off-Street Parking Requirements.**

- (a) Amount of Required Off-street Parking Spaces. The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the Schedule set forth in Section 10.4. Parking requirements listed in Section 10.4 shall not include off-street stacking spaces for drive-through facilities set forth in Section 10.7.
- (b) Similar Uses and Requirements. When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.
- (c) Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with Section 10.4 of this Article.
- (d) Flexibility in Application. The Planning Commission recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in Section 10.4 may result in development with inadequate parking or parking far in excess of

that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space, which could be left as open space.

The Planning Commission may permit deviations from the requirements of Section 10.4 and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

The Planning Commission may attach conditions to the approval of a deviation from the requirement of Section 10.4 that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions, which ensure that adequate reserve area is set aside for future parking, is needed.

**Section 10.4 Table of Off-Street Parking Requirements.**

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table:

<u>Use</u>	<u>Per Each Unit of Measure as Follows</u>	
<b>(a) Residential Uses.</b>		
(1) Single- and Two-Family Dwellings	2	Per each dwelling unit.
(2) Multiple-Family Dwellings	2 ½	Per each dwelling unit.
(3) Senior Citizen Housing and Senior Assisted Living	1	Per each dwelling unit, plus
	1	Per each ten (10) dwelling units
	1	Per each employee.
		Should units revert to general occupancy, then two and one-half (2-1/2) spaces per unit shall be provided. If ancillary commercial uses are provided, parking shall meet the standards outlined below.

The above minimum parking requirements for 1, 2, and 3 or more bedroom units includes one-half (1/2) space per unit for visitor parking. This shall be exclusive of any community center, swimming pool, recreation facility, or community building parking. Parking facilities for recreation areas, community centers, swimming pools, or community buildings shall be provided separately on the basis of one (1) parking space for each five (5) dwelling units in the development, and shall be located within two hundred (200) feet of the facility. Each parking space in any garage may be counted for required parking on the basis of one (1) space for each area of at least ten (10) by twenty (20) feet.

**Use**

**Per Each Unit of Measure as Follows**

**(a) Residential Uses (cont.).**

(4)	Mobile Home Parks	2	Per each mobile home, plus
		1	Per each employee of the mobile park, plus
		1	For every 5 mobile home sites.

**(b) Institutional Uses.**

(1)	Churches and Temples	1	Per each three (3) seats based or six (6) feet of pews in the main unit of worship. In the absence of seats, pews or chairs, the Fire Chief shall set the capacity of the building. Parking is to be determined by one (1) space for every three (3) people up to the maximum set by the Fire Chief.
(2)	Private Clubs and Lodges	1	Per each three (3) individual members allowed within the maximum occupancy load as established by fire and/or building codes.
(3)	Convalescent Homes, Nursing Homes, Homes for the Aged and Children's Homes	1 1 1	Per each five (5) beds, plus Per each staff doctor, plus Per each employee.
(4)	High Schools, Trade Schools, Colleges and Universities	1 1 1	Per each teacher, plus Per each ten (10) students, plus Per each employee.
(5)	Elementary and Middle (Junior) Schools	1 1 1	Per each teacher, plus Per each twenty-five (25) students, plus Per each employee.
(6)	Child Care Centers and Nursery Schools	1 1	Per each five (5) students, plus Per each employee (minimum 3 employees), plus stacking space for at least five (5) cars, size of space 10' X 20'.
(7)	Day Care Homes	1	Per each employee and/or caregiver.
(8)	Libraries and Museums	1	Per each 500 sq. ft. of floor area.
(9)	Theaters and Auditoriums	1 1	Per each three (3) seats, plus Per each two (2) employees.

**Use**

**Per Each Unit of Measure as Follows**

**(c) Recreational Uses.**

(1) Private Tennis, Swim and Golf Clubs, or other similar uses	1	Per each two (2) memberships, plus amount required for accessory uses including, but not limited to a restaurant or cocktail lounge.
	1	Per employee, plus
	1	Additional space for each three (3) persons allowed within the maximum occupancy load shall be provided for clubhouses.
(2) Stadiums, Sports Arenas, and Auditoriums	1	Per each three (3) seats or six (6) feet of benches.
(3) Baseball, Softball Facilities or other similar uses (without seats or benches)	20	Spaces, at least.
(4) Miniature "Par-3" Golf Courses	3	Per each one (1) hole, plus
	1	Per employee.
(5) Bowling Alleys	5	Per bowling lane, plus amount required for accessory uses, including, but not limited to restaurants or cocktail lounges.
(6) Golf Courses Open To The General Public, Except Miniature Or "Par-3" Courses.	6	Per each one (1) golf hole, plus
	1	Per each employee.

**(d) General Commercial Uses.**

(1) Retail Stores, except as otherwise specified herein	1	Per each 100 sq. ft. of floor area.
(2) Supermarkets, Drugstores or other self-serve retail establishments	1	Per 150 sq. ft. of floor area.
(3) Convenience Stores and Video Stores	1	Per 100 sq. ft. of floor area.
(4) Planned Commercial and Shopping Centers (without a theatre)	1	Per 100 sq. ft. of usable floor area for first 15,000 sq. ft., plus,
	1	Per 150 sq. ft. of floor area in excess of 15,000 sq. ft.
(5) Planned Commercial and Shopping Centers (with a theatre)	1	Per 100 sq. ft. of usable floor area for first 15,000 sq. ft., plus,
	1	Per 150 sq. ft. of floor area in excess of 15,000 sq. ft., plus
	1	Per three (3) seats within the theatre.



**Use**

**Per Each Unit of Measure as Follows**

**(d) General Commercial Uses (cont.).**

(6)	Furniture, Appliances, Hardware, Household Equipment Sales, Plumbers Showroom, Decorator, Electrician or other similar uses	1 1	Per each 400 sq. ft. of floor area, plus Per each employee.
(7)	Self Serve Laundry and Dry Cleaning	1	Per each two (2) washing machines or dry cleaning machines.
(8)	Motels and Hotels	1 1	Per each guest bedroom, plus Per employee, plus spaces required for accessory uses, including, but not limited to restaurants or cocktail lounges.
(9)	Funeral Homes/Mortuary Establishments	4 1 1	Per each parlor or Per each 50 sq. ft. of parlor space, whichever is greater, plus Per each fleet vehicle.
(10)	Fast Food Restaurants	1 1	Per each 125 sq. ft. of floor area, plus Per each employee.
(11)	Sit-Down Restaurants (no outdoor seating)	1 1	Per each three (3) seats, based on maximum seating capacity, plus Per each employee. In no instance shall less than ten (10) spaces be provided.
(12)	Sit-Down Restaurants (indoor and outdoor seating)	1 1 1 1	Per each three (3) indoor seats, based on Maximum seating capacity, plus Per each employee, plus Per each three (3) outdoor seats or Per each 25 square feet designated for outdoor seating.
(13)	Restaurants (no seating)	1 1	Per each 100 sq. ft. of total building area, plus Per employee. In no instance shall less than ten (10) spaces be provided.
(14)	Outdoor Cafes	1 1 1 1	Per each three (3) outdoor seats, or Per 25 square feet designated for outdoor seating, plus Per three (3) of shelf space for stand up eating, plus, Per employee.
(15)	Bars, Cocktail Lounges and Taverns	1 1	Per each three (3) persons allowed within the (other than fast food restaurants) maximum occupancy load as established by fire and/or building codes, plus Per each employee.

**Use**

**Per Each Unit of Measure as Follows**

**(d) General Commercial Uses (cont.).**

- |      |   |   |   |
|------|---|---|---|
| (16) | Garden Stores and Building Material Sales                               | 1 | Per each 800 sq. ft. of lot area used for said business provided for herein.  |
| (17) | Movie Theater (Commercial)  | 1 | Per each four (4) seats based on the maximum seating capacity, plus   |
|      |   | 1 | Per each employee.  |
| (18) | Wholesale Stores, Machinery Sales, or other similar uses                | 1 | Per each 1,000 sq. ft. of floor area, plus  |
|      |   | 1 | Per each employee.  |
| (19) | Dance Halls, Assembly Halls, and Exhibition Halls (without fixed seats) | 1 | Per each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. |

**(e) Automotive Uses.**

- |     |  |   |  |
|-----|--|---|--|
| (1) | Auto Sales/Service Establishments                | 1 | Per each 200 sq. ft. of showroom floor area, plus                                |
|     |  | 1 | Per each employee, plus  |
|     |  | 1 | Per each service stall.  |
| (2) | Automotive Repair Facilities                     | 2 | Per each service stall, plus   |
|     |  | 1 | Per each employee, plus  |
|     |  | 1 | Per each service vehicle.  |
| (3) | Auto Service Stations without Convenience Stores | 1 | Per each pump unit, plus   |
|     |  | 2 | Per each service stall, plus   |
|     |  | 1 | Per each employee.   |
| (4) | Auto Service Stations with Convenience Stores    | 1 | Per each pump unit, plus   |
|     |  | 2 | Per each service stall, plus   |
|     |  | 1 | Per each employee, plus  |
|     |  | 1 | Per each 100 sq. ft. of floor area devoted to retail sales and customer service. |
| (5) | Auto Washes (self-serve)                         | 1 | Per each wash stall, plus  |
|     |  | 1 | Per each vacuum station, plus  |
|     |  | 1 | Per each employee.   |
| (6) | Auto Washes (automatic)                          | 1 | Per 200 sq. ft. of floor area of customer waiting and service areas, plus        |
|     |  | 1 | Per each vacuum station, plus  |
|     |  | 1 | Per each employee.   |
| (7) | Collision and Bump Shops or other similar uses   | 2 | Per each stall or service area, plus   |
|     |  | 1 | Per each employee.   |

**Use**

**Per Each Unit of Measure as Follows**

**(f) Office and Service Uses.**

(1)	General and Specialty Hospitals	1	Per each four (4) beds, plus
		1	Per staff doctor, plus
		1	Per each employee @ peak shift.
(2)	Medical and Dental Offices and other similar uses	1	Per each 100 sq. ft. of floor area in waiting rooms, plus
		1	Per each examining room, dental chair or similar.
(3)	Business and Professional Offices	1	Per each 200 sq. ft. of floor area.
(4)	Financial Institutions	1	Per each 100 sq. ft. of floor area
(5)	Barber and Beauty Shops	3	Per chair.

**(g) Industrial Uses.**

(1)	Industrial, Manufacturing and Establishments	1	Per each employee, or
		1	Per each 800 sq. ft. of floor area (whichever is greater).
(2)	Warehouses and Storage Buildings	1	Per each employee, or
		1	Per each 2,000 sq. ft. of floor area (whichever is greater).
(3)	Mini-self Storage Establishments	1	Per every 150 storage units or fraction thereof shall be located adjacent to the office; a minimum of 3 spaces shall be provided.
(4)	Contractors Office/Establishments	1	Per each employee, plus
		1	Per each vehicle stored on the premises.
(5)	Utility Substations		Per each employee.
(6)	Auto Wrecking and Junk Yards	1	Per each employee, plus
		1	Per operating vehicle on the premises, plus
		2	Per each acre of land.

**Section 10.5 Off-Street Parking Lot Design and Construction.**

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before use of the property as a parking lot and before a Certificate of Occupancy is issued. Unless incorporated in a site plan prepared and approved in accordance with Section 3.4, Site Plan Review, plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot. Two (2) sets of plans must be submitted.

(a) Surfaces. Parking lots shall be hard-surfaced with concrete, precast concrete lattice block, or plant mixed bituminous material and maintained in a usable dust proof condition, and shall be graded and drained to dispose of surface water in accordance and conformance with the requirements of the Township Engineer. The Planning Commission shall be able to waive hard-surfacing requirements if any or all of the following conditions exist as defined by supporting documentation provided by the petitioner:

- (1) Where driveways, loading, turn around, or storage areas received only limited use and are not used for employee parking, customer parking or primary access.
- (2) Where gravel surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties.
- (3) Where hard-surfacing will significantly increase stormwater run-off and create a potential for flooding and/or soil erosion.

Parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a Certificate of Occupancy being issued. All parking areas drainage for parking lots shall conform to the standards set forth in Section 7.11, Stormwater Management.

(b) Illumination. All illumination for all such parking lots shall meet the standards set forth in Section 7.6, Glare and Exterior Lighting.

(c) Ingress/Egress. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.

(d) Wheel Stops. Where necessary to prevent encroaching upon pedestrian walkway or damaging required landscaping/screening, wheel stops shall be provided. No portion of a parking space and/or maneuvering aisle shall obstruct or encroach upon a public sidewalk.

(e) Construction Standards. Wherever the off-street parking is required, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

- (1) No parking lot shall be constructed unless and until a permit is issued by the Building Inspector. Applications for a permit shall be submitted in such form as

may be determined by the Building Department and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.

- (2) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length *
	One-way	Two-way		
0 - Parallel	12 ft	20 ft	10 ft	23 ft
30 - 53	12 ft	20 ft	10 ft	20 ft
54 - 74	15 ft	24 ft	10 ft	20 ft
75 - 90	24 ft	24 ft	10 ft	20 ft

\* The parking space length may be decreased when abutting a sidewalk which provides an additional two (2) feet for vehicle overhang.

All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

- (3) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential uses shall not be across land zoned for single-family residential use.

- (4) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from any adjacent property located in any single-family residential district.
- (5) The off-street parking area shall be provided with a continuous and obscuring wall, fence, or berm in accordance with Section 7.7(e)(2).

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

- (6) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not

more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

- (7) The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section, and only where other methods of screening are more conducive or applicable.

**Section 10.6 Off-Street Loading Requirements.**

On the same premises with every building or part thereof, erected and occupied for any uses involving the receipt or distribution of trucks and/or delivery vehicles, material or merchandise, adequate space for loading and unloading shall be provided in accordance with the following:

- (a) Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, and shall be provided according to the following schedule.

Gross Floor Area of Building (sq. ft.)	Required Loading & Unloading Spaces
0-1,999	None
2,000-19,999	One (1) space
20,000 – 99,999	One (1) space plus one (1) space for each 20,000 sq ft in excess of 20,000 sq ft
100,000 – 499,999	Five (5) spaces plus one (1) space for each 40,000 sq ft in excess of 100,000 sq ft
500,000+	Fifteen (15) spaces plus one (1) space for each 80,000 sq ft in excess of 500,000 sq ft

- (b) Double Count. Off-street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

**Section 10.7 Off-Street Stacking Space for Drive-Through Facilities.**

All businesses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space and lanes which meets the following requirements:

- (a) Each stacking space shall be computed on the basis of ten (10) feet in width and twenty (20) feet in length. Each stacking lane shall be a minimum of twelve (12) feet in width.
- (b) Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner, which promotes pedestrian and vehicular safety.

(c) For all drive-through facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be serviced.

(d) The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

<b>*Use</b>	<b>*Stacking Spaces Per Service Lane</b>
Banks	4
Photo Service	4
Dry-Cleaning	4
Fast-Food Restaurants	6
Car Washes (self-service)	
Entry	3
Exit	1
Car Washes (Automatic)	
Entry	6
Exit	2
*Additional stacking spaces and other uses deemed in need of stacking spaces may be required at the discretion of the Planning Commission.	

**Section 10.8 Outdoor Storage of Recreational Vehicles.**

In all Residential Districts, a recreational vehicle may be parked or stored subject to the following conditions:

(a) Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the Zoning Administrator.

(b) Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in one of the following manners.

(1) Within the side or rear yard, but no closer than ten (10) feet from any side or rear lot line; or,

(2) In those instances where the side or rear yard is not accessible or has insufficient clearance for the passage of a recreational vehicle, the Zoning Administrator may allow the parking or storage of a recreational vehicle in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle be parked or stored in a manner, which obstructs pedestrian or vehicular visibility.

(c) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors not to exceed a maximum period of two (2) weeks.

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

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

**Section 10.9 Requirements for Barrier Free/Accessible Parking Spaces**

(a) Where parking is provided the following number of barrier free/accessible parking spaces will be provided.

<b>Total Parking Spaces Provided</b>	<b>Required Minimum Number Of Accessible Spaces</b>
1-25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus 1 for each 100 over 1,000
VAN SPACES: For every fraction of eight (8) accessible parking spaces, at least one (1) shall be a van-accessible parking space.	

(b) Barrier Free/Accessible Parking Spaces–Width/Length. Accessible parking spaces are required to be a minimum width of ninety-six (96) inches with an adjacent access aisle of a minimum of sixty (60) inches in width. Total length to be twenty (20) feet at passenger loading zones, and be parallel to the vehicle pull up space. Van-accessible parking spaces require a minimum clear height of ninety-eight (98) inches, as well as an access aisle with a minimum width of ninety-six (96) inches for clearance of operation of van-mounted wheelchair lifting devices and vans with raised roofs.

(c) For other requirements on Barrier Free Design refer to the most recent Michigan Building Code.



## ARTICLE 11

### NON-CONFORMING LOTS, USES AND STRUCTURES

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#### **Section 11.1 Intent.**

Certain existing lots, structures and uses of lots and structures were lawful before this Ordinance was adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such non-conformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various Districts.

#### **Section 11.2 Non-Conforming Lots.**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.

#### **Section 11.3 Non-Conforming Uses of Land.**

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of the Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such non-conforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- (b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- (c) If such non-conforming use of land ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by the Ordinance for the district in which such land is located.

#### **Section 11.4 Non-Conforming Structures.**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such structure may be enlarged or altered in a way which increases its non-conformity.
- (b) Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **Section 11.5 Non-Conforming Uses of Structures and Land.**

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject of the following provisions:

- (a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or

amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

(c) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the non-conforming use may not thereafter be resumed. Section 11.4 shall apply to any non-conformity relating to the structure(s).

(d) If such non-conforming use of land and structures ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be exempt from this provision only so long as seasonal uses shall continue.

(e) Where non-conforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land.

(f) If no structural alterations are made, any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

## **Section 11.6 Repairs and Maintenance.**

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50%) percent of the replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

A nonconforming structure, nonconforming portion of a structure, or a structure containing a nonconforming use which is physically unsafe or unlawful due to lack of repairs and maintenance, as determined by the Building Official may be restored to a safe condition. Where enlargement or structural alternation is necessary to allow compliance with health and safety laws or ordinances, the cost of such work shall not exceed twenty-five (25%) percent of the structure's fair market value, as determined by the Assessor at the time such work is done.

**Section 11.7            Uses Allowed As Conditional Approval Uses, Not Non-Conforming Uses.**

Any use for which conditional approval is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

**Section 11.8            Change of Tenancy or Ownership.**

There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures, and premises provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

**ARTICLE 12**  
**ZONING BOARD OF APPEALS**

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**Section 12.1            Creation.**

There is hereby established a Zoning Board of Appeals, hereinafter called the "Board", which shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended from time to time, and in such a way that the objectives of this Ordinance shall be observed, the public safety and welfare secured, and substantial justice done.

**Section 12.2            Membership and Terms.**

(a)    Number of Members. The Board of Appeals shall consist of not fewer than five (5) members. The Board shall be appointed by the Township Board and shall be composed of the following five (5) members whose terms shall be as stated:

- (1)    One (1) member shall be a member of the Planning Commission and one (1) member shall be a member of the Township Board. The member of the Township Board that serves on the Zoning Board of Appeals shall not serve as chairperson of the Zoning Board of Appeals.
- (2)    The remaining regular and any alternate members of the Board of Appeals shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township.

(b)    Terms of Office. The term of office of each member shall be for three (3) years except for members serving because of their membership on the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Planning Commission, or Township Board respectively, and the period stated in the resolution appointing them, whichever is shorter. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

(c)    Employees/Contractors as Members. An employee or contractor of the Township Board shall not serve as a member or an employee of the Zoning Board of Appeals.

(d)    Removal of Members/Conflict of Interest.

- (1)    The Township Board shall provide for the removal of a member of the Zoning Board of Appeals for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing.

- (2) A member of the Zoning Board of Appeals shall disqualify herself or himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify herself or himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(e) Alternate Members. The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member, if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

### **Section 12.3 Meetings.**

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicate such fact; and shall also keep records of its hearings and other official action. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. The Board shall not conduct business unless a majority of the members of the Board are present.

### **Section 12.4 Appeal.**

An appeal may be taken to the Board of Appeals by any person, firm or corporation, or any officer, department, board or bureau affected by a decision of the Building Department. Such appeal shall be in writing and taken within such time as shall be prescribed by the Board of Appeals, by general rule, by filing with the Building Department, and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Building Department shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Department certifies to the Board of Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the Board of Appeals or by a court of record on application, on notice to the Building Department and for due cause shown.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

A fee shall be paid at the time the notice of appeal is filed to the Township Treasurer to the credit of the general revenue fund of the Township. The fees to be charged for appeals shall be set by resolution of the Township Board.

## **Section 12.5            Jurisdiction.**

The Board of Appeals shall have the following powers and it shall be its duty:

- (a) To hear and decide on all matters referred to it upon which it is required to pass under this Ordinance.
- (b) Interpret the Ordinance text and map and all matters relating thereto whenever a question arises in the administration of this Ordinance as to the meaning and intent of any provision or part of this Ordinance. Any interpretations shall be in a manner as to carry out the intent and purpose of this Ordinance and zoning map, and commonly accepted rules of construction for ordinances and laws in general.
- (c) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building Department in the enforcement of this Ordinance.
- (d) Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties within the meaning of this Ordinance, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless all the following facts and conditions exist:
  - (1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
  - (2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
  - (3) That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

(e) In consideration of all appeals and all proposed variations to this Ordinance, the Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals, or welfare of the inhabitants of the Township. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Department, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, to rezone or to grant use variances, such power and authority being reserved to the Township Board of the Township of Huron in the manner hereinafter provided by law.

#### **Section 12.6 Exercising Powers.**

In exercising the above powers, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Building Department from whom the appeal is taken. However, in the event that the Planning Commission representative has already voted on a matter which is now being appealed to the Board, that member shall abstain from voting at the ZBA.

#### **Section 12.7 Notice.**

Following receipt of a written request concerning a request for a variance, the zoning board of appeals shall fix a reasonable time for the hearing of the request and give notice as provided below:

(a) The local unit of government shall publish notice of the request in a newspaper of general circulation in the local unit of government.

(b) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

(c) The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:



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

(d) Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.



## ARTICLE 13

### REPEAL OF EXISTING ZONING ORDINANCE

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#### **Section 13.1          Repeal**

The existing zoning regulations of Sumpter Township being the Charter Township of Sumpter Ordinance Appendix A are hereby repealed. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the aforementioned Ordinance, as amended, if the use so in violation is in violation of the provisions of this Ordinance.