



# ZONING ORDINANCE OF VERNON TOWNSHIP

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<b>PREAMBLE .....</b>	<b>1</b>
SECTION 1.1 TITLE.....	1
SECTION 1.2 PURPOSES.....	1
SECTION 1.3 INTERPRETATION AND APPLICATION.....	1
SECTION 1.4 VESTED RIGHTS.....	2
SECTION 1.5 LEGAL BASIS .....	2
<b>ARTICLE 2 ZONING DISTRICTS &amp; PERMITTED USES .....</b>	<b>3</b>
SECTION 2.2 RULES FOR INTERPRETATION OF OFFICIAL ZONING MAP.....	3
SECTION 2.1 ZONING DISTRICTS & MAPS.....	3
<i>ZONING DISTRICT MAP OF VERNON TOWNSHIP, MICHIGAN .....</i>	<i>4</i>
SECTION 2.3 SCOPE OF DISTRICT PROVISIONS.....	9
SECTION 2.4 RESERVED FOR FUTURE USE .....	9
SECTION 2.5 A-1 DISTRICT: AGRICULTURAL PRODUCTION.....	9
SECTION 2.6 RESERVED FOR FUTURE USE .....	10
SECTION 2.7 A-2 DISTRICT: AGRICULTURAL PRODUCTION/ RURAL RESIDENTIAL.....	10
SECTION 2.8 RESERVED FOR FUTURE USE .....	11
SECTION 2.9 R-1A DISTRICT: ONE-FAMILY RURAL RESIDENTIAL .....	11
SECTION 2.10 R-1B DISTRICT: ONE-FAMILY LOW-DENSITY RESIDENTIAL.....	11
SECTION 2.11 R-1C DISTRICT: ONE-FAMILY MEDIUM RESIDENTIAL.....	12
SECTION 2.12 R-1D DISTRICT: TWO-FAMILY RESIDENTIAL.....	12
SECTION 2.14 RESERVED FOR FUTURE USE .....	13
SECTION 2.15 R-T DISTRICT: MOBILE HOME DEVELOPMENT.....	13
SECTION 2.16-2.18 RESERVED FOR FUTURE USE .....	13
SECTION 2.19 B-1 DISTRICT: NEIGHBORHOOD COMMERCIAL .....	13
SECTION 2.20 B-2 DISTRICT: GENERAL BUSINESS.....	14
SECTION 2.21 B-3 DISTRICT: HIGHWAY SERVICE .....	14
SECTION 2.22 RESERVED FOR FUTURE USE .....	15
SECTION 2.23 M-1 DISTRICT: INDUSTRY .....	15
SECTION 2.24 M-2 DISTRICT: HEAVY INDUSTRIAL .....	16
SECTION 2.25 RESERVED FOR FUTURE .....	16
SECTION 2.26 DEFINITIONS OF USE CLASSES & PERMITTED USES .....	16
<i>TABLE 2-1: USE CLASSES, DEFINITIONS &amp; EXAMPLES OF USES PERMITTED .....</i>	<i>18</i>
<i>TABLE 2-2: PERMITTED LAND USES BY DISTRICT .....</i>	<i>26</i>
<i>TABLE 2-3: PERMITTED ACCESSORY USES, BUILDINGS, AND STRUCTURES .....</i>	<i>32</i>
<b>ARTICLE 3: SCHEDULE OF REGULATIONS.....</b>	<b>33</b>
SECTION 3.1 PURPOSE .....	33
SECTION 3.3 SCHEDULE B: DIMENSION REQUIREMENTS FOR BUSINESS DISTRICTS .....	33
SECTION 3.4 NOTES FOR SCHEDULE OF REGULATIONS A AND B .....	33
<i>TABLE 3-1: SCHEDULE A: DENSITY AND DIMENSION REQUIREMENTS FOR AGRICULTURAL AND RESIDENTIAL DISTRICTS .....</i>	<i>34</i>
<i>TABLE 3-2: SCHEDULE B: DIMENSIONAL REQUIREMENTS FOR OFFICE, COMMERCIAL AND</i>	

INDUSTRIAL DISTRICTS.....	36
SECTION 3.4 NOTES FOR SCHEDULE OF REGULATIONS A AND B .....	37
<b>ARTICLE 4 SPECIFIC USE REGULATIONS .....</b>	<b>38</b>
SECTION 4.3 SPECIFIC USE REGULATIONS .....	38
SECTION 4.1 PURPOSE .....	38
SECTION 4.2 TYPES OF USE REGULATIONS .....	38
<b>ARTICLE 5 SUPPLEMENTAL REGULATIONS.....</b>	<b>101</b>
SECTION 5.1 PURPOSE .....	101
SECTION 5.2 GENERAL REGULATIONS .....	101
SECTION 5.2.12.C.....	111
TABLE 5-1: PERMITTED ANIMALS BY DISTRICT .....	111
SECTION 5.2.12. D.....	112
TABLE 5-2: MINIMUM PARCEL SIZES AND SETBACKS FOR ANIMALS.....	112
SECTION 5.3 SUPPLEMENTARY USE REGULATIONS.....	114
SECTION 5.4 SUPPLEMENTARY AREA REGULATIONS .....	118
SECTION 5.5 SUPPLEMENTARY YARD REGULATIONS .....	118
SECTION 5.6 SUPPLEMENTARY HEIGHT REGULATIONS .....	119
SECTION 5.8 TEMPORARY BUILDINGS, STRUCTURES AND USES .....	120
SECTION 5.9 ABOVE OR BELOW GROUND STORAGE OF DANGEROUS CHEMICALS, EXPLOSIVE OR FLAMMABLE MATERIALS, OR HAZARDOUS SUBSTANCES .....	122
<b>ARTICLE 6 ACCESS REGULATIONS.....</b>	<b>123</b>
SECTION 6.1 INTENT .....	123
SECTION 6.2 MINIMUM FRONTAGE AND ACCESS .....	123
SECTION 6.4 PUBLIC STREET STANDARDS.....	125
SECTION 6.5 PRIVATE ROAD DEVELOPMENT .....	127
SECTION 6.5.7. P.....	131
TABLE 6-1: PRIVATE ROAD STANDARDS .....	131
<b>ARTICLE 7 OFF-STREET PARKING AND LOADING.....</b>	<b>132</b>
SECTION 7.1 PARKING REQUIREMENTS.....	132
SECTION 7.1.7 .....	134
TABLE 7-1: PARKING STANDARDS .....	134
SECTION 7.2 LOADING AND UNLOADING SPACE REQUIREMENTS.....	143
TABLE 7-2: LOADING SPACE REQUIREMENTS.....	143
<b>ARTICLE 8 LANDSCAPING, BUFFERING, AND FENCING REGULATIONS.....</b>	<b>144</b>
SECTION 8.1 PURPOSE .....	144
SECTION 8.2 RIGHT-OF-WAY PROTECTION AND PUBLIC SAFETY .....	144
SECTION 8.3 REQUIRED VEGETATION.....	144
SECTION 8.4 PROHIBITED TREES .....	145
SECTION 8.5 DRIVES AND ACCESSWAYS.....	145
SECTION 8.6 BUFFERING PROVISIONS FOR SURFACE MINING AREAS AND JUNK YARDS.....	145
SECTION 8.7 SIDE AND REAR YARD LANDSCAPING AND FENCING OPTIONS.....	145

SECTION 8.8 PARKING LOT LANDSCAPING .....	146
SECTION 8.9 LANDSCAPING FOR ALL OTHER PROPERTIES REQUIRING SITE PLAN REVIEW .....	146
SECTION 8.10 MINIMUM STANDARDS FOR LANDSCAPING MATERIALS .....	146
<i>TABLE 8-1: LANDSCAPING REQUIREMENTS .....</i>	<i>147</i>
SECTION 8.11 SCREENING OF TRASH .....	147
SECTION 8.12 EXISTING SCREENING .....	147
SECTION 8.13 RESERVED FOR FUTURE USE .....	147
SECTION 8.14 FENCES, WALLS, AND SCREENS .....	148
SECTION 8.15 CLEAR VISION CORNERS .....	148
SECTION 8.16 PERFORMANCE GUARANTEE .....	149
SECTION 8.17 WAIVER OF LANDSCAPING, BUFFERING AND FENCING REGULATIONS .....	149
<b>ARTICLE 9 SIGNS, NAME-PLATES, AND ADVERTISING STRUCTURES .....</b>	<b>150</b>
SECTION 9.1 PURPOSE AND INTENT .....	150
SECTION 9.2 GENERAL PROVISIONS .....	150
SECTION 9.3 PERMITTED SIGNS BY ZONING DISTRICTS .....	151
SECTION 9.4 REQUIRED SIGN SETBACK .....	151
SECTION 9.5 TEMPORARY USE SIGNS .....	151
SECTION 9.6 PERMITTED CONSTRUCTION TYPE BY DISTRICTS .....	151
<i>TABLE 9-1: PERMITTED SIGNS: AGRICULTURAL &amp; RESIDENTIAL DISTRICTS .....</i>	<i>152</i>
<i>TABLE 9-2: PERMITTED SIGNS: COMMERCIAL AND OFFICE DISTRICT USES .....</i>	<i>153</i>
<i>TABLE 9-2 CONTINUED .....</i>	<i>154</i>
<i>TABLE 9-3: PERMITTED SIGNS: INDUSTRIAL DISTRICT USES .....</i>	<i>155</i>
<i>TABLE 9-4: TEMPORARY USE SIGNS .....</i>	<i>155</i>
<i>TABLE 9-5: PERMITTED SIGN CONSTRUCTION TYPE BY DISTRICT .....</i>	<i>157</i>
SECTION 9.7 SIGN PERMITS .....	157
SECTION 9.8 PERMIT FEES .....	158
SECTION 9.9 ILLEGAL SIGNS .....	158
SECTION 9.10 DEFINITIONS .....	158
SECTION 9.1 APPEALS .....	158
<b>ARTICLE 10 NONCONFORMING USES OF LAND AND STRUCTURES .....</b>	<b>159</b>
SECTION 10.1 INTENT AND PURPOSE .....	159
SECTION 10.2 NONCONFORMING LOTS .....	159
SECTION 10.3 NONCONFORMING USES OF LAND .....	159
SECTION 10.4 NONCONFORMING STRUCTURES .....	159
SECTION 10.5 CHANGE IN NONCONFORMING USES IN BUSINESS AND INDUSTRIAL DISTRICTS .....	160
SECTION 10.6 REPAIRS AND MAINTENANCE .....	160
SECTION 10.7 CHANGE OF TENANCY OR OWNERSHIP .....	160
SECTION 10.8 DISTRICT CHANGES .....	160
SECTION 10.9 HARDSHIP CASES .....	161
SECTION 10.10 ILLEGAL NONCONFORMING USES .....	161
SECTION 10.11 NONCONFORMING USE DISCONTINUED .....	161

SECTION 10.12 ELIMINATION OF NONCONFORMING USES .....	161
SECTION 10.13 CONSTRUCTION OR CONTRACTS UNDER PERMITS ISSUED PRIOR TO THIS ORDINANCE.....	161
<b>ARTICLE 11 RESERVED FOR FUTURE USE.....</b>	<b>162</b>
<b>ARTICLE 12 SPECIAL USE PERMITS.....</b>	<b>163</b>
SECTION 12.1 GENERAL STANDARDS AND REQUIREMENTS.....	163
SECTION 12.2 STANDARDS FOR ISSUANCE .....	164
<b>ARTICLE 13 PLANNED UNIT DEVELOPMENTS.....</b>	<b>167</b>
SECTION 13.1 RESIDENTIAL PLANNED UNIT DEVELOPMENTS .....	167
SECTION 13.2 MIXED USE PLANNED UNIT DEVELOPMENTS .....	170
SECTION 13.3 NON-RESIDENTIAL PLANNED UNIT DEVELOPMENTS .....	170
SECTION 13.4 HARDSHIP PLANNED UNIT DEVELOPMENTS .....	172
<b>ARTICLE 14 SITE PLAN REVIEW.....</b>	<b>175</b>
SECTION 14.1 PURPOSE AND INTENT .....	175
SECTION 14.2 RESERVED FOR FUTURE USE .....	175
SECTION 14.3 JURISDICTION .....	175
SECTION 14.4 PLAN REVIEW PROCEDURES .....	175
TABLE 14-2: SITE PLAN REQUIREMENTS.....	176
SECTION 14.5 STANDARDS FOR SITE PLAN REVIEW APPROVAL .....	177
TABLE 14.3: GENERAL STANDARDS FOR SITE PLAN APPROVAL .....	177
SECTION 14.8 SITE PLAN APPROVAL .....	178
SECTION 14.9 REVIEW PERIOD LIMITATIONS.....	178
SECTION 14.10 BOARD OF APPEALS.....	178
SECTION 14.12 AMENDMENT TO SITE PLAN.....	178
SECTION 14.13 CONFORMITY TO APPROVED SITE PLAN .....	179
SECTION 14.14 AS BUILT SITE PLANS .....	179
SECTION 14.15 CONDITIONAL APPROVALS.....	179
<b>ARTICLE 15 RESERVED FOR FUTURE USE.....</b>	<b>180</b>
<b>ARTICLE 16 ADMINISTRATION.....</b>	<b>181</b>
SECTION 16.3 DUTIES OF THE ZONING ADMINISTRATOR .....	181
SECTION 16.1 ADMINISTRATION .....	181
SECTION 16.2 RELIEF FROM PERSONAL RESPONSIBILITY .....	181
SECTION 16.4 DUTIES OF THE PLANNING COMMISSION .....	182
SECTION 16.5 ZONING PERMITS AND CERTIFICATE OF LOT APPROVAL.....	182
SECTION 16.6 ADMINISTRATIVE PROVISIONS.....	186
SECTION 16.7 CERTIFICATE OF ZONING COMPLIANCE .....	187
SECTION 16.8 ZONING APPROVAL RUNS WITH THE LAND .....	187
SECTION 16.9 RECORDING CONDITIONS WITH REGISTER OF DEEDS.....	188
SECTION 16.10 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE...	188
SECTION 16.11 FEES .....	189
SECTION 16.12 PUBLIC NOTICE .....	190

<b>ARTICLE 17 VIOLATIONS AND ENFORCEMENT .....</b>	<b>191</b>
SECTION 17.1 ENFORCEMENT, VIOLATIONS, PENALTIES .....	191
<b>ARTICLE 18 BOARD OF APPEALS.....</b>	<b>193</b>
SECTION 18.1 CREATION AND MEMBERSHIP .....	193
SECTION 18.3 APPEALS .....	194
SECTION 18.4 DUTIES AND POWERS .....	194
<b>ARTICLE 19 AMENDMENTS.....</b>	<b>199</b>
SECTION 19.1 INITIATION OF AMENDMENTS .....	199
SECTION 19.2 FEES .....	199
<b>ARTICLE 20 RESERVED FOR FUTURE USE.....</b>	<b>200</b>
<b>ARTICLE 21 DEFINITIONS.....</b>	<b>201</b>
SECTION 21.1 CONSTRUCTION OF LANGUAGE .....	201
SECTION 21.2 DEFINITIONS.....	202
<b>ARTICLE 22 RESERVED FOR FUTURE USE.....</b>	<b>236</b>
<b>ARTICLE 24 SEVERABILITY, VALIDATION AND SAVINGS CLAUSE .....</b>	<b>237</b>
SECTION 23.1 SEVERABILITY .....	237
SECTION 23.2 CONFLICTING PROVISIONS REPEALED.....	237
SECTION 23.3 SAVINGS CLAUSE .....	237
<b>ARTICLE 25 EFFECTIVE DATE .....</b>	<b>238</b>

## **PREAMBLE**

An ordinance to provide for the establishment of Zoning Districts and regulations for those areas of Vernon Township, Shiawassee County, Michigan: lying outside the limits of incorporated cities and villages; to encourage and regulate the proper use of land; to provide for the administration, enforcement, and penalties for violation; to provide for the establishment of a Zoning Board of Appeals and to provide duties for a Vernon Township Planning Commission; to provide for the repeal of all other ordinances, or parts thereof, inconsistent herewith and contrary hereto.

Whereas, after careful study of the proposed Ordinance, the Vernon Township Planning Commission has recommended the aforementioned Ordinance to the Vernon Township Board.

Therefore, the Vernon Township Board, Shiawassee County, Michigan, ordains

### **SECTION 1.1 TITLE**

This Ordinance shall be known as the Vernon Township Interim Zoning Ordinance. All Article, Section and other topical headings are for reference only and shall not be construed to be part of this Ordinance.

### **SECTION 1.2 PURPOSES**

This Zoning Ordinance is designed to: 1) promote the public health, safety, and general welfare; 2) to provide adequate light and air, and protect air and water quality; 3) to encourage the use of lands in accordance with their character and adaptability; 4) to limit the improper use of land, 5) to conserve natural resources and energy; 6) to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; 7) to ensure that uses of land are situated in appropriate locations and relationships; 8) to avoid the overcrowding of population, 9) to lessen congestion on public streets and highways, 10) to reduce hazards to life and property due to fire, flooding, erosion, pollution, excessive dust, fumes, smoke, noise, vibration, noxious odors or other hazards, 11) to prevent the overburdening of existing or available public services and utilities, 12) to facilitate the adequate provision of a system of transportation, sewage disposal, solid waste disposal, drainage, public water supply, education, recreation and other public requirements, 13) to conserve the expenditure of funds for public improvements and services, 14) to conform with the most advantageous use of land, resources and properties, 15) to conserve land, community character and property values, and 16) to prevent nuisances.

### **SECTION 1.3 INTERPRETATION AND APPLICATION**

1.3.1 Introduction: In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

A. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rule, regulation, or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of land, buildings, structures or premises, and not in conflict with this Ordinance.

B. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, deed or other agreements between parties, provided however, that where this Ordinance imposes a greater restriction upon the use of land, buildings, structures or other premises, or upon height of buildings, or requires larger open spaces, or larger lots, or requires mitigating measures or other limitations on a property different from those imposed or required by an easement, covenant, deed or other agreement, then the provisions of this Ordinance shall control in addition to all nonconflicting requirements of an easement, covenant, deed or other agreement.

C. In the interpretation, application and enforcement of this Ordinance, whenever any of the provisions or limitations imposed or required herein are more stringent than any other law, rule, regulation or ordinance, then the provisions of this Ordinance shall govern. However, if the requirements of any other law, rule, regulation or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

D. In the event that the combined effect of the requirements of this Ordinance, and any easement, covenant, deed,

## PREAMBLE

private agreement, and/or any other law, rule, regulation or ordinance so severely limit the use of property subject to this Ordinance that no economically viable use of the property remains and a claim of taking under the 5<sup>th</sup> Amendment to the U.S. Constitution could be made, then prior to seeking any redress in a court of law, the property owner shall file a petition with the Board of Appeals for a variance under Section 18.4.5 of this Ordinance

1.3.2 Definitions: Many words, terms and phrases within this Ordinance have a meaning that may be different from their everyday use. Article 21, Definitions presents definitions of words, terms, and phrases used within this Ordinance. Section 2.26.1 presents definitions of use classes and lists examples of permitted uses.

## **SECTION 1.4 VESTED RIGHTS**

Nothing in this Ordinance should be interpreted or construed to give permanent vested rights in the continuance of any particular use, district, zone classification, or any permissible activities therein, and all lands and uses subject to this Ordinance are hereby declared to be subject to subsequent amendment, change, or modification, as may be necessary to the preservation or protection of public health, safety, and welfare.

## **SECTION 1.5 LEGAL BASIS**

This Ordinance is adopted pursuant to the authority and requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.



## ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

### SECTION 2.1 ZONING DISTRICTS & MAPS

**2.1.1 Establishment of Districts:** To achieve the purposes of this Ordinance, Vernon Township, Michigan, is hereby divided into the following zoning districts:

A-1	Agricultural Production
A-2	Agricultural Production/Rural Residential
R-1A	One-Family Rural Residential
R-1B	One-Family Low Density Residential
R-1C	One-Family Medium Density Residential
R-1D	Two-Family Residential
R-T	Mobile Home Development
B-1	Neighborhood Commercial
B-2	General Business
B-3	Highway Service Commercial
M-1	Light Industrial
M-2	Heavy Industrial

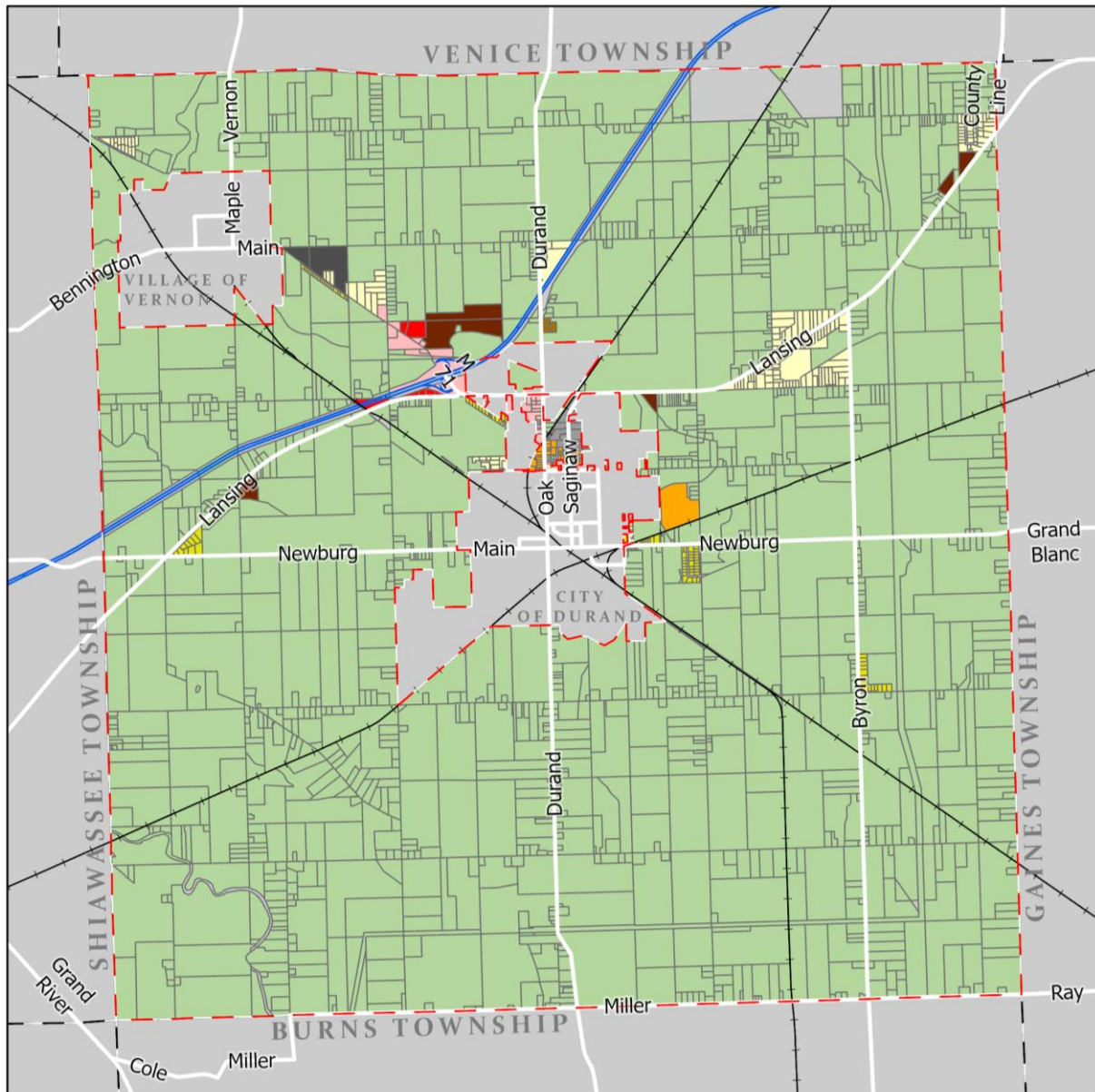
**2.1.2 Zoning Districts Maps:** The boundaries of the respective zoning districts are defined and established as depicted on the map entitled "Zoning District Map of Vernon Township, Michigan," which is an integral part of this Ordinance, and which, with the explanatory matter thereon, shall be published as part of this Section and is hereby incorporated by reference. If amendments are made in district boundaries or other matter depicted on the Official Zoning Map, such changes shall not be considered final, and zoning permits shall not be issued until the appropriate amendments have been made on the Official Zoning Map. Such amendments shall be made within ten (10) normal working days after the effective date of the amendment. Each amendment shall be accompanied by a reference number on the map, which shall refer to the official action of the Board of Trustees. One copy of the Official Zoning Map shall be maintained and kept up-to-date in the Clerk's Office.

### SECTION 2.2 RULES FOR INTERPRETATION OF OFFICIAL ZONING MAP

Where a question arises with respect to the boundary of any district the following shall govern:

- A. Where boundaries follow streets or highways, the centerline of the street or highway shall be the boundary line or lines.
- B. Where boundaries follow the shore line of a stream, lake or other body of water, such shall follow such shoreline, and in the event of change in the shoreline, such shall be the actual shoreline; where boundaries follow the centerline of streams, rivers, canals or other bodies of water, such shall follow the centerlines thereof.
- C. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- D. A boundary indicated as following the municipal boundary line of a City, Village, or Township shall be construed as following such line.
- E. A boundary indicated as following a railroad line shall be construed to be midway between the main tracks or in the center of the right-of-way if the tracks have been removed.
- F. Boundaries indicated as parallel to, or extensions of features indicated in subsections A-E above, shall be so construed. A distance not specifically indicated in the Official Zoning Map shall be determined by the scale of the map to the nearest foot. Should the above rules not fully explain a question of boundaries, the Board of Appeals shall have the authority to make an interpretation on appeal based upon the aforementioned standards.

ZONING DISTRICT MAP OF VERNON TOWNSHIP, MICHIGAN



## Zoning Map

Vernon Township  
Shiawassee County, Michigan

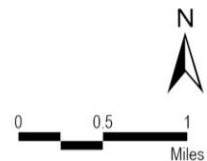
August 26, 2022

### LEGEND

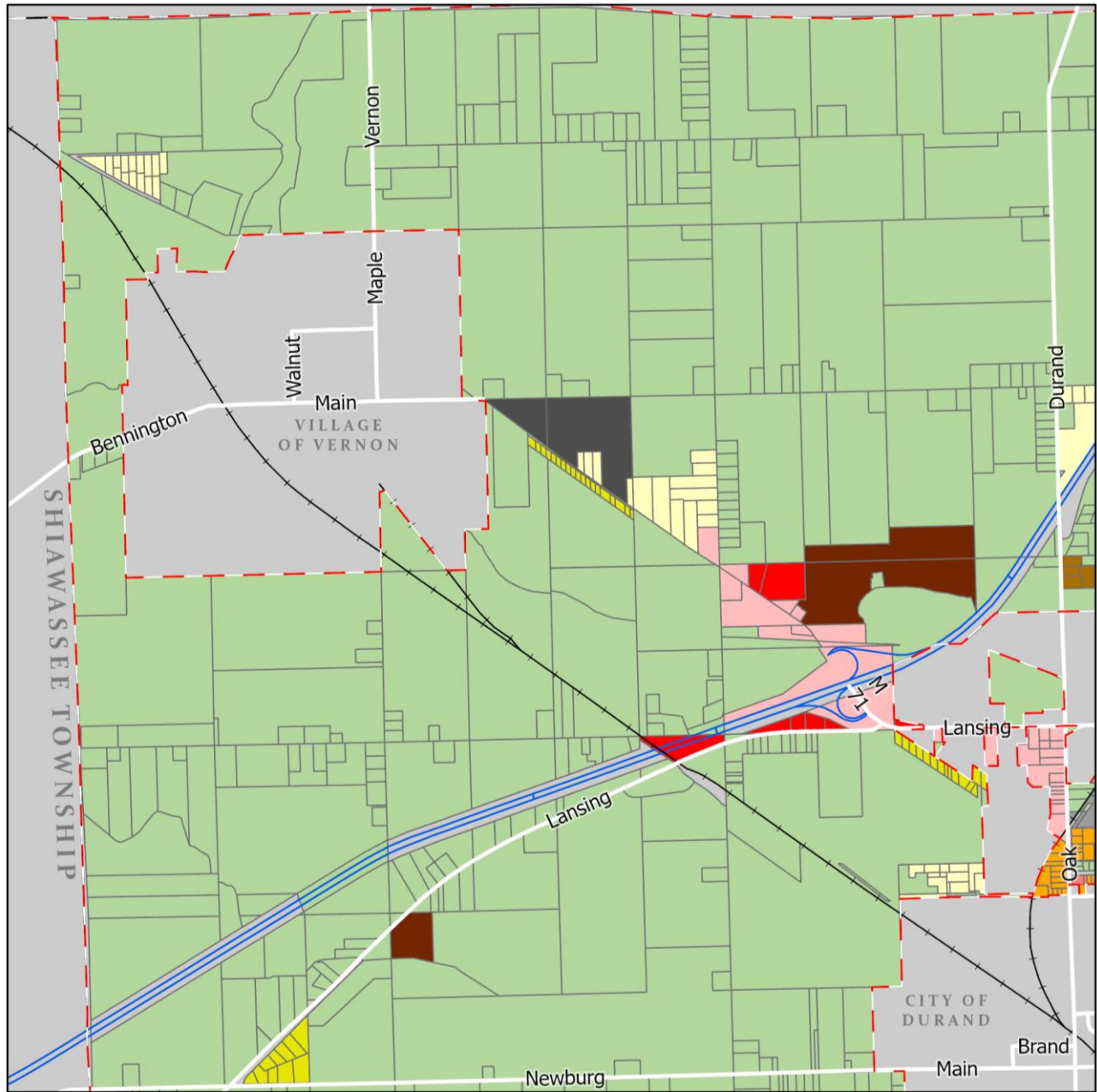
#### Zoning Districts

- A-2
- B-1
- B-2
- B-3
- M-1
- M-2
- R-1A
- R-1B
- R-1C
- R-1D
- R-T

- Roadways
- Vernon Township Boundary
- Other Municipal Boundaries
- Railroad
- Freeway



Basemap Source: Michigan Center for Geographic Information, v. 17a.  
Data Source: Shiawassee County, McKenna 2022.



## Zoning Map Quadrant 1

Vernon Township  
Shiawassee County, Michigan

August 26, 2022

### LEGEND

#### Zoning Districts

- A-2
- B-1
- B-2
- B-3
- M-1
- M-2
- R-1A
- R-1B
- R-1C
- R-1D
- R-T

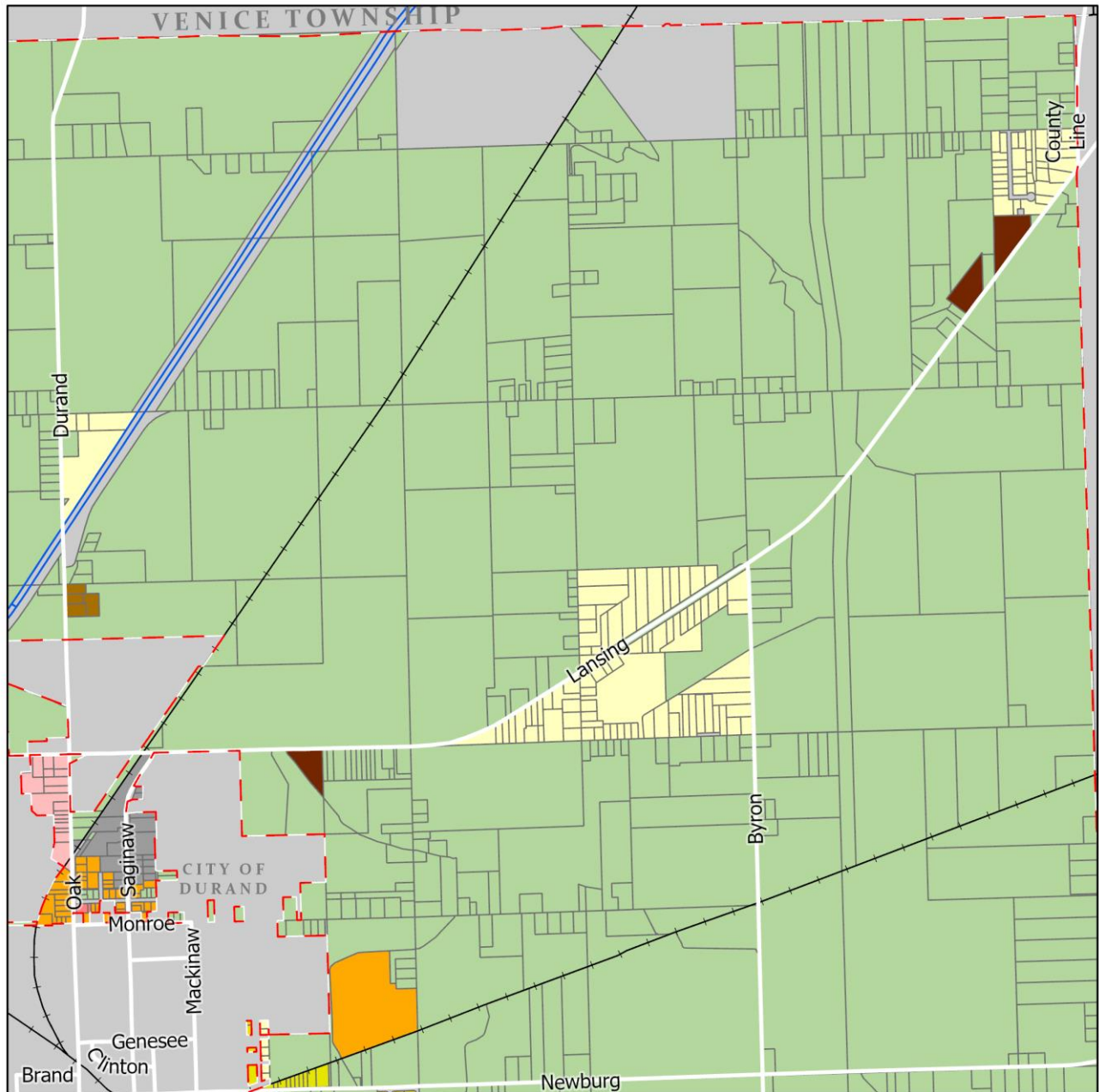
- Roadways
- Other Municipal Boundaries
- Railroad
- Freeway
- Vernon Township Boundary



0 0.25  
Miles

Basemap Source: Michigan Center  
for Geographic Information, v. 17a.  
Data Source: Shiawassee County, McKenna 2022.





## Zoning Map Quadrant 2

Vernon Township  
Shiawassee County, Michigan

August 26, 2022

### LEGEND

#### Zoning Districts

- A-2
- B-1
- B-2
- M-1
- R-1A
- R-1B
- R-1C
- R-1D
- R-T
- Roadways

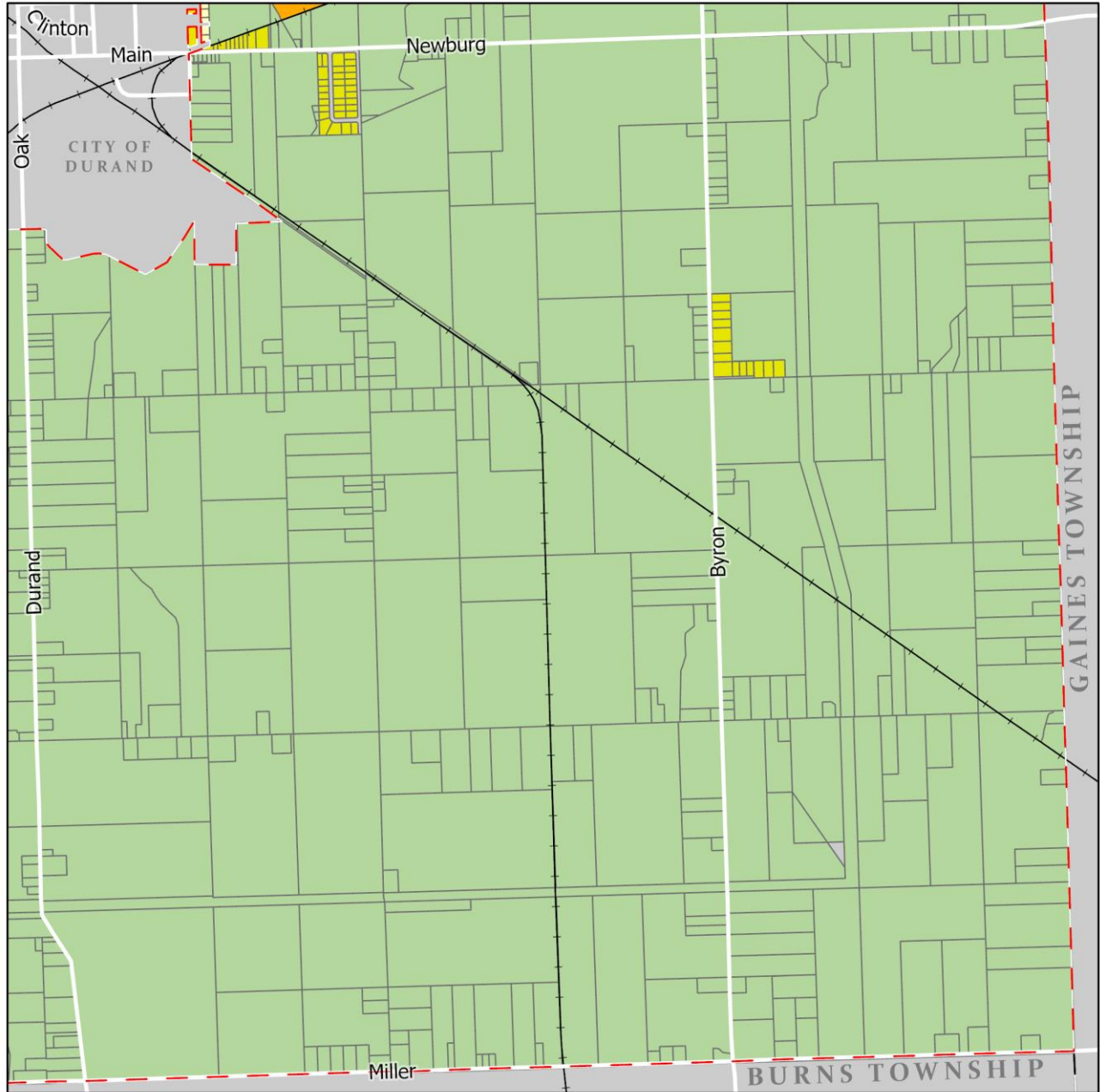
#### Other Municipal Boundaries

- Railroad
- Freeway
- Vernon Township Boundary



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Miles

Basemap Source: Michigan Center  
for Geographic Information, v. 17a.  
Data Source: Shiawassee County. McKenna 2022.



## Zoning Map Quadrant 3

Vernon Township  
Shiawassee County, Michigan

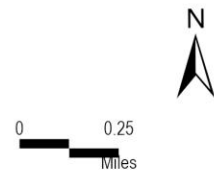
August 26, 2022

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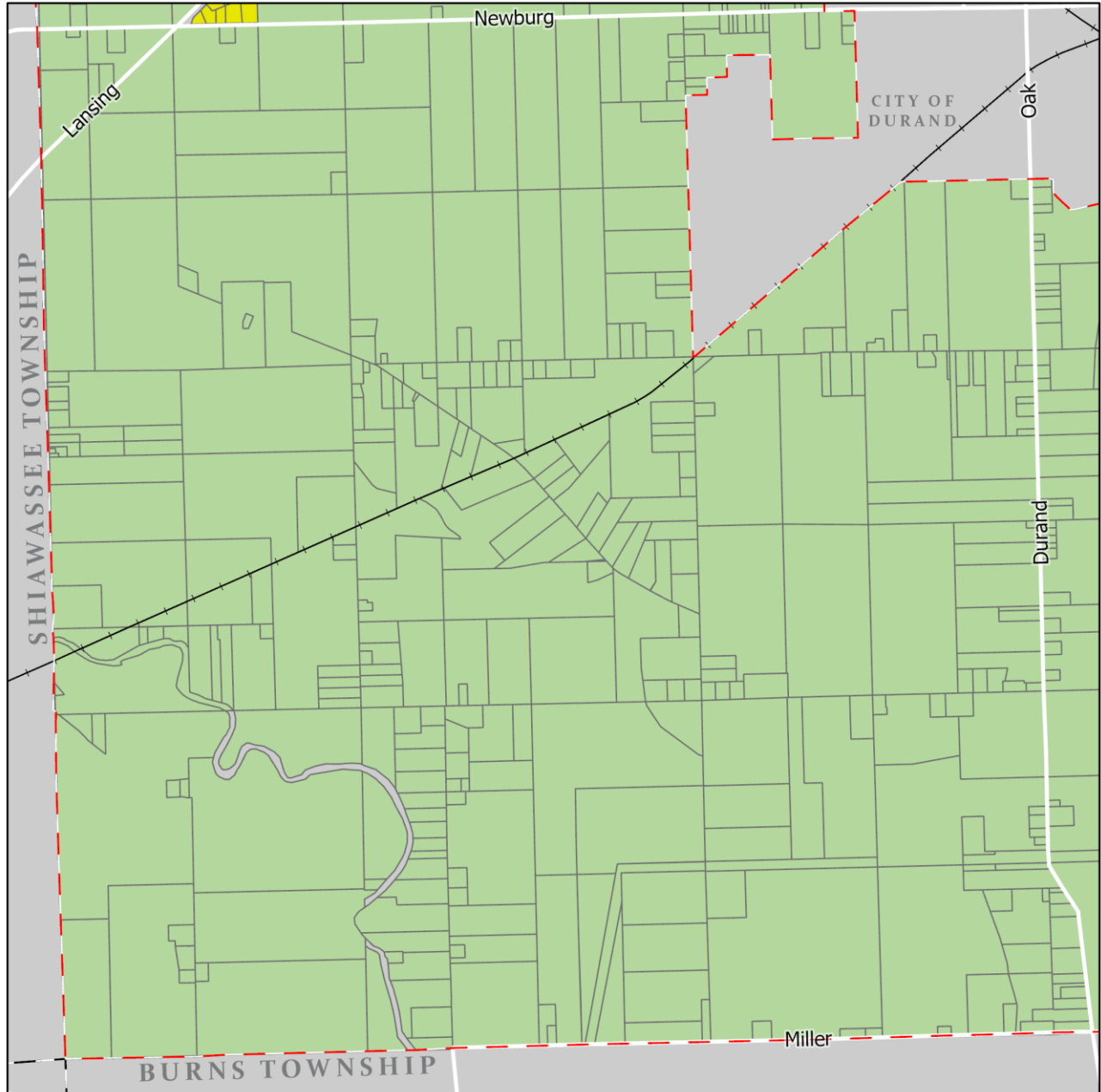
Zoning Districts

- A-2
- R-1A
- R-1B
- R-1C

- Other Municipal Boundaries
- Railroad
- Vernon Township Boundary



Basemap Source: Michigan Center  
for Geographic Information, v. 17a.  
Data Source: Shiawassee County, McKenna 2022.



## Zoning Map Quadrant 4

Vernon Township  
Shiawassee County, Michigan

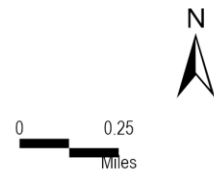
August 26, 2022

### LEGEND

Zoning Districts

- A-2
- R-1B

- Other Municipal Boundaries
- Railroad
- Vernon Township Boundary



Basemap Source: Michigan Center  
for Geographic Information, v. 17a.  
Data Source: Shiawassee County, McKenna 2022.

## SECTION 2.3 SCOPE OF DISTRICT PROVISIONS

### 2.3.1 Land Uses, Buildings, Structures and Premises Subject to Regulation:

- A. Every building or structure erected, any use of land, building, structure or premises, any structural alteration or relocation of an existing building or structure and any enlargement of, or addition to, an existing use of land, building, structure or premises occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable within the zoning district in which such land use, building, structure or premises shall be located.
- B. A change in use group under the State Construction Code, PA 230 of 1972, such as from “storage” or “business” to “mercantile” or “assembly” is a change of use which also requires review and approval under this Ordinance.
- C. All zoning approvals granted under this Ordinance run with the land. All future owners are subject to the terms and conditions of any permit issued under this Ordinance prior to their ownership, unless such a permit is no longer valid as determined by the Zoning Administrator.

2.3.2 Categories of Permitted Uses: The principal and accessory uses permitted by zone are listed on tables in Section 2.26.4 and 2.26.5. Other Sections of this Ordinance establish additional requirements (such as parking, buffering, fencing, landscaping, etc.) or provide for exceptions. All relevant Sections must be consulted to understand the scope of regulations that apply in a particular case. Uses are permitted by right only if specifically listed as “R” on Table 2-2: Principal Uses Allowed, Section 2.26.4 in the various zoning districts.

Special uses are permitted if listed as “S” on Table 2-2, if the required discretionary and nondiscretionary standards associated with that use are met (see Article 4, Article 12 and Article 14).

2.3.3 Unlisted Uses: A use of land, buildings, or structures not specifically mentioned in the provisions of this Ordinance, or in the Zoning Administrator’s opinion, is not within a class of use as defined on Table 2-1, Section 2.26.3, or nearly enough similar to a listed use per the standards in Section 2.26.2, shall be classified upon appeal or by request of the Zoning Administrator by the Board of Appeals pursuant to Section 18.4.4 of this Ordinance.

2.3.4 Required Open Spaces: No part of a setback area, or other open space, or off-street parking or loading space required in connection with any use of land, building or structure, for the purpose of complying with this Ordinance shall be included as part of a setback area, open space, or off-street parking lot or loading space similarly required for any other use, building or structure, except as provided for joint use of parking in Section 7.1.5.

2.3.5 Site Plan Review Threshold: No use of land, buildings, structures or portions thereof of a size or character greater than the threshold, as provided in Section 14.3 of this Ordinance shall be erected or utilized without the prior approval of the site plan in accordance with Article 14 of this Ordinance.

2.3.6 Public Land, Buildings, Structures and Premises Are Subject to this Ordinance: All land within the territory subject to this Zoning Ordinance which is owned by Vernon Township, the State, federal or local governments including public schools and universities, or by any other public, or quasi- public entity is subject to the requirements of this Ordinance, except as exempted or varied herein (see e.g., Essential Services Section 18.4.9), or as specifically exempted by State or Federal law (such as military establishments), or by action of a judge in a Court of Law.

2.3.7 Intent and of District Scheme: The Vernon Township Zoning Ordinance is based upon and is intended to help implement the Vernon Township Land Use Plan.

## SECTION 2.4 RESERVED FOR FUTURE USE

## SECTION 2.5 A-1 DISTRICT: AGRICULTURAL PRODUCTION

2.5.1 Intent and Purpose: The policies of the Vernon Township Zoning Ordinance provide that the best agricultural lands in this Township are to be retained for agricultural use. In summary, the policy leads to the maintenance of farmable parcel sizes in agricultural areas and preservation of conditions that protect the long-term viability of family farms.

## ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

Agricultural production contributes essential economic benefit and physical sustenance to the citizens of Vernon Township, the State of Michigan, and the United States. The retention and protection of those lands particularly suited to agricultural production represents a valid public goal contributing greatly to the health and welfare of the general public. The A-1 Agricultural Production zoning district incorporated as part of the Zoning Ordinance is designed to protect essential agricultural lands from conversion to urban uses.

Therefore, it is the purpose of the Agricultural Production District to insure that land areas within Vernon Township which are best suited for the production of food are retained for agricultural production unimpeded by the establishment of uses of land which would hinder generally accepted agricultural and management practices or deplete essential agricultural lands and productivity.

2.5.2 Permitted Uses: The uses allowed by right and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

A. Single-family dwellings are permitted at a density of not more than one (1) dwelling per forty acres or equivalent of contiguous land under one ownership, on a parcel not larger than two and one-half (2½) acres in size.

2.5.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory uses as listed in Table 2-3: Section 2.26.5 are permitted with any additional requirements as listed on the Table.

B. Accessory buildings, structures and uses are permitted incidental to any of the permitted uses including but not limited to farm buildings, fences, drainage and irrigation systems. All accessory buildings and structures shall be in compliance with the provisions of Article 5, Sections 5.3 through 5.6.

C. Vehicle Parking, off-street parking areas shall be provided as specified in Article 7 of this Ordinance.

D. Signs, as specified in the provisions of Article 9 of this Ordinance.

2.5.4 Density and Dimensional Requirements:

All lots of record or hereafter created shall conform to the minimum and maximum dimensions for lot area, lot width, front, rear and side yards; all minimum floor area and maximum height of buildings specified in Schedule A Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

## **SECTION 2.6 RESERVED FOR FUTURE USE**

### **SECTION 2.7 A-2 DISTRICT: AGRICULTURAL PRODUCTION/ RURAL RESIDENTIAL**

2.7.1 Intent and Purpose: This district intends to maintain existing patterns of low-density rural residential growth in agricultural areas of the Township. Premature subdivisions or site condominium developments requiring urban services are to be excluded from these areas. The purpose of preserving the essential characteristics of these lands is to maintain agricultural use as the predominant use as long as it is economically viable to do so, and to preclude the necessity of serving scattered urban developments with water, sewer, schools, roadways, and other public services. To achieve these objectives, permitted uses within this district are limited to agricultural and low-density rural residential use together with such limited community facilities as schools, churches, and public open spaces.

2.7.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

A. Single-family dwellings at a density of not more than one dwelling per one (1) acre on a parcel not larger than two and one-half (2.5) acres in size, applies only to parcels greater than 12.5 acres in size in existence as of the effective date of the amendment adding this provision to the Ordinance.

B. In accordance with Act 178 of the Public Acts of 2001, at the option of the property owner, which may only be exercised one time, the same number of dwelling units that could be developed under this ordinance and other



## ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

applicable laws and rules, may be located on 50% of the total land, provided the remaining 50% of the total land is legally restricted in a perpetually undeveloped state by means of a conservation easement, plat dedication, or restrictive covenant. A property owner that desires to exercise this option under PA 178 of 2001 shall submit plans and make a request for site plan approval in the same manner as a Conservation Design Development pursuant to Section 14.3.1 (e) of this Ordinance. Act 178 proposals shall be reviewed for consistency with Section 4.5, except neither the requirements Section 4.3.20 or the voting requirements of Section 14.8 shall apply to Act 178 requests.

### 2.7.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.
- B. Accessory buildings, structures and uses are permitted incidental to any of the permitted uses including but not limited to farm buildings, fences, drainage and irrigation systems. All accessory buildings and structures shall be in compliance with the provisions of Article 5, Sections 5.3 through 5.6.
- C. Vehicle parking, off-street parking area shall be provided as specified in Article 7 of this Ordinance.
- D. Signs, as specified in the provisions of Article 9 of this Ordinance.

2.7.4 Density and Dimensional Requirements: All lots of record or hereafter created shall conform to the minimum and maximum dimensions for lot area, lot width, front, rear and side yards; all minimum floor area and maximum height of buildings specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

## **SECTION 2.8 RESERVED FOR FUTURE USE**

### **SECTION 2.9 R-1A DISTRICT: ONE-FAMILY RURAL RESIDENTIAL**

2.9.1 Intent and Purpose: This section establishes the R-1A, Rural Residential District to encourage the development of residential areas of a rural character within areas of Vernon Township not well-suited for agricultural production and presently without public water and sewage services and likely to remain without such services for an indefinite period. This district includes existing low-density one-family areas as well as contiguous areas in which such development is desirable.

2.9.2 Permitted Uses: The uses allowed by right and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

### 2.9.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.
- B. Signs and Name-plates, as provided in Article 9 of this Ordinance.
- C. Vehicle Parking: Off-street spaces shall be provided as specified in Article 7 of this Ordinance.

2.9.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Development, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

### **SECTION 2.10 R-1B DISTRICT: ONE-FAMILY LOW-DENSITY RESIDENTIAL**

2.10.1 Intent and Purpose: It is the intent and purpose of this district to provide low-density residential development in the portions of the County which are well-served by County primary roads or major thoroughfares, public and private close proximity utility services, and located within relatively easy access to schools, employment centers and recreational facilities.

2.10.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

2.10.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.
- B. Signs and Name-plates, as provided in Article 9 of this Ordinance.
- C. Vehicle Parking: Off-street spaces shall be provided as specified in Article 7 of this Ordinance.

2.10.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Development, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

**SECTION 2.11 R-1C DISTRICT: ONE-FAMILY MEDIUM RESIDENTIAL**

2.11.1 Intent and Purpose: It is the intent of this district to provide for medium density residential development in portions of the County served by County primary roads or major thoroughfares, and other public or private utilities and services necessary to serve the needs of medium density residential development. This district is further intended to provide a means for developing vacant land within established residential areas, while preserving their existing residential characteristics and basic density. Provisions are made within this district to provide for Planned Unit Developments in order to provide for the development of certain limited commercial service facilities as permitted by right or by right with conditions in the B-1, Neighborhood Commercial District, which can provide convenient service to residential areas while at the same time preserving the overall residential character of this district.

2.11.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

2.11.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- D. Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.
- E. Signs and Name-plates, as provided in Article 9 of this Ordinance.
- F. Vehicle Parking: Off-street spaces shall be provided as specified in Article 7 of this Ordinance.

2.11.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Development, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

**SECTION 2.12 R-1D DISTRICT: TWO-FAMILY RESIDENTIAL**

2.12.1 Intent and Purpose: It is the intent of this district to provide for a diverse residential environment by allowing single-family, two-family dwellings, and certain multiple family dwellings which meet the requirements of this district. This district is intended to serve certain portions of Shiawassee County where primary roads or major thoroughfares exist along with other public and private utilities and services necessary to serve the needs of medium density residential development. Provisions are also made within this district to provide for planned unit developments in order to provide for the development of certain limited commercial and office facilities, which can provide convenient service to residential areas while at the same time preserving the overall residential character of the district.

## ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

2.12.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

### 2.12.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- G. Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.
- H. Signs and Name-plates, as provided in Article 9 of this Ordinance.
- I. Vehicle Parking: Off-street spaces shall be provided as specified in Article 7 of this Ordinance.

2.12.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all minimum floor area and maximum height of buildings specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

## **SECTION 2.14 RESERVED FOR FUTURE USE**

### **SECTION 2.15 R-T DISTRICT: MOBILE HOME DEVELOPMENT**

2.15.1 Intent and Purpose: The intent of this district is to provide for mobile home parks and mobile home subdivisions in areas within the County where public utilities and public services are available and to ensure that the residents of such areas will be provided with certain minimum standards of design, safety and convenience.

2.15.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4. A mobile home subdivision is permitted by approval of a site plan by the Site Plan Review Committee pursuant to the requirements of Article 14.

### 2.15.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- J. Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.
- K. Signs and Name-plates, as provided in Article 9 of this Ordinance.
- L. Vehicle Parking: Off-street spaces shall be provided as specified in Article 7 of this Ordinance.

2.15.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings as specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplemental Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

- A. A mobile home subdivision in existence prior to January 1, 1999 with lots less than the minimum required in this zone shall be considered conforming lots but no subsequent lots shall be created with less than the minimum lot size on Schedule A, Section 3.2, Table 3-2 for the R-T District unless approved as a Planned Unit Development pursuant to Article 13.

## **SECTION 2.16-2.18 RESERVED FOR FUTURE USE**

### **SECTION 2.19 B-1 DISTRICT: NEIGHBORHOOD COMMERCIAL**

2.19.1 Intent and Purpose: : It is the intent of this district to provide for a variety of compatible small commercial

## ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

establishments and professional offices which are located on County primary roads near the neighborhood area being served so as to minimize the distance traveled to purchase day-to-day convenience goods and services. Small commercial establishments are to be developed in a manner which does not harm adjacent dwellings units. This district also provides for neighborhood convenience shopping centers in areas where adequate public utilities exist.

2.19.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4. These uses are permitted when contained in a permanent fully enclosed building of not more than five thousand (5,000) square feet in floor area.

2.19.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.
- B. Signs; see Article 9.
- C. Vehicle parking; see Article 7.

2.19.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in Schedule B, Section 3.3 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplemental Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

### **SECTION 2.20 B-2 DISTRICT: GENERAL BUSINESS**

2.20.1 Intent and Purpose: It is the intent of this district to provide for major commercial development which is located in proximity to major thoroughfares, near high density residential areas, and close to other functionally related activities. This district is intended to accommodate those business establishments which serve the entire community or region. It is also the intent of this district to encourage cluster commercial development and to discourage strip commercial development.

2.20.2 Permitted Uses: The uses allowed by right and by Special Use Permit are listed on Table 2-2, Section 2.26.4. These uses are permitted when contained in a permanent fully enclosed building.

2.20.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- D. Accessory uses listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.
- E. Signs; see Article 9.
- F. Vehicle parking; see Article 7.

2.20.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area, and maximum height of buildings specified in Schedule B, Section 3.3 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 5, Supplemental Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

### **SECTION 2.21 B-3 DISTRICT: HIGHWAY SERVICE**

2.21.1 Intent and Purpose: This district is intended to accommodate retail business and service activities which primarily serve the needs of the highway traveler. It is the further intent of this district to promote safe and efficient traffic access to the properties within the district and to minimize any adverse effects of such uses upon adjoining zoning districts or existing uses of land.

2.21.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-

## ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

2, Section 2.26.4. These uses are permitted provided that all service and repair activities allowed in this district are contained in a fully enclosed permanent building.

### 2.21.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.
- B. Signs; see Article 9.
- C. Vehicle parking; see Article 7.

2.21.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area, and maximum height of buildings specified in Schedule B, Section 3.3 of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

## **SECTION 2.22 RESERVED FOR FUTURE USE**

### **SECTION 2.23 M-1 DISTRICT: INDUSTRY**

2.23.1 Intent and Purpose: It is the intent of this district to provide for a variety of industrial and commercial uses characterized by relatively low traffic generation and the absence of objectionable external effects in areas of the Township affording direct access to Township major thoroughfares, railroads, and airports. Such areas are intended to be served by electric power, public water, sanitary sewer and adequate storm water drainage. Such industrial areas should be free of incompatible uses and be designed so as not to harm adjoining land uses.

2.23.2 Permitted Uses: The uses allowed by right and by Special Use Permit are listed on Table 2-2, Section 2.26.4. These uses are permitted when conducted in a permanent fully enclosed building.

### 2.23.3 Accessory Buildings, Structures and Uses, Parking and Signs:

Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted, as well as those listed below:

- A. Accessory uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use such as:
  - 1. Incidental offices for management and materials control.
  - 2. Restaurant or cafeteria facilities for employees working on the premises.
  - 3. Caretaker's or watchman's quarters, including sleeping, culinary and sanitary facilities, provided that the requirements of Section 5.3.1.G. are met:
- B. Signs; see Article 9.
- C. Vehicle parking; see Article 7.

2.23.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area, and maximum height of buildings specified in Schedule B, Section 3.3 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

## SECTION 2.24 M-2 DISTRICT: HEAVY INDUSTRIAL

2.24.1 Intent and Purpose: This district is intended to encourage and facilitate the development of industrial enterprises in a setting conducive to public health, economic stability and growth; protection from light, deterioration and non-industrial encroachment; and efficient traffic movement including employee, truck and rail traffic. Land conducive to the intent of this district is located on all-weather highways, provided with public sanitary sewer, water, and storm drainage, has close proximity to a labor force, and has adequate land for future expansion. Since such property is limited in availability, it will be restricted for industrial use in the interest of the community's tax base and economic growth and development.

2.24.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

2.24.3 Accessory Buildings, Structures and Uses, Parking and Signs: Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted, as well as those listed below:

- A. Accessory uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use such as:
  - 1. Incidental offices for management and materials control.
  - 2. Restaurant or cafeteria facilities for employees working on the premises.
  - 3. Caretaker's or watchman's quarters, including sleeping, culinary and sanitary facilities, provided that the requirements of Section 5.3.1.G. are met:
- B. Signs; see Article 9.
- C. Vehicle parking; see Article 7

2.24.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in Schedule B, Section 3.3 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

## SECTION 2.25 RESERVED FOR FUTURE

## SECTION 2.26 DEFINITIONS OF USE CLASSES & PERMITTED USES

### 2.26.1. Definitions of Use Classes

- A. Use classes arrange land uses and activities into use categories based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
- B. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the General Retail Establishments category, because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.
- C. Accessory uses are allowed in conjunction with a principal use subject to any special regulations applicable to it, and to the regulations applicable to the principal use if there are no special regulations. See also Article 5 for additional accessory use regulations.

## ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

D. The list of examples of permitted uses on Table 2-1, Section 2.26.3, lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the General Retail Establishments category rather than the Wholesale Trade Establishments category. This is because the actual activity on the site matches the description of the General Retail Establishments category.

E. Not every use permitted on Table 2-2, in Section 2.26.4 is listed in a category on Table 2-1, Section 2.26.3. Many uncategorized uses are special uses for which particular standards are provided in Article 4. Others are basic uses allowed by right. Some uses are listed in more than one category (e.g. grain elevators as agricultural service establishments and also as wholesale trade establishments).

F. Definitions of individual land uses are found in Article 21, Definitions.

2.26.2 Similar Use Interpretations: The following considerations shall be used by the Zoning Administrator in making similar use interpretations (see also Section 18.4.4, on an appeal):

A. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.

B. The relative amount of site area or floor space and equipment devoted to the activity.

C. Relative amounts of sales from each activity.

D. The customer type for each activity (retail or wholesale).

E. The relative number of employees in each activity.

F. Hours of operation.

G. Building and site arrangement.

H. Vehicles used with the activity.

I. The relative number of vehicle trips generated by the use.

J. How the use advertises itself.

Section 2.26.3 Table 2-1 presents land use classes, definitions and examples of uses permitted.

Section 2.26.4 Use Table: Table 2-2 presents land uses permitted by district and the type of approval required.

Section 2.26.5 Accessory Use Table: Table 2-3 presents accessory uses, structures and buildings by district and the type of approval required.

**TABLE 2-1: USE CLASSES, DEFINITIONS & EXAMPLES OF USES PERMITTED**

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p><b>Agricultural Service Establishments</b> Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.</p>	<p>Livestock auction yards; livestock transport facilities; slaughterhouses; sawmills; grain and seed elevators and sales; fertilizer, herbicide and pesticide sales; farm implements sales or repair; and cold storage of agricultural products.</p> <p>Other establishments similar to and compatible with the above establishments.</p>
<p><b>Business Service Establishments</b> Establishments primarily engaged in rendering services to business establishments on a fee or contract basis as well as finance, insurance and real estate services.</p>	<p>Advertising and mailing; stenographic services; temporary personnel services; duplicating and copying services; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; photo finishing; and office supply services.</p> <p>Banks and savings and loans; credit unions; mortgage companies; credit agencies; investment companies; brokers and dealers of securities and commodities; security and commodity exchanges; insurance agencies; agents and developers of real estate.</p> <p>Other establishments similar to and compatible with the above establishments.</p>
<p><b>Commercial Agriculture or Horticulture</b> The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as defined in the Michigan Right to Farm Act, Public Act 93 of 1981; as amended,</p>	<p>Field crop and fruit farming; truck farming; nurseries; greenhouses; apiaries; annelid farms; similar agricultural enterprises. and the usual farm buildings associated with such uses.</p> <p>A cervidae livestock operation as defined and regulated by Act No, 191 of the Public Acts of 2000</p> <p>Other agricultural uses similar to and compatible with the above uses.</p>
<p><b>Community Residential Care Facilities</b> Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings for six or less persons or in larger facilities when more persons are assisted. These are all state-regulated facilities.</p>	<p>Child care center/day care center; family day care home; group day care homes; adult foster care: group homes and congregate homes. [Each of these terms is defined in Article 21 see "human care".]</p> <p>Other establishments similar to and compatible with the above establishments.</p>



USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p><b>Convenience Retail Establishments</b>  A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. These are usually short trip, high volume uses not more than 3,500 square feet in size. A convenience retail establishment can share a building with another use, such as an automobile service station.  Drive-through establishments are not convenience retail establishments.</p>	<p>Party stores; drug stores; grocery stores; bakeries; delicatessens; magazine and newspaper stands.</p> <p>Other retail establishments similar to and compatible with the above establishments.</p>
<p><b>Dangerous Chemicals: Manufacturing, Storage and/or Distribution</b>  Manufacturing establishments which produce flammable, explosive or corrosive substances subject to state or federal regulation.</p>	<p>Manufacture of fireworks, petroleum products, industrial acids or similar substances; refineries.</p> <p>Other establishments similar to and compatible with the above establishments.</p>
<p><b>Drive-through Establishments</b>  An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without disembarking from their motor vehicles, and then proceeding elsewhere.  Distinguished from a drive-in establishment by the absence of parking while the service is being provided (as in a drive-in theater).</p>	<p>Drive-through fast food restaurants, banks, drug stores, photo shops, grocery or party stores, and related businesses. A drive-through window, or motor vehicle oriented pick-up window, even if accessory to the principal use, shall subject the use to all the standards applicable to uses in which the drive-through aspect is a principal feature of the use.</p> <p>Other retail and business service establishments similar to and compatible with the above uses.</p>
<p><b>Educational and Social Institutions</b>  An educational institution is any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.</p> <p>A social institution is any building or part thereof which is designed, constructed, or used to provide a service of a public, nonprofit or charitable nature to the people of the community on an ongoing basis (not just special events).</p> <p>Educational and social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.</p>	<p>Public or private elementary and secondary schools; military schools; business, trade and vocational schools (not construction equipment); art, music and dance schools; drivers training (not large vehicles); institutions for higher education; museums; auditoriums and other places for public assembly.</p> <p>Facilities to house charitable, eleemosynary or philanthropic organizations such as United Way, Red Cross, Salvation Army, as well as centers for social activities such as neighborhood, community or senior centers.</p> <p>Other institutions similar to and compatible with the above uses.</p>

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p><b>Essential Services</b>  The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of overhead, surface or underground gas, communication, telephone, television, electrical, steam, fuel or water distribution or transmission systems, collection, supply or disposal systems including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers or office buildings, substations, or structures for service equipment, or maintenance depots.</p>	<p>Telephone, television, and electrical lines; sanitary sewer, storm sewer and water lines; gas and oil lines that link homes, businesses, schools and other buildings to utility and public services structures.</p> <p>Also includes public roads and road rights-of-way.</p>
<p><b>Food Service Establishments</b>  An establishment where food and drink are prepared, served and consumed primarily on the premises.</p>	<p>Restaurants (eat-in, take-out and drive-in, but not drive through); bakeries; cafes; coffee shops; delicatessens; diners; soup kitchens; and related uses similar to and compatible with the above uses.</p>
<p><b>General Retail Establishments</b>  The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store).  A common accessory use is repair of products sold on the premises.</p>	<p>Stores selling, leasing, or renting consumer, home and business goods including but not limited to: appliances; art and art supplies; antiques; bicycles; books, magazines and stationary; clothing; dry goods; electronic equipment; fabric; furniture; garden supplies, plants, greenhouses and nurseries; gifts and novelties; groceries; hardware; home improvements; household products; jewelry; office supplies; pets and pet food; toys; and videos, prepackaged and fresh food.  Other retail establishments similar to and compatible with the above establishments.</p>
<p><b>Group Housing</b>  Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It is a form of transient lodging. There is usually a common eating area for residents.</p>	<p>Fraternities, sororities, monasteries, seminaries and convents.  Other housing similar to and compatible with the above housing.</p> <p>Does not include prisons, other correctional facilities, community residential care facilities or institutions for human care.</p>

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p><b>Indoor Entertainment Establishments</b>            Business establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments.</p> <p>Additional regulations apply to indoor entertainment establishments that serve alcohol.</p>	<p>Restaurants; cafes; bars and taverns; nightclubs; cabarets; bowling alleys; ice or roller blade rinks; indoor soccer fields and racquet courts; amusement centers and game arcades; bingo parlors; pool or billiard halls; dance halls; theaters; membership clubs and lodges; saunas, hot tubs and similar establishments; hotels, motels and other temporary lodging with an average length of stay of less than 30 days.</p> <p>Other establishments similar to and compatible with the above establishments.</p> <p>Restaurants and cafes without entertainment are not indoor entertainment establishments, they are food service establishments. Hotels, motels and other temporary lodging are not indoor entertainment establishments if there is no entertainment offered, they are lodging/accommodation establishments.</p>
<p><b>Industrial Service Establishments</b>            Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.</p>	<p><u>Light</u>: Welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; auto and small truck engine, radiator, transmission, body and frame repair; building, heating, plumbing or electrical contractors; general building contractors; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; liquefied petroleum gas distribution facilities, solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.</p> <p><u>Heavy</u>: Sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; heavy construction contractors with large equipment stored on site, and heavy equipment trade schools.</p> <p>Other establishments similar to and compatible with the above establishments.</p>

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p><b>Institutions for Human Care and Habitation</b> Institutions for human care include a broad spectrum of facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g. homeless, abused spouses, etc.). Does not include correctional facilities.</p>	<p>Nursing or convalescent homes; homes for the aged; assisted living facilities; orphanages; sanitariums; halfway houses; spouse abuse shelters; homeless shelters.</p> <p>Other institutions similar to and compatible with the above uses.</p>
<p><b>Lodging/Accommodations</b> A facility offering transient lodging accommodations to the general public and possibly providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities as accessory uses.</p>	<p>Hotels, motels, auto courts, bed &amp; breakfast operations, lodges, residence inns, and other resident lodging facilities.</p> <p>Other establishments similar to and compatible with the above uses</p>
<p><b>Manufacturing Establishments</b> Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.</p>	<p><u>Light</u>: Creameries; bottling works; bakery goods; candy; food products; printing, publishing and engraving shops; automotive products; vehicle assembly; fabricated metal products; forming and molding plastic products; cosmetics; pharmaceuticals; toiletries; hardware and cutlery; tool, die, gauge and machine shops; processing of machine parts; musical instruments; toys; novelties; metal or rubber stamps; molded rubber products; monument and art stone production; industrial laundry operations; wood products processing facility; assembly of electrical appliances, electronic instruments and devices; radios and phonographs; and dry bulk blending plant or handling or liquid nitrogen fertilizer and anhydrous ammonia.</p> <p><u>Heavy</u>: Drop forging; heavy stamping; punch pressing; heat treating, plating, hammering; or other similar activities; automobile, truck or other large equipment assembly; manufacture of metallurgical products; and heavy machinery fabrication.</p> <p>Other manufacturing establishments similar to and compatible with the above establishments.</p>
<p><b>Medical Service Establishments</b> Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories, medical suppliers and service establishments.</p>	<p><u>Small</u>: Medical or dental clinics; doctor or dentist offices; medical or dental labs; blood collection facilities; x-ray and related scanning facilities; emergency medical care facilities; sales of medical supplies and prosthetics; drug stores; pharmacies; therapeutic massage by licensed masseuses, physical therapists, rehabilitation therapists, nurses, or physicians.</p> <p><u>Large</u>: Hospitals.</p> <p>Other establishments similar to and compatible with the above establishments.</p>

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p><b>Multiple Family Dwellings</b> A building or portion thereof used and designed to contain separate living quarters for three or more families on one or more levels, but which may have joint services or facilities, such as for laundry or storage.</p>	<p>Apartment building, garden apartments; and condominiums, townhouses, and row houses when considering the entire structure (not the individual dwelling units).</p> <p>Other housing similar to and compatible with the above housing.</p>
<p><b>Office Establishments</b> Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Accessory uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.</p>	<p>Financial institutions: lenders, brokerage houses, banks; insurance offices; real estate offices; offices for attorneys, accountants, architects, engineers and similar professionals; data processing, telemarketing sales; government offices; public utility offices.</p> <p>Other office establishments similar to and compatible with the above establishments.</p>
<p><b>Outdoor Recreation &amp; Entertainment Establishments</b> Outdoor recreation and entertainment uses provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. They may take place in a number of structures that are arranged together in an outdoor setting. There may be concessions, restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, caretaker's quarters and maintenance facilities in addition to structures for the principal uses.</p> <p>Additional regulations apply to outdoor entertainment establishments that serve alcohol.</p>	<p>Amusement and water parks; theme parks; fairgrounds; zoos; golf driving ranges; miniature golf facilities; animal racing; go-cart, automobile or motorcycle tracks; amphitheaters; airgun or survival games; batting cages; ski slope; mud bogging, and skate board parks.</p> <p>Other uses similar to and compatible with the above establishments.</p>
<p><b>Personal Service Establishments</b> Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.</p>	<p>Self-service laundry; laundry pick-up stations; dry cleaning and pressing services performing work on the premises not brought from other pick-up stations; linen supply; diaper service; nails, beauty and barber shops and salons; shoeshine and shoe repair; funeral services; tanning, steam baths, reducing salons and health clubs; tailor and dressmaker shops; tuxedo rental; photographic studios; animal grooming; and domestic services.</p> <p>Other personal service establishments similar to and compatible with the above establishments. Does not include massage services except as accessory to a beauty shop or salon.</p>
<p><b>Public Buildings</b> Buildings housing public services usually in offices; but not including "Utility and Public Service Installations" or "Educational and Social Institutions".</p>	<p>Libraries, museums, post offices, township hall, police station, fire hall and other public buildings similar to and compatible with the above uses.</p>

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p><b>Religious Institutions</b> Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use).</p>	<p>Churches, synagogues, temples, mosques.</p> <p>Other institutions similar to and compatible with the above establishments.</p> <p>Schools, day care centers, homeless shelters, soup kitchens and other uses sometimes associated with religious institutions are separate principal uses.</p>
<p><b>Repair Services</b> Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods. Includes customer drop-off and pick-up as well as off-site service calls.</p>	<p><u>Light</u>: Repair of televisions, bicycles, clocks, watches, cameras, shoes, guns, appliances and office equipment; clothing; locks, and upholstery. <u>Medium</u>: Repair of small engines like lawn motors and small electric motors.</p> <p>Other establishments similar to and compatible with the above establishments. Does not include repair of motor vehicles.</p>
<p><b>Research and Development Establishments</b> An establishment or other facility for carrying on investigation in the natural, physical or social sciences which may include engineering and product development.</p>	<p>Laboratories, research park, computer and related development and testing facility, software development.</p> <p>Other establishments similar to and compatible with the above establishments.</p>
<p><b>Sexually Oriented Businesses</b> Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character.</p>	<p>Adult arcade; adult bookstore or adult video store; adult cabaret; adult motel; adult motion picture theater; adult theater; escort agency; massage parlor; nude model studio; and sexual encounter center.</p> <p>Other adult entertainment establishments similar to the above establishments.</p>
<p><b>Single Family Dwelling</b> A building containing not more than one dwelling unit used, intended or designed to be used as the home, residence or sleeping place of one-family. See Figure 21-10.</p>	<p>Site constructed home, modular home, or manufactured home.</p> <p>Other housing similar to and compatible with the above housing.</p>
<p><b>Two-Family Dwelling</b> A building containing not more than two dwelling units, each designed and used exclusively as the home, residence or sleeping place of one-family.</p> <p>An ECHO unit approved pursuant to Section 4.3.23 does not redefine a single-family dwelling as a two-family dwelling for the purposes of this Ordinance.</p>	<p>A duplex; a building with two dwellings constructed side-by-side, front-to-back, over and under, or some combination of the above. Can be new construction or modification of an existing structure provided each dwelling is separate.</p> <p>Other housing with only two units similar to and compatible with the above housing.</p>

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p><b>Utility and Public Service Installations</b>  A building or structure within which a utility or transportation service deemed necessary for the public health, safety or general welfare (an essential service) is provided to the public by an entity under public franchise or ownership; including but not limited to facilities created for the generation, transmission and/or distribution of electricity, gas, steam, communications, television, and water; the collection and treatment of sewage and solid waste; and the provision of roads, rails, air or mass transportation.</p> <p>Accessory uses may include offices, truck and large equipment parking, fueling and maintenance.</p>	<p>Water and sewage treatment facilities; water towers; large scale artificially constructed stormwater retention and detention facilities; telephone exchanges; recycling collection centers; electrical substations, gas regulator stations; radio, television, cellular and microwave transmitter towers or other communication towers; satellite antennas larger than ten feet in diameter; road maintenance and other public works garages.</p> <p>Other utility and public service structures similar to and compatible with the above establishments.</p>
<p><b>Vehicle Sales and Service Establishments</b>  Retail sales and service of motorized land and water vehicles. Generally the customer does not wait at the site while the service or repair is being performed. Accessory uses may include offices, showrooms, sales of parts, and vehicle storage.</p>	<p>Sales of new and used automobiles, light and medium trucks; mobile homes; boats; campers and other recreational vehicles; trailers; motorcycles, snow mobiles, personal watercraft and other motorized sporting goods.</p> <p>Service and repair of the above vehicles including: engine or transmission repair, muffler, brakes and windshield repair or replacement; upholstery repair; tire sales, alignment and mounting; auto detailing; vehicle wash; oil change, lubrication and related services; automobile service stations; towing and short term vehicle storage.</p> <p>Other establishments similar to and compatible with the above establishments. Does not include: auto body shop; frame reconstruction; repair and service of industrial vehicles and heavy trucks.</p>
<p><b>Wholesale Trade Establishments</b>  Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.</p>	<p>Warehousing, storage or transfer buildings, excluding the storage of flammable liquids. Truck, rail or air freight terminals; bus barns; parcel services, grain elevators and terminals; lumber companies selling at wholesale; stockpiling of sand, gravel or other aggregate materials.</p> <p>Other retail establishments similar to and compatible with the above establishments.</p>

**TABLE 2-2: PERMITTED LAND USES BY DISTRICT**

R = allowed by Right (no public hearing)  
 RC = allowed by Right, but use-specific standards apply (no public hearing)  
 S = allowed by Special Use Permit if standards are met following a public hearing  
 P = allowed by Planned Unit Development (PUD) permit if standards are met following a hearing  
 □ = an empty cell means a use is not permitted in that zoning district

\* See also Section 5.2.13 and the current general accepted agricultural management practice published pursuant to Public Act 240 of 187, as amended.

LAND USE CLASS	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-T	B-1	B-2	B-3	M-1	M-2	Use specific standard(s) Section number
<b>RESIDENTIAL &amp; RELATED USES</b>													
Bed and breakfast operations	S	S	S	S	S	S							4.3.8
Boarding houses													4.3.10
Community residential care facilities 6 or less persons		R	R	R	R	R	R						
Community residential care facility > 6 persons < 13 persons		S		S	S	S	S	S	R	R			4.3.17
ECHO housing	S	S	S	S									4.3.23
Group housing development													4.3.48
Mobile home parks							RC						4.3.46
Mobile home subdivisions							RC						2.15.2
Multiple family dwellings <12 units													4.3.48
Multiple family dwellings > 12 units													4.3.48
P.U.D. mixed use					P	P							Art. 13
Residential P.U.D.			P	P	P	P	P						Art. 13
Residential subdivisions			RC	RC	RC	RC	RC						5.2.10
Single-family (SF) dwellings		R	R	R	R	R	R						
Two-family dwellings						R							



ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

LAND USE CLASS	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-T	B-1	B-2	B-3	M-1	M-2	Use specific standard(s) Section number
<b>CIVIC, NONPROFIT, INSTITUTIONAL, PUBLIC &amp; PRIVATE RECREATION &amp; RELATED USES</b>													
Campgrounds	S	S											4.3.12
Cemeteries, crematories and/or mausoleums	S	S							S				4.3.13
Conservation areas	R	R											
Educational and social institutions			S	S	S	S		S	S				4.3.24
Essential services	R	R	R	R	R	R	R	R	R	R	R	R	
Golf courses and country clubs	S	S	S	S	S	S	S						4.3.33
Institutions for human care and habitation			S	S	S	S		S	R				4.3.39
Medical service establishments, large-hospitals								S	S				4.3.37
Private clubs and lodges									S	S			4.3.55
Public buildings	S	S	S	S	S	S	S	S	S	S	S	S	4.3.57
Public recreation or playgrounds >20,000 sq. ft.	RC	RC	RC	RC	RC	RC	RC						4.3.58
PUD-Institutional									P	P	P		Art. 13
Religious institutions	S	S	S	S	S	S	S	S	R	R			4.3.60
Utility and public service installations	S	S	S	S	S	S	S	S	S	S	S	S	4.3.69
Watercraft access site	S	S	S	S	S	S		S	S				4.3.74

ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

LAND USE CLASS	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-T	B-1	B-2	B-3	M-1	M-2	Use specific standard(s) Section number
<b>AGRICULTURAL &amp; RELATED USES</b>													
Agriculture service establishments*	S	S							S	S	S	S	4.3.1
Basic utility (BI) airports	RC	RC											4.3.6
Basic utility (BII) airports	S	S											4.3.7
BIII commercial airports	S	S											4.3.7
Commercial agriculture or horticulture*	R	R	R	R	R	R	R	R	R	R	R	R	5.2.13
Commercial equine establishment*	S	S	S	S									4.3.14
Farm markets*	S	S											4.3.27
Farm market and entertainment*	S	S											4.3.28
Forestry and land management for wildlife habitat*	R	R											
Game or hunting preserves operated for profit*	S	S											4.3.31
Greenhouses, retail*	S	S											4.3.34
Greenhouses, wholesale*	R	R											5.2.13
Kennels, commercial	RC	S						S	S	S			4.3.43
Nurseries, retail*	S	S											4.3.51 & 4.3.34
Nurseries, wholesale*	R	R											
Single family dwelling on a lot not to exceed 2.5 acres per (40) forty acres or equivalent	RC												4.3.49
Single family dwelling a lot not to exceed 2.5 acres per (10) ten acres		RC											4.3.20
Private noncommercial race track	RC	RC											4.3.56
Rural Enclave	S												4.3.62
Sanitary landfills	RC	RC											4.3.63
Surface mining	S	S									S	S	4.3.67
Veterinary clinics and hospitals	S	S							S				4.3.73

ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

Table 2-2 continued

LAND USE CLASS	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-T	B-1	B-2	B-3	M-1	M-2	Use specific standard(s) Section number
<b>COMMERCIAL &amp; RELATED USES</b>													
Amusement centers									S	S			4.3.2
Assembly of electrical and electronic parts and computer components									R	R			
Automobile service stations								S	S	S			4.3.5
Billboards										RC	RC	RC	4.3.9
Business service establishments								R	R				
Business, vocational or arts schools operated for profit									R			R	
Commercial garages										S	S		4.3.15
Convenience retail establishments								R	R	R			
Drive-through establishments									S	S			4.3.22
Food service establishments								R	R	R	R		
Funeral homes and mortuaries								R	R				4.3.30
Indoor entertainment establishments									RC	RC			4.3.38
General retail establishments								R	R				
Marinas								S	S				4.3.45
Medical service establishments, small								R	R				
Motels and hotels and other lodging/accommodations									S	S	S		4.3.47
Office establishments								R	R				
Open air business									S	S			4.3.51
Outdoor recreation and entertainment establishments									S	S			4.3.52
Personal service establishments								R	R				

ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

LAND USE CLASS	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-T	B-1	B-2	B-3	M-1	M-2	Use specific standard(s) Section number
<b>COMMERCIAL &amp; RELATED USES continued...</b>													
Planned neighborhood convenience shopping centers								P					4.3.53
Planned shopping centers or regional malls									P				4.3.54
PUD-Commercial								P	P	P			Art. 13
Repair services, light									R		R	R	
Repair services, medium											S	S	4.3.61
Self-service storage										S	S	S	4.3.64
Sexually oriented businesses										RC	RC		4.3.65
Shooting range	S	S							S	S			4.3.66
Vehicle sales and service establishments									S	S			4.3.71
Vehicle wash facilities								S	S	S	S		4.3.72

ARTICLE 2 ZONING DISTRICTS & PERMITTED USES

LAND USE CLASS	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-T	B-1	B-2	B-3	M-1	M-2	Use specific standard(s) Section number
<b>INDUSTRIAL &amp; RELATED USES</b>													
Asphalt and concrete batching facility	S	S									S	S	4.3.4
Commercial airports											R		Art. 13
Communication towers	S	S							S	S	S	S	4.3.16
Dangerous chemicals: manufacturing, storage or distribution												S	4.3.19
General building contractor's establishments										R	R	R	
Heavy construction contractor's establishments										S	S	R	4.3.35
Industrial park P.U.D.											P	P	Art. 13
Industrial service establishment, light											R	R	
Industrial service establishment, heavy												R	
Junk yards											S	S	4.3.41
Manufacturing establishments, light											R	R	
Manufacturing establishments, heavy												R	
Railroad yards											P	P	13.3.2.A
Power generating plants												S	Art. 13
Research and development establishments											R	R	
Storage facilities for building materials, sand, gravel, and stone	R/S	R/S							R		R	R	
Trade and industrial schools											R	R	
Truck and rail freight terminals											R	R	
Wholesale trade establishments, excluding storage of flammable liquids											R	R	

**TABLE 2-3: PERMITTED ACCESSORY USES, BUILDINGS, AND STRUCTURES**

All accessory uses, buildings, and structures must meet the requirements of Article 5.

ACCESSORY USES	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-T	B-1	B-2	B-3	M-1	M-2	Use specific standard(s) Section number
Agricultural buildings & structures	RC	RC											5.6.4
Caretaker's or watchman's quarters											RC	RC	5.3.1.G
Exterior lighting	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	5.2.9
Family day care homes		R	R	R	R	R	R	R	R				
Farm drainage & irrigation systems	R	R											2.5.3
Garages	R	R	RC	RC	RC	RC	RC						5.3.1.A
Home business	S	S											5.3.2.B
Home occupations	RC	RC	RC	RC	RC	RC							5.3.2.A
Off-street loading and unloading								RC	RC	RC	RC	RC	Article 7
Off-street parking	RC	RC											Article 7
Open outdoor storage													5.3.2.C
Outdoor tennis courts, playground equip.	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	5.3.1.J
Ponds	RC	RC											5.2.4.B
Seasonal labor housing complexes	RC	RC											5.3.2.D
Signs and Name-plates	RC	RC	RC	RC	RC		RC			RC	RC	RC	Article 9
Swimming pools	RC	RC	RC	RC	RC	RC							5.3.1.H
Swing sets and play sets	R	R	RC	RC	RC	RC	RC						5.3.1.I
Temporary bldgs., structures & uses													
Auctions	RC	RC	RC	RC	RC	RC	RC				R	R	5.8.7
Christmas tree sales	RC	RC						RC	RC	RC			5.8.6
Firewood sales	RC	RC						RC	RC	RC			5.8.10
Garage sales	RC	RC	RC	RC	RC	RC	RC						5.8.8
Roadside stands	RC	RC	RC	RC									5.8.11
Temporary contractor's buildings	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	5.8.3
Temporary housing	RC	RC	RC	RC	RC	RC	RC						5.8.2
Temporary real estate offices				RC	RC	RC	RC						5.8.4
Temporary sawmill	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	5.8.9
Tents and travel trailers as temporary dwellings	RC	RC	RC										5.8.1
Temporary buildings incidental to a church or school			RC	RC	RC	RC		RC	RC	RC			5.8.5

## ARTICLE 3: SCHEDULE OF REGULATIONS

### SECTION 3.1 PURPOSE

The purpose of this Article is to present in a simple format most of the density and dimensional standards applicable to lots subject to regulation under the Vernon Township Zoning Ordinance. These include minimum (and in some cases maximum) lot sizes, minimum lot width, minimum yard setbacks, minimum floor area, maximum total lot area coverage, maximum height of buildings and special notes related to some of these standards. Other exceptions and special situation standards can be found in the Specific Use regulations of Article 4 and the Supplemental Regulations of Article 5. The standards of this Article are presented as minimums and maximums to provide clear guidance as well as flexibility to landowners while still ensuring the long-term character of the individual districts is being maintained. The Zoning Districts are listed on each of the Schedules by their abbreviated names as defined in Article 2, Section 2.1.1.

Table 3-1, Schedule A, sets forth the density, lot and building requirements for agricultural and residential districts.

### SECTION 3.3 SCHEDULE B: DIMENSION REQUIREMENTS FOR BUSINESS DISTRICTS

Table 3-2, Schedule B, sets forth the lot and building dimension requirements for business districts.

### SECTION 3.4 NOTES FOR SCHEDULE OF REGULATIONS A AND B

These footnotes provide important qualifiers and/or exceptions for Schedules A and B.

**TABLE 3-1: SCHEDULE A: DENSITY AND DIMENSION REQUIREMENTS FOR AGRICULTURAL AND RESIDENTIAL DISTRICTS**

*NOTE: more restrictive dimensional requirements may apply depending on the land use. Please use Table 2-2 in the previous chapter to see if additional standards apply to a specific land use.*

**Items in parentheses**, such as (j), are direct references to the footnotes, which are listed in Section 3.4 following the tables.

\* = for a permitted single family dwelling

Abbreviations: ac. = acres      d.u. = dwelling unit      ft. = feet      sq. ft. = square feet      SCHD = Shiawassee County Health Department

Zoning District	Maximum Density for single family dwellings	Maximum Lot Size for single family lots	Minimum Lot Area per dwelling unit, building or structure with:		Minimum Lot Width measured along a street upon which the lot principally fronts and which extends to the rear lot line (b):		Minimum Yard Setback of buildings for recorded platted areas, unplatted areas (parcels with metes and bounds descriptions), and site condominium developments:		
			Onsite sewage disposal	Sanitary sewer service	Interior Lot	Corner Lot (i)	Front yard as measured from the road R/W (c)	Side yard as measured from side property line	Rear yard as measured from rear property line
A-1	1 d.u./40 ac.	2.5 ac. (p)	1 ac.* (a)	30,000 sq. ft.	200 ft.	210 ft.	40 ft.	20 ft. (i)	60 ft.
A-2	1 d.u./1 ac.	2.5 ac. (m)	1 ac.* (a)	30,000 sq. ft.	200 ft.	210 ft.	40 ft.	20 ft. (i)	60 ft.
R-1A			20,500 sq. ft.	15,000 sq. ft.	150 ft.	160 ft.	40 ft.	20 ft. (i)	50 ft.
R-1B			20,500 sq. ft.	12,000 sq. ft.	150 ft.	160 ft.	40 ft.	20 ft. (i)	50 ft.
R-1C			20,500 sq. ft.	10,000 sq. ft.	100 ft.	110 ft.	40 ft.	10 ft.	40 ft.
R-1D			20,500 sq. ft.	10,000 sq. ft.	100 ft.	110 ft.	40 ft.	10 ft.	40 ft.
R-T			20,500 sq. ft.	8,000 sq. ft.	100 ft.	110 ft.	40 ft.	10 ft.	60 ft.



ARTICLE 3: SCHEDULE OF REGULATIONS

Zoning District	Minimum requirement floor area per unit building or structure as measured at ground level		Maximum total lot area coverage including all accessory buildings as percent of total lot size	Maximum height of buildings	
				Feet	Stories
A-1 A-2 R-1A R-1B	One Story (Ranch)	960 sq. ft.	20%	35 ft. (g)	2½
	One & one-half Story (Cape Cod)	864 sq. ft.			
	Two Story	700 sq. ft.			
	Split Level	900 sq. ft.			
R-1C	One-Family	750 sq. ft.	25%	35 ft.	2½
R-1D	Two-Family	700 sq. ft.			
R-T		700 sq. ft.	25%	35 ft.	2½

**TABLE 3-2: SCHEDULE B: DIMENSIONAL REQUIREMENTS FOR OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS**

*NOTE: more restrictive dimensional requirements may apply depending on the land use. Please use Table 2-2 in the previous chapter to see if additional standards apply to a specific land use.*

*Please also note the buffering and landscaping requirements that apply to all business land uses in some circumstances. See table 8-1 , Section 8.7*

Zoning District	Minimum lot area & lot width for each building, structure, or use			Front yard as measured from the road right-of-way line (b)	Side yard as measured from each side of the property line	Rear Yard as measured from the rear property line	Max. total lot coverage, including accessory buildings, as a percent of lot size	Max. height of building including accessory buildings
	Area	Width Interior Lot	Corn er Lot (i)					
B-1	10,000 sq. ft.	75 ft.	75 ft.	50 ft. (c, k, l)	8 ft. (j, k, i)	20 ft. (j)	40%	35 ft.
B-2	10,000 sq. ft.	50 ft.	50 ft.	75 ft. (c, k, l)	8 ft. (j, k, i)	20 ft. (j)	60%	35 ft.
B-3	15,000 sq. ft.	100 ft.	110 ft.	75 ft. (k, l)	20 ft. (j, k, i)	20 ft. (j)	50%	35 ft.
M-1	1 ac.	150 ft.	160 ft.	75 ft. (k, l)	25 ft. (j, k)	50 ft. (j)	50%	35 ft. (g)
M-2	1 ac.	150 ft.	160 ft.	75 ft. (k, l)	25 ft. (j, k)	50 ft. (j)	50%	35 ft. (g)

**SECTION 3.4 NOTES FOR SCHEDULE OF REGULATIONS A AND B**

- (a) Twenty (20) acre minimum lot size for a dwelling unit on a farm.
- (b) Except for lots on curvilinear streets with non-parallel side lot lines which shall have their lot width measured at the front building line of the dwelling.
- (c) All buildings located on a State or Federal highway, on platted or unplatted lots, are required to be setback at least seventy-five (75) feet from the highway right-of-way line.
- (d) Or the following, whichever is greater:

0 bedroom	4,900 square feet
1 bedroom	5,200 square feet
2 bedrooms	5,800 square feet
3+ bedrooms	6,200 square feet
- (e) Accessory buildings shall not exceed a height of fifteen (15) feet.
- (f) Structures for commercial agriculture or horticultural operations and agricultural service establishments may be permitted up to one hundred (100) feet in height.
- (g) When built in conjunction with a Planned Unit Development.
- (h) When a street abuts a side yard, the setback for that side yard shall be the same as the required front yard setback in that particular district.
- (i) When a side or rear yard is adjacent to a residential district, an additional twenty-five (25) foot yard setback shall be required in the form of a buffer strip as specified in Article 8 of this Ordinance.
- (j) In a business district, front yard shall be measured from the street right-of-way or property line towards the building and extend completely across the frontage of the lot. This area shall be appropriately landscaped and maintained, and except for necessary drives and walkways it shall remain clear of all structures and shall not be used for parking, loading, or accessory uses as permitted in the particular commercial district. Where a building exceeds the required front yard setback, parking shall be permitted from the setback to the building line.
- (k) The minimum front yard for a commercial use, building or structure fronting on a State or Federal highway shall be seventy-five (75) feet as measured from the highway right-of-way line.
- (l) See Sections 2.5.2 A. and 4.3.49
- (m) See Sections 2.62 and 4.3.20
- (n) See Section 4.3.49, 2) c.
- (o) See Section 2.7.2 B.

## ARTICLE 4 SPECIFIC USE REGULATIONS

### SECTION 4.1 PURPOSE

This Article contains specific use regulations for principal uses. These regulations apply in addition to other regulations in this Ordinance. These regulations are intended to ensure that as land is developed for the uses included within this Article, site location, site layout, buffering and various other issues related to ensuring compatibility with adjacent property and minimizing nuisances are achieved through the application of performance standards particular to each use.

### SECTION 4.2 TYPES OF USE REGULATIONS

#### 4.2.1. Types of Use Regulations:

A. Right with conditions uses are those uses permitted by right in a particular district, provided that the use-specific standards of this Article are complied with. If site plan review is not required, the decision to approve, approve with conditions or deny a right with conditions use (designated as RC on Table 2-2, Section 2.26.4) request is made by the Zoning Administrator. If site plan review is required (see Article 14) the decision to approve, approve with conditions or deny is made by the Planning Commission.

B. Special uses are those uses permitted in a particular district, provided that the use-specific standards of this Article are complied with along with the discretionary standards of Article 12, Special Uses. All special uses must also meet the site plan review standards of Article 14.

C. Uses permitted by Planned Unit Development Permit are those uses permitted in a particular district, provided that the use specific standards of this Article are complied with along with the discretionary standards of Article 13, Planned Unit Development and the site plan review standards of Article 14.

4.2.2 Other Applicable Regulations: Every use listed in this Article must be a use permitted in the District in which it is located (see Table 2-2, Section 2.26.4) and also comply with the applicable standards in:

- A. Schedule of Regulations, Article 3.
- B. Supplemental Regulations, Article 5.
- C. Access Regulations, Article 6.

D. Parking and Loading Regulations, Article 7.

E. Landscaping, Fencing and Buffering Regulations, Article 8.

F. Sign Regulations, Article 9.

G. Any other applicable regulation in this Ordinance.

H. Any other applicable regulation of the Shiawassee County Road Commission.

I. Any other applicable regulation of the Shiawassee County Drain Commissioner.

J. Any other applicable regulation of another County or Township agency.

K. Any other applicable regulation of a state or federal agency.

L. Any other applicable federal, state, county or local law or ordinance.

4.2.3 Definitions: Many of the land uses in this Article are defined in Article 21.

### SECTION 4.3 SPECIFIC USE REGULATIONS

#### 4.3.1 Agricultural Service Establishments

Such uses shall include, but need not be limited to, the following:

- A. Grain elevators for storage, drying and sales
- B. Bulk feed and fertilizer outlets and distribution centers
- C. Seed dealership outlets and distribution centers
- D. Grain and livestock, truck and cartage facilities
- E. Agricultural products, production and processing operations
- F. Auctions for livestock
- G. Slaughter houses
- H. Sawmill
- I. Composting Facility

## ARTICLE 4 SPECIFIC USE REGULATIONS

- 1) Site Requirements: Minimum lot or parcel size shall be two (2) acres and have a minimum lot frontage of 330 feet. Area must be adequate to meet all Shiawassee County Health Department and Michigan Department of Environmental Quality standards.
- 2) Buffering Requirements: Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the requirements of Section 8.3.1 and 8.11.
- 3) Performance Standards:
  - A. No storage or loading activities shall be permitted within 100 feet of any lot line.
  - B. All buildings shall be set back a minimum of 50 feet from any lot line, except for buildings housing slaughtering activities which shall be set back a minimum of 100 feet from any lot line.
  - C. All agricultural service establishments shall be located at least 100 feet from any driveway affecting access to a dwelling or field, and at least 300 feet from any single-family dwelling.

### **4.3.2 Amusement Centers**

- 1) Location Requirements:
  - A. Amusement centers shall not be located closer than one hundred and fifty (150) feet from any front, rear, or side yard of adjacent residentially zoned properties. Amusement centers shall not be located closer than five hundred (500) feet from the property line of another amusement center or any school.
  - B. The facility shall be located on a paved major thoroughfare.
- 2) Site Requirements:
  - A. A bicycle rack capable of holding at least ten (10) bicycles shall be provided for non-motorists.
- 3) Buffering Requirements:
  - A. Buffering shall comply with the requirements of Section 8.3.
  - B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.
- 4) Performance Standards:
  - A. No betting or gambling shall be allowed on the premises.
  - B. Children under sixteen (16) may not remain on the premises after 9:00 p.m.
  - C. The operator shall document either a past history of, or submit an acceptable plan of his/her methods for, preventing potential noise, litter, loitering, and/or crowd problems.
  - D. No activities meeting the definition of a sexually oriented business are permitted on the premises.

### **4.3.3 Reserved for Future Use**

### **4.3.4 Asphalt and Concrete Batching Facilities**

- 1) Location Requirements:
  - A. Routes of supply vehicles or material handling vehicles shall be arranged so as to minimize nuisances or hazards

#### ARTICLE 4 SPECIFIC USE REGULATIONS

to existing neighborhoods or commercial businesses.

B. Ingress and egress to the facility shall be only from a paved major thoroughfare. The Planning Commission may approve access to an unpaved or county local road after receiving a recommendation from the County Road Commission, if the Planning Commission finds that such access point will further minimize impacts on other properties.

C. Before permit approval is granted for a temporary batching facility, the Planning Commission shall find that such batching facility is both incidental to and necessary for construction activities within fifteen (15) miles of the plant.

##### 2) Site Requirements:

A. Asphalt batching facilities shall be located at least five hundred (500) feet from any residential platted subdivision.

B. Asphalt processing and manufacturing facilities shall be located no closer than five hundred (500) feet from any existing dwelling.

##### 3) Buffering Requirements: Buffering shall comply with the requirements of Section 8.3.

##### 4) Performance Standards:

A. No noise, dust, or fumes from the operation shall be discernable at or beyond the lot line.

B. Adequate measures will be taken to prevent lights, drainage, and traffic from creating a nuisance on uses of adjacent properties

C. All permitted materials shall be maintained in a neat and orderly manner and shall be covered and/or wet down regularly so as to prevent debris from leaving the area of the site.

D. The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 6:30 p.m. and shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.

E. If the plant is temporary, the Planning Commission shall require a performance guarantee (pursuant to Section 16.10) conditioned upon the removal of the facilities and return of the site to an acceptable condition upon completion of activities and as specified in the Special Use Permit.

F. The facility shall comply with the environmental protection standards of this Ordinance and with all water and air quality permit requirements of the Michigan Department of Environmental Quality.

#### **4.3.5 Automobile Service Stations**

##### 1) Location Requirements:

A. Automobile service stations shall be located adjacent to paved major thoroughfares.

B. Underground storage tanks shall be sited in conformance with requirements of the Michigan Department of Environmental Quality.

C. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access or service drive to such roadway.

D. No driveway or curb cut shall be located less than ten (10) feet from any lot line, measured from the edge of the driveway to the lot line.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- E. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.

#### 2) Site Requirements:

A. Permitted uses: The following uses may be permitted by issuance of a Special Use Permit in conjunction with automobile service stations:

1. Retail sales of gasoline, oil, tires, belts and similar products.
2. Automobile washing.
3. Automobile maintenance including minor mechanical repairs.
4. Convenience grocery items, beverages and snacks.
5. Fast food restaurant items. If there is drive-through pickup, all the standards of Section 4.3.22 must be met.

B. Site development standards: Automobile service stations shall comply with the following site development standards:

1. The minimum site size shall be 15,000 square feet.
2. Gasoline service stations shall have five hundred (500) square feet of site area for each additional pump over four and one thousand (1,000) square feet of site area for each additional service bay over two.

C. The minimum site width shall be two hundred (200) feet.

D. Building setbacks: The service station building or buildings, gasoline pump accessory structures or islands shall be set back no less than fifty (50) feet from all street or highway right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line abutting a residential district. Hydraulic hoists, pits and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.

E. Access drives: There shall be no more than two (2) access driveway approaches for any automobile service station, each of which, however, shall not exceed thirty (30) feet in width at the property line.

1. If the service station site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical but no less than fifty feet.
2. No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line as extended to the curb or pavement or within twenty feet of any exterior lot line as extended.
3. Any two driveways providing access to a major thoroughfare shall be separated by an island with a minimum distance of twenty feet in width along the curb or edge of the pavement.
4. The entire service area shall be paved with a permanent surface of concrete or asphalt.

#### 3) Buffering Requirements:

A. A landscaped buffer strip shall be provided in accordance with the provisions of Section 8.3.2.

B. All equipment including hydraulic hoist, pits and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. Any such portion of a building containing washing areas shall consist of a solid masonry wall or equivalent, in conformance with the State Construction Code, Public Act 230 of 1974, as amended, with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- C. Outdoor trash storage shall be provided pursuant to Section 8.11.
- D. The view of all restroom doors shall be shielded from adjacent streets and dwellings.
- E. All lighting shall be shielded from adjacent streets and dwellings.

#### 4) Performance Standards:

- A. All activities, except those required to be performed at the fuel pump, shall be carried on inside a building. All vehicles, upon which work is performed, shall be located entirely within a building.
- B. There shall be no above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gas.
- C. Automatic or self-service car wash operations shall have public sanitary sewer service.
- D. No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section then existed on the said date.
- E. In the event that an automobile service station has not been used as a service station for a period of more than one (1) year, as shown by examination of the premises or other means, the Planning Commission shall give the operator written notice of their intention to prove the service station to be abandoned. Within thirty (30) days following receipt of the notice, the owner or operator shall have an opportunity to submit evidence that the use is continuing. If the Planning Commission proves that the owner or operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use, the Planning Commission may find an abandonment of the use.
- F. In the event that an automobile service station has been abandoned, all underground gasoline storage tanks shall be removed from the premises according to all state requirements for such removal and disposal.
- G. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junk yard. Such storage shall not occur in front of the building nor on any side abutting a residence without an adequate screen to prevent view from the first floor of the residence.
- H. Sales of new and used motorized vehicles shall not be permitted.
- I. No public address system shall be audible from any adjacent parcel containing a dwelling.
- J. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.
- K. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
- L. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith.
- M. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
- N. Signs shall conform with the requirements of Article 9.

#### **4.3.6 Basic Utility (BI) Airports**

- 1) Site Requirements: Lodges, schools, churches, or other public meeting places shall not be within five hundred (500) feet of said strip or hanger. No concentrated animal feeding operation shall be within one thousand (1,000) feet of the



#### ARTICLE 4 SPECIFIC USE REGULATIONS

landing strip or hanger, or within the flight path of planes landing or taking off.

2) Buffering Requirements: A greenbelt per the requirements of Section 8.3.1 shall be provided.

3) Performance Standards: All Federal and State aviation safety regulations shall be complied with.

##### **4.3.7 Basic Utility BII & BIII Airports**

A. BII utility airports shall be located on a paved road or street; BIII commercial airports shall be located on a paved major thoroughfare.

1) Site Requirements:

A. Lodges, schools, churches, or other assembly buildings shall not be located within two thousand six hundred forty (2,640) feet of any runway. No landing strip, hanger or flight path for planes landing or taking off shall be located within one-thousand (1,000) feet of a concentrated animal feeding operation.

B. No more than twenty-five percent (25%) of the parcels proposed for development are in prime agricultural land.

2) Buffering Requirements:

A. Fencing: A six (6) foot chain link fence shall be provided along any hazardous areas as a barrier to prevent the attendant hazards of inadvertently entries onto the airport properties.

3) Performance Standards:

A. Lights: All lights, used for landing strips and other lighting facilities, should be so arranged as not to reflect towards adjoining districts.

B. Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases and explosives at the airport, comply with the State Rules and Regulations, as established by the Fire Prevention Code, Public Act 207 of 1941, as amended.

C. Off-Street Parking: Off-street parking should be provided in sufficient amounts to provide for the parking of automobiles and other motor vehicles used by the employees, patrons and visitors to the airport and which should not be less than one (1) parking space for each one (1) employee, and one (1) parking space for each one (1) aircraft harbored at the airport.

D. All applicable State and Federal aviation safety regulations are complied with.

##### **4.3.8 Bed and Breakfast Operations**

1) Site Requirements:

A. To be operated in its entirety within the principal dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in a dwelling's garage.

B. Does not use more than twenty-five (25) percent of the total floor area of the dwelling.

C. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for the dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

D. The parcel on which the establishment is to operate must meet or exceed the minimum area and yard requirements of the zoning district.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

##### 2) Buffering Requirements:

A. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance for any bed and breakfast with more than six (6) rooms.

##### 3) Performance Standards:

A. Bed and breakfast operations shall be clearly incidental as a subordinate use to the principal use of the structure as a single-family dwelling.

B. Shall only be conducted by the persons occupying the premises.

C. Have no exterior evidence, other than a permitted sign, to indicate that the dwelling unit is being utilized for any purpose other than that of a dwelling.

D. Does not involve alteration or construction not customarily found in dwellings.

E. Does not constitute an annoyance or nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises.

F. A smoke detector shall be placed inside each guest room.

G. The applicant shall provide a scaled floor plan of the premise as part of the special use application.

H. A fire escape plan shall be developed and graphically displayed in each guest room.

I. A minimum of one (1) fire extinguisher, in proper working order, shall be located on each floor.

J. The establishment shall contain at least two exits to the outdoors.

K. No guest room shall be located in a basement or cellar.

L. Meals shall not be served to the public at large but only to registered guests. Meal preparation and service shall conform with all applicable requirements of the Public Health Code, Public Act 368 of 1978, as amended.

M. No receptions, private parties or activities for which a fee is paid shall be permitted except for those which involve only registered guests.

N. Parking spaces and street entry shall be paved in all but agricultural districts.

##### **4.3.9 Billboards**

1) Location Requirements: Billboards are permitted by the Planning Commission following review and approval of a site plan meeting the requirements of Article 14, the following standards and the requirements of Article 9 on property abutting a major thoroughfare, I-69, , or any state highway in Vernon Township that is also in the B-1 or M-1 districts. A billboard is not permitted on any County Road.

##### 2) Performance Standards:

A. Billboards shall meet the requirements of Section 9.3.2, Table 9-2 and Section 9.3.3, Table 9-3.

B. Billboards may be illuminated provided, however, that said source of illumination is not visible beyond the lot lines of the parcel upon which the structure is located.

C. Billboards shall be adequately maintained. Such maintenance shall include proper alignment of structure, continued readability of structure and preservation of structure with paint or other surface finishing material. If an outdoor advertising structure is not maintained, written notice of any disrepair shall be issued by the Zoning Administrator to the owner of said structure. If the disrepair is not corrected within thirty (30) days, said structure may be removed by the

Township at the owner's expense.

D. The billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which normally can be expected to occur in the vicinity.

E. All nonconflicting provisions of the Highway Advertising Act of 1972, Public Act 106 of 1972, as amended, shall also be conformed with.

#### **4.3.10 Boarding Houses**

1) Performance Standards: No more than four (4) - transient roomers shall be accommodated in one (1) dwelling and said dwelling shall be occupied by a resident family.

#### **4.3.11 Reserved for Future Use**

#### **4.3.12 Campgrounds**

1) Site Requirements:

A. Minimum campground size shall be 10 acres. The overall density of the campground shall not exceed 15 camping sites per acre. The campground shall provide direct vehicular access to public roads where the requirement of direct access is reasonable, the direct access will not decrease pedestrian or vehicular traffic safety, and the access route minimizes any adverse impact on the site or surrounding natural resources compared to other reasonable route alternatives. Each campground shall be provided with at least one public telephone for each twenty (20) campsites.

B. Each campground shall have an area designated for travel trailers, camping trailers, motor homes, truck campers or tents as defined in part 125 of the Public Health Code, Public Act 368 of 1978, as amended. Also, each campground shall have a separate area designated for tent camping only. Each site designated for travel trailers, camping trailers, motor homes and truck campers shall be provided with individual electrical outlets. All sites shall have a picnic table and a designated place for fires. Only one tent, travel trailer, camping trailer, motor home or truck camper shall occupy any site.

C. Public stations, housed in all weather structures, containing adequate water outlets, flush toilets, waste containers, electricity and shower facilities shall be provided uniformly throughout the campground at a ratio of not less than one such station per 20 sites. Separate toilet and bathing facilities shall be provided for each sex.

D. Each campground containing more than 60 sites shall provide a masonry building containing machine laundry (wash and dry) facilities.

E. Occupant parking space for two (2) vehicles shall be provided on each site, except tent sites may have parking space for only one vehicle which may be remote from the tent sites provided it is connected by a trail or path. Also, each campground shall provide an additional dust-controlled parking area for site occupants and guest parking which is separate from any parking available at the sites. Parking spaces equal in number to 50% of the sites shall be provided in this area; each parking space shall be at least 180 square feet in area.

F. Each site shall contain a minimum of 1,500 square feet, except that the minimum size for sites specifically designated for tents shall be at least 2,500 square feet. Each site shall be set back from any right- of-way or property line at least 100 feet.

G. A common use area shall be provided on each campground at a ratio of not less than 1,000 square feet of such area for each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e. swings, slides, playground equipment, horseshoe pits, shuffleboard courts and the like) for the general use of the occupants of the entire campground. This area shall be at least 50 feet from any road or area used by motor vehicles.

H. Each site used by travel trailers, camping trailers, motor homes or truck campers shall have direct access to a dust-controlled roadway of at least 20 feet in width for two-lane traffic or 12 feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for and only used for tent camping need not have direct

#### ARTICLE 4 SPECIFIC USE REGULATIONS

vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access. Motor vehicles shall not be allowed on any portion of the campground other than designated streets, roads, or parking areas.

I. Any swimming pool or beach area shall comply with Michigan law including the regulations promulgated under Act 171 of 1970, as amended, and the State Construction Code Act of 1972, Public Act 230 of 1972, as amended.

#### 2) Buffering Requirements:

A. Fences, screening or landscaping as provided in Article 8, may be required by the Planning Commission subject to the following standards:

1. The requirement is reasonably necessary to protect the general welfare, value or development of adjacent properties or districts which may be developed or to fulfill the intent of this Ordinance.

2. The requirements are reasonably necessary to screen or fence common areas, roads, buildings, or use intensive recreation areas of the campground.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

#### 3) Performance Standards:

A. No commercial enterprises shall be permitted to operate on the campground, except that a convenience goods shopping building for the use of the occupants is allowed providing it is clearly incidental to the needs of the occupants while residing in the campground. Not more than two (2) gas pumps will be allowed; there shall be no highway advertising of these services.

B. Any lighting shall be directed away from camping sites and surrounding dwelling units, no arc lights or high-intensity lighting shall be used. All electrical lines, telephone lines and gas lines shall be installed underground.

C. The campground shall be kept in a neat and orderly manner. A covered trash and garbage receptacle shall be provided for each five (5) camp sites. The campground shall be kept free of litter, trash and debris.

D. The campground shall post regulations that all radios or other noise-making equipment shall be turned off or reduced in volume between 10:00 p.m. and 7:00a.m. so as not to be audible at other sites or adjoining dwellings units. Dogs and other pets shall be kept on leashes not more than ten (10) feet in length.

E. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Shiawassee County Public Health Regulations and the State Campground Regulations authorized by the Public Health Code, Public Act 368 of 1978, as amended.

F. The development of the entire campground is subject to all applicable requirements of the Michigan Department of Environmental Quality.

G. No mobile home or trailer coaches designed for permanent habitation shall be allowed. No vehicle or tent shall be used for habitation for longer than thirty (30) days in any one year.

H. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.

I. The Planning Commission may approve the location of common use areas, roadways, streets, and buildings for the purpose of to minimize any adverse impact on the site or surrounding natural resources.

J. Each campsite shall be set back from any right-of-way or lot line at least seventy (70) feet.

K. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.

- L. Each campsite shall have a picnic table and designated place for fires.

**4.3.13 Cemeteries, Crematories and/or Mausoleums**

1) Location Requirements:

- A. The site shall not interfere with the future development of a system of major thoroughfares or larger streets in the vicinity.

2) Site Requirements:

- A. The minimum lot or parcel size for cemeteries, crematories, and/or mausoleums shall be five (5) acres.
- B. No more than five (5) percent of the site area shall be occupied by buildings.
- C. All burial plots and all structures including but not limited to a mausoleum shall be set back no less than thirty (30) feet from any lot line or street right-of-way.
- D. Adequate parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public street.
- E. All ingress and egress shall be directly onto or from a public road.
- F. The location of proposed service roads, entrances, and driveways shall be so designated in relationship to the public road that pedestrian and vehicular traffic safety is maintained.

3) Buffering Requirements: A buffer strip or berm containing screening plant materials approved by the Planning Commission is to be provided adjacent to all interior lot lines pursuant to the requirements of Section 8.3.

4) Performance Standards: All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Shiawassee County Health Department and the State of Michigan.

**4.3.14 Commercial Equine Establishments**

1) Site Requirements:

- A. All lots shall have a minimum of three (3) acres for the first horse with one (1) additional acre per each additional horse. (Not applicable to young equines below weaning age or six (6) months of age, whichever is greater.)
- B. No equine dwelling shall be located closer to an off premises dwelling than is provided on Table 5-2, Section 5.2.12.D.
- C. No equine dwelling unit shall be kept closer than seventy-five (75) feet to any water well.

2) Buffering Requirements:

- A. All landscaping and buffering shall comply with requirements of Article 8.
- B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

3) Performance Standards: The keeping of equine in a commercial equine establishment shall be subject to the following development standards:

- A. Corral/Paddock Size: Every corral/paddock to be provided shall have a minimum dimension of not less than twelve (12) feet and shall contain not less than two hundred forty (240) square feet of area.
- B. Box Stall: The following minimum sizes for stalls in a roofed, permanently enclosed structure are recommended, (a) cob (small) 8' x 8'; (b) light weight horses (medium) 10' x 10'; (c) draft horses (large) 12' x 12'.
- C. Tie Stall: The following minimum size for tie stalls in a roofed, permanently enclosed structure is 4' x 8',

ARTICLE 4 SPECIFIC USE REGULATIONS

D. Fencing: Fencing to be provided shall be subject to the following:

1. Materials and Construction: Fencing may be constructed of wood, chain link, masonry, metal and materials with the appropriate structural strength and safety required to restrain the equines.

2. Fence Posts: Fence posts may be constructed of wood, metal, concrete or materials with the appropriate structural strength.

3. Fence Height: Fences to be provided for enclosure shall be maintained not less than four and one-half (4½) feet in height.

E. Maintenance: All stalls, corrals and structures shall be continuously maintained with preservatives, fasteners and other materials so as to maintain appearance and prevent deterioration and equine escapement.

F. Loafing Shed/Lean-To: In conjunction with paddocks/pastures, a roofed area shall be provided in the absence of other acceptable shelter, having minimum dimensions of not less than eight (8) feet in width and twelve (12) feet in length.

G. Water Facilities: Running water facilities shall be provided and each equine shall have access to fresh water.

H. Containment Devices: Substantial and acceptable locking or latching devices shall be provided and installed on all gates and doors to equine areas located thereon in such a manner so as to be inaccessible to equine and small children for the prevention of equine escape and unauthorized entry, as per Public Act 351 of 1994.

I. Feeding Facilities: Feeding facilities and/or boxes shall be provided in each corral and/or box stall located in such a manner so as to be maintained above ground, and such facilities shall be maintained accessible by equine to be served.

J. Drainage: All areas adjacent to any pen, coop, stable, stall, barn, corral, grazing or work-out or training areas, or other building structures and areas where equine are kept and maintained, shall be graded to drain away from such facilities so as to prevent ponding and insect harborage.

K. Dust Control: All areas used as arenas for exercising, training, or exhibition of animals shall be maintained in a dust-free manner by an approved and acceptable means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties,

L. Compliance With Health Regulations Required: The keeping and maintenance of equine, as provided for in this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture and State and County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health safety, comfort, welfare, peace and/or tranquility of the general public. All animals shall be maintained in a healthy condition and carefully handled. The facility shall be constructed and maintained so that dust and drainage will not create a nuisance or hazard to adjoining property or uses

M. Commercial equine establishments shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables. It shall be maintained in a dust free condition.

N. Enclosed riding arenas associated with commercial equine establishments shall not exceed 10,000 square feet in gross floor area on a minimum of ten (10) acre site, except that an additional 1,500 square feet of floor area may be permitted for each additional full acre in a lot area. The following standards also apply:

1. No living quarters shall be located in any arena building or boarding stable.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

2. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted only after a Temporary Zoning Permit has been secured pursuant to the requirements of Section 16.5.6.

##### **4.3.15 Commercial Garages**

###### 1) Location Requirements:

- A. Commercial garages shall be located on major thoroughfares.

###### 2) Site Requirements:

- A. The following uses may be permitted in conjunction with commercial garages:

1. Automobile towing including parking of a wrecker and inoperative vehicles waiting for immediate repair.
2. Parking and storage of inoperative vehicles provided that such parking or storage areas shall be within an enclosed building or shall be screened by an opaque fence not less than six (6) feet in height.
3. Automobile body, frame and major engine and transmission repairs.

- B. Site development standards: Commercial garages shall comply with the following site development standards:

1. The minimum site size shall be 15,000 square feet.
2. Commercial garages shall have one thousand (1,000) square feet of site area for each additional service bay over two. There shall also be three hundred (300) square feet of additional site area for each space intended for storage of inoperable vehicles.

- C. The minimum site width shall be one hundred fifty (150) feet.

- D. Building setbacks: The service station building or buildings, gasoline pump accessory structures or islands shall be set back no less than fifty (50) feet from all street or highway right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line abutting a residential district. Hydraulic hoists, pits and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.

- E. Access drives: There shall be no more than two (2) access driveway approaches for any commercial garage, each of which, however, shall not exceed thirty (30) feet in width at the property line.

1. If the service station site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical but no less than fifty feet.
2. No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line as extended to the curb or pavement or within twenty feet of any exterior lot line as extended.
3. Any two driveways providing access to a major thoroughfare shall be separated by an island with a minimum distance of twenty feet in width along the curb or edge of the pavement.
4. The entire service area shall be paved with a permanent surface of concrete or asphalt.

###### 3) Buffering Requirements:

- A. A landscaped buffer strip shall be provided in accordance with the provisions of Section 8.3.2.

- B. All equipment including hydraulic hoist, pits and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. Any such portion of a building containing washing areas shall consist of a solid masonry wall or equivalent, in conformance with the State Construction Code, Public Act 230

#### ARTICLE 4 SPECIFIC USE REGULATIONS

of 1974, as amended, with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment.

- C. Outdoor trash storage shall be provided pursuant to Section 8.11.
- D. The view of all restroom doors shall be shielded from adjacent streets and residential districts.
- E. All lighting shall be shielded from adjacent streets and residential districts.

#### 4) Performance Standards:

- A. All activities, except those required to be performed at the fuel pump, shall be carried on inside a building. All vehicles, upon which work is performed, shall be located entirely within a building.
- B. There shall be no above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gas.
- C. Automatic or self-service car wash operations shall have public sanitary sewer service.
- D. No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the said date.

#### **4.3.16 Communication Towers**

The following regulations are adopted to:

- 1. Minimize adverse visual effects of towers through careful design, siting, and screening;
- 2. Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structure;
- 3. Allow for reasonable location and use for communication towers as required pursuant to applicable state and federal law;
- 4. Minimize the proliferation of telecommunications towers by requiring applicants to exhaust all possible avenues for sharing space on existing towers.

#### 1) Location Requirements:

- A. The connection of a wireless antenna to an existing building that does not involve the erection of a tower, is not subject to the requirements of this Section. The requirements of Section 5.6 may apply, and all other applicable regulations of this Ordinance shall be met.
- B. The location of a proposed communication tower shall not be approved unless the Planning Commission finds that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building located within the applicant's search radius of the proposed tower due to one or more of the following reasons:
  - 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - 2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
  - 3. Existing or approved towers and buildings within the search area cannot accommodate the planned equipment



#### ARTICLE 4 SPECIFIC USE REGULATIONS

at a height necessary to provide reasonable coverage and/or capacity as documented by a qualified and licensed professional engineer.

4. Other reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building, including but not limited to documented proof that the owner of such tower or building will not lease space to the applicant, that there is insufficient ground, building, roof or tower area on which telecommunications equipment may be installed, existing towers or buildings would not, or do not provide required setback distances, etc.

#### 2) Site Requirements:

A. Subject to the setback and other requirements of this Section, a communication tower shall be located on a parcel of land in accordance with the following:

1. Communication towers up to one-hundred (100) feet in height shall be located on a parcel of land at least one-quarter acre in size.
2. Communication towers over one-hundred (100) feet in height, but less than one-hundred twenty-five (125) feet in height shall be located on a parcel of land at least one-third acre in size.
3. Communication towers over one-hundred twenty-five (125) feet in height, but less than one-hundred seventy-five (175) feet shall be located on a parcel of land at least one-half acre in size.
4. Communication towers over one-hundred seventy-five (175) feet in height but less than two-hundred twenty-five (225) feet shall be located on a parcel of land at least one (1) acre in size.
5. Communication towers over two-hundred twenty-five (225) feet in height but less than two-hundred seventy-five (275) feet shall be located on a parcel at least two (2) acres in size.
6. Notwithstanding the foregoing, the Planning Commission may approve a smaller minimum parcel size than would otherwise be required pursuant to (1) through (6) above for any communication tower, provided that the applicant provides the Planning Commission written documentation demonstrating (a) that the proposed tower requires no fall zone or (b) that a parcel smaller than that specified for the proposed tower pursuant to (1) through (6) above is sufficient to meet fall zone requirements. Such documentation shall address the design standards of the proposed structure with respect to failure modes and shall be signed by a State of Michigan licensed professional engineer qualified to make such a determination. The Planning Commission shall determine whether or not to allow a lesser parcel size under this subsection or whether risks to public safety remain perceptibly great enough to require adherence to the standards of (1) through (6) above. In making such a determination, the Planning Commission shall have complete discretion, but may consult such other experts as it decides are necessary.

B. Wireless telecommunication towers shall be of a monopole or self-supporting lattice design, unless the Planning Commission finds that an alternative design will not adversely impact the surrounding area.

C. The maximum permitted height of a wireless telecommunications tower including antenna shall be 275 feet.

D. Tower Setbacks: Towers shall conform with each of the following minimum setback requirements:

1. A tower shall meet the setbacks for a principal building in the District in which the tower is proposed to be located, with the exception of industrial districts, where towers may encroach into the rear lot area, provided that the rear property line abuts another industrially zoned property.
2. Proposed wireless telecommunication towers of the guyed or self supporting lattice type shall be structurally designed, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Proposed monopole wireless telecommunication towers shall be structurally designed to accommodate both the applicant's antennas and comparable antennas for at least one additional user. All towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
3. Towers shall be setback from public road right- of-ways a distance equal to one half of the height of the towers

#### ARTICLE 4 SPECIFIC USE REGULATIONS

including all antennas and attachments.

4. Towers shall not be located between a principal structure and a public road except, in order to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

#### 3) Buffering Requirements:

A. Towers and antennas shall be designed to blend into the surrounding environment through the use of reasonable color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

B. The base of the tower and wire/cable supports shall be fenced with a minimum six foot (6') woven wire fence.

4) Performance Standards: All communication towers erected, constructed, or located within the Township shall comply with the following requirements:

A. Discontinuance and Abandonment: The holder of a Special Use Permit for a wireless telecommunications tower shall give notice of discontinuance of use of a tower within ninety (90) days of the date that the use of the tower ceases. If at any time the use of the tower is discontinued for more than 365 consecutive days, the Zoning Administrator may declare the tower abandoned. Notice of abandonment shall be sent by first class mail to the applicant instructing the applicant that the tower must either be reactivated or dismantled and removed from the site within 120 days the date the notice is sent to the applicant. If reactivation or dismantling and removal of the tower does not occur, the Township may contract to remove the tower and assess all cost on the property taxes of the owner of the tower.

B. Towers shall be located so that they do not interfere with reception on radio, shortwave, television or similar devices or with use of computers or other electronic devices in nearby dwelling units.

C. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a registered structural engineer and that the installation is in compliance with all applicable codes.

D. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

E. Accessory structures are limited to uses associated with operation of the tower.

F. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.

G. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.

H. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.

I. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.

J. Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA). If required to be lighted, all options for lighting shall be presented to the Planning Commission which shall select the option with the least negative visual impact in the area, unless the FAA dictates a particular option.

K. There shall be no display advertising or identification of any kind intended to be visible from the ground or other structures.

L. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform. Cost for testing and verification of compliance shall be borne by the owner or operator of the antenna.

M. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

**4.3.17 Community Residential Care Facilities**

Community residential care facilities include but are not limited to child care center, group day care homes, adult foster care facilities, group homes and congregate homes providing service to more than six individuals.

1) Site Requirements: Shall be located on a paved public road or street.

2) Buffering Requirements:

A. Shall maintain a greenbelt or buffer strip per the requirements of Section 8.3.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

3) Performance Standards:

A. A group day care facility shall not operate between the hours of 10 p.m. and 6 am for more than one (1) day per week unless the principal structure and any play area is separated from any residence by more than three hundred (300) feet.

B. Playground equipment shall not be located in front or side yards

C. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.

D. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking normally required for the dwelling. A driveway may be used for this purpose.

E. All community residential care facilities shall meet all applicable State, County, or Township laws, Ordinances or Administrative rules and regulations.

**4.3.18 Concentrated Animal Feeding Operations**

See Section 5.2.13 and Table 5.2

**4.3.19 Dangerous Chemicals: Manufacturing, Storage or Distribution Facilities**

1) Site Requirements: the minimum lot size shall be five (5) acres. No manufacturing building, storage building or loading or unloading facility shall be closer than three hundred (300) feet from a property line with another industrial use, nor less than five hundred (500) feet from a property line with a residential district or dwelling unit.

2) Buffer Requirements:

A. Shall maintain a greenbelt or buffer strip per the requirements of Section 8.3.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

3) Performance Standards: The facility shall be in conformance with all local, county, state and federal regulations at all times.

A. Cluster Developments of over ten (10) acres in area shall provide at least 20% (twenty percent) of the common open space as contiguous, usable open space to provide for the recreational needs of the occupants of the development and/or to maintain the scenic or natural beauty of the area.

B. Common open space areas shall be adequately described, and protected in perpetuity through a conservation easement, deed restrictions, or other acceptable legal means.

**4.3.20 Reserved for Future Use**

**4.3.21 Drive-Through Establishments**

1) Site Requirements:

- A. Minimum lot area shall be twenty thousand (20,000) square feet.
- B. The minimum lot width shall be one hundred fifty (150) feet.
- C. The site shall have at least one (1) lot line on a paved major thoroughfare.
- D. Structure location: The location of all structures including partially enclosed or covered service areas shall conform to the following requirements:
  - 1. Front setback: 75 feet.
  - 2. Side setback: 25 feet.
  - 3. Rear setback: 25 feet.
  - 4. Adjacent to residential district, side and/or rear setback: 50 feet.

2) Buffering Requirements:

- A. Shall meet the requirements of Article 8.
- B. The outdoor storage of trash and rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

3) Performance Standards:

- A. The outdoor space used for parking and vehicle stacking, shall be hard surfaced and adequately drained. Stacking space shall be adequate to accommodate busy periods without vehicles being backed up in the street.
- B. Drive-through restaurant management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary to keep them clean.
- C. Motor Vehicles Access: All points of entrance or exit for motor vehicles shall be no closer than fifty (50) feet from the intersection of the right-of-way lines of two streets and no closer than ten (10) feet from an adjacent property line. No drive shall be closer to any other drive than seventy five (75) feet. The minimum driveway width of an access drive shall be sixteen (16) feet. The angle of intersection of the centerline of any driveway with the centerline of the street shall be no less than sixty (60) degrees unless separate acceleration and deceleration lanes are provided. No more than two (2) driveways shall be permitted on any street frontage.
- D. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
- E. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being understood beyond the boundaries of the site.

**4.3.22 Echo Housing**

- 1) Site Requirements: Minimum one (1) acre lot size and a maximum of one (1) ECHO dwelling unit per lot.

2) Performance Standards:

- A. The ECHO dwelling unit shall not increase the size of the principal dwelling unit by more than thirty (30) percent.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- B. The owner may reside in either the accessory (ECHO) dwelling unit or the principal dwelling unit.
- C. Adequate provision for wastewater disposal, either by public sanitary sewer or expanded private on- site septic facilities, shall be required. Shiawassee County Health Department approval is required.
- D. Dwellings modified in conjunction with an ECHO dwelling unit shall, on sides adjacent to streets, retain the appearance of a single family detached dwelling.
- E. All ECHO dwelling units shall have non-skid floors.
- F. The ECHO dwelling unit shall provide adequate access for emergency vehicles.
- G. The ECHO dwelling unit shall meet all applicable construction codes for a dwelling.
- H. One additional off-street parking space shall be provided.
- I. Separate sale or ownership of the ECHO dwelling unit from the primary dwelling on a lot or parcel is prohibited.
- J. The Planning Commission may impose any other reasonable conditions deemed necessary to protect adjoining properties and the public welfare.

#### **4.3.23 Education and Social Institutions**

##### 1) Location Requirements:

- A. An education or social institution that is only an office and has no school facility, auditorium, gymnasium, playground, museum or related activity shall be considered an office building and is permitted in an any business zone in which offices are permitted without a Special Use Permit, but following site plan review.
- B. Ingress and egress to the site shall be only from a paved major thoroughfare.
- C. A preferential location is one which would offer natural or man-made barriers or a buffer zone that would lessen the effect of the use on adjoining lots.

##### 2) Site Requirements:

- A. The proposed site for a middle school or high school shall be at least four (4) acres. The minimum site size for an elementary school shall be at least two (2) acres. For all other educational or social institutions, that are more than office buildings, the minimum site size shall be at least one (1) acre in area.
- B. No building shall be closer than fifty (50) feet to any lot line or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional foot for each foot of height above the district height limitations.
- C. No more than twenty-five (25%) percent of the gross site area shall be covered by buildings.
- D. Off-street parking shall be in compliance with the provisions of Article 7. No parking shall be allowed between the front lot line and the building line.

##### 3) Buffering Requirements:

- A. Landscaping shall be provided according to Article 8 of this Ordinance.
- B. The outdoor storage of trash and rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

##### 4) Performance Standards:

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- A. All buildings shall be of an appearance that shall be harmonious and unified as a group and shall blend appropriately with the surrounding area.
- B. All signs shall be in compliance with the provisions of Article 9.
- C. All activities conducted on the site shall conform to county, state, and federal laws.
- D. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100) feet of a residential district or use.
- E. Parking areas shall not be located within fifty(50) feet of a residential district or dwelling unit.
- F. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.

#### 4.3.24 Reserved for Future Use

#### 4.3.25 Reserved for Future Use

#### 4.3.26 **Farm Markets**

##### 1) Site Requirements:

- A. The minimum area of a lot used for a farm market shall be at least ten-thousand (10,000) square feet and not more than twenty-thousand (20,000) square feet. A farm market may be placed on the same lot as a dwelling unit if both are under the same ownership and if the owner of the farm market occupies the dwelling unit.
- B. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
- C. A minimum of six (6) spaces for off-street parking, outside of the public road right-of-way shall be required for the exclusive use of the farm market with additional spaces at the rate of one (1) space for each three-hundred (300) square feet of gross floor area (paving not required).
- D. Suitable containers for rubbish shall be placed on the premises for public use.
- E. A storage structure shall be permitted, provided it does not exceed two hundred (200) square feet in area.
- F. Farm markets shall be located no closer than three-hundred (300) feet from any lot line which abuts a residential zone or dwelling unit.
- G. There shall be one access drive which shall be wide enough to accommodate two vehicles side-by-side.

##### 2) Buffering Requirements:

- A. Shall comply with requirements of Article 8.
- B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

##### 3) Performance Standards:

- A. Hours of operation shall be between the hours of 7:00 a.m. and 7:00 p.m.
- B. Any structure used as a farm market shall not be more than one (1) story high unless it is an existing barn.
- C. A farm market shall operate out of a fully enclosed building and may not operate out of a vehicle.
- D. At least one-half of the products sold at the farm market shall be grown on the farm, or other farms in the vicinity.

**4.3.27 Farm Market and Entertainment**

A farm market which also offers agriculturally based entertainment, usually on a seasonal basis, such as cider processing, donut making, pumpkin carving, hayrides, apple dunking, Christmas tree cutting and related activities associated with agricultural products grown on the farm or supplemented from other sources, shall meet the requirements for a farm market in Section 4.3.27 and this Section.

1) Site Requirements:

- A. At least one (1) acre but not more than five (5) acres for the area of the farm principally devoted to the farm market and entertainment activities (not counting hayride, u-pick or Christmas tree cutting areas).
- B. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
- C. A minimum of one-hundred (100) spaces for off- street parking, outside of the public road right-of-way shall be required with additional spaces at the rate of one (1) space for each three-hundred (300) square feet of gross floor area (paving not required).
- D. Suitable containers for rubbish shall be placed on the premises for public use.
- E. Storage structures shall be permitted.
- F. Farm markets shall be located no closer than three-hundred (300) feet from any lot line which abuts a residential zone or dwelling unit.
- G. There shall be two access drives which shall be wide enough to accommodate two vehicles side-by-side, or one with adequate throat width and depth to accommodate twenty percent of the vehicles for which there is parking space at one time.

2) Buffering Requirements:

- A. Shall comply with requirements of Article 8.
- B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

3) Performance Standards:

- a) Hours of operation shall be between the hours of 7:00 a.m. and 11:59 p.m.

**4.3.29 Reserved for Future Use**

**4.3.30 Funeral Homes and Mortuaries**

1) Location Requirements:

- A. Site location: The proposed site shall front upon a major thoroughfare with all ingress and egress directly from said street.

2) Site Requirements:

- A. Minimum site size: One acre site with a minimum width of one hundred fifty (150) feet.
- B. Yards: Front, side and rear yards shall be at least fifty (50) feet except on those sides adjacent to business districts wherein it shall be twenty (20) feet. All yards shall be appropriately landscaped with trees, shrubs and grass. No structures or parking areas shall be permitted in said yards.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

C. Site coverage: No more than thirty (30%) percent of the gross site area shall be covered by buildings including accessory buildings.

D. Maximum building height: No building shall be erected to a height greater than that permitted in the R- M1 District.

#### 3) Buffering Requirements:

A. Shall comply with requirements of Article 8.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

#### 4) Performance Standards:

A. Funeral homes, undertaking parlors and mortuaries, provided that the conduct of all activities related to such uses shall take place within the principal building and not in an accessory building. A caretaker's residence may be provided within the principal building.

B. Appearance: All buildings shall be harmonious in appearance with the surrounding area.

C. Signs shall be in compliance with the provisions of Article 9.

D. Off-street parking shall be in compliance with the provisions of Article 7.

#### 4.3.31 **Game or Hunting Preserves**

1) Site Requirements: Minimum lot area shall be 40 acres.

2) Buffering Requirements: Minimum front, side and rear yard setbacks within which no shooting is permitted shall be two hundred fifty (250) feet.

#### 3) Performance Standards:

A. All federal, state and local codes and ordinances in regard to firearms shall be strictly adhered to.

B. A site plan for the hunting preserve showing the location of all proposed structures and uses shall be submitted to the Planning Commission. The site plan shall clearly indicate all safety zones to assure that any missile fired within the hunting preserve shall not carry into or over an adjacent district or area.

C. The operator shall have the County Sheriff review and comment on the site plan prior to its review by the Planning Commission.

D. Rifle, shotgun and pistol ranges shall comply with the requirements for a shooting range in Section 4.3.66.

E. A six (6) foot high chain link fence shall be provided around the entire property to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged. Signs designating the area as a hunting area shall be clearly posted not more than fifty (50) feet apart and affixed to the fence.

F. Hours of operation shall be between ½ hour before sunrise and ½ hour after sunset.

#### 4.3.32 Reserved for Future Use

#### 4.3.33 **Golf Courses and Country Clubs**

1) Site Requirements:



#### ARTICLE 4 SPECIFIC USE REGULATIONS

a) The site area shall be eighty (80) acres for a nine hole course and one hundred sixty (160) acres for an 18 hole course and shall be so designed as to provide all ingress and egress directly onto or from a public road or street.

A. A site plan of the proposed development shall be reviewed and approved in accordance with Article 14 of this Ordinance. Such site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be so designed in relationship to the public road or street that pedestrian and vehicular traffic safety is encouraged.

B. Development features shall be shown on said site plans; including the principal and accessory buildings, structures and parking areas, and shall be so located as to minimize any possible adverse effects upon adjacent property; all principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any property line or abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may reduce this requirement.

C. The minimum number of off-street parking spaces shall be provided as required in Article 7 including additional spaces, which may be required for each accessory use such as a restaurant or bar.

D. Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines and shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate. Additional provisions in Section 5.3.1.H. shall apply.

E. The minimum site area for tennis, or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from abutting residentially zoned property.

#### 2) Buffering Requirements:

A. A landscaped buffer zone shall be provided between the parking and principal building area and any adjacent residential district.

B. A 50 foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated on a regular basis.

C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

#### 3) Performance Standards:

A. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant and bar, driving range, tennis, racket sport, and swimming facilities.

B. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.

C. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.

D. No building shall be erected to a height greater than that permitted in the district in which it is located.

E. The total lot area covered with principal and accessory buildings shall not exceed 15 percent.

F. Additional parking is required for accessory uses that may be allowed.

G. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.

H. All artificial lights shall be directed away from adjoining properties.

I. No outdoor loudspeaker or call system shall be audible on adjoining property.

J. Outside storage shall be properly screened.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

K. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building or as an accessory use near the entry to the course.

L. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential dwellings which adjoin the site. Additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.

M. A minimum of two satellite restrooms or other acceptable facilities are required for each nine holes. The satellites are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the Shiawassee County Health Department.

N. Golf courses shall retain and preserve native vegetation over at least thirty (30) percent of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run-off.

O. Water quality protective measures are required as follows:

1. Maintenance of erosion control barriers during construction and until all ground cover is established.
2. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
3. Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
4. A chemical storage area must be designated within an accessory building. The area must provide secondary containment to prevent the spread of spills.
5. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
6. An inventory manifest of stored chemicals must be posted at the entrance of the accessory building.
7. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
8. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
9. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
10. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security .

#### **4.3.34 Greenhouses**

1) Location Requirements:

A. Ingress and egress to the business shall be only from a paved road or from a shared access to such a road.

2) Site Requirements:

A. The minimum lot size shall be twenty thousand (20,000) square feet if a greenhouse is located on the site.

B. Off-street parking in accordance with Article 7.

3) Buffering Requirements:

A. Shall maintain a greenbelt or buffer strip per the requirements of Section 8.3.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

**4.3.35 Heavy Construction Contractor's Establishments**

1) Site Requirements:

A. The site shall be at least two (2) acres in size.

B. The site shall be on a paved major thoroughfare.

C. No driveway or curb cut shall be located less than twenty (20) feet from any lot line measured from the edge of the driveway to the lot line.

2) Buffering Requirements:

A. A landscaped buffer strip shall be provided in accordance with the provisions of Section 8.3.2.

B. Outdoor trash storage shall be provided pursuant to Section 8.11.

3) Performance Standards:

A. Storage of all construction equipment and vehicles shall be in the rear yard and not within any required setback area.

B. All flammable liquids and other hazardous substances shall be stored within a building and secondary containment measures shall be installed and properly maintained. Except, any fuel tanks shall be buried below ground, constructed of materials approved by, sited and installed pursuant to the requirements of the Michigan Department of Environmental Quality. No fueling area shall be closer than fifty (50) feet to a lot line.

C. Not more than two access driveways at least one hundred (100) feet apart shall serve the property. No driveway shall be closer than one-hundred (100) feet from an intersection.

D. All equipment and vehicle servicing shall be completely within an enclosed building with a solid masonry wall or equivalent which complies with the State Construction Code, Public Act 230 of 1974, as amended.

E. All activities, except those required to be performed at a fuel pump, shall be carried on inside a building.

F. All lighting shall be shielded from adjacent streets and residential districts.

**4.3.36 Reserved for Future Use.**

**4.3.37 Hospitals**

1) Location Requirements:

A. Ingress and egress to the site shall be only from a paved major thoroughfare.

2) Site Requirements:

A. The minimum lot or parcel size for hospitals shall be five (5) acres.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- B. No more than twenty-five (25) percent of the site area shall be covered by buildings
- C. The minimum distance of any building from bounding lot lines or streets shall be at least one-hundred (100) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet. Buildings less than two (2) stories shall be no closer than forty (40) feet from any lot line or right-of-way.
- D. Access to and from any delivery or ambulance areas shall be directly from a major thoroughfare
- E. Noise producing activities, such as ambulance and delivery areas, laundry, or power plant, shall not be located closer than three hundred (300) feet from any residential district.

#### 3) Buffering Requirements:

- A. Ambulance and delivery areas shall be obscured from view from a dwelling unit by a solid masonry wall five (5) feet in height.
- B. Parking areas shall be screened from surrounding dwelling units by a wall or fence or with suitable plant materials as specified in Article 8 of this Ordinance.
- C. All lighting shall be shielded away from public right-of-way and neighboring residentially zoned lots.
- D. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

#### 4) Performance Standards:

- A. All hospitals shall be licensed by the State of Michigan.
- B. Hospitals shall conform to applicable state and federal laws.

#### **4.3.38 Indoor Entertainment Establishments**

Indoor entertainment establishments shall include, but need not be limited to, the following:

- A. restaurants, cafes (restaurants and cafes without entertainment are not indoor entertainment establishments)
- B. bars and taverns, nightclubs, cabarets
- C. bowling alleys, ice or roller blade rinks
- D. pool or billiard halls
- E. indoor soccer fields and racquet courts
- F. amusement centers and game arcades
- G. dance halls
- H. theaters
- I. bingo parlors
- J. membership clubs and lodges
- K. hotels, motels and other temporary lodging with an average length of stay of less than 30 days (hotels, motels and other temporary lodging are not indoor entertainment establishments if there is no entertainment offered)
- L. sauna, hot tub and similar establishments

#### ARTICLE 4 SPECIFIC USE REGULATIONS

M. the following sexually oriented businesses are also indoor entertainment establishments: adult arcades, adult bookstore or adult video stores, adult cabarets, adult motel, adult motion picture theater, adult theater, massage parlor and sexual encounter center.

N. uses similar to and compatible with the above establishments

O. uses accessory to the above uses.

##### 1) Site Requirements:

A. The site shall be located on a major thoroughfare with a minimum of one hundred-fifty (150) feet of frontage

B. Minimum site area shall be one-half (1/2) acre.

##### 2) Buffering Requirements:

A. No building shall be located within fifty (50) feet of a lot line of adjoining residentially zoned property.

B. Front, side and rear yards shall conform to district regulations.

C. Whenever parking areas are adjacent to land in a residential district , a five (5) foot high wall or greater shall be provided along the sides of the parking area adjacent to such residentially zoned land.

D. Parking lot landscaping shall conform to the requirements of Section 8.8.

E. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

##### 3) Performance Standards:

A. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.

B. Facilities shall provide off-street parking and passenger loading areas in accordance with Article 7.

C. Facilities which have a participant or customer capacity greater than 100 people at one time shall provide letters of review from the County Road Commission with respect to the adequacy of the safety of the design of the proposed project for ingress, egress and internal circulation.

D. Exterior lighting shall be installed in such a manner that it does not impede the vision of traffic along adjacent streets.

E. All off-street parking areas shall be illuminated during all hours of operation, and until one hour after the business closes.

F. Facilities using night lighting adjoining a residentially zoned property or a residence, shall deflect lighting away from these areas.

G. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.

H. Sites shall be regularly cleared of debris so that litter does not accumulate on adjacent properties.

I. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the lot line of a dwelling . The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

J. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- k) Adequate trash receptacles shall be provided, as needed throughout the site.
- l) Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments except restaurants and hotels, is Monday through Sunday from 10:00 a.m. to 2:00 a.m. and may be prohibited on legal holidays.
- M. All indoor entertainment establishments which serve alcohol shall comply with the following standards:
  - 1. At all times shall remain in conformance with all rules, regulations, license conditions, permits, approvals, sanctions or other requirements of the Michigan Liquor Control Commission.
  - 2. Apply for and receive site plan review and approval from the Township before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.

#### **4.3.39 Institutions For Human Care And Habitation**

##### **1) Location Requirements:**

A. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to off-street parking shall be directly from said street or highway.

##### **2) Site Requirements:**

A. The proposed site shall be at least two (2) acres in area, unless it is a rehabilitation camp which requires a minimum site size of ten (10) acres.

B. All two story structures shall be at least one hundred (100) feet from all boundary or street lines. Buildings of less than two stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two stories, the building shall be set back an additional one foot for each foot of height above two stories. No building may be higher than the maximum height permitted in the District.

C. No more than twenty-five (25%) percent of the gross site shall be covered by buildings.

##### **3) Buffering Requirements:**

A. Ambulance and delivery areas shall be obscured from view by a solid wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a public road or street.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

##### **4) Performance Standards:**

A. All signs shall be in compliance with the provisions of this Ordinance, Article 9.

B. Off-street parking space shall be in compliance with the provisions of this Ordinance, Article 7, except parking areas shall not be located within fifty (50) feet of a residential district or use.

C. All facilities shall be licensed by the State of Michigan and shall conform to applicable state and federal laws.

#### **4.3.40 Reserved for Future Use.**

#### **4.3.41 Junk Yards**

##### **1) Location Requirements:**

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- A. The enclosed area shall be no closer than 500 feet to any residential district, public buildings, church, hospital, institution for human care, day nursery or school.
- B. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access by other roads if the Commission finds that such access point will further minimize impacts on other properties.

#### 2) Site Requirements:

- A. The site shall be a minimum of ten (10) acres in size if there is any outdoor storage and a minimum of two (2) acres in size if all material is stored within a completely enclosed building
- B. All outdoor storage areas shall be enclosed and set back at least 100 feet from any front street or property line. Such front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. The spacing and type of plant materials shall be approved by the Planning Commission per the requirements of Article 8.
- C. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
- D. Whenever the installation abuts a residential district, a buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.

#### 3) Buffering Requirements:

- A. An enclosed solid fence, wall or earthen berm at least eight (8) feet in height, shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish or construction. All berms shall be landscaped per the requirements of Article 8.
- C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

#### 4) Performance Standards:

- A. All uses shall be established and maintained in accordance with all applicable State laws.
- B. All activities shall be confined within the enclosed area. There shall be no stacking of material above the height of the fence, berm or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.
- C. No open burning shall be permitted, and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
- D. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
- E. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Zoning Administrator and the County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.
- F. Any hazardous substances require secondary containment and conformance with all state or federal laws.

#### 4.3.42 Reserved for Future Use.

#### 4.3.43 **Kennels, Commercial**

#### 1) Site Requirements:

#### ARTICLE 4 SPECIFIC USE REGULATIONS

A. The minimum lot size for commercial kennels shall be one (1) acre per twenty (20) animals.

B. Buildings wherein animals are kept in a commercial kennel, run, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

##### 2) Buffering Requirements:

A. Commercial kennels shall maintain a greenbelt or buffer strip per the requirements of Section 8.3.

B. The outdoor storage of trash or rubbish at a commercial kennel shall be screened in accordance with Section 8.11 of this Ordinance.

##### 3) Performance Standards:

A. All commercial kennels shall be operated in conformance with all applicable local and state regulations.

##### 4.3.44 Reserved for Future Use.

##### 4.3.45 **Marinas**

##### 1) Location Requirements:

A. Buildings, docks, and parking areas shall be located no closer than thirty-five (35) feet from any adjacent property line in a residential district.

##### 2) Site Requirements:

A. The minimum lot or parcel size for marinas shall be two (2) acres.

B. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

C. Accessory uses shall occupy no more than four hundred (400) square feet of building area.

##### 3) Buffering Requirements:

A. Fences and screening in accordance with Article 8 of this Ordinance may be required to mitigate potential negative impacts on adjacent properties.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

##### 4) Performance Standards:

A. Sanitary facilities (restrooms) shall be provided on the site per the requirements of the County Health Department.

B. Adequate secondary containment shall be employed if any petroleum or other such products are sold on the premises.

C. Any hazardous substances require secondary containment and conformance with all state or federal laws.

D. There shall be no externally visible evidence of commercial activity from accessory uses.

E. A permit to erect, maintain, or operate a marina shall be secured from the Michigan Department of Environmental Quality in conjunction with any other approvals.



#### ARTICLE 4 SPECIFIC USE REGULATIONS

F. All marinas shall conform with Parts 301 and 801 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, and all other applicable local, state, and federal regulations.

##### **4.3.46 Mobile Home Parks**

###### **1) Location Requirements:**

A. Park Location: The mobile home park shall be located so that all ingress and egress driveways or roadways within the mobile home park development are connected to a major thoroughfare, except for restricted emergency exits.

###### **2) Site Requirements:**

A. Minimum and Maximum Park Size: A twenty

(20) acre site accessible to a major thoroughfare shall be required as the minimum park size. In no event shall the first phase of the park be larger than three hundred (300) mobile home sites.

B. Side Yard Dimensions: All buildings and mobile homes within the mobile home park site shall be no closer than fifty (50) feet from any public street line or residential district. Also, there shall be a setback of fifty (50) feet on any side or rear property line of the mobile home park site.

C. Site Access: All mobile home development sites shall provide at least two (2) points of entrance or exit from the park located no closer than two hundred (200) feet from the intersection of any two (2) public roads. The ingress and egress drives or roadways within the park shall be paved, and for a distance of at least one hundred (100) feet from the public roads, the ingress and egress routes shall be no less than twenty-four (24) feet wide.

D. Space Requirements: The minimum lot area used or occupied by each mobile home shall be four thousand five hundred (4,500) square feet, exclusive of park drives, parking area, service facilities, and required recreation area.

E. Yard Requirements: A minimum separation of twenty (20) feet shall be maintained between all mobile homes. There shall be a minimum of ten (10) feet between the end of the mobile home and the rear lot line.

F. Recreation Areas: Exclusive of other yard and open space requirements of this Section, common usable recreation space of at least two hundred (200) square feet per mobile home site in the park, with a minimum area of twenty thousand (20,000) square feet, shall be developed and maintained by the management, whichever is greater. The area or areas shall not be less than seventy-five (75) feet in its smallest dimension and no further than five hundred (500) feet from any mobile home site served. In addition, an indoor area or recreation center shall be provided and shall contain a minimum of five (5) square feet for each mobile home site developed in the park.

G. Setback: No mobile home shall be located closer than fifteen (15) feet to any private street or roadway nor shall it be located closer than fifty (50) feet to any public right-of-way, nor closer than five (5) feet to any common sidewalk.

H. Park Roads: Each mobile home lot shall have access to a park driveway, roadway, or street which shall be paved to a minimum width of twenty-two feet and have a cross-section as approved by the County Road Commission, provided that no parking shall be permitted on said roadway. No park shall provide or have direct access through any recorded single-family subdivision. The required paving width for said streets, roadways, or driveways may be adjusted if a one-way street pattern is proposed as part of the proposed site development. Said one-way streets shall be paved to a minimum width of twenty (20) feet and no parking shall be permitted on said roadway.

I. Walks and Curbs: A thirty six (36) inch concrete walk shall be provided on both sides of all collector roads. Curbing shall also be provided and may be in the form of a one-piece curb, gutter, and sidewalk installation where applicable.

###### **3) Buffering Requirements:**

A. The mobile home park shall be screened from adjacent properties by a greenbelt, buffer strip or berm at the developers option, as provided in Section 8.3 of this Ordinance.

B. The outdoor storage of trash or rubbish shall be screen in accordance with Section 8.11 of the Ordinance.

4) Performance Standards: All mobile home parks shall meet the requirements of the Mobile Home Commission Act, Public Act 96 of 1987, as amended.

**4.3.47 Motels and Hotels and Other Lodging/Accommodations**

1) Location Requirements:

A. Ingress and egress to shall be only from a paved major thoroughfare.

2) Site Requirements:

A. Minimum floor area of each guest unit shall contain not less than 250 square feet.

B. The minimum lot area shall be one (1) acre with a minimum width of one hundred fifty (150) feet, provided that there shall be at least eight hundred (800) square feet of lot area for each guest.

C. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed more than twenty-five (25%) percent of the area within the boundary lines of land developed at any one time.

D. Minimum yard dimension: All buildings shall observe a setback of not less than seventy-five (75) feet from any road right-of-way and not less than forty (40) feet from any side or rear property line.

E. The maximum building height shall not exceed the height limits of the District.

F. Required lot areas, width and yards: Where an owner or lessee proposes an integrated site development of a unified group of buildings, the Planning Commission may approve proposed lot area, widths, or yards to be modified up to 25% of the requirement of the district wherein the proposal is located if the Commission finds that such modification:

1. Conforms to the basic district intent.
2. Conforms to the parking requirements herein.
3. Will not inhibit orderly development of adjacent zoning districts.
4. Is consistent with the general health, safety and welfare.

3) Buffering Requirements:

A. Site Screening: The site may be enclosed by open structure wood or wire fences, shrubs and/or trees which along any yard line shall not exceed six (6) feet in height. No screening shall impair safe vertical or horizontal sight distance for any moving vehicle. A screen at least four (4) feet high shall be erected to prevent headlight glare on adjacent residential or agricultural property. No screening shall be closer than fifty (50) feet to any street line, except headlight screening shall not be closer than thirty (30) feet.

B. The front twenty-five (25) feet of the lot shall be landscaped, unpaved, and shall not be used for off- street parking.

C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. Lighting: All outdoor lighting shall be arranged so that it is deflected from adjacent properties, streets, and thoroughfares, and shall not impair the safe movement of traffic.

B. Swimming pools shall conform with the requirements of Section 5.3.1.H.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

C. Accessory uses such as meeting rooms, taverns, bars or similar uses are permitted, provided such shall be conducted within the same building as the principal use. A caretaker's or proprietor's residence shall be permitted as an accessory use only when the principal use is a motel, motor-hotel, hotel, or other transient tourist facility.

D. Motor Vehicle Access: All site plan proposals submitted for this district shall provide for the proper ingress and egress of traffic on the highway, road frontage or street giving access to the district. No access by motor vehicles other than stated herein shall be permitted to a minor or residential street. All points of entrance or exit shall be no closer than fifty (50) feet from the intersection of the right-of-way lines of two streets, nor less than two hundred (200) feet from an interchange.

E. Signs shall be those identifying any of the permitted uses within this district and shall be in accordance with the provisions of Article 9.

F. Off-street parking and loading requirements shall be in accordance with the provisions of Article 7 and shall be furnished on the immediate premises.

#### **4.3.48 Multiple Family Development**

1) Location Requirements: Any of the standards of this Section may be waived or modified if a multiple family development or a group housing development is processed as a planned unit development per the requirements of Article 13.

2) Site Requirements: Shall be located on a paved public road or street. If more than seventy-five (75) units are proposed, the development shall be located with the principal access on a major thoroughfare.

3) Buffering Requirements:

A. Any multiple family development adjoining any single family residential district or any developed business district shall provide a landscaped buffer planted pursuant to the requirements of Section 8.3.2.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. The requirement for not more than one dwelling unit per lot does not apply to a multiple family development. However, not more than twelve (12) units may be in a single building.

B. Provisions shall be made for safe and efficient egress and ingress to public streets and highways which shall be designed to minimize congestion and interference with normal traffic flow.

C. All streets in the development shall be constructed as public streets and maintained with an all-weather road surface. No dead-end street or roadway shall serve more than seventy-five (75) dwelling units as a means of vehicular access. Suitable turning facilities shall be provided for vehicles at the terminus of all dead-end streets or roadways. A minimum radius of fifty (50) feet shall be required for all turn arounds. Additional width may be required by the Planning Commission after reconsideration of the vehicular needs of a particular development proposal.

D. No dwelling unit in a shall be closer to a street or private access drive than twenty-five (25) feet, nor shall be further from a street or private access drive or the required off-street parking area than one-hundred fifty (150) feet.

E. The minimum horizontal distance between the nearest points of buildings shall be fifty (50) feet for buildings one (1) story in height. This distance shall be increased by not less than five (5) feet for every story added. The minimum distance between buildings may be decreased by as much as ten (10) feet toward (1) end if it is increased by a similar distance at the other end.

F. Maximum lot coverage for a multiple family development shall cover no more than forty (40%) percent of the parcel.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

G. All developments shall be served with adequate water supply and sewer facilities approved by the Shiawassee County Health Department.

H. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage that does not run onto adjacent parcels.

I. There shall be provided easily accessible and useable open space in the development in an amount of at least twenty (20%) of the site area or two thousand (2,000) square feet per four dwelling units, whichever is greater. Such open space shall be provided at ground level, unoccupied by accessory buildings, and available to all occupants of the development. Each open space area so provided shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking or loading space, but shall be usable for greenery, drying yards, recreational space, and other leisure activity normally carried on outdoors.

J. All off-street parking facilities shall be adequately lighted during hours of darkness with lighting directed so as not to shine onto adjoining parcels.

K. All streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum paved width of ten (10) feet. The County Road Commission may preempt these standards if a more restrictive standard would result in a safer or more efficient flow of vehicles.

L. All developments shall provide for underground installation of all utilities.

M. Only the following accessory land and/or building uses shall be permitted:

1. One (1) office space not greater than one thousand (1,000) square feet per one-hundred (100) units for conducting the business of the development.
2. Utility areas for laundry facilities and auxiliary storage for tenants.
3. Recreation area such as community buildings, playgrounds, swimming pools, tennis courts and open space for tenants.
4. Others by approval of the Planning Commission.

N. No closed courts shall be permitted. However, open arcades or garden walls not over six (6) feet in height shall not be deemed enclosing features.

O. For buildings up to thirty-five (35) feet in height, no building shall be closer than forty (40) feet to any street; sixty (60) feet to any rear property line; twenty (20) feet to an interior side property line. For each one (1) foot of building height above thirty-five feet, one (1) foot shall be added to required front, side and rear yards.

#### 4.3.49 Reserved for Future Use

#### 4.3.50 **Open Air Businesses**

Open air businesses shall include, but need not be limited to, the following:

- A. Automobile, truck, trailer, motorcycle, recreational vehicle, snowmobile, jet skis, other watercraft and boat sales or rental
- B. Agricultural equipment sales.
- C. Nursery, landscaping supplies.
- D. Lumber yards.
- E. Home and garden centers.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- F. Mobile home sales
- G. Storage Sheds, Play Houses and other prefabricated buildings of less than 200 square feet in floor area.
- H. Lawn Furniture and Accessories

##### 1) Site Requirements:

- A. Minimum lot area shall be one (1) acre.
- B. The minimum frontage shall be two-hundred (200) feet.
- C. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residential dwelling or a residential district.
- D. All buildings shall be set back a minimum of fifty (50) feet from any lot line.
- E. Ingress and egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare.
- F. No more than two (2) driveways onto a thoroughfare shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.

##### 2) Buffering requirements:

- A. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the requirements of Article 8.
- B. If the site is immediately adjacent to a residential district, screening shall comply with the requirements of Section 8.14.
- C. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets by fences, walls or dense perennially green vegetation.
- D. The outdoor storage of trash or rubbish shall be screened in compliance with Section 8.11 of this Ordinance.

##### 3) Performance standards:

- A. The site shall be kept in a neat and orderly fashion.
- B. Not more than fifty (50%) of the parcel shall be covered by buildings and outdoor storage of materials and goods.
- C. Storage or display of goods and materials shall not occur in the required setbacks.
- D. Christmas tree sales associated with nurseries need not comply with the requirements of Section 5.8.6.
- E. Displays are to be limited to front yards only.
- F. No public address system shall be audible from any adjacent parcel containing a dwelling.
- G. All lighting shall be shielded from adjacent streets and residential districts.
- H. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating the soil, ground or surface water shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- I. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainageways.
- J. Off-street loading and parking facilities shall be provided pursuant to the requirements of Article 7
- K. In the case of auto, truck or recreational vehicle sales:
  - 1. No vehicles which are inoperative shall be stored on the premises for more than two (2) weeks.
  - 2. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
  - 3. For facilities with new underground storage tanks, the site shall be three-hundred (300) feet from any well serving a dwelling, eight hundred (800) feet from a non-community public water well and two-thousand (2,000) feet from any public water well.
  - 4. All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.
  - 5. A valid license from the Secretary of State shall be maintained and posted in a prominent location visible to any customer.

##### **4.3.51 Outdoor Recreation and Entertainment Establishments**

Outdoor commercial recreation and entertainment uses shall include, but need not be limited to, the following:

- A. Miniature golf.
- B. Animal racing, go-cart, automobile or motorcycle tracks or mud bogging involving 4 or more animals or vehicles.
- C. Amphitheaters.
- D. Amusement and water parks.
- E. Drive-in theaters.
- F. Airgun or survival games.
- G. Amusement parks
- H. Golf driving range
- I. Fairgrounds
- J. Batting cages
- K. Ski slope
- L. Skate board park
- M. Flea markets
- N. Uses similar to the above uses
- O. Uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

##### 1) Site Requirements:

A. The site shall be located on, or shall take its principal access from a major thoroughfare.

1. All points of entrance or exit shall be located no closer than two hundred (200) feet from the intersection of any two streets or highways except miniature golf and driving ranges which shall be not less than one hundred (100) feet.
2. All vehicles shall have clear vision approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.
3. Acceleration and deceleration lanes shall be provided where physically possible; at points of ingress and egress.
4. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
5. No drive shall be closer to any other drive than seventy-five (75) feet and the maximum number of driveways permitted on a major thoroughfare is two (2).

B. Minimum site area shall be:

1. Three (3) acres for: flea markets, batting cages, skate board parks and mini-golf. Minimum lot width shall be two hundred (200) feet.
2. Ten (10) acres for: amphitheater, and amusement parks. Minimum lot width shall be six hundred (600) feet.
3. Twenty (20) acres for all other listed commercial recreation uses. Minimum lot width shall be six hundred (600) feet.

##### 2) Buffering Requirements:

A. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line of adjoining residentially zoned property. Whenever any use permitted in this subsection abuts a property which is in a residential, business or agricultural district, a landscaped buffer strip of at least one hundred (100) feet in width shall be provided between such use and the adjoining district in accordance with Article 8 of this Ordinance. Golf driving ranges and miniature courses shall have a minimum landscaped buffer strip of fifty (50) feet when adjacent to a residential, agricultural, or business district.

B. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.

C. Whenever parking areas are adjacent to a residential district or a dwelling, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such land.

D. Race tracks and Drive-in theaters shall be enclosed around the entire periphery with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.

E. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission.

F. Landscaping shall be provided pursuant to the requirements of Article 8.

G. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

##### 3) Performance Standards:

A. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local

#### ARTICLE 4 SPECIFIC USE REGULATIONS

permits as appropriate.

- B. Facilities shall provide adequate off-street parking and passenger loading areas per the requirements of Article 7.
- C. The outdoor space used for parking and vehicle stacking, shall be hard surfaced and adequately drained.
- D. Facilities which have a participant capacity greater than 500 people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
- E. Exterior lighting shall be installed in such a manner that so that it does not impede the vision of traffic along adjacent streets.
- F. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas.
- G. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
- H. Outside storage shall be screened.
- I. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
- J. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties. Adequate trash receptacles shall be provided, as needed throughout the site.
- K. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
- L. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility.
- M. Not more than sixty five (65%) of the land area shall be covered by recreational uses.
- N. Central loudspeakers/paging systems are prohibited within one-hundred 100 feet of residentially zoned property.
- O. The intensity level of sounds shall not exceed seventy-five (75) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to a dwelling or a residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- P. All such recreational uses shall be located at least five-hundred (500) feet from any other such use.
- Q. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
- R. Security fencing shall be provided adjacent to residential districts or uses.
- S. Drive-in theater picture screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare. Drive-in theater picture screens shall not exceed 70 feet in height above the existing ground elevation.
- T. Drive-in theaters shall have ticket gates as follows:
  - 1. One ticket gate for three hundred (300) car capacity theaters.



#### ARTICLE 4 SPECIFIC USE REGULATIONS

2. Two ticket gates for six hundred (600) car capacity theaters.
3. Three ticket gates for eight hundred (800) car capacity theaters.
4. Four ticket gates for one thousand (1,000) car capacity theaters. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty percent (30%) of the vehicular capacity of the theater.

U. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 11:59 PM and may be prohibited on legal holidays.

V. All outdoor recreation and entertainment establishments which serve alcohol shall comply with the following standards:

1. approvals, sanctions or other requirements of the Michigan Liquor Control Commission.
2. Apply for and receive site plan review and approval from the Township before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.

#### **4.3.52 Planned Neighborhood Convenience Shopping Centers**

It is the intent of this Section to provide for the establishment in residential districts, planned neighborhood convenience shopping centers which can effectively serve day-to-day shopping with a minimum disruption of the character of the area in which they are located. Consolidation of convenience shopping facilities into planned shopping centers is encouraged in order to avoid strip commercial development, lessen traffic conflict, and improve the safety and convenience of customers. Consolidation is also encouraged in order to economically provide for the appropriate landscape buffers needed to protect property values in the adjacent areas.

##### **1) Location Requirements:**

A. Site Location Standards: The Planning Commission shall only issue Special Use Permits for neighborhood convenience shopping centers which comply with the following site location standards:

1. Neighborhood convenience shopping centers shall only be located where they can be served by existing or programmed essential public service facilities such as public water, sanitary sewer, and adequate storm drainage facilities.
2. Principal access and frontage shall be on a major thoroughfare.

##### **2) Site Requirements:**

A. Site Development Standards:

1. Minimum site size - four (4) acres
2. Maximum site size - twelve (12) acres
3. Minimum frontage on a public road - 350 feet
4. Maximum frontage on a public road - 800 feet
5. Minimum setback requirements - front - 75 feet; side - 50 feet; rear - 60 feet
6. From any existing or proposed right-of-way - 75 feet

#### ARTICLE 4 SPECIFIC USE REGULATIONS

7. Maximum frontage depth ratio - 1 to 3
8. Maximum lot coverage - 40 percent
9. Maximum height - 35 feet

#### 3) Buffering Requirements:

- A. Buffer-Strip: Buffer strips meeting the requirements of Section 8.3.2 shall be developed along all neighborhood convenience shopping center property lines which are adjacent to a residentially zoned district.
- B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

#### 4) Performance Standards:

- A. Parking Lot: The parking lot of the neighborhood convenience shopping center shall contain two hundred (200) square feet of landscaping for every fifty (50) vehicles it accommodates.

#### **4.3.53 Planned Shopping Centers or Regional Malls**

The standards for this use are intended to promote safe and convenient access to shopping and business facilities and to avoid or minimize undue traffic congestion or other adverse effects upon property within adjacent districts. Planned shopping centers or regional malls shall conform with the following standards, unless specifically waived or modified as part of the Planned Unit Development Permit process.

#### 1) Site Requirements:

- A. The minimum lot area shall be forty (40) acres.
- B. Site Location Standards: The Planning Commission shall only issue Planned Unit Development Permits for planned shopping centers or regional malls which comply with the following site location standards:

1. Are located where they can be served by existing or programmed essential public service facilities such as public water, sanitary sewer, and adequate storm drainage facilities.
2. Principal access shall be from a major thoroughfare.

#### C. Uses Permitted: The following uses shall be permitted:

1. All uses permitted by " right with conditions or by Special Use Permit in the B-2, General Business district.
2. Department stores, variety stores, and other establishments of a similar nature.
3. Banks and other financial institutional offices.
4. Auditorium, assembly, and indoor entertainment facilities.

#### D. Data Requirements: In addition to the requirements of Article 14, a site plan for a planned shopping center or regional mall shall include the following:

1. A list of proposed uses to be included in the proposed center with the area of each to be devoted to retail space.
2. A statement of financial responsibility to assure construction of the planned shopping center in accordance with the site plan and requirements of this Ordinance.
3. Engineering and architectural plans for:

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- a. The disposal of storm waters from roofed, parking lots and all hard-surfaced areas of the development.
- b. The proposed handling of traffic congestion, glare, air pollution, fire or safety hazards.

4. The proposed hours of business and the estimated number of employees and customers anticipated during the peak of business hours.

5. Final plans of the entire shopping center, including a time schedule for completion of construction.

#### 2) Buffering Requirements:

A. Transition Strips: All planned shopping center districts when located in or adjacent to an agricultural or residential district, or when adjacent to a school, hospital or other public institution shall include as an integral part of the site development a strip of land fifty (50) feet in width on all sides of the site abutting on a State or Federal highway, which shall be set back one hundred fifty (150) feet from the road right-of-way. No part of such land may be used for any shopping center function, but shall be occupied by plant material, shrubs or structural fences and walls used separately or in combination. The plans and specifications for a shopping center development shall include the proposed arrangement of such plantings and structures.

B. Fences, screening, and landscaping in accordance with Article 8 of this Ordinance may be required to mitigate potential negative impacts on adjacent properties.

C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

#### 3) Performance Standards:

A. Site Development Requirements: The following types of structures and activities as they pertain to the planned shopping center shall be incorporated by reference as permitted uses in addition to the uses provided in subsection 2.C. above:

1. Types of Structures / Activities: All permitted activities and uses shall be conducted entirely within a permanent building, except for such outside activities, which by the nature of the specified use, are required and associated to the indoor activities of the permitted uses and; except:
  - a. The parking of customers' and employees' automobiles.
  - b. The loading and unloading of commercial delivery vehicles at a location, which shall not interfere with the pedestrian walkways, or customer parking facilities.
  - c. Recreational facilities, incidental to the center's principal operations.
  - d. Gasoline service stations, provided that they shall be in compliance with the Special Use Permit provisions of this Article for "Automobile Service Stations". See Section 4.3.5.
2. Parking Areas: All automobile parking areas and interior circulation for motor vehicles shall be designed in accordance with the following:
  - a. Notwithstanding the parking space requirements contained in Article 7, there shall be provided four (4) square feet of parking area of the aggregate of all building space devoted to retail sales and/or services. For the purposes of this Section, parking areas shall be deemed to include only actual parking spaces and necessary appurtenant drives and vehicular access on the shopping center property.
  - b. Any individual parking space in the center shall be accessible by clearly defined walks from the shopping area. Such walkways shall not intersect a vehicular way more than once.
  - c. Pedestrian travel from an establishment in the center to any other establishment shall be possible without

#### ARTICLE 4 SPECIFIC USE REGULATIONS

crossing a vehicular way.

- d. Automobile, pedestrian and truck traffic shall be separated to the fullest possible extent.
  - e. Automobile circulation design shall provide for access to parking areas in such a way that there shall be no backing up of traffic into any external street under conditions of anticipated maximum center destined traffic.
  - f. All areas accessible to vehicles or pedestrians shall be illuminated.
- 3. External Access: Access to the shopping center shall be provided by at least one (1) direct access from a major thoroughfare. The owners and traffic surveys to prove that all access points to an external thoroughfare or thoroughfares shall be fully capable of absorbing the maximum hourly traffic anticipated to be generated by the center without undue interference to other traffic on the thoroughfare.
  - 4. Surface Improvements: All areas accessible to vehicles shall be paved and maintained so as to provide a permanent, durable and dustless surface, and it shall be graded and provided with adequate drainage facilities in order that all collected surface water is effectively carried away from the site.
  - 5. Structure Location: No structure (with the exception of permitted signs, fences, walls, water towers, and light standards) shall be located closer to any property line of the center than a distance equal to twice its height.
  - 6. Signs: Signs identifying any of the permitted uses within this district shall be in accordance with the provisions of Article 9.
  - 7. All outdoor illumination shall be so arranged or aligned so that it is deflected from adjacent properties, streets, or thoroughfares and, so that it shall in no way impair the safe movement of traffic.

##### **4.3.54 Private Clubs and Lodges**

Such uses shall include, but need not be limited to, the following:

- A. Private recreation centers
  - B. Private clubs or lodges
- 1) Private clubs and lodges must be constructed, maintained, and operated by an incorporated non-profit club or organization with a specified limitation of members, and that such facilities shall be operated for in the exclusive use of organization members and their guests
  - 2) Site Requirements: Minimum lot size shall be one acre.
  - 3) Buffering Requirements:
    - A. Shall comply with the requirements of Article 8.
    - B. The outdoor storage of trash or rubbish shall be screened in compliance with Section 8.11 of this Ordinance.
  - 4) Performance Standards:
    - A. Facilities shall provide off-street parking and passenger loading areas.
    - B. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
    - C. Not more than thirty-five (35)% of the land area shall be covered by the principal structure and recreational structures.
    - D. Central loudspeakers/paging systems shall not be audible at an adjacent residential district or a dwelling.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- E. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels (dBA) at the common lot line when adjacent to a dwelling or a residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards
- F. Security fencing shall be provided adjacent to residential districts .
- G. Whenever a swimming pool is to be provided, said pool shall conform with the requirements of Section 5.3.1.H.
- H. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
- I. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.

#### **4.3.55 Private Non-Commercial Race Track**

1) Site Requirements: The parcel shall be a minimum of ten (10) acres in size.

2) Buffering Requirements:

A. Fences, screening, and landscaping in accordance with Article 8 of this Ordinance may be required to mitigate potential negative impacts on adjacent properties.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

3) Performance Standards:

A. The facility shall be setback two hundred (200) feet from any property line or road right-of-way line.

B. Noise level generated by the facility shall not exceed 60 dBA at any property line.

C. No artificial lighting is permitted.

D. The facility may only be used during daylight hours, and never before 9:00 a.m. or after 8:00 PMp.m.

#### **4.3.56 Public Buildings**

1) Public buildings include, but are not limited to administrative offices of governmental agencies, fire and police facilities, libraries, public museums, recreational centers, and buildings for essential public services (but not including storage areas for public equipment, electric substations, telephone substations, gas regulator stations, other utility and public service installations or communication towers for which separate standards exist in this Article).

2) Site Requirements:

A. The lot area and width shall not be less than that specified for the district in which the proposed use is located.

B. The yard and setback requirements shall be not less than that specified for the district in which the proposed use is located.

C. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located.

D. Not more than thirty percent (30%) of the lot area may be covered by buildings.

E. All signs shall be in compliance wit the provisions of Article 9.

F. Off-street parking shall be in compliance with the provisions of Article 7.

3) Buffering Requirements:

- A. Shall comply with the requirements of Article 8.
  - B. The outdoor storage of trash or rubbish shall be screened in compliance with Section 8.11 of this Ordinance.
- 4) Performance Standards: All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same site development.

**4.3.57 Public Recreation and Playgrounds (Outdoor)**

- 1) Location Requirements: Public recreational facilities such as parks and playgrounds below twenty-thousand (20,000) square feet are permitted by right in all districts and above twenty-thousand (20,000) square feet as a right with conditions use in all agricultural, residential and office districts. They shall have direct access to a public street.
- 2) Site Requirements: Shall meet the siting requirements of the County Parks and Recreation Commission.
- 3) Performance Standards:
  - A. Facilities shall provide off-street parking and passenger loading areas sufficient to meet the needs of those using the facility which shall be located at least twenty-five (25) feet from residentially zoned lots.
  - B. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
  - C. Not more than thirty-five percent (35%) of the land area shall be covered by recreational structures.
  - D. All buildings shall be of a residential character and exterior materials are to be primarily wood or brick.
  - E. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
  - F. Facilities using lighting adjoining a residentially zoned property shall deflect lighting away from these areas.
  - G. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
  - H. All sports fields shall be a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.

**4.3.58 Railroad Yards**

- 1) Location Requirements:
  - A. Minimum Parcel Area: A minimum of forty (40) acres shall be required
  - B. Setbacks of loading and unloading operations shall be required as follows:
    - 1. Adjacent to existing residences = 500 feet.
    - 2. Adjacent to public right-of-way or property line = 200 feet.
  - C. A berm shall be provided pursuant to Article 8.
- 3) Buffering Requirements:
  - A. Fencing: The entire perimeter of any site shall be enclosed by: a six (6) foot high chain link fence along any road on which the site has frontage; and a four (4) foot woven wire farm fence with one strand of barbed wire on top along other property lines to deter inadvertent entry.
  - B. The outdoor storage of trash or rubbish shall be screened in compliance with Section 8.11 of this Ordinance.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

##### 4) Performance Standards:

- A. All uses shall be established and maintained in accordance with all applicable local ordinances, State and Federal laws.
- B. Conditions and Safeguards: The Planning Commission may impose such additional conditions and safeguards deemed necessary for: the public health, safety and general welfare, the protection of individual property rights, and for insuring the intent and purpose of this Ordinance as are not contrary to state law. The breach of any condition, safeguard, or requirement shall be a violation of this Ordinance.
- C. Hours of Operation: Operating hours shall be determined by the Planning Commission based on nuisance potential to adjoining property owners.
- D. Nuisances: Litter, odor, smoke, fumes, and dust shall be controlled so as not to cause a nuisance or hazard.
- E. The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize traffic hazards, to minimize the wear on public streets, and to prevent encroachment of traffic or the by-products of traffic (such as dust and noise) upon adjacent properties.

#### 4.3.59 **Religious Institutions**

##### 1) Location Requirements:

- A. The proposed site shall be so located as to have at least one property line on a public road. If the combined building area is over thirty-thousand (30,000) square feet, access shall be from a major thoroughfare.

##### 2) Site Requirements:

- A. The proposed site shall be at least one (1) acre in size plus one-half (1/2) acre per one hundred (100) seats in the main auditorium.
- B. No building shall be closer than fifty (50) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each foot of additional height above the district height limitation.
- C. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty percent (60%) of the site shall be covered by impervious surface

##### 3) Buffering Requirements:

- A. The site shall comply with the requirements of Article 8.
- B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

##### 4) Performance Standards:

- A. No day care center, day or overnight camp, private school, or other use requiring a Special Use Permit shall be allowed without a separately approved Special Use Permit for each use identified as requiring a Special Use Permit in this Ordinance.
- B. Additional principal uses may share parking if the uses are at different times.

#### 4.3.60 **Repair Services**

##### 1) Site Requirements: Shall comply with the minimum lot size of the District.

##### 2) Buffering Requirements:

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- A. A landscaped buffer strip shall be provided in accordance with the provisions of Section 8.3.2.
- B. Outdoor trash storage shall be provided pursuant to Section 8.11.

#### 3) Performance Standards:

- A. The facility shall be in conformance with all local, county, state and federal regulations at all times.
- B. Storage of all machinery and equipment being repaired shall be inside an enclosed building.
- C. All flammable liquids, solvents, cleaners and other hazardous substances shall be stored within a building and secondary containment measures shall be installed and properly maintained.
- D. The intensity level of sounds shall not exceed seventy-five (75) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to a dwelling or a residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

#### 4.3.61 **Rural Enclaves**

This development option in the A-1 Agricultural Production District is presented to permit a small part of a larger agricultural property to be developed as single family dwellings with the minimum impact on the amount of farmland consumed and on the economic operation of the farm. It is intended to be flexible in its application provided large areas of agricultural land are preserved. No common open space is permitted in a rural enclave.

#### 1) Site Requirements:

- A. The following uses are permitted:
  - 1. Single family dwellings.
  - 2. Home occupations, as provided for in Section 5.3.2.A, but not home businesses as provided for in Section 5.3.2.B.
- 3. Animals per the requirements of Section 5.2.12.C, Table 5-1 and Section 5.2.12.D, Table 5-2.
- B. Density: Single Family dwellings may be clustered into a rural enclave at the following densities: in the A-1 District at the density of one dwelling per forty(40) contiguous acres. This means 240 acres in an A-1 District could have six (6) single family lots in a rural enclave.
- C. Site Location: A cluster of single family dwellings is permitted in a rural enclave if conformance is achieved with all of the following conditions:
  - 1. The affected area shall be other than prime agricultural land and found unsuited for crop production because of soil conditions, unless all of the soil on the property is prime agricultural land; or the only non-prime agricultural land on the property is unsuited for single family development, in which case the location of the rural enclave shall minimize fragmentation of efficient agricultural operations.
  - 2. The affected area is less than twenty (20) acres and more than five (5) acres in area and where natural features permit, is isolated by roads, steep lands or wetlands.
  - 3. The area has direct access to a public road either via a private road or a new public road approved according to the requirements of this Ordinance.
  - 4. The site is not within one-thousand three hundred and twenty (1,320) feet of concentrated animal feeding operation.
- D. Site Development Requirements:
  - 1. Lot size shall not be more than two and one-half (2½ ) acres nor less than one-half acre and no parcel shall have an area less than that required to meet Public Health Department waste disposal requirements.



#### ARTICLE 4 SPECIFIC USE REGULATIONS

2. Minimum width at the building line shall not be less than fifty (50) feet and no required yard shall be more than twenty percent (20%) less than the district for a single family dwelling.

E. Site Plan: The petition shall be accompanied by a limited Site Plan. The plans shall be drawn to a scale of 1" = 100' and said plan shall include the following information:

1. Parcel boundary.
2. Proposed lots within the parcel.
3. Provisions for grading and stabilization that will minimize said erosion.
4. Description and mapping of existing buffer areas (wetlands, steep slopes, roads, non-arable lands).
5. Description and map of nearest agricultural activity and principal uses.
6. An illustration showing, to scale, an alternative way that the same number of lots could be permitted by right without being permitted through the residential enclave option.

F. Spacing: Single Family Dwellings shall be separated from farm buildings consistent with the requirements of Section 4.3.49, 2), c.

#### **4.3.62 Sanitary Landfills**

##### **1) Site Requirements:**

A. In addition to the necessary application and payment of fees, the petition shall be accompanied by a General Site Plan. The plans shall be drawn to a scale of 1" = 100', and said plan shall include the following information:

1. The method and direction of landfilling.
2. Surface overburden stripping and stockpiling plan.
3. Provisions for grading, revegetation, and stabilization that will minimize soil erosion and sedimentation.
4. Provisions for buffering, landscaping, fencing and screening.
5. Legal description and physical location of each phase, number of acres included in each phase unit, estimated length of time to complete filling of each successive phase unit.
6. A phase unit is a designated area of operations of not greater than twenty (20) acres. These phase units shall be clearly indicated on the general site plan. Prior to excavating or filling of any phase, written notification must be submitted a minimum of five (5) days in advance to the Zoning Administrator and an approved inspection ticket shall be issued by the Zoning Administrator upon compliance with the Ordinance and the submitted general plan. Re-establishment of vegetation on the areas to be abandoned, as outlined on the plans and specifications on file shall be accomplished prior to moving to the next phase. To insure the performance of the rehabilitation of the site, the Planning Commission may, after proper notification, utilize said financial guarantee as indicated in Article 7.
7. Cross-section drawings showing the present elevations, the invert elevations, and the final elevations.
8. Proposed use of parcel after completion.
9. Drainage on and away from the fill area showing directional flow of water in drainage ways, natural water courses and streams, intermittent and flowing, including discharge from the filling operation.
10. The haul routes of trucks regularly coming to and from the facility.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- B. Minimum Parcel Area: A minimum of forty acres shall be required to utilize any site for sanitary landfill operations.
- C. Setbacks of the filling operation shall be required as follows:
1. Adjacent to residential district or existing residences dwelling = 500 feet.
  2. Adjacent to agricultural district = 300 feet.
  3. Public Right-of-way = 300 feet.
  4. Adjacent to commercial district = 250 feet.
  5. Adjacent to industrial district = 100 feet.
- D. Ingress and Egress Requirements: There shall not be more than one (1) entrance to the landfill site and such entrance shall be provided with a gate not less than six (6) feet high which shall be securely locked at the close of each work day or whenever the site is unattended.
- E. The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight.

#### 2) Buffering Requirements:

A. Fencing: The entire perimeter of any landfill site shall be enclosed by: a ten (10) foot high chain link fence along any road on which the site has frontage; and a four (4) foot woven wire farm fence with one strand of barbed wire on top along property lines to deter inadvertent entry and effectively retain papers. Additional fencing such as an eight (8) foot portable chicken wire fence along the unloading and spreading area may be required by the Planning Commission whenever necessary to control light rubbish blown by the wind.

#### 3) Performance Standards:

- A. All uses shall be established and maintained in accordance with all applicable local ordinances and Part 115 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended.
- B. Conditions and Safeguards: The Planning Commission may impose such additional conditions and safeguards deemed necessary for: the public health, safety and general welfare, the protection of individual property rights, and for insuring the intent and purpose of this Ordinance as are not contrary to state law. The breach of any condition, safeguard, or requirement shall be a violation of this Ordinance.
- C. Hours of Operation: Operating hours shall be determined by the Planning Commission based on nuisance potential to adjoining property owners.
- D. Covered Loads: All refuse collection vehicles shall be covered with a rigid or fabric cover before entering or exiting the site. The cover must be securely attached to prevent any loss of materials from the vehicle during transit.
- E. Litter: Policing of the immediately adjoining property, perimeter berms, and/or fencing to prevent unauthorized dumping, or wind blown debris shall be required at the expense of the operator.
- F. Nuisances: Litter, odor, smoke, fumes, and dust shall be controlled so as not to cause a nuisance or hazard.
- G. The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize traffic hazards, to minimize the wear on public streets, and to prevent encroachment of traffic or the by-products of traffic (such as dust and noise) upon adjacent properties.

#### 4.3.63 **Self-Service Storage Facilities**

##### 1) Location Requirements:

#### ARTICLE 4 SPECIFIC USE REGULATIONS

A. The facility shall have direct access to a major thoroughfare.

#### 2) Site Requirements:

A. The minimum lot or parcel size for self-service storage facilities shall be two (2) acres.

B. The individual areas used principally for storage, warehousing, or distribution shall not exceed five thousand (5,000) square feet in gross floor area or twenty-five (25) feet in height.

C. Off street parking shall be in accordance with Article 7.

D. There shall be a minimum of thirty five (35) feet, forty-five (45) feet if the driveway is two-way, between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.

E. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.

#### 3) Buffering Requirements:

A. When adjoining a residential district, a six (6) foot high wall or fence shall be erected and maintained along the connecting lot line. Said fence is not subject to the waivers requirements in Section 8.14

B. All lighting shall be shielded from adjacent residential districts.

C. A twenty (20) foot landscaped strip shall be required adjacent to any public streets pursuant to the requirements of Article 8.

D. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

#### 4) Performance Standards:

A. No retail, wholesale, fabrication, manufacturing, or service activities shall be conducted from the storage units by the lessees.

B. Not more than three thousand six-hundred (3,600) square feet in total area shall be occupied or used by any single tenant.

C. Storage of goods shall be limited to personal property with no commercial distribution allowed from the storage units.

D. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.

E. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.

F. No storage of hazardous substances, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

#### 4.3.64 **Sexually Oriented Businesses**

1) Location Requirements: Where a reference in this Section is made to conformance with the standards of another use or Section which requires a Special Use Permit, the sexually oriented business shall conform with the standards for that use or Section but no Special Use Permit will be required. Approval of a site plan by the Planning Commission pursuant to the procedure specified in Article 14 is required; and a final decision of the Planning Commission shall be made within

sixty days following a complete application.

2) Site Requirements:

A. Sexually oriented businesses that are also indoor entertainment establishments shall meet the site requirements for indoor entertainment establishments found in Section 4.3.38 and those of Section 4.3.65 2) B., C., D. and E. below.

B. All sexually oriented businesses shall be contained in a freestanding building. Enclosed malls, commercial strip buildings, common wall structures, and a mixture of non-sexually oriented businesses and other businesses within the same structure do not constitute a freestanding building.

C. No sexually oriented business shall be established on a parcel which is within five-hundred (500) feet of any parcel zoned R-1A, or any residence, park, school, child care facility, place of worship, bowling alley, skating rink, pawn shop or secondhand store, indoor or drive-in movie theater, pool or billiard hall, dance hall, amusement center, sauna, hot tub or similar establishment, a Class "C" establishment licensed by the Michigan Liquor Control Commission.

D. No sexually oriented business shall be established on a parcel within one thousand feet (1000') of another sexually oriented business.

E. The distance between a proposed sexually oriented business and any parcel zoned R-1A, any residence, park, school, child care facility, place of worship, bowling alley, skating rink, pawn shop or secondhand store, indoor or drive-in movie theater, pool or billiard hall, dance hall, amusement center, sauna, hot tub or similar establishment, a Class "C" establishment licensed by the Michigan Liquor Control Commission or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, child care organization, place of worship or other sexually oriented business.

F. The spacing requirement in subsection c and d. above may be waived by up to twenty-five percent (25%) by the Planning Commission, if the following findings are made:

1. That the proposed sexually oriented business use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of the District will be observed.
2. That the proposed sexually oriented business use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
3. That the establishment of a sexually oriented use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of redevelopment or renewal.
4. That all applicable state laws, county and local ordinances will be complied with.

3) Buffering Requirements:

A. Sexually oriented businesses that are also indoor entertainment establishments shall meet the buffering requirements for indoor entertainment establishments found in Section 4.3.38.

B. All sexually oriented businesses shall comply with the following buffering requirements:

1. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
2. Outdoor storage of garbage shall comply with the requirements of Section 8.11.

4) Performance Standards:

A. Sexually oriented businesses that are also indoor entertainment establishments shall meet the performance standards for indoor entertainment establishments found in Section 4.3.38.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

B. All sexually oriented businesses shall conform with the following standards:

1. The sexually oriented business shall conform with all regulations of the zoning district in which it is located unless those regulations conflict with these standards, in which case these standards shall control.
2. The sexually oriented business shall meet all applicable written and duly promulgated standards of Shiawassee County and of other governments or governmental agencies having jurisdiction, and must, to the extent required, have the approval of these governments and/or governmental agencies or be reasonably assured of such approval prior to grant of a permit under this Ordinance.
3. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting from the business, and using lettering no less than two (2) inches in height that: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
4. No sexually oriented business use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public street or road, or from any property not regulated as a sexually oriented business. This provision shall apply to any display, product or service for sale or gift, decoration, sign, show window, or other opening.
5. Hours of operation shall be limited to 10:00 AM to 2:00 AM Monday through Saturday and may be prohibited on legal holidays.
6. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
7. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities shall:
  - a. Be handicap accessible to the extent required by the Americans With Disabilities Act;
  - b. Be unobstructed by any door, lock or other entrance and exit control device;
  - c. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - d. Be illuminated by a light bulb of wattage of no less than 25 watts;
  - e. Have no holes or openings in any side or rear walls not dedicated for use by a utility, or a heating, air conditioning or ventilation system.
8. No person shall reside in or permit a person to reside in the premises of a sexually oriented business.
9. It shall be unlawful and a person is in violation of this Ordinance if the person operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued under this Ordinance, and knowingly or with reason to know permits, suffers or allows any person:
  - (1) To engage in a straddle dance with a person at the sexually oriented business;
  - (2) To contract or otherwise agree with a person to engage in a straddle dance with a person at the sexually oriented business;
  - (3) To engage in any specified sexual activity at the sexually oriented business;
  - (4) To display or expose any specified anatomical area while simulating any specified sexual activity with any

#### ARTICLE 4 SPECIFIC USE REGULATIONS

other person at the establishment, including with another employee;

(5) To intentionally touch any person at the sexually oriented business while engaged in the display or exposure of any specified anatomical area;

(6) To voluntarily be within three (3) feet of any person, other than another employee, while engaged in the display or exposure of any specified anatomical area.

b. It shall be unlawful and a person is in violation of this Ordinance, if, as an employee of a sexually oriented business, said person:

(1) Engages in a straddle dance with a person at the sexually oriented business;

(2) Contracts or otherwise agrees to engage in a straddle dance with a person at the sexually oriented business;

(3) Engages in any specified sexual activity at the sexually oriented business;

(4) Displays or exposes any specified anatomical area while simulating any specified sexual activity with any other person at the sexually oriented business, including with another employee;

(5) While engaged in the display or exposure of any specified anatomical area, intentionally touches a person at the sexually oriented business;

(6) Is voluntarily within three (3) feet of any person (other than another employee) while said person/employee is engaged in the display or exposure of any specified anatomical area.

10. All sexually oriented businesses shall conform with the following regulations concerning:

a. Disorderly persons, § 750.167 et seq. of the Compiled Laws of Michigan

b. Drugs and medicines, and controlled substances, § 333.7101 et seq. of the Compiled Laws of Michigan

c. Gambling, § 750.301 et seq. of the Compiled Laws of Michigan

d. Horseracing, § 750.330 et seq. of the Compiled Laws of Michigan

e. Indecency and immorality, § 750.335 et seq. of the Compiled Laws of Michigan

f. Intoxicating liquor, generally see § 436.1 et seq. of the Compiled Laws of Michigan

g. Nuisance abatement, see §§ 600.2940, 600.2941.

h. Prostitution, see § 750.448 et seq. of the Compiled Laws of Michigan.

C. All sexually oriented businesses which serve alcohol shall comply with the following additional standards:

1. At all times shall remain in conformance with all rules, regulations, license conditions, permits, approvals, sanctions or other requirements of the Michigan Liquor Control Commission.

2. Apply for and receive site plan review and approval from the Planning Commission before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.

D. Special Hardship: If the regulations above, or in combination with other regulations of this Ordinance have, in the opinion of the applicant, the effect of precluding establishment of a sexually oriented business, then the applicant shall not have exhausted his/her administrative remedies under this Ordinance without first applying for a Hardship PUD according to the provisions of Section 13.4.

4.3.65 **Shooting Ranges**

Including those facilities defined in the Sport Shooting Range Act No. 269 of 1989, as amended, and/or facilities designed, operated, or used for any form of shooting including ranges for archery, rifles, shotguns, pistols, black powder or other similar projecting of weapons, and skeet, trap, silhouettes, and other types of target facilities

1) Site Requirements: Minimum lot area shall be twenty (20) acres for outdoor facilities and one (1) acre if the facility is located within a building or underground.

2) Buffering Requirements:

A. All landscaping and buffering shall comply with requirements of Article 8.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

3) Performance Standards:

A. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to. In addition, the requirements of the Sport Shooting Ranges Act, Public Act 269 of 1989, as amended, shall be adhered to.

B. A site plan for the range, whether indoor or outdoor, shall be submitted clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.

C. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Zoning Administrator.

D. Rifle and pistol ranges shall have adequate backstops that meet the approval of the Planning Commission.

E. A five (5) foot high chain link fence shall be provided around any outdoor shooting area to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged. Signs designating the area as a shooting range shall be clearly posted.

F. Hours of operation shall be between 8:00 a.m. and dusk.

G. The intensity level of sounds shall not exceed seventy-five (75) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to a dwelling or a residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

H. The layout of the shooting range shall follow guidelines available from public and nonprofit organizations maintained in the office of the Zoning Administrator, that are designed to enhance public safety, minimize accidents, guarantee insurance coverage and minimize liability.

I. Section 2a of the Sport Shooting Range Act No 269 of 1989 mandates that facilities as defined in the Act that existed before the effective date of the Act (1989) be allowed to expand and replace existing facilities and the level of activity at the facility. The limitations on nonconformities in Article 10 of this Ordinance are superseded by the Sport Shooting Act.

4.3.66 **Surface Mining**

1) Site Requirements:

A. The minimum site size for surface mining shall be five (5) acres.

B. Areas subject to surface mining shall not be permitted closer than one hundred fifty (150) feet from boundary lines of the property and any natural or existing waterbody, watercourse or wetland.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- C. No excavation business shall be permitted closer than three hundred (300) feet to any properties used as a dwelling or within three hundred (300) feet of any residential district.
- D. Areas subjected to mining shall not be permitted within one hundred fifty (150) feet of adjoining private road or public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way.
- E. The permanent processing plant and its accessory structure shall not be located closer than two hundred fifty (250) feet from the boundary lines and public rights-of-way or no less than five hundred (500) feet from any dwelling unit or residential district, and shall (where practicable) be as close to the center of the subject property as possible.
- F. Storage, mixing or processing of other aggregate and related materials (but not asphalt, see Section 4.3.4) brought to the site from elsewhere is permitted on site, but must be located proximate to the permanent processing plant and are subject to all the same restrictions as other aggregate material extracted at the site.
- G. The Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition of such operations and for the purpose of routing traffic around residential areas and preventing damage to existing roads which are not "all- weather" roads.
- H. In addition to the data requirements of Section 14.4.2, each application for a Special Use Permit shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:
1. Name and address of surface owner and/or mineral rights owner of land from which excavation activities will take place.
  2. Name, address and telephone number of operator (person, firm or corporation who will be conducting the actual excavation).
  3. Location, size and legal description of the total site area to be excavated. Include legend showing a north point, scale and date.
  4. Location, width and grade of all easements or rights-of-way on or abutting the area subject to excavation.
  5. A statement from the applicant identifying all other federal, state and local permits required, if any.
  6. Proof of liability insurance from the operator.
  7. Notification of any deed restrictions on the property
  8. Name of financial institution backing the excavation operation.
  9. Existing and proposed topography at two-foot contour intervals. Such topography shall extend a minimum of 150 feet beyond the top of the bank of excavation.
  10. The existing surface water and drainage patterns.
  11. Vertical aerial photograph, enlarged to a scale of one inch equals 200 feet, from original photography flown at a negative scale no smaller than one inch equals 1,000 feet, and certified as flown not earlier than two (2) months prior to date of application. The vertical aerial photograph shall cover:
    - a. All land requested in permit application
    - b. All contiguous land which is or has been used by the owner or leaseholder applicant for excavation, processing, storage or other permitted use.
    - c. All lands within one-half mile of proposed planned excavation area.



#### ARTICLE 4 SPECIFIC USE REGULATIONS

- d. Existing zoning classification overlaid on all areas shown on the map.
- 12. A hydrogeologic report of the proposed excavation site. Such a report shall, at a minimum, provide:
  - a. A detailed description of subsurface conditions.
  - b. Depth of water table throughout the planned excavation area.
  - c. A map depicting the thickness and depths of material to be excavated.
  - d. A discussion of the environmental impacts of the proposed excavation, including but not limited to the impact of the proposed excavation upon existing area wells.
  - e. A recommendation of the necessity to install monitoring wells.
- 13. Area from which excavation will take place in the first year of operation and likewise for each successive year to completion
  - a. The area and amount of material to be excavated in cubic yards.
  - b. Proposed side slopes and depths for all portions of the excavated area.
  - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - d. The time, duration, phasing by cell and proposed work schedule of the total project.
    - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
- 14. The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
- 15. Proposed plans for fencing, and signs.
- 16. Provisions for fences, buffers, landscaping and screening.
- 17. A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase the project. At a minimum, the plan of reclamation shall include:
  - a. Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in excavation.
  - b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
  - c. Landscape plan for the portion of the property disturbed by excavation and associated activities, including an inventory of plant/tree species to be used.
  - d. A reuse plan for the site once excavation is complete.
- 18. Site plan and associated background reports shall document the method of compliance with the performance standards of this Section.

#### 2) Buffering Requirements:

- A. Fencing: If, in the opinion of the Planning Commission, any part of the surface mining site or activity might present a dangerous condition if left unprotected, the area involved in the use shall be enclosed by a chain link or similar fence. The following standards for fencing shall apply to entrances to property, pits, cell units, pond areas,

#### ARTICLE 4 SPECIFIC USE REGULATIONS

extraction areas, or other slopes as determined by the Planning Commission to be a potential safety hazard. The Planning Commission shall, in establishing the requirements for fencing, also take into account the scope of the proposed excavation and the population density of the surrounding area.

Said fence shall be located not less than ten (10) feet from the top edge of any slope or from the water's edge of a pond. Where surface mining is authorized to proceed in stages, only the area excavated plus the area of the stage currently being excavated need be fenced. Fences shall be at least five and one-half (5½) feet in height and constructed of woven wire fabric and barbed wire on metal posts. The bottom strand of the woven wire mesh shall be two inches from the ground and the small mesh openings of the woven wire fabric near the ground. The fence shall have four strands of barbed wire as specified above the woven wire fabric, the first strand being four inches above the top of the woven wire mesh. The second strand of barbed wire shall be spaced seven inches above the first. The third and fourth strands of barbed wire shall be spaced nine inches and eighteen inches respectively above the second strand of barbed wire. Gates, the same height as the fence, shall be installed at all points of vehicular or pedestrian ingress and shall be kept locked when not in regular use.

#### B. Screening

1. Screening shall be provided along all setback lines (within 40-150 feet from property lines or right-of-ways) of the site. Such barriers shall consist of one or more of the following:
  - a. Earth berms constructed to a height of ten (10) feet above the mean elevation in the centerline of the adjacent public highway of ten (10) feet above the general level of terrain along property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass and trees or shrubs.
  - b. Plantings of evergreen trees not more than ten (10) feet apart or shrubbery not more than five (5) feet apart, in three (3) staggered rows parallel to the boundaries of the property which shall be at least two year transplants at the time of planting and which grown to not less than ten (10) feet in height and sufficiently spaces to provide effective sight barriers when ten (10) feet in height. Trees which die prematurely must be replaced.
  - c. Earth berms planted with grass and evergreen trees or shrubbery as specified in (b) above, provided that the total height of the berm and the trees or the shrubbery at maturity will be at least ten (10) feet above the general level of the terrain along property lines or the mean elevation of the center line of the adjacent public highway, as the case may be.
2. The ten (10) foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission to not less than six (6) feet if the particular site and terrain, with screening of a reduced height, will afford adequate screening.

#### 3) Performance Standards:

- A. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or collapse of supporting soil adjacent to an excavation.
- B. No operation shall be conducted in a manner so as to lower the water table on surrounding properties.
- C. All pit banks shall be graded in accordance with an approved reclamation plan with slopes no greater than three (3) feet horizontal to one (1) foot vertical, unless otherwise approved as part of a reclamation plan.
- D. Temporary stockpiling of topsoil or overburden, erosion, and similar operational problems shall not constitute a hazard to road traffic, pedestrians or adjoining property.
- E. Topsoil stockpiles shall be seeded to prevent wind and water erosion.
- F. All excavations shall use the most current best management practices (BMP) so as to control erosion and limit the amount of sediment reaching surface waters. No discharge from the site shall result in higher concentrations of silt than existed in offsite water prior to mining operations. All excavations shall be drained so that no stagnant water stands therein

#### ARTICLE 4 SPECIFIC USE REGULATIONS

- G. The excavation shall be graded in a fashion that will not cause water to accumulate in stagnant pools.
- H. Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
- I. The intensity level of sounds shall not exceed seventy-five (75) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to a dwelling or a residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- J. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
- K. Access to excavation areas shall be arranged to minimize danger to traffic and nuisance to surrounding properties.
- L. Truck or heavy vehicle traffic related to excavation operations shall use approved access routes which minimize adverse impacts on neighborhoods.
- M. Interior roads, parking lots, haul road loading and unloading areas shall be treated so as to limit the nuisance caused by wind-blown dust or dust from truck traffic. Public streets within 1500 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site by the operator following maintenance standards established by the road authority with jurisdiction.
- N. Additional equipment or machinery for the operations on the premises shall not be permitted unless specifically applied for in the application and covered by the permit issued.
- O. Any excavator shall be responsible for notifying the Michigan Department of State, Bureau of History when human remains and/or historical artifacts are discovered.
- P. The excavation shall not be used for the disposal of foreign material without prior approval from appropriate local, county and state entities.
- Q. All work shall be undertaken and completed on a cell by cell basis. No work can begin in the next cell until reclamation in the previous cell is satisfactorily completed or underway pursuant to a phasing plan approved by the Planning Commission.
- R. Maximum depth of excavation shall remain two (2) feet above the watertable, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from the overburden is to be used to refill such excavation for conformance to the approved reclamation plan. Operations shall be conducted in such a manner so as not to permanently lower the watertable. If excavations are refilled, that filling process must be in accordance with water pollution control regulations. A Michigan Department of Environmental Quality permit requirement may apply to this activity and prior to any filling a determination of pertinent regulations shall be made by the Zoning Administrator.
- S. In the event the owner/operator desires to develop said land into residential or recreational property with the excavation as a lake therein, he/she may make application, therefore, as a part of this Special Use Permit, provided said permit grades the borders of the excavation to a pitch of not more than one (1) foot drop to each four (4) feet of surface from the top of the bank to the high water mark, with a pitch from the high water mark into the water to a depth of eight (8) feet below the low water stage, with a drop of not more than one (1) foot to each eight (8) feet of surface.
- T. An operator shall remove all worthless debris and rubbish from the plant site and mining area within one (1) year of the date of termination of operations or abandonment of the property.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

U. The hours of operation shall be set by the Planning Commission, after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 6:30 p.m. and shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.

V. Before issuance of a Special Use Permit, there shall be filed by the applicant a surety bond at \$4,000 per acre executed by a reputable surety company authorized to do business in the State of Michigan, or an irrevocable bank letter of credit or cash bond pursuant to the requirements of Section 16.10 running to Vernon Township, conditioned upon the prompt compliance with all provisions of this Section and the requirements of the County and State.

4) Reclamation Standards: All reclamation activities shall be initiated at the earliest possible date in conformance with the following standards:

A. Reclamation of the site concurrent with excavation activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. All reclaimed cell units shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks shall be graded to angles which do not exceed those found in the natural topography of surrounding areas except that in no instance shall slopes exceed three (3) foot horizontal to one (1) foot vertical.

B. All top soil shall be stockpiled on the premises and promptly redistributed on abandoned areas or where extraction operations have been substantially discontinued for any period in excess of one year. Such areas shall then be seeded and planted with at least temporary protection the first year and by the second year permanent seeding to lessen erosion and encourage proper growth within one year of termination of all activity. Seeding shall be accomplished according to Soil Conservation Service Technical Guide IV G, Standards and Specifications for Vegetative Protection of Developing Areas with Permanent Seeding.

C. Progressive reclamation shall lead to the final surface landform portrayed in the reclamation plan.

D. A mining area shall be reclaimed by an operator pursuant to provisions of this Ordinance and the reclamation plan within one (1) year after abandonment or within the time set forth in the operator's reclamation plan approved by the Planning Commission. A reclamation plan shall be considered approved with the approval of the Special Use Permit issued pursuant to this Section.

E. Upon written request of an operator, the Planning Commission may grant an extension of the reclamation period if necessary to accomplish acceptable reclamation.

F. Unless plant structures, buildings, stockpiles and equipment are included as approved elements of the reclamation plan, upon cessation of mining operations, the operating company, within a reasonable period of time not to exceed twenty-four (24) months thereafter shall remove all plant structures, buildings, stockpiles and equipment from the area included in the Special Use Permit.

G. To show that the final landform portrayed in the drawings has a viable land use compatible with land use trends of the surrounding area. The base map for this element should be the final landform map upon which shall be shown by overlays or separate drawings and notes one or more developed schemes for land use or uses, each demonstrating that developed areas are accessible by roads and that physical attributes of the final landform are compatible with proposed use or uses. The final landform map shall depict the following:

1. Site mapping scales shall be no more than 1" = 100'.
2. Include a contour interval of ten (10) feet for a map scale of one (1) inch to one hundred (100) feet.
3. Show location of any proposed roads within the reclaimed area and their connection to present public roads beyond.
4. Show location of any lakes, ponds, or streams proposed within the reclaimed area and their connections to streams or drainageways beyond.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

5. Show location of any proposed works-of-man within the reclaimed area (dams, buildings, etc.).
6. Show location of all buildings within three hundred (300) feet of the project site.
7. Show areas where vegetation is to be established, and indicate types of vegetative cover.
8. Describe any degree of flexibility considered to be needed in execution of the plan.

H. Excavated areas shall be reclaimed under the following standard:

1. Vegetation similar to that which existed prior to the excavation process shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. Such vegetation shall be of sufficient diversity to support a variety of wildlife species.
2. When excavation operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
3. A layer of arable topsoil, of a quality approved by the Zoning Administrator shall be spread over the excavated area, except exposed rock surfaces, or areas lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved contour plan.
4. Excavation which has created or extended lakes, ponds or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Natural Resources Conservation Service, and shall be approved by that agency.
5. Where excavation operation results in a body of water, owner or operator shall place appropriate "Keep Out-Danger" signs around said premises not more than one hundred fifty (150) feet apart.
6. Backfill and grading materials shall not be noxious, flammable or toxic.
7. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non- swelling. If the reuse plan involves development of dwellings or other buildings fill and soils shall be of proper bearing capacity to support foundations, and septic systems.
8. All temporary structures shall be removed from the premises upon completion of the excavation activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
9. If the reuse plan involves a recreational or wildlife facility reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
10. Surface mining operations authorized by Special Use Permits shall be inspected with reasonable frequency to determine compliance with the reclamation plan, with this Ordinance and permits issued pursuant to this Ordinance.
11. The general reclamation plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission shall solicit comment from the Township Board and Township Planning Commission on any modifications.

5) Notice of Abandonment, Evidence of Continuing Use: When activities on or use of the area subjected to mining, or any portion thereof, have ceased for more than one (1) year, as shown by examination of the premises or other means, the Planning Commission shall give the operator written notice of their intention to prove the area subjected to mining or portion thereof abandoned.

Within thirty (30) days following receipt of the notice, the operator shall have an opportunity to submit evidence that the use of the area subjected to mining or portion thereof is continuing. If the Planning Commission proves that the operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use,

the Planning Commission may find an abandonment of the use.

6) Additional Standards for Approval of a Special Use Permit: A decision by the Planning Commission on a surface mining application for a Special Use Permit shall be based upon the site plan review and special use permit criteria set forth within the Ordinance and shall also be based on the following standards:

A. The character of the area in question and its peculiar suitability, if any, for particular uses. Sources of information on this matter may include any or all of the following persons or commissions: the Zoning Administrator, the Director of the Shiawassee County Health Department, the Planning Commission, and commissions or councils from affected cities or villages.

B. Conservation of natural resources and environmental factors, and the general appropriate trend and character of development in the subject area. The protection and preservation of the general health, safety, and welfare of the Township.

C. The scarcity or value of minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operation.

D. In making any decision, the Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residence and property owners.

7) Other Conditions on the Owner and Operator: The conditions of any Special Use Permit issued under this Section apply not only to the owner and run with the land but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in excavation. When an operator disposes of his interest in an excavation area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use Permit may be transferred.

#### 4.3.67 Reserved for Future Use

#### 4.3.68 **Utility and Public Service Installations**

##### 1) Site Requirements:

A. The lot area and width shall be not less than that specified for the district in which the proposed use is located.

B. The yard and setback requirements shall not be less than that specified for the district in which the proposed use is located.

C. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located with the exception of communication towers pursuant to Section 4.3.16.

D. No more than thirty percent (30%) of the lot area may be covered by buildings.

E. Public utility or public service installation or structures shall be located and constructed at such places in such manner that they will not segment land of any one farm and will not interfere with the conduct of agriculture by limiting or interfering with the access to fields or the effectiveness and efficiency of the farmer and farm equipment, including crop spraying aircraft.

##### 2) Buffering Requirements:

A. Where mechanical equipment is located in the open, it shall be screened from the surrounding residential area by suitable plant material and shall be fenced as approved by the Planning Commission pursuant to Section 8.14 of this

## ARTICLE 4 SPECIFIC USE REGULATIONS

Ordinance.

- B. All landscaping and buffering shall comply with requirements of Article 8.
- C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.
- D. All sewage treatment and disposal operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200) feet in width within which grass, plants and structural screens shall be placed which shall be approved by the Planning Commission.
- E. All sewage treatment and disposal operations shall be completely enclosed by a wirelink fence not less than six (6) feet high.

### 3) Performance Standards:

- A. All buildings shall be harmonious in size, scale, exterior material and appearance with the surrounding area and shall be fenced or landscaped as approved by the Planning Commission pursuant to Article 8 of this Ordinance.
- B. All signs shall be in compliance with the provisions of Article 9.
- C. Off-street parking shall be in compliance with the provisions of Article 7.
- D. All uses shall be established and maintained in accordance with all applicable federal, and state laws, county and local ordinances.

### 4.3.69 Reserved for Future Use.

### 4.3.70 **Vehicle Sales and Service (see Open Air Businesses)**

New and used automobile sales and service, mobile homes, boats, motorcycles, and other outdoor sporting goods sales are permitted by Special Use Permit via the standards of Section 4.3.51 (Open Air Businesses).

### 4.3.71 Vehicle Wash Facilities

#### 1) Site Requirements:

- A. The minimum lot or parcel size for vehicle wash facilities shall be ten thousand (10,000) square feet.
- B. The minimum front yard setback for the structure shall be fifty (50) feet; minimum side yard setback shall be twenty-five (25) feet; minimum rear yard setback shall be seventy-five (75) feet.
- C. The entrances and exits of the facility shall not be from an adjoining residential street or alley. A street or alley shall not be used as a maneuvering or parking area for vehicles using the facility.
- D. The entire site, other than the portion occupied by the building and landscaping, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage.
- E. There shall be no above-ground outdoor storage/dispensing tanks on the site.

#### 2) Buffering Requirements:

- A. When adjoining a residential district, a six (6) foot high wall or fence shall be erected and maintained along the connecting interior lot line or other landscaping providing a six (6) foot high barrier may be approved by the Planning Commission pursuant to the requirements of Article 8.
- B. All lighting shall be shielded from adjacent residential districts or dwellings.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

C. The outdoor storage of trash or rubbish shall be screened in compliance with Section 8.11 of this Ordinance.

3) Performance Standards:

A. All washing activities shall be conducted within a completely, or partially enclosed structure, except one "tall" vehicle washing area is permitted.

B. Vacuuming activities shall be at least twenty-five (25) feet from any lot line except where the property abuts a residential zone in which case a fifty foot (50) separation shall be maintained.

C. All drains shall be connected to a public sanitary sewer system unless a completely enclosed washwater recycling system meeting all state and federal requirements is used.

D. Vehicle wash facilities shall not be operated between the hours of 11:00 p.m. and 8:00 a.m.

#### **4.3.72 Veterinary Clinics**

1) Buffering Requirements:

A. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent residential district lot line, residence, or any adjacent building used by the general public and shall not be located in any required yard.

B. All landscaping and buffering shall comply with requirements of Article 8.

C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

2) Performance Standards:

A. Uses permitted include medical treatment, retail sales of animal supplies and boarding. Boarding of wild animals is prohibited unless in an American Association of Zoological Parks and Aquariums accredited facility.

B. All activities must be confined within a fully enclosed building that is soundproofed except for a large animal paddock.

C. All principal use activities shall be conducted within a totally enclosed principal building.

D. There shall be no storage or boarding of animals outside of the fully enclosed and soundproofed building.

E. No dogs shall be permitted in open run areas between the hours of 10:00 p.m. and 7:00 a.m.

F. An adequate, enclosed method of refuse storage and disposal shall be maintained to that no public nuisance shall be created at any time.

#### **4.3.73 Watercraft Access Site**

1) Location Requirement:

A. Parking areas shall be located no closer than thirty-five (35) feet from any adjacent residential district.

2) Site Requirements:

A. The minimum lot or parcel size shall be one (1) acre.

B. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.



#### ARTICLE 4 SPECIFIC USE REGULATIONS

- C. Vehicle loading and boat launching shall occur pursuant to a one-way road design that provides adequate stacking space and safe and efficient flow for all in line. Signs shall indicate traffic flow and parking areas.
- D. Each parking space shall be a minimum of ten (10) feet by forty (40) feet so it can be used as a tie down area and storage for vehicle and trailer while the boat is in the water.
- E. Accessory uses shall occupy no more than four hundred (400) square feet of building area.

#### 3) Buffering Requirements:

- A. Fences and screening in accordance with Article 8 of this Ordinance may be required to mitigate potential negative impacts on adjacent properties.
- B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

#### 4) Performance Standards:

- 1) Sanitary facilities (restrooms) shall be provided on the site per the requirements of the County Health Department.
- 2) All watercraft access sites shall conform with Parts 301 and 801 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, and all other applicable local, state, and federal regulations.
- 3) Any boat launching ramp shall be constructed with quality hard surfaced materials to withstand anticipated use and maintained in good condition.
- 4) The slope of a boat launching ramp to and into the water shall not be more than one (1) to three (3) and shall be long enough to allow all wheels of a vehicle and its trailer to be on a hard surface while loading and unloading a boat or other watercraft.
- 5) All loading and unloading of a motorized boat or other watercraft into the water shall take place at an approved boat launching ramp.
- 6) If there is no boat launching ramp, site use shall be restricted by sign to launching non-motorized watercraft only.

#### 4.3.74 Wind and Solar Energy Facilities

- 1) "Large Solar Energy Facilities" means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.
- 2) "Wind Energy Facilities" Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system. Also refers to the terms "windmill," "wind turbine," or "wind generator".
- 3) The purpose of this section is to provide sufficient time for Vernon Township to fully explore, analyze, research, and make informed decisions regarding Large Solar Energy Facilities and Wind Energy Facilities. In support of this section, Vernon Township has determined the following:
  - A. The Township has become aware that developers are interested in constructing Solar Energy Facilities and Wind Energy Facilities in the Township.
  - B. Prior to June 3, 2019, it was the policy of the state that property enrolled in the Farmland and Open Space Preservation program, commonly known as PA 116, would have precluded enrolled property to be used for Large Solar Energy Facilities.

#### ARTICLE 4 SPECIFIC USE REGULATIONS

C. On June 3, 2019, the Michigan Department of Agriculture and Rural Development announced a change to the state policy that would open PA 116 enrolled property to allow the development and use of farmland for commercial solar array purposes.

D. The integration of these Large Solar Energy Facilities and Wind Energy Facilities within the Township requires suitable regulations and controls to protect the health, safety and welfare of all of the Township's residents.

E. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary to allow the Township Board time to fully explore, analyze, research and develop any regulations regarding the integration of Large Solar Energy Facilities and Wind Energy Facilities in the Township.

F. A moratorium should be imposed upon the issuance of any and all permits, licenses, and approvals for any property in the Township for the establishment and use of Large Solar Energy Facilities and Wind Energy Facilities for 12 months, subject to further extension at the discretion of the Township Board.

- 4) A moratorium is hereby imposed upon the issuance of any and all permits, licenses, or approvals for any property in the Township for the establishment and use of Large Solar Energy Facilities and Wind Energy Facilities, so long as this Ordinance is in effect.
- 5) The moratorium imposed by this Ordinance remains in effect for 12 months following the effective date of this Ordinance. Before this moratorium expires, the Township may, by resolution, extend the moratorium for up to 12 additional months, if necessary. If an extension is adopted, the Township will publish notice of the extension.

## ARTICLE 5 SUPPLEMENTAL REGULATIONS

### SECTION 5.1 PURPOSE

It is the purpose of this article to establish supplemental regulations for lots, uses, and activities addressed in the four previous articles, that relate to accessory uses, dimensional standards, various exceptions, and aspects of land use and design that are not addressed in the remaining articles of this Ordinance. These provisions will help prevent environmental degradation, poor health or safety conditions, and nuisance-like effects on abutting properties.

### SECTION 5.2 GENERAL REGULATIONS

#### 5.2.1 General Environmental Protection and Nuisance Prevention Standards

A. Every use shall be so conducted and operated so that it is not detrimental to the health, safety, or welfare of persons or property, or obnoxious by reason of heat, glare, fumes, odors, dust, noise, smoke, water runoff, light, ground vibration or other nuisance beyond the lot on which the use is located. It shall be unlawful to carry on or permit to be carried on any activity or operation of use of any land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazards to humans or to human activity.

B. Dangerous Explosive and Flammable Materials: No use of a building or premises shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street. All buildings, above or below ground storage and handling areas where dangerous chemicals, salts, flammable materials, or hazardous substances are regularly used, moved or stored shall conform to all applicable local, County, State and Federal regulations and requirements; including the maintenance of any clear zone and/or containment structures required by government authorities. Failure to disclose such materials to fire, emergency services agencies and the Michigan Department of Environmental Quality as may be required by State or Federal laws, is also a violation of this Ordinance.

C. Junk:

1. No person shall store, place, abandon, or permit to be stored, placed, abandoned, or allow to remain in any district a dismantled, partially dismantled, unlicensed, or inoperable motor vehicle, vehicles, unless confined in a wholly enclosed structure.

2. No person shall store, place, abandon, or permit to be stored, placed, abandoned, or allow to remain in any district junked, wrecked, or inoperable farm machinery unless hidden from the view of the general public.

D. All proceedings of the Planning Commission, Board of Appeals, and the Township Board shall be conducted, and all decisions shall be made with due consideration given to the maintenance of reasonable circumstances regarding: emission and transmission of injurious or obnoxious noise, fire or explosive hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, adequate light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

E. Environmental Impact Assessment:

1. The Planning Commission may require an Environmental Impact Assessment (EIA), at the expense of the applicant, for any residential, office, commercial or industrial development, which includes a land area of five acres or more or a building over 50,000 square feet, before approving a required site plan or making a decision upon a request for Planned Unit Development approval. At their discretion, the Planning Commission may accept an EIA prepared for another public agency.
2. The environmental impact assessment should analyze the impact of the proposed development on municipal utility systems, fire, police and school services, solid waste disposal, soils, air, groundwater, drainage, floodplain,

## ARTICLE 5 SUPPLEMENTAL REGULATIONS

wetland and similar water courses, and noise levels which might affect existing land uses or neighborhoods negatively, and other similar factors which may be unique to a specific proposal. The Planning Commission shall review the impact assessment to determine if any proposed impacts would result in pollution, impairment or destruction of the environment over the threshold established in the Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 17, or greater than existing level of service standards applicable to services and facilities provided in the Township.

### F. Traffic Impact Assessment:

1. The Planning Commission may require a Traffic Impact Assessment (TIA), at the expense of the applicant, for any residential, office, commercial, industrial or mixed use development, which includes a land area of five acres or more or a building over 50,000 square feet, or when permitted uses could generate either a thirty percent (30%) increase in average daily traffic, or at least one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day, before approving a required site plan or making a decision upon a request for Planned Unit Development approval. At their discretion, the Planning Commission may accept a TIA prepared for another public agency.
2. The Planning Commission shall establish standards for conducting a TIA and shall maintain a copy of such standards in the office of the Zoning Administrator. TIA standards shall either be the current model distributed by the Michigan Department of Transportation, or an alternative model with similar credibility and technical competence.

### 5.2.2 One Principal Use and Enclosed Buildings

A. . A lot that is zoned R-1A, shall contain no more than one principal use (see Table 2-2 for Principal Uses) and no more than one principal structure, except as otherwise authorized by this Ordinance. A lot in the A-1, or in any business districts may contain more than one principal building and/or principal use provided all uses are permitted by right, right with conditions, approved special use permit, or an approved PUD, and the buildings and uses meet the cumulative lot area, lot width, parking, signage, and lot coverage requirements and that the none of the principal buildings violate any of the yard size or other dimensional requirements.

B. All business activity shall take place within an enclosed building, unless specifically authorized to be conducted outside as part of the use regulations of the District, or via special land use standards of this Ordinance.

### 5.2.3 Unsafe, Razing and Moving Buildings

A. Nothing in this Ordinance shall prevent compliance with an order by the Building Official, the Township Prosecutor, Township Attorney, or a judge to demolish, correct, improve, strengthen, or restore to a safe condition any building declared to be unsafe.

B. No building which requires a demolition permit under the Michigan Building Code shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance bond in any amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator may, from time to time, prescribe, including filling of excavations, proper termination of utility connections and the proper removal and closure of any water well and septic system. If the building is safely razed and the site cleaned as specified in the permit, then the bond shall be returned within thirty (30) days of completion of the razing. If razing is not accomplished according to the terms of the approval, then the Township shall cash the performance bond and use the money to restore the site to a safe condition. Costs in excess of the bond shall be charged back to the property owner and placed as a lien on the property if not paid in a timely fashion.

C. Moving Buildings: No existing building or structure of any type or kind larger than two hundred (200) square feet, shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless authorized by the Planning Commission. Before granting such authorization, the Planning Commission shall consider the following standards:

## ARTICLE 5 SUPPLEMENTAL REGULATIONS

1. The type and kind of construction of the existing building in relation to its strength and whether or not the building may be a fire hazard.
2. Whether or not the type and age of the building is in keeping with adjoining and neighboring buildings.

### 5.2.4 Grading and Filling of Property

- A. The final grade surface of ground areas remaining after the construction of a building or structure, and any earth changes made in connection with use of land shall be designed and landscaped such that surface water flows away from the building or structure and is collected or managed in a manner which avoids any increase in surface water discharge onto adjacent properties or public roads, the erosion of or filling of any road ditch, the blockage of any natural or public watercourse, the creation of standing water over a private sewage disposal drainage field, and any unnecessary impoundment of surface water. The provisions of this section shall be administered and enforced pursuant to Article 14, Site Plan Review, when applicable. In all other cases, the Zoning Administrator shall determine whether the provisions of this section are met, provided that he/she first consults with the County Drain Commissioner and the manager of the County Road Commission (if County road right-of-way is involved) before taking any action to correct the situation. When it is determined by the Zoning Administrator after the aforementioned consultation that inadequate surface water control exists, no Certificate of Zoning Compliance shall be issued until the situation is corrected and approved by the Zoning Administrator.
- B. Creation of Residential Ponds Larger Than Two (2) Acres. A manmade excavation or impoundment of surface water designed to retain or detain water with a surface area of larger than two (2) acres is subject to the following regulations:
  1. A pond larger than two (2) acres is a special use in all zoning districts.
  2. No person shall commence the excavation, dredging, or construction of a dam, that is designed, intended or results in the creation or enlargement of a pond without first making application for and receiving a Zoning Permit approving the specific plans for a pond.
  3. An application for a Zoning Permit for a pond shall be made pursuant to Section 16.5 of this Ordinance. Notice shall also be given to applicable Township.
  4. Applications for ponds larger than two (2) acres which are located within 500 feet of a lake, river, stream or open County drain shall be required to be submitted to the Michigan Department of Environmental Quality to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, apply to the proposal.
  5. Ponds (or man made lakes) in excess of two (2) acres shall be considered major site plans under Section 14.3.3.A.
  6. Plans for ponds shall indicate the size, depth, and proposed finished grade of the land both above and below water level, any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells).
  7. No pond shall be closer than fifty (50) feet from any property line, easements for egress, dwelling units, septic drainage fields and domestic wells.
  8. Ponds on parcels of less than 20 acres in size that are not enclosed by a four (4) foot high fence shall be required to provide and maintain one or more safety stations in compliance with the following:
    - a. U.S. Coast Guard approved ring buoys securely connected to forty (40) feet of rope mounted on posts located at 500 foot intervals around the perimeter of the pond.
    - b. A twelve-(12) foot long pole shall be attached to one (1) safety station.

ARTICLE 5 SUPPLEMENTAL REGULATIONS

9. Before issuance of a Special Use Permit, there shall be filed by the applicant a surety bond at \$4,000 per acre executed by a reputable surety company authorized to do business in the State of Michigan, or irrevocable letter of credit, or cash bond pursuant to the requirements of Section 16.10 running to Vernon Township, condition upon the prompt compliance with all provisions of this Section and the requirements of the Township and State.
- C. Creation of Residential Ponds Less than Two (2) Acres. A manmade excavation or impoundment of surface water designed to retain or detain water with a surface area of less than two (2) acres is subject to the following regulations:
1. A pond less than two (2) acres is an accessory use in all zoning districts.
  2. No person shall commence the excavation, dredging, or construction of a dam that is designed, intended or results in the creation or enlargement of a pond without first making application for and receiving a Zoning Permit approving the specific plans for a pond.
  3. Applications for ponds less than two (2) acres which are located within 500 feet of a lake, river, stream, or open County drain shall be required to be submitted to the Michigan Department of Environmental Quality to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, apply to the proposal.
  4. An application for a zoning permit for a pond shall be made pursuant to Section 16.5 of this Ordinance.
  5. Proposed ponds of less than two (2) acres in size shall be considered under Section 14.3.3.b., Minor Site Plan.
  6. Plans for ponds shall indicate the size, depth, and proposed finished grade of the land both above and below water level, any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells).
  7. No pond shall be closer than fifty (50) feet from any property line, easements for egress, dwelling units, septic drainage fields and domestic wells.
  8. Ponds on parcels of less than 20 acres in size, that are not enclosed by a four (4) foot high fence shall be required to provide and maintain one or more safety stations in compliance with the following:
    - a. U.S. Coast Guard approved ring buoys securely connected to forty (40) feet of rope mounted on posts located at 500 feet intervals around the perimeter of the pond.
    - b. A twelve-(12) foot long pole shall be attached to one safety station.
  9. Every effort shall be made to keep excavated soil material on the same parcel as the pond. Excavated materials used for grading around the pond shall not be placed closer than twelve (12) feet to the edge of the excavation and must meet State of Michigan Soil Erosion and Sedimentation Control requirements.
  10. All ponds shall be completed sixty (60) days following issuance of the zoning permit.
  11. Before issuance of a zoning permit, there shall be filed by the applicant a Surety Bond at \$4,000 per acre executed by a reputable surety company authorized to do business in the State of Michigan, or Irrevocable Letter of Credit, Cash Bond pursuant to the requirements of Section 16.10 running to Vernon Township, conditioned upon the prompt compliance with all provisions of this Section and the requirements of the County and State.
- D. Agricultural Ponds less than five (5) acres in size are permitted without regard to the eleven (11) previous subsections if:
1. The pond is used as a bona fide commercial agricultural or horticulture operation in an A-1 district. The pond is designed and installed according to the USDA Natural Resources Conservation Service's

Technical Guide Pond standard and specifications (#378) by a qualified engineer.

2. Agricultural ponds greater than five (5) acres shall require the project to conform to Section 4.3.67, surface mining.

#### 5.2.5 Required Water Supply and Sanitary Sewerage Facilities

After the effective date of this Ordinance, no structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial wastes. All such installations and facilities shall conform with the minimum requirements of the Shiawassee Health Department, and Michigan Department of Environmental Quality.

#### 5.2.6 Soil Erosion and Sedimentation

All development districts shall conform to the Shiawassee County Soil Erosion and Sedimentation Ordinance and general rules, the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 91, Section 324.9101 et. seq.

#### 5.2.7 Lot Frontage/Depth Ratio

In order to conserve land resources including productive farmland, and limit inappropriate crowding of land, all lots created after the effective date of this Ordinance with a lot area of less than 20 acres, shall have a lot frontage which is equal to or greater than 1/4 the depth of the longest side of said lot.

#### 5.2.8 Lots Having Water Frontage

A. Waterfront Setback: No structure which is permitted as a principal structure in all zoning districts and which occupies a lot having frontage on a lake, stream, or river shall be closer than one hundred (100) feet measured from the water's edge to the nearest point of the structure, except that when a property owner of a lot created prior to June 1982 alleges a practical difficulty in obtaining a reasonable use of the land pursuant to this provision, he/she may seek a variance through the Board of Appeals as described in Article 18. (see definition of front lot line in Section 21.2) Such variance shall be granted only upon a showing of practical difficulty and shall be the minimum necessary to achieve a reasonable use of the land.

B. Size of Accessory Buildings and Structures: Accessory buildings and structures between a principal structure and the water's edge shall not exceed one hundred-fifty (150) square feet, nor shall they be located closer than fifty (50) feet from the water's edge.

C. Construction in the Water and Near Shore: The Zoning Administrator shall not issue a zoning permit for construction of docks, pilings, seawalls or any structure which changes the shape of the shoreline unless:

1. The Michigan Department of Environmental Quality has issued a permit for construction; or
2. The Michigan Department of Environmental Quality states in writing that no permit is required for the project; or
3. The Zoning Administrator determines that the project does not require a Michigan Department of Environmental Quality permit.

D. Natural Vegetation Strip:

1. On waterfront lots, landowners are strongly encouraged to maintain a strip of land extending a minimum of fifty (50) horizontal feet from the water's edge with natural ground vegetation, trees and shrubs. This will maintain a root and vegetative barrier to keep soil particles and nutrients from entering the water and help keep water runoff at temperatures near the natural levels.
2. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soils and steep slopes exist. The Michigan Department of Natural Resources or Natural Resources

## ARTICLE 5 SUPPLEMENTAL REGULATIONS

Conservation Service may be consulted for selection of plant species best suited for erosion control and/or screening of existing developments.

E. No habitable space or basement shall be constructed below the elevation of the ordinary high water mark or legally established lake level, whichever is higher.

### 5.2.9 Exterior Lighting

A. All outdoor lighting (includes light source and lenses) with illumination above 150 watts in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences. Lighting shall also be shielded on the top to prevent unnecessary lighting of the night sky. Lighting fixtures shall be a down-type having one-hundred (100) percent cutoff. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by a photometric test.

B. All outdoor lighting in all use districts shall be directed toward, and confined to the ground areas of, lawns and parking lots. Parking lots shall not be lit between the hours of 9:00 am and 4:00 p.m., unless conditions regarding weather, employment, or parking lot use patterns warrant otherwise.

C. All lighting in I business districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

D. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

E. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

F. All freestanding and outdoor lighting shall not exceed thirty (30) feet in height except to light a stadium.

G. Unless otherwise approved by the Planning Commission, parking lot light sources shall be high pressure sodium. Other light sources should use warm white or natural lamp colors.

### 5.2.10 Minimum Requirements for Dwelling Units Outside of Mobile Home Parks

A. It is the intent of this Section to provide a wide variety of single family housing options in Vernon Township, including the need for lower cost single family housing while protecting the public health and safety. It is recognized that the modern mobile home and manufactured home compares favorably with existing site constructed dwellings, provided that such mobile homes and manufactured homes are similar in appearance, design, and construction with existing single family dwellings in the vicinity. It is the purpose of this Section to provide standards for the construction, installation, and appearance of all single family homes in order to insure compatibility with existing dwellings located in the surrounding area.

B. All construction required in this Section shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan Building Code provisions and Ordinance requirements. Mobile homes which do not conform to the standards of this Section shall not be used for dwelling purposes within the Township unless located within a mobile home park or unless used for temporary residence purposes as provided in Section 5.8.2.

C. All dwelling units located outside of mobile home parks shall comply with the following requirements:

1. All dwelling units shall provide a minimum height between the floor and ceiling consistent with applicable codes.
2. The minimum width of any single family dwelling unit shall be twenty feet (20') across any front, side or rear elevation
3. There shall be a foundation of concrete, masonry, or pressure treated wood around the entire exterior perimeter of all dwellings. The foundation shall have a minimum depth of forty-two inches (42") below grade. The foundation shall



## ARTICLE 5 SUPPLEMENTAL REGULATIONS

provide a maximum exposed foundation above grade of eight inches (8").

4. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling four feet (4') in depth with a vapor barrier consisting of two (2") inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. An alternative building plan may be utilized if consistent with the approved construction code of the County.
5. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code or, if a mobile home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards."
6. The wheels, pulling mechanism, and tongue of any mobile home shall be removed prior to placement on a foundation.
7. All dwellings shall be connected to a sewer system and water supply system approved by the Shiawassee County Health Department.
8. All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1') foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
9. The dwelling shall not contain additions or rooms or other areas which are not constructed with similar or better quality work as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. All additions to dwellings shall meet all of the requirements of this Ordinance and any applicable Codes.
10. a) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity including: a 1:4 roof pitch, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along sides of the dwelling; not less than two exterior doors with the first one facing the front yard and the second one being in either the rear or side of the dwelling; and, contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.  
  
b) The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design, and appearance of single family dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area or, where said area is not so developed by the character, design, and appearance of one or more single family dwellings located outside of mobile home parks within four (4) square mile area. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
11. Prior to issuance of a zoning permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Official. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in subsection (12) hereof.
12. All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the County. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.
13. A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for

## ARTICLE 5 SUPPLEMENTAL REGULATIONS

each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure, approved by the Zoning Administrator.

14. For legal nonconforming mobile homes that are located outside mobile home parks, mobile home plats, or of places where Temporary Permits for placement of a mobile home have been issued; once that mobile home is removed it must be replaced with a mobile home in good condition that is also certified by the American National Standards Institute or the HUD Mobile Home Construction and Safety Standards or by a site constructed home or manufactured home that meets all applicable code requirements.

### 5.2.11 Condominium Projects and Condominium Subdivisions

A. Pursuant to authority conferred by Section 141 of the Condominium Act (MCLA 559.241), Public Act 59 of 1978, as amended, all condominium projects and condominium subdivisions must be approved by the Planning Commission. All condominium projects and condominium subdivisions shall conform to the following provisions in addition to all other applicable district provisions.

B. All condominium units, including site condominiums, and related accessory structures shall comply with all the use, size, sign, height, setback, parking and area requirements of this Ordinance, unless modified through the approval of a Residential Planned Unit Development pursuant to the requirements of Article 13.

C. A condominium project or condominium subdivision shall comply with the requirements of the Michigan Department of Environmental Quality and the County Health Department pertaining to potable water supply and waste disposal facilities.

D. Required Information: A person, firm, or corporation shall provide the following information with respect to the proposed condominium project or proposed condominium subdivision plan:

1. Information as required under the Site Plan Review provisions of Article 14.
2. Location and size of condominium units, limited common areas, general common areas, sidewalks, landscaping features, signs, and utilities.
3. Street and utility specifications and sectional diagrams.
  - a. If a condominium is proposed to have private streets, the Planning Commission shall require that the private streets be developed to the standards contained in Section 6.5 of this Ordinance.
  - b. A storm drainage and storm water management plan shall be submitted, including all lines, swales, drains, basin, and other facilities.
4. Existing and projected topographical contours shall be depicted at a minimum of two (2) foot intervals.
5. A copy of the proposed Master Deed and restrictions with proposed use and occupancy restrictions and a description of all common elements highlighted.
6. Written approval from the Shiawassee County Health Department or the Michigan Department of Environmental Quality approving the suitability of soils and the availability of potable groundwater for land divisions not served by public sewer and public water supply.

E. The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and stormwater runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

F. All condominium projects and condominium subdivisions which consist in whole or in part of condominium units which are building sites shall be marked with monuments the same as is required under the Land Division Act; Public Act 288 of 1967, as amended for subdivisions.

G. All provisions of the condominium project or condominium subdivision plan which are approved by the Planning Commission shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes (including expansion or conversion of a condominium project to include additional land) to the approved condominium project or condominium subdivision plan shall be subject to review and approval by the Planning Commission as an amendment to a planned unit development, subject to the procedures of Article 13.

H. Fees for the review of condominium projects or condominium subdivisions shall be established from time to time by resolution by the Vernon Township Board.

#### 5.2.12 Keeping of Animals

A. Wild and Vicious Animals: No wild animal nor vicious animal shall be kept permanently or temporarily in any district except in a facility accredited by the American Association of Zoological Parks and Aquariums, or in a licensed veterinary care facility.

B. Household Pets: The raising and keeping of less than five (5) household pets is permitted as an accessory use in all districts.

C. Table 5-1 presents the basic regulations in this Ordinance pertaining to the keeping of animals other than household pets and wild and vicious animals. Animals permitted by right or as an accessory use are not subject to additional regulations. Regulations that apply by right with conditions (RC) and by Special Use Permit (S) are found in Article 4 except as pertains to private kennels and private stables which are regulated in E. and F. below.

D. Table 5-2 presents the minimum parcel sizes and setbacks for animals in the various districts. Additional regulations are found in Article 4 and for private kennels and private stables in E. and F. below.

E. Private Kennels: The raising and keeping of ten (10) or fewer household pets is permitted as an accessory use to a dwelling or a business in accordance with the following requirements.

1. Private kennels are permitted in several Districts in accordance with Table 5-1.
2. Private kennels shall be on a lot which meets the minimum lot size of the District.
3. Buildings wherein animals are kept, run, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
4. All kennels shall be operated in conformance with all applicable local and state regulations.
5. Keeping of more than ten (10) animals shall be considered a commercial kennel regardless of ownership of animals.

F. Private Stables: The raising and keeping of ten (10) or fewer equine is permitted as an accessory use to a dwelling in accordance with the following requirements.

1. Private stables are permitted in several Districts in accordance with Table 5-1.
2. The minimum lot size shall be two (2) acres for the first equine and one additional acre for each additional equine.
3. A building used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling on adjacent property.
4. Animals shall be confined in a suitably fenced area or paddock to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
5. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a

## ARTICLE 5 SUPPLEMENTAL REGULATIONS

nuisance or hazard to adjoining premises.

6. Keeping of more than ten (10) equine shall be considered a commercial equine establishment regardless of ownership of the equine, unless part of a bona fide commercial agricultural and horticultural operation.

### 5.2.13 Coordination with the Michigan Right to Farm Act

A. Commercial Agriculture or Horticulture, as defined in this Ordinance is a use permitted by right in all zoning districts in this Ordinance. Agriculture is the preferred use of land in the A-1 Zoning District. Any Commercial Agriculture or Horticulture operation, which is in conformance with the generally accepted agricultural practices (GAAMPS), as promulgated by the Michigan Department of Agriculture shall not be found to be in violation of this Ordinance.

B. As required by the Michigan Right to Farm Act 240 of 1987, as amended:

1. No existing Commercial Agriculture or Horticulture operation, which is in conformance with the generally accepted agricultural practices (GAAMPS), as promulgated by the Michigan Department of Agriculture, shall not be considered a nuisance because of the subsequent change in the land use or occupancy of land within 1 mile of the boundaries of the Commercial Agriculture or Horticulture operation.
2. Vernon Township shall bring no legal action against a Commercial Agriculture or Horticulture operator for maintaining a public or private nuisance that is in conformance with the GAAMPS as a result of any of the following:
  - a) A change in ownership or size.
  - b) Temporary cessation or interruption of farming.
  - c) Enrollment in governmental programs.
  - d) Adoption of new technology.
  - e) A change in type of farm product being produce.

C. Pursuant to Section 286.474 (8) of the Michigan Right to Farm Act new and expanding animal livestock facilities shall be subject to management practices for site selection and odor controls.

D. After the effective date of this amendment any Commercial Agriculture or Horticulture operation that is determined by the Michigan Department Agriculture to be operating or maintained in a manner that is inconsistent with the generally accepted agricultural practices (GAAMPS) shall be considered a nuisance per se and subject to the penalties contained in Article 17 of this Ordinance.

## SECTION 5.2.12.C

TABLE 5-1: PERMITTED ANIMALS BY DISTRICT

Animal Related Land Use	Type of Use	Zoning Districts				
		A-1	A-2	All Residential	All Commercial	All Industrial
Private Kennel	A	R	RC	RC	RC	RC
Commercial Kennel	P	RC	S	N	S	N
Private Stables	A	R	RC	X	N	N
Commercial Equine Establishment	AF	AF	AF	X	N	N
	P	S	S			
Keeping of Livestock	AF	R	R	R	R	R

A= Accessory to a dwelling

AF= Accessory to a bona fide Commercial Agricultural and Horticulture Operation

P= A principal permitted use

X= Not permitted by Shiawassee County Animal Control Ordinance (a prohibited accessory use)

N= Not permitted by this Ordinance

R= Permitted by Right

RC= Permitted by Right with conditions

S= Permitted by Special Use Permit

**SECTION 5.2.12. D**

**TABLE 5-2: MINIMUM PARCEL SIZES AND SETBACKS FOR ANIMALS**

**Items in parentheses**, such as (c), are direct references to the footnotes, which are shown below the table.

\* = for a permitted single family dwelling

Abbreviations: ac. = acres      d.u. = dwelling unit      ft. = feet      sq. ft. = square feet      SCHD = Shiawassee County Health Department

Animal Related Land Use	Minimum Lot Size in Acres	Maximum Number of Animals	Minimum Distance in Feet (c) from a proposed Dwelling Unit, Public Park, School, Day Care Center or Church to an Adjacent Confinement Structure.	Manure Storage or Animal Waste Storage Facility Distance in feet from Adjoining Property Line		Minimum Distance in Feet of a Proposed Dwelling Unit from a Structure, Manure Storage or Animal Waste Storage Facility (d)
				A-1 and A-2	All Other Districts	
Private Kennel	None	10		None	50 ft.	100 ft.
Commercial Kennel	1 ac.	None		50 ft.	50 ft.	100 ft.
Private Stables	2 ac.	10		50 ft.	50 ft.	100 ft.
Commercial Equine Establishment	20 ac.	None		50	50	100 ft.
Keeping of Livestock	(d)	(d)	(d)	(d)	(d)	(d)
CAFO <300 Animal Units	(d)	(d)	100 (b)	(d)	(d)	(d)
CAFO >300<1000 Animal Units	(d)	(d)	1320 (b)	(d)	(d)	(d)
CAFO >1000 Animal Units	(d)	(d)	1320 (b)	(d)	(d)	(d)

**Footnotes:**

- b. Reduced by half if the animal waste management system is certified to be in compliance with NRCS and EPA standards.
- c. The separation distances on this Table shall be measured from the nearest exterior wall of a building located on an adjacent parcel to the perimeter of the confinement building. In case the animals are not contained within a building or structure, the boundary shall follow the fenced area the animals are confined within, and the measurements taken from that fenced boundary.
- d. As required by the Generally Accepted Agricultural Management Practices published pursuant to Act 240 of 1987

5.2.14 Common Boat Access Sites

A. Intent and Purpose: It is the purpose of these regulations to protect natural resources and promote public health, safety and welfare by preventing the over- usage of inland lakes by motor boats. These regulations are intended to avoid situations that may cause a nuisance, to protect inland lakes from potential environmental impairment, and to avoid the destruction of property values, by limiting the boating access of non- riparian property owners. These regulations are intended to reinforce the Michigan Inland Lakes and Streams Act (Part 301 of Act 451 of 1994, as amended). It is intended that these regulations will apply to the undeveloped portions of all existing inland lakes within the Township and to future man-made lakes. The following regulations are designed to allow the investor/developer of lakefront property to be able to quickly and conclusively determine the quantity of non lakefront dwelling units which may be given boating access to a lake.

B. Definitions Used in this Section:

1. "Boat" A watercraft having a motor, engine or other propulsion system that is rated at more than five (5) horse power including a "personal watercraft" as defined in the Marine Safety Act, Part 801 of the Natural Resources and Environmental Protection Act, MCL 324.80101 et seq.
2. "Common Boating Access Site": A boat launching, mooring, docking or overnight anchoring facility which is used by authorized non-riparian property owners.
3. "Original parcel" The contiguous parcel of riparian land shall be that parcel as it existed at the time when the developer manifests intent to develop the lake frontage. Conclusive evidence of intent to develop includes but is not limited to: an application for the creation of a new lake front lot under the Michigan Land Division Act; the filing of a tentative preliminary plat under the Michigan Land Division Act; the filing of a request for a Site Condominium under this Ordinance; or a request for approval of a private road under this Ordinance.

C. Applicability and Timing:

The following regulations apply to common boat access sites that are created after the effective date of this amendment. A common boat access site that existed before this amendment must have either been established before the effective date of the Michigan Inland Lakes and Streams Act 346 of 1972 or have been permitted and established under said Act. Calculations used in this Section shall be based upon the total amount of riparian lake frontage that exist at the time a developer first manifests an intention to undertake the development of lake frontage. No artificially created shoreline may be used to increase the amount of riparian frontage used in the calculation. Any determination of the number of non riparian dwelling units that may be given boating access at a common boat access site or sites shall be in the form of a zoning permit issued by the zoning administrator.

1. Required Notice of Right of Access: Each non- riparian parcel (lot) that has the right to use a common boating access site shall be given notice of said right on its deed. The notice shall indicate the number of dwelling units (normally one for a single-family residential development) which may enjoy the right of access and that only one (1) boat per dwelling unit may access the lake any time.
2. Calculation: The total linear feet of shoreline existing on the original parcel shall be established by a Surveyor who is registered in the State of Michigan. Total shoreline shall not include land that is below the ordinary high water line of the inland lake. Non riparian access to an inland lake shall be allocated exclusively to lots that are created from the original parcel. The allocation shall be made on the basis of one (1) permitted boat access for each 50 linear feet of total lake frontage rounded down to a whole number. A dwelling unit shall be granted a single boat access. Each lot may be granted a boat access for each dwelling unit, provided that the total number of boat access rights granted does not exceed the total amount of linear feet of waterfront divided by fifty (50).
3. Common Boat Access Site Requirements: Common boat access site that includes a boat- launching facility shall be of sufficient size to allow vehicle and trailer maneuvering. A common boat access site lot that contains a boat launching facility shall be at least thirty (30) feet in width at the waterfront.

**SECTION 5.3 SUPPLEMENTARY USE REGULATIONS**

**5.3.1 Accessory Buildings and Structures:**

A. Authorized accessory buildings may be erected as a part of the principal building or may be connected to it by a roofed over porch, patio, breezeway, or similar structure, or may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made a part of the principal building shall not be nearer than ten (10) feet from any other structure on the same lot and shall also comply with the front, rear, and side yard requirements of this Ordinance.

1. Accessory Buildings - Private Garages: as accessory to an authorized use shall not exceed the ground floor area of the dwelling unit nor exceed the following:
  - a. R-1A, Residential District, not to exceed nine hundred (900) square feet.
  - b. There shall be no storage of commercial vehicles, except one (1) per dwelling not to exceed one (1) ton rated capacity, or in the case of an agricultural operation or of a home occupation which are part of the principal residence use then except one (1) per dwelling not to exceed one and one-half (1½) ton rated capacity; provided such structures are inside an accessory building approved by the Zoning Administrator as being in conformance with this Ordinance.
  - c. An accessory building shall not occupy more than thirty (30%) percent of the area of any rear yard.

B. Accessory Buildings and Structures - Lots in a Residential District:

1. Accessory buildings shall not be erected or project into any front yard between the lot line and the front building line.
2. In a rear yard no accessory building including detached garages shall be closer than eight (8) feet to any lot line.
3. In a side yard no accessory building including garages shall be erected closer to any side lot line than the permitted distance for a residential district, except when an accessory building is located ten (10) feet or more to the rear of the principal dwelling then the accessory building shall be no closer than eight (8) feet to the side lot line.
4. On a corner lot no accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8) feet to the common lot line.
5. No accessory building in an R-1A district, shall exceed one (1) story or fifteen (15) feet as measured from the finished grade to the peak of the roof.

C. Accessory Buildings - Agriculturally Zoned Lots: Accessory buildings and structures in the A-1 Agricultural district, which are clearly incidental or secondary to the principal use of the property shall be allowed when the following provisions are fully complied with:

1. No accessory building shall be constructed between the road right-of-way and the required minimum front yard setback.  
(see figure 6-1)
2. In a rear or side yard, no accessory building, including detached garages, shall be closer than ten feet.
3. No accessory building shall be placed in any required landscaped buffer strip.
4. No accessory building shall be closer than forty (40) feet from any public road right-of-way.



## ARTICLE 5 SUPPLEMENTAL REGULATIONS

D. Accessory Buildings or Structures in Business Districts: Accessory buildings or structures in the B- 1 and M-1 districts may be constructed up to the permitted maximum height of principal structures in said districts.

1. Oversized Accessory Buildings: Accessory buildings or structures greater than five hundred (500) square feet are subject to site plan review and approval by the Planning Commission per the requirements of Section 14.3.4.
2. Temporary or seasonal accessory structures may be erected in a side or rear yard of any district for not more than four (4) months in a given year, provided they are not closer than eight (8) feet from a side or rear lot line.
3. Sleeping Quarters for Caretaker, Watchman, or Security Personnel, : Sleeping quarters for a caretaker or security personnel whose functions serve the principal use of the lot, is permitted in the M-1 District. . In addition, the following standards apply:
  - a. Approval is received from the Shiawassee County Health Department in reference to sanitary facilities.
  - b. The quarters meet all applicable code requirements of the State Construction Code, Public Act 230 of 1972.
  - c. The quarters do not adversely change the character of the lot or the district.
  - d. If the quarters are freestanding apart from the principal structure on the lot, it shall not be used for any other dwelling purpose other than as sleeping quarters for a caretaker, security personnel, or domestic employee, nor shall it be used as the basis for dividing a parcel to create a separate lot with a separate dwelling unit.

E. Pools Used for Swimming or Bathing in all Districts: Pools used for swimming or bathing and all fencing, gates or other barrier around them shall be in conformity with the State Construction Code, as amended.

1. Swimming pools shall conform to the yard setback requirements as required for accessory uses and structures in this Ordinance.
2. No swimming pool shall be located over a septic system, drain field, or on any area designated by the Shiawassee County Health Department as reserved for a replacement drain field unless approved by the Shiawassee County Health Department.
3. No lights shall be erected, operated or maintained, in connection with a swimming pool in such a manner as to create a nuisance or hazard to nearby properties.
4. Service drop conductors and any other open overhead wiring shall not be located above a swimming pool.
5. No swimming pool shall be used unless adequate public health measures are periodically taken to ensure that use of the pool will not cause the spread of disease.

F. Swing sets and play sets shall be located behind the building line in a front yard and not closer than eight (8) feet to a side or rear lot line.

G. Outdoor tennis courts, playground equipment, swimming pools, or other recreation facilities are permitted accessory structures in any subdivision, condominium development, multiple family development or PUD, or lot in a residential district provided they observe all setbacks and building separation standards, have adequate access and parking and are only available for residents of the project and their guests. Fencing and/or special landscaping or buffering may be required as a condition of approval to minimize impacts on abutting property.

### 5.3.2 Accessory Uses

The following accessory uses shall be issued a Zoning Permit by the Zoning Administrator if in compliance with all the

standards applicable to each accessory use.

A. Home Occupations: Home occupations may be carried on in a single-family dwelling if in conformance with the following standards:

1. The District where the residence is located is zoned A-1 or R-1A.
2. All activities associated with the home occupations shall be carried on indoors and no changes shall be made to the exterior of a single-family dwelling for the accommodations of any home occupation. Instruction in a craft, fine art, or music is permitted in any single family dwelling by an occupant of that dwelling as a home occupation, provided that noise does not create a nuisance for adjoining properties.
3. No more than twenty-five (25) percent of the floor area of the dwelling, or four hundred eighty (480) square feet, whichever is smaller, shall be utilized for purposes of the home occupations.
4. The use of an attached or detached garage or other accessory buildings for home occupations is not permitted.
5. No more than two (2) additional parking spaces (beyond the two required for a single-family dwelling) shall be added for home occupations and at no time shall more than two (2) non- resident vehicles be present at home occupations whether they be those of customers or employees. Parking spaces shall comply with the requirements of Article 7.
6. There shall be no outdoor storage of materials related to home occupations, or outdoor storage of vehicles with more than one (1) ton rated capacity, except for farm equipment used on the same parcel which must be a bona fide commercial agriculture or horticulture operation. (see also Section 5.3.1, A, 1, d.)
7. Home occupations shall not be permitted if the essential character of a lot or single-family dwelling, in terms of use and appearance, traffic, or enjoyment of adjacent property, will be appreciably changed by the occurrence of such home occupation.
8. There shall be no external evidence of a home occupation, except a small identification sign in accordance with Article 9, Section 9.3.1 D.
9. No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
10. Home occupations shall comply with all other applicable laws or ordinances.

B. Home Business: Home businesses may be carried on in a fully enclosed accessory building (but not an attached garage) to a single-family dwelling if in conformance with the following standards: (see definition in Article 21 G)

1. The District where the residence is located is not in a platted subdivision or in a condominium subdivision and: is zoned A-1 and is approved by the Planning Commission by Special Use Permit.
2. Accessory buildings used for a home business shall be at least fifty (50) feet from a dwelling unit on another lot. Total floor area for home businesses located both within a single-family dwelling and accessory buildings on the same lot when taken together with outdoor storage area shall not exceed one-thousand (1,000) square feet.
3. No more than four (4) additional parking spaces (beyond the two required for a single-family dwelling) shall be added for home occupations and/or home businesses on the same lot, and at no time shall more than four (4) non-resident vehicles be present at home occupations and/or home businesses whether they be those of customers or employees. Parking spaces shall comply with the requirements of Article
4. Outdoor parking or storage of vehicles with more than one (1) ton rated capacity and heavy equipment shall be in a rear yard or, inside an accessory building conforming with this Ordinance. Provided that the total outdoor storage of

ARTICLE 5 SUPPLEMENTAL REGULATIONS

said vehicles and heavy equipment shall not exceed six (6) items. If the vehicle is routinely left idling for more than fifteen minutes a day, the place it is idled shall be at least five- hundred (500) feet from the nearest dwelling unit on another property.

5. Outdoor storage of materials shall be completely fenced to obstruct view to a height equal to the elevation of the tallest material to be stored, which may not exceed six (6) feet. Outdoor storage areas shall be at least fifty (50) feet from any dwelling unit on another lot.
  6. Home businesses shall not be permitted if the essential character of a lot or single-family dwelling within a residential district, in terms of use and appearance, traffic, or enjoyment of adjacent property, will be appreciably changed by the occurrence of such home business.
  7. There shall be no external evidence of a home business, except a small identification sign in accordance with Article 9, Section 9.3.1 D.
  8. No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
  9. Home businesses shall comply with all other applicable laws or ordinances.
  10. Neither the storage of farm equipment, the sale of seeds or other farm related activities which are accessory to a bona fide commercial agriculture or horticulture operation shall be considered or require approval as a home business.
  11. The following home businesses are prohibited:
    - a. Automobile service station, parking garage, or commercial garage.
    - b. Automobile salvage yard or junk yard.
    - c. New and used vehicle sales.
    - d. Auto body and/or paint shops.
    - e. Other land uses which are specifically provided for elsewhere in this Ordinance by Special Use Permit, or land uses permitted only in the Industrial District.
    - f. Sexually oriented businesses.
- C. Open Outdoor Storage: Open outdoor storage is permitted without a Zoning Permit in the rear yard of M-1 and M-2 Districts provided the stored materials are screened or fenced and at least two-hundred (200) feet from the boundary of a residential district, and fifty (50) feet from the boundary of an office or business district. Outdoor storage in an M-1 or M-2 District in a side or rear yard, or up to fifty (50) percent closer than the separation distances provided in this Section for rear yard storage, may be permitted by the Planning Commission if, after analysis, no significant nuisance on an abutting property would likely occur. The outdoor storage of merchandise normally carried in stock in connection with a business is permitted by issuance of a Zoning Permit when included in an approved site plan, provided that such storage is permitted in the applicable district regulations, and that storage does not occur in required parking or loading areas or within the minimum yard setbacks as measured from the property line towards the principal use.
- D. Seasonal Labor Housing complexes associated with bona fide , commercial agriculture or horticulture operation, are permitted in A-1 district, provided they are maintained in a safe and sanitary condition with inside water and sanitary sewage disposal facilities, and that they are occupied no more than eight (8) months in any twelve (12) month period by persons employed on the farm on which the seasonal labor housing complex is located, and that the owner receives all permits required under the State Public Health Code and by the Michigan Department of Environment, Great Lakes and Energy.

## SECTION 5.4 SUPPLEMENTARY AREA REGULATIONS

### 5.4.1 Exception to Required Lot Area for Residential Districts

A Any residential lot created and recorded prior to the effective date of this Ordinance may be used for any permitted use even though the lot area and/or dimensions are less than those required for the district in which the lot is located provided:

1. That the other requirements of the district are met.
2. That no contiguous land or lot is owned by the owner of the lot in question.
3. That no lot shall be so reduced in area that the required open spaces will be smaller than those established as a minimum for the district in which the lot is located.
4. That any lot so excepted shall be no less than fifty (50) feet in width at the street line.

### 5.4.2 Lot Area Can Be Allocated Once

No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for the construction of a proposed building or the alteration of an existing building.

## SECTION 5.5 SUPPLEMENTARY YARD REGULATIONS

### 5.5.1 Side Yard Reduction

A. For residential lots adjoining an alley, the least width of a required side yard may be measured to the centerline of the alley, provided no building shall be erected closer than five (5) feet to the nearest alley right-of-way.

B. For lots of record, eighty (80) feet or more in width at the building line, the same side yard requirements as for lots one hundred (100) feet or over in width.

C. For lots of record, sixty (60) feet to seventy-nine (79) feet in width at the building line, the least width of either side yard shall be eight (8) feet, but the sum of the two side yards shall not be less than eighteen (18) feet.

D. For lots of record, fifty (50) to fifty-nine (59) feet in width at the building line, the least width of either side yard shall be six (6) feet, but the sum of the two side yards shall not be less than thirteen feet.

### 5.5.2 Rear Yard Reduction

A. When a lot of record in any residential district has a depth of less than one hundred fifteen (115) feet prior to the effective date of this Ordinance, the rear yard of such lot may be reduced one-fourth (  $\frac{1}{4}$  ) of the distance if the lot depth is less than one hundredfifteen (115) feet, provided that no rear yard shall be less than twenty (20) feet in depth.

B. When there is a public alley at the rear of a lot upon which the lot abuts for its full width, measurements of the depth of the rear yard may be made to the centerline of such alley.

### 5.5.3 Permitted Yard Encroachments

A. Paved terraces, patios, decks and uncovered porches shall not be subject to yard requirements provided:

1. The paved area or deck is unroofed and without such walls, parapets, or other forms of solid continuous enclosure that connect the paved area to the principal building that an enclosed area is formed which appears functionally a part of the principal building.

## ARTICLE 5 SUPPLEMENTAL REGULATIONS

2. The highest finished elevation of the paved area or deck is not over three (3) feet above the average surrounding finished ground grade.

3. No portion of any paved area or deck is closer than five (5) feet to any lot line.

B. Paved area may have an open railing, handrail or fence not over three (3) feet high constructed in accordance with the Building Code and may have non- continuous windbreaks or visual screen fences or walls not over six (6) feet high and not enclosing more than one-half ( $\frac{1}{2}$ ) the perimeter of the paved area.

C. Enclosed porches (either one story or two story) or an unenclosed porch having solid foundations and capable of being enclosed shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.

D. Special structural elements such as cornices, sills, belt courses, chimneys, gutters, eaves, pilasters and similar structural features may project into any yard a maximum of two and one-half (2 1/2) feet.

E. Fire escapes outside stairways and balconies, if of open construction, may project into the yard area a maximum of five (5) feet.

F. Ramps to accommodate wheelchairs and related devices to assist the handicapped or infirm are permitted to encroach on the yard requirements of any district, provided an application for a Zoning Permit is filed with the Zoning Administrator who shall find as a condition of issuing the requested permit, that the location selected minimizes the yard encroachment while still meeting the ramp needs of the applicant. No ramp is permitted to extend from a front or side door directly to the front sidewalk or curb, if it is reasonably feasible to connect to an existing private sidewalk or paved driveway. Ramps may not be covered in the portion of the front yard between the front lot line and the building line of the principal building.

G. Awnings in residential districts may project into a required yard area no more than three (3) feet and in commercial or industrial districts no more than five (5) feet. Awnings in B-1 and M-1 districts shall be at least eight (8) feet above the ground. Approval shall be obtained from the County Road Commission or Michigan Department of Transportation, whichever has jurisdiction, before any awning is erected over public right-of-way.

H. Except as otherwise permitted in Section 5.5.3, or another specific provision of this Ordinance, the front yard of any lot in any district shall not be obstructed by accessory buildings or structures between the front lot line and the building line except as follows:

1. for a permitted sign or flagpole
2. for permitted landscaping or fencing
3. for permitted walkways, drives and parking
4. for permitted temporary structures, such as roadside stands per Section 5.8.11.

### **SECTION 5.6 SUPPLEMENTARY HEIGHT REGULATIONS**

#### 5.6.1 Permitted Exceptions - Structural Appurtenances

A. The following structural appurtenances shall be permitted to exceed the height limitations. Exceptions may be authorized only when all of the following conditions are satisfied: No portion of any building or structure, permitted as an exception to a height limitation, shall be used for human occupancy or for commercial enterprise. Any structural exception to height limitations shall be erected only to such height as may be necessary to accomplish the purpose it is intended to serve so as not to become a hazard to aviation. If the roof area of limitations exceed twenty percent (20%) of the gross roof area, they shall be considered as integral parts of the whole structure and, thereby, shall not exceed the height limitations.

1. Ornamental in purpose such as church spires; belfries; cupolas; domes; ornamental towers; flag poles; and

monuments on government owned property.

2. Appurtenances to mechanical or structural functions such as chimneys and smoke stacks, water tanks and water towers, elevators and stairwell penthouses, ventilators, bulkheads, masts, aerials, fire and hose towers, and cooling towers.
3. Public utility structures, including but not limited to telephone poles and wind power electrical generating towers, but not including communication towers whether attached to a building or structure, except upon receipt of a Special Use Permit.

**5.6.2 Permitted Exceptions - Residential Districts:** There shall be no exceptions permitted for residential structures; certain non-residential structures in residential districts may be permitted to exceed height limitations, provided there is compliance with the provisions of Article 18, Section 18.4.9.

**5.6.3 Permitted Exceptions, Commercial and Industrial Districts:** In any commercial or industrial district any principal building may be erected to a height in excess of that specified for the district, provided each front, side, and rear yard is increased one (1) foot for each one (1) foot of such additional height.

**5.6.4 Permitted Exceptions, Agricultural Districts:** In any agricultural district, any agricultural building, barn, silo, grain elevator, windmill or other agricultural structure is permitted to a height of one hundred (100) feet provided they are setback a distance from the property line at least equal to the height of the structure.

## **SECTION 5.8 TEMPORARY BUILDINGS, STRUCTURES AND USES**

Temporary buildings, structures, and uses are permitted in all districts only under the following conditions:

1. **Habitation of Accessory Structures, Tents and Travel Trailers as Temporary Dwellings:** Except for tents and recreational vehicles in bona fide campgrounds, no structure shall be used for dwelling purposes for more than two weeks in any month that does not meet the minimum standards for a dwelling unit as defined in this Ordinance and the State Construction Code Act, Public Act 230 of 1972, with amendments. This means that no garage or other accessory building, cellar, basement, cabin, or partial structure, whether of a fixed or portable construction, nor any tent, trailer coach, mobile home or other structure not in compliance with P.A. 230 of 1972, shall be erected or moved onto a lot and used for any temporary dwelling purpose unless authorized by the Zoning Administrator by the issuance of a temporary Zoning Permit as provided for in Section 5.8.(2) and Section 16.5.6.
2. **Temporary Housing:** The Zoning Administrator may issue a temporary Zoning Permit for a mobile home or other temporary dwelling unit used for temporary dwelling purposes, subject to the following limitations and procedures:
  - a. The purpose of the temporary housing is either to provide on-site housing for residents of the lot while a new dwelling unit is being constructed or while rebuilding due to fire, collapse, explosion, act of God or acts of a public enemy;
  - b. The permit is for a period not longer than one (1) year based on evidence presented by the applicant that he/she can have the foundation and complete building framing in place within six (6) months and the entire residence completed within one (1) year. This period may be extended up to one (1) additional year by the Board of Appeals when the following standards are met:
    1. A good faith effort has been shown to build a new or rebuild a destroyed dwelling unit;
    2. The time extension is reasonably necessary considering the practical difficulties associated with actual construction;
    3. Occupancy of the structure being rebuilt is reasonably possible within the time extension;
    4. Granting of the time extension to the applicant and other similarly situated parties will not prohibit enforcement of any provisions of this Ordinance, unduly overburden administration and enforcement resources, or

ARTICLE 5 SUPPLEMENTAL REGULATIONS

adversely affect general health, welfare and safety of adjacent properties or the general community.

- c. The lot or parcel is located in the A-1 District, or any residential district;
- d. A performance guarantee pursuant to Section 16.10 is collected and said temporary dwelling is removed within fifteen (15) days after construction is complete
- e. The following additional approvals are obtained:
  - 1. A building permit from the Building Official
  - 2. Approval of a septic system and well from the Shiawassee County Health Department
  - 3. A driveway permit from the County Road Commission or Michigan Department of Transportation, as applicable.
  - 3. Temporary Contractor's Buildings: Temporary structures and temporary uses incidental to construction work, such as contractor storage buildings, semis or mobile homes used for contractor equipment, foreman offices and related activities, but not for habitation are not required to observe setbacks, and no temporary Zoning Permit is needed, provided:
    - a. such buildings, structures or uses impede no clear vision area (see Section 8.15); and
    - b. are removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever period of time is the shortest.
  - 4. Temporary Real Estate Offices: Are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The temporary Zoning Permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development of the subdivision. A model home may be used as a temporary sales office.
  - 5. Churches & Schools: Temporary buildings incidental to a church or school, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Official, and by relevant state agencies and all yard requirements of this Ordinance are met.
  - 6. Christmas Tree Sales: The display and sale of Christmas trees on a farm in the A-1 District, or the B-1 District or at a church in any District, is permitted without a temporary Zoning Permit, provided it is incidental and accessory to the principal use or a temporary use of a vacant lot. The display and sale of Christmas trees is permitted for a period not to exceed forty-five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year. Any Christmas tree sales in a location or under circumstances other than those defined above is permitted only by a temporary Zoning Permit issued at the discretion of the Zoning Administrator.
  - 7. Auctions: The public sale of property to the highest bidder shall be permitted for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way. Off-street parking areas shall be provided and parking is prohibited within the right-of-way of a major thoroughfare.
  - 8. Garage Sales: Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following conditions:
    - a. Any garage sale, rummage sale or similar activity shall be allowed without a temporary Zoning Permit for a period not to exceed four (4) days within a six (6) month period. Such activities operating for a period of time in excess of four (4) days shall require a temporary Zoning Permit from the Zoning Administrator.
    - b. All such sales shall be conducted a minimum of thirty (30) feet from the front lot line and fifteen (15) feet from a side lotline.
    - c. No signs advertising a garage sale or similar activity shall be placed upon a public right of way or other public

ARTICLE 5 SUPPLEMENTAL REGULATIONS

property. All signs advertising a garage sale shall be placed upon private property with the consent of an owner of said property and shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.

9. Sawmills (portable): Establishment of a temporary sawmill for cutting of trees from a parcel or lot is permitted by temporary Zoning Permit. The sawmill shall not be located closer than five hundred (500) feet to a dwelling unit other than that of the owner of the property on which the temporary sawmill is established. The Temporary Permit shall be valid for six (6) months, but may be renewed.
10. Firewood Sales: Firewood sales shall be limited to firewood cut from that parcel or lot only. Cutting and splitting by machines shall conform with the location requirements for temporary sawmills above. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards.
11. Roadside stands: Roadside stands selling products grown on the premises are permitted in the A-1 and R-1A Districts provided the following standards are complied with:
  - a. Space for the parking of the customers' vehicles shall be furnished off the road right-of-way in the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area with a minimum of three (3) off-street parking spaces.
  - b. The roadside stand shall be located at least twenty-five (25) feet from the edge of the road.
  - c. Any roadside stand structure shall be seasonally erected and removed once the growing season is complete or November 1<sup>st</sup>, whichever comes first.

**SECTION 5.9 ABOVE OR BELOW GROUND STORAGE OF DANGEROUS CHEMICALS, EXPLOSIVE OR FLAMMABLE MATERIALS, OR HAZARDOUS SUBSTANCES**

A. All outdoor above or below ground handling area and storage facilities for dangerous chemicals, explosive or flammable materials, fuels and other hazardous substances in excess of 50 gallons or 150 pounds per month, shall:

1. Be constructed and maintained in compliance with:
  - a. All applicable Michigan Department of Environmental Quality, Michigan Department of Agriculture, State Fire Marshal and U.S. EPA Standards;
  - b. The State Construction Code Act, Public Act 230 of 1972; and
  - c. All applicable County, local Fire Code and "Right-to-Know" laws.
  - d. A Pollution Incidence Prevention Plan (PIPP) if required under state law.
2. Be located on a lot at least one-half (½) acre in size.
3. Not store fuel in above or below ground tanks closer to an abutting building on an adjacent lot than seventy-five (75) feet.
4. Have covered, but if flammable, not fully enclosed, secondary containment structures with a satisfactory dewatering plan to prevent leaks and spills from entering drains, sewers, surface or groundwater.

B. If the quantity of material in Section 5.9.A above is less than the regulatory threshold of the Michigan Department of Environment, Great Lakes and Energy, the Michigan Department of Agriculture, State Fire Marshal or U.S. EPA Standards then the secondary containment structures required in subsection A.4. above shall conform with standards prepared by the Zoning Administrator and adopted by the Planning Commission.

C. The owner shall supply the Zoning Administrator, Sheriff's Department and Emergency Services Coordinator with the name and phone number of persons responsible for materials on the site and who is available 24 hours in case of a leak or spill.



## ARTICLE 6 ACCESS REGULATIONS

### SECTION 6.1 INTENT

The purpose of this Article is to establish minimum regulations for access to property. These regulations ensure: all newly created lots and existing lots being redeveloped or upgraded have adequate access for emergency vehicles and do not unnecessarily impede traffic flow or create a safety problem on the public road to which they connect. Standards are established for curb cuts and driveways, service roads, and new public and private streets.

### SECTION 6.2 MINIMUM FRONTAGE AND ACCESS

No person, firm or corporation shall hereafter divide any land without providing for public access or permanent private easements for access to such divided lands. All lots created after the effective date of this Ordinance, or an amendment thereto, shall have the required minimum frontage along a public street or private road and shall have access consistent with the requirements of this Article. Flag lots do not meet this requirement. A second means of access to a group housing development, subdivision, mobile home park or nonresidential development is not subject to the minimum lot frontage requirement for the second means of access. Pursuant to the Land Division Act, Public Act 288 of 1967, as amended, access shall be reviewed and approved when any land division is reviewed for compliance with this Ordinance.

### Section 6.3 BASIC STANDARDS

**6.3.1. Curb Cuts and Driveways:** No driveway shall connect to a public street or private road without first receiving approval of the driveway location and cross-section specifications from the County Road Commission on a County Road or the Michigan Department of Transportation on a State Highway. Provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

A. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises. Said plan shall be approved by the Zoning Administrator prior to the issuance of a Zoning Permit. No such plan shall be approved unless such driveway access is onto a dedicated public street or a private road. Driveways shall, at a minimum, meet the following standards:

1. Storm drains, or culverts, if allowed, shall be installed in line with and on the same grade as those being connected with.
2. Drives shall enter perpendicular to the existing public street, private road, or alley.
3. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent (1 foot vertical rise in ten (10) feet of horizontal distance) unless a greater slope is necessary to meet the sidewalk elevation from the street.
4. The driveway shall meet clear vision standards of Section 8.15.
5. Driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street.
6. Driveways shall be designed to minimize runoff and erosion and shall not alter existing drainage unless approved by the Zoning Administrator.

B. The Zoning Administrator shall inspect the driveway as developed for compliance with the above standards prior to issuance of a Certificate of Zoning Compliance.

C. In business zones, no more than one driveway shall be allowed per lot or parcel unless separated by two hundred (200) feet, or unless traffic safety requires another driveway within a shorter distance as established by a qualified traffic engineer, or unless additional driveways are permitted in special land use standards for a particular use, such as drive-through restaurants.

D. The new driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all other access requirements of this Ordinance are met.

E. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the County Road Commission or Michigan Department of Transportation.

F. No single or two-family driveway shall have a width less than nine (9) feet nor more than sixteen (16) feet at the street right-of-way line. The curb cut, including flares, shall not be more than 1.5 times the width of the driveway at the street right-of-way.

ARTICLE 6 ACCESS REGULATIONS

G. Business driveway width at the sidewalk shall be at least twenty-five (25) feet for two-way access and at least fifteen (15) feet for one-way access.

H. An individual driveway serving more than one non-residential use is encouraged provided the design meets contemporary engineering standards for safe access and efficient traffic flow.

I. No driveway shall serve more than one (1) dwelling unit unless the use is duplex, a multiple family structure, a PUD, an apartment building.

J. A driveway shall be located no closer than fifteen (15) feet from a lot line

6.3.2. Business Access: No business access shall cross residentially-zoned property.

6.3.3. One Driveway per Parcel: All land in each parcel having a single tax code number, as of the date of the amendment adding this provision to the Ordinance, which front on a major thoroughfare shall be entitled to only one (1) driveway access from said street or highway. Subsequent division of each parcel, either as metes and bounds descriptions, as plats created in accord with the Land Division Act, Public Act 288 of 1967 as amended, or as site condominiums in accord with the Condominium Act, Public Act 59 of 1978 as amended, shall provide access by a single subdivision road, other public road or by an approved service drive. No direct additional access to the major thoroughfare shall be permitted with subsequent divisions unless more than thirty (30) residential lots are created, or more than one-hundred dwelling units in an apartment building are created then a second access shall be provided to the major thoroughfare only if no other access is possible via another public or private road.

6.3.4. Service Drives: Service drives which parallel a major thoroughfare and connect multiple parcels in either the front or the rear of the property are encouraged. The Planning Commission shall review and either approve, deny or approve with conditions all service drives to insure safe and adequate continuity of the service drive between contiguous parcels. The standards for service drives follow:

A. Width: A minimum of 24 ft. with construction to standards established by the County Road Commission for base and thickness of asphalt.

B. A minimum of fifteen (15) ft. snow storage/landscaping area must be reserved along both sides of the service drive with the edge of the service drive located a minimum of fifteen (15) ft. from the major thoroughfare right-of-way.

C. All driveway radii shall be concrete curbs.

D. The entrance to the service drive from a public road other than the major thoroughfare shall be at least 150 ft. from the centerline of the major thoroughfare to provide for adequate stacking and maneuvering.

E. The service drive shall be a public street, or a private road maintained by adjoining property owners or users who shall enter into a formal agreement together for the joint maintenance of the service drive. The Township Attorney shall approve the terms of the agreement before it is recorded with the County Register of Deeds (see Section 16.9). No service drive shall be established on existing public right-of-way.

F. Landscaping along the service drive shall conform with the requirements of Section 8.3. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.

G. All separate parking areas shall use no more than one (1) access point or driveway to the service drive.

H. All traffic signage and pavement markings along the service drive shall conform to the current Michigan Manual of Uniform Traffic Control Devices.

6.3.5 Existing Road Width: Where a private road or street in existence prior to the effective date of this provision has no recorded width, the width will be considered to be sixty-six (66) feet for the purposes of establishing setbacks and measured equal distance from the midpoint of the road surface.

**SECTION 6.4 PUBLIC STREET STANDARDS**

6.4.1. Requirements to be met: New public streets or public roads shall conform to the requirements of this Section and those of the County Road Commission.

6.4.2. Construction standards: The creation of a public street that serves a division of land, a subdivision or a parcel shall meet or exceed the cross-sectional construction standards, site distance, drainage and any other requirements as specified in "Standards and Specifications for Plat Development and Street Construction" or other standards adopted by the County Road Commission.

6.4.3. Proposed new public roads which are not part of a subdivision shall either be developed as private roads pursuant to Section 6.5 or may be approved by the Planning Commission and the Township Board.

6.4.4. Dedication of Rights-of-Ways or Easements: All new public streets shall be dedicated to and accepted by the public, and no structure or development activity shall be established within approved rights-of-ways or easements. All plans as submitted for approval must show the proposed street including a legal description and must include the grades for these streets.

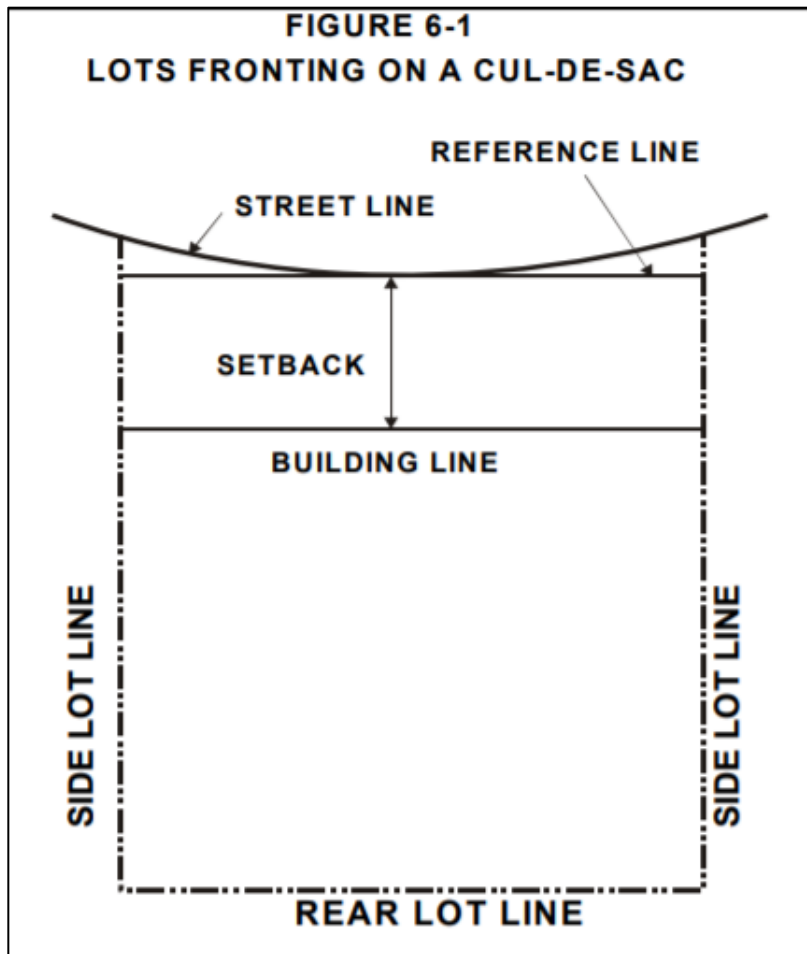
6.4.5. Connection to County Roads and State Highways: Construction authorization from the County Road Commission is required for connection to County roads and from the Michigan Department of Transportation for connection to a State Highway. At the discretion of the Planning Commission, a proposed public street may be disapproved unless it connects to another public street or road when necessary to provide safe traffic flow and emergency vehicle access.

6.4.6. Cul-de-sacs: Cul-de-sacs shall meet or exceed cross-section specifications established by the County Road Commission and:

- A. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available lot or parcel within the development which lot or parcel fronts upon the cul-de-sac.
- B. Frontage measurements for cul-de-sac lots shall be from the curve tangent that meets both side lot lines. See Figure 6-1, page 6-4.
- C. Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.

6.4.7. Limit on Length: New public or private streets with only one connection to another public street, county road or state highway shall not be longer than one thousand three hundred-twenty (1,320) feet.

6.4.8. Maximum Number of Lots Served: No more than twenty-five (25) lots may gain access to a single public street if only one point of intersection is provided between the new public street and another existing public street.



**6.4.9. Application Review and Approval or Rejection:**

- A. The Zoning Administrator shall review, and send to the Planning Commission, the plans of a new public street for review and comment. If the new street is proposed to connect to a state highway, a copy of the application shall be sent to the Michigan Department of Transportation (MDOT), for review and comment with a date specified as to when comments are needed.
- B. The Planning Commission shall approve or disapprove the new public street with a conditions necessary to ensure conformance with the standards of this Ordinance.
- C. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.

**6.4.10. Failure to Perform:** Failure by the applicant to begin construction of the new street according to approved plans on file with the Zoning Administrator within one (1) year from the date of approval shall void the approval and a new plan shall be required subject to any changes made by the Township in its standards and specifications for road construction and development.

**6.4.11. Issuance of Zoning Permit:** No zoning permit shall be issued for a structure on any new public street until such street is given final approval by the Board of County Road Commissioners.

**6.4.12. Posting:** All new public streets shall be designated as such and shall be posted by the applicant on a sign meeting standards on file in the office of the County Road Commission. The sign shall be paid for by the applicant. The Zoning Administrator shall check with the County Central Dispatch 911 Manager to avoid a duplicate of names and give approval of same.

## SECTION 6.5 PRIVATE ROAD DEVELOPMENT

6.5.1. Intent: The purpose of this Section is to provide for the general location, character, and extent of private roads in the Township. Lot orientation and other development circumstances also are regulated herein. The private road development Section is hereby established to provide for the proper development and utilization of land abutting private roads while at the same time making proper provision for the present and future health, safety and welfare of the people of the community.

6.5.2. Uses Regulated: Any development resulting in the use by one or more lots, parcels or site condominium units of a roadway other than a public road for direct access must be reviewed and the private road approved before any zoning permits are issued. In the case of a private road that is part of a development requiring site plan review, the private road may be approved as part of the site plan review process. In those cases, the Planning Commission may require the same information as in this Article for private road approval and shall use the same standards for approval as contained in this Article.

6.5.3. Preliminary Conference with Zoning Administrator: The applicant shall contact the Zoning Administrator to request a preliminary conference prior to any financial investment in the proposed development, in order to ensure it will be compatible with Township Ordinances. There is no extra fee for the preliminary conference.

### 6.5.4. Application for Private Road Development Permit:

A. Following a preliminary conference with the Zoning Administrator, if the applicant wishes to proceed, the applicant must file an application for a Private Road Development Permit with the Zoning Administrator, pay the required filing fee and request placement of the request on the Planning Commission agenda.

B. The applicant must provide proof of ownership or written consent of the property owner to make the application, along with the address of the applicant and owner (if different).

### 6.5.5 Site Plan Submittal Requirements:

A. The information in B. below shall be on or accompany a site plan depicting the proposed private road unless waived by the Zoning Administrator.

B. Sufficient copies of a site plan in a scale of at least 1" = 100' must be provided to the Zoning Administrator at least forty-five (45) days prior to a Planning Commission meeting. The site plan shall include the following:

1. A sketch showing the general relationship of the proposed property division to the surrounding area within one-half (1/2) mile in a scale of not less than 1" = 200'.
2. Property lines of existing or proposed parcels to be served by the private road, property lines of adjacent tracts of subdivided and un-subdivided land, shown in relation to the proposed property division (if any), including those areas across abutting roads.
3. Locations, widths, and names of existing or prior easements of record, public and/or private.
4. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
5. Existing and proposed drainage patterns and any proposed retention ponds.
6. For parcels over twenty (20) acres in size, the site plan shall show the topography drawn as contours with the interval available on the U.S. Geological Survey map of the area where the property is located.
7. The location of significant natural features such as natural water courses, bodies of water, wetlands, and slopes over 12%.
8. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision for dedicated open space easements, easements for future utilities, if any.

## ARTICLE 6 ACCESS REGULATIONS

9. Future divisions, if any.
10. Layout of the proposed private road, indicating right-of-way widths, surface width, grades, connections to other private roads or public streets.
11. Proposed private road maintenance agreement and proposed private road easement agreement.
12. Proposed street name.

**6.5.6. Road Commission & Township Prosecutor Review:** A copy of the private road site plan and all attachments shall be transmitted by the Zoning Administrator to the Shiawassee County Road Commission for review and comment. The Zoning Administrator shall send the proposed road maintenance agreement and road easement agreement to the Township Attorney for review and comment. At least fourteen (14) days shall be provided for their review and comment. A reply shall be provided to the Zoning Administrator. If no response is received, it shall be conclusively presumed that the agency has no objection.

**6.5.7 Standards for Approval:** The following criteria represent minimum standards for approval of private roads. The approving body shall determine if unusual conditions exist that warrant higher standards or conditions of approval. Any unusual conditions shall be set forth in the record of the approving body along with the rationale for higher design standards or conditions of approval.

A. All private roads shall have a minimum sixty- six (66) foot wide right-of-way and be built to Shiawassee County Road Commission specifications, as outlined in their publication "Standards and Specifications for Plat Development and Street Construction"; except private roads that serve six (6) or fewer lots shall meet all the requirements of the County Road Commission publication "Standards and Specifications for Plat Development and Street Constructions" with the following modifications and exceptions:

1. paving is not required for roads serving less than 7 lots
2. clearing and grubbing is required for a minimum of a sixty (60) feet wide corridor
3. a minimum road width of twenty (20) feet
4. a minimum shoulder width of two (2) feet on each side
5. the minimum vertical clearance, as measured above the minimum road width, is 14 feet.
6. the minimum depth of road-side ditch is two (2) feet below the adjacent road shoulder.

B. Building setbacks shall be measured from the outside edge or boundary of the private road right-of- way easement.

C. Private roads shall be planned and so constructed in relation to land contours and obstructions as to provide safe, adequate, ingress and egress by private driveway for each parcel.

D. Road layout shall fit the general pattern established by adjacent roads and streets. All intersections shall be at ninety (90) degree angles.

E. Regulation Michigan State Highway stop signs shall be positioned and installed in accordance with the "Michigan State Manual of Uniform Traffic Control Devices" on all private roads where such roads intersect public streets or another private road.

F. Rights-of-way shall connect the private road system of the proposed development to any road or right-of-way of existing abutting developments or subdivisions where an existing road or right-of-way terminates at the boundaries of the proposed development. This requirement may be waived by the Planning Commission. The wavier may be granted if findings in the record of the approving body show that natural barriers, pre-existing man-made barriers, or other factors result in a practical difficulty which is greater than the public safety and traffic efficiency benefits to be gained by the

connection.

G. A private road legal description shall grant easements for installation and maintenance of public utilities.

H. The layout of roads shall provide a continuous circuit of travel. This requirement may be waived by the Planning Commission. The waiver may be granted upon making finding in the record of the approving body that the lands to be developed are limited in area by purpose or by natural barrier. Granting of the waiver allows the road to terminate in an approved cul-de-sac that meets the design requirements in the Shiawassee County Road Commission specifications, as outlined in their publication "Standards and Specifications for Plat Development and Street Construction" as modified by this Ordinance, provided a right-of-way is established extending from the end of the cul-de-sac to the development boundary. Road right-of-ways or easements created for this purpose shall be non-exclusive and shall prohibit the construction or placement of buildings or structures within the right-of-way. Where a natural barrier exists or a future tie-in with an existing road in an adjoining development or subdivision is not feasible, this right-of-way requirement may be also be waived.

I. All private roads shall be named by the applicant and the name approved by the Shiawassee County Road Commission in accordance with established standards, and directives and street signs shall be erected at the cost of the applicant, in the same manner and method, and in accordance with the requirements of the Road Commission.

J. The road maintenance agreement signed by applicant/owner(s) to be recorded with the County Register of Deeds shall provide for:

1. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
2. A workable method of apportioning the costs of maintenance and improvements to current and future properties served by the private road.
3. A notice that if repairs and maintenance are not made, the Township may bring the road up to established County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in an amount not to exceed twenty-five (25) percent of total costs.
4. A notice that no public funds of the Township are to be used to build, repair, or maintain the private road.

K. Road easement agreement signed by the applicant/owner(s) to be recorded with the County Register of Deeds providing for:

1. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
2. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.

L. Spacing of Private Roads: No more than one (1) private road may be established for each parcel of land existing at the time of the effective date of this amendment to the ordinance; which, has at least 66 feet of frontage on a public road. Parcels, which are created after the effective date of this amendment to the ordinance, must observe 600 feet of separation between private roads as measured along the centerline of the public street between the center lines of the private roads.

M. Private Roads which create four (4) or more lots may reduce the required minimum lot frontage to one-hundred sixty-five (165) feet for the lots fronting on the private road.

N. Nothing in this section shall be interpreted to allow residential development that requires platting under the Land Division Act, as amended to occur without first obtaining approval as a platted subdivision.

O. Failure to maintain the private road in compliance with the standards for horizontal and vertical clearance,

## ARTICLE 6 ACCESS REGULATIONS

ditching, road and shoulder grading, and the other dimensional requirements of Figure 6.1 shall constitute a violation of this ordinance.

P. The plan requirements of the County Road Commission publication "Standards and Specifications for Plat Development and Street Constructions" shall be followed in addition to the site plan requirements of Section 14.4.2 of this Ordinance. Plans shall be prepared and endorsed by a Michigan Register Civil Engineer. As built plans are required and shall contain the engineer's certification that all specifications have been complied with during construction and that the plans are a true representation of the actual construction.

The following standards in Table 6-1 apply to all private roads created after the effective date of the amendment adding this section.

### 6.5.8. Application Review and Approval or Rejection:

A. The private road shall be reviewed as part of the review of the development proposal served by the proposed road. Said review may be conducted as part of a site plan review process, or at the applicant's discretion, separately if no other development approvals from the Township are needed.

B. If the private road plans are approved by the Planning Commission, construction authorization will be issued by the Zoning Administrator. One copy of the approved plan shall be returned to the applicant. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.

### 6.5.9 Issuance of Permit for Structures Served by Private Roads:

A. No building or Certificate of Zoning Compliance shall be issued for a structure or use provided access by a private road until such private road is approved pursuant to the requirements of Section 6.5.7.

B. No private road shall be constructed until the Zoning Administrator has issued a Private Road Construction Permit.

6.5.10 Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Zoning Administrator within one (1) year from the date of approval shall void the approval and a new site plan shall be required by the Township subject to any changes made herein or subject to any changes made by the County Road Commission, Planning Commission or Township Board in its standards and specifications for road construction and development.

6.5.11 Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

"This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed."

This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.



**SECTION 6.5.7. P**

**TABLE 6-1: PRIVATE ROAD STANDARDS**

Number of Lots Proposed in a Non- Act 178 Option or Conservation Design Development*	Type of Zoning Approval*	Width of Right-of-Way Minimum	Construction Standards	Paving Required
2-6 *	SUP*	66 feet	The written standards of the Shiawassee County Road Commission as modify in Section 6.5.7 of this Ordinance	No
7-12*	SUP*	66 feet	The written standards of the Shiawassee County Road Commission	Option*
12-25	SUP	66 feet	The written Road Commission and/or Township Plat Standards	Yes
>25	SPR	66 feet		

**NOTES:**

SUP means permitted by special use permit

SPR means permitted by site plan review

\*In an Act 178 Development (see Section 2.7.2 B.) or a Conservation Design Development of less than 12 lots (see Section 4.3.20), a Special Use Permit is not required and paving shall be required for roads serving 7-12 lots at the option of the Planning Commission

## ARTICLE 7 OFF-STREET PARKING AND LOADING

### SECTION 7.1 PARKING REQUIREMENTS

**7.1.1 Intent:** It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. All vehicles shall preferably be stored on the premises occupied by the principal building, but may be stored on premises located outside the premises within specifically limited walking distances as specified in Section 7.1.8 of this Ordinance.

#### 7.1.2 General Provisions

A. Building Additions or Other Increases in Floor Area: Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the use change increased floor area or capacity. Additional parking shall be provided at the time of enlargement and prior to receipt of a Certificate of Zoning Compliance (see Section 16.5).

B. The outdoor parking of motor vehicles in the R- 1A, district and on lots less than two (2) acres in the A-1 district shall be limited to registered and licensed passenger vehicles and commercial vehicles built on a chassis which is rated one (1) ton or less and not exceeding ten thousand (10,000) pounds in gross vehicle weight, except when said vehicles are associated with the use permitted by Specific Use Regulations in Article 4 or a Special Use Permit pursuant to Article 12. On lots greater than two acres in the A-1 district said vehicles shall be parked behind the building line, with side or rear yard parking preferred.

C. The outdoor storage or parking for a period of more than fourteen (14) days in a calendar year of travel trailers, motor homes, mobile homes, camper trailers, or parking other trailers or recreational vehicles in the R-1A district and on lots less than two (2) acres in the A-1 district shall be limited to locations behind the building line, with side or rear yard parking preferred. Parking ahead of the building line in Subsection B above and this subsection is permitted only if topography, septic fields, wetlands or other site conditions, as documented by the Zoning Administrator, preclude parking in the side or rear yard.

D. No parking area or parking space or loading area which exists at the time this amendment becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless and until equal or better facilities are approved and provided.

**7.1.3 Right-of-Way:** The right-of-way of any county road or state highway shall not be used for off-street parking or loading without the written permission of the County Road Commission for county roads and streets or the Michigan Department of Transportation for state highways.

#### 7.1.4 Use of Parking Areas:

A. No commercial repair work, storage of merchandise, motor vehicles for sale, servicing or selling of any kind, shall be conducted in any parking area. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

B. No sign shall be erected in parking areas, except:

1. That no more than one directional sign at each point of ingress and/or egress may be erected which may also bear the name of the enterprise the lot is intended to serve. Such signs shall not exceed twenty (20) square feet in area and shall not project beyond the property line of the premises.
2. For handicapped parking signs as provided by the Michigan Construction Code Act, Public Act 230 of 1972, as amended.

**7.1.5 Joint Use of Parking Areas:** The joint use of parking facilities by two or more uses may be granted by the Board of Appeals whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

## ARTICLE 7 OFF-STREET PARKING AND LOADING

A.      Computing Capacities: In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time each day. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced by the Planning Commission below the same total of the individual space requirements.

B.      Record of Agreement: A copy of an agreement between joint users shall be filed with the application for a zoning permit and recorded with the Register of Deeds of Shiawassee County. The agreement shall include a guarantee for continued long-term use and maintenance of the parking facility by each party.

7.1.6 Units of Measurement: The following units of measurement apply to Table 7-1, Section 7.1.7.

A.      Definition of Usable Floor Area: The term "usable floor area" as applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied by fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing or mechanical equipment integral with the building, maintenance facilities, or those areas where customers, patients, clients, salesmen, and the general public are denied access. "Floor area" shall be measured from the exterior faces of exterior walls.

B.      Fractional Space: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

C.      Employees: Requirements for parking stated in terms of employees shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

D.      Seating Capacity: When benches, pews or other similar seating is used, each 18 inches of said seating shall be counted as one seat, unless the standard specifies otherwise.

7.1.7 Parking Space Requirements: The number of required off-street parking spaces in all districts for every use shall be provided as listed on Table 7-1 prior to the issuance of a Certificate of Zoning Compliance. If there is more than one principal use on a lot, then the combined parking requirements for each of the permitted uses must be met:

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## SECTION 7.1.7

TABLE 7-1: PARKING STANDARDS

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<b>RESIDENTIAL &amp; RELATED USES</b>	
Bed and breakfast operations	One (1) space for each sleeping room, plus two (2) spaces for permanent residents.
Boarding houses, fraternities, sororities	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater.
Community residential care facilities < 6 persons	Four (4) spaces.
Convalescent homes, convents or similar uses	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
Mobile home parks	Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee.
Multiple family dwellings	Two (2) spaces for each dwelling unit.
Single and two family dwellings	Two (2) spaces for each family dwelling unit.
<b>CIVIC, NONPROFIT, INSTITUTIONAL, PUBLIC &amp; PRIVATE RECREATION &amp; RELATED USES</b>	
Beaches, parks and other outdoor public recreation areas	As established by Township Planning Commission upon recommendation of the Planning Commission, based on the size, accessibility and facilities available.
Boat launching ramps and waterfront access sites	Twenty-five (25) spaces per ramp, or access site.
Educational and social institutions:	
Auditoriums and gyms (incidental to) schools, churches, and institutional buildings of similar use with fixed seats	One (1) space for each four (4) seats, plus one (1) space for every two (2) employees.
Auditoriums (other than incidental to schools and churches), lodge halls, fraternal organizations, private clubs, public meeting halls, community centers, or buildings of similar use without fixed seats	One (1) space for every six (6) persons of legal capacity as established by local, county or state fire, building or health codes.
Charitable, eleemosynary or philanthropic organizations	One (1) space for each two hundred (200) sq. ft. of floor area.
Elementary and junior high schools	Three and one-half (3 ½) per classroom, plus separate parking where the school contains an auditorium and/or stadium or gym.
High schools and colleges	One (1) space for every employee, plus one (1) space for each five (5) students.
Institutions for human care and habitation:	
Community residential care facilities >6 persons	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
Convalescent homes, nursing homes, convents or similar uses	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
Hospitals, sanitariums	One (1) space for each three (3) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees.
Orphanages	One (1) per employee and one (1) per four (4) beds.

ARTICLE 7 OFF-STREET PARKING AND LOADING

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Libraries, museums, post offices	One (1) space for every eight hundred (800) sq. ft. of usable floor area, plus one (1) space for every four (4) employees.
Nursery school, day nurseries or child care centers	One (1) space for each three hundred and fifty (350) sq. ft. of usable floor area.
Private golf clubs, swimming pool clubs, tennis clubs, lodges or other similar uses	One (1) space for every two (2) member families or individuals, plus spaces required for each accessory use, such as a restaurant or bar.
Public buildings	One (1) space for each two hundred (200) sq. ft. of gross floor area used by the public, and one (1) space for each six hundred (600) sq. ft. of gross floor area not used by the public.
Religious institutions: Churches or temples	One (1) space for each three (3) seats or six (6) feet of pews in the main unit of worship.
Utility and public service installations	One (1) space per two hundred (200) sq. ft. of gross floor area.
<b>AGRICULTURAL &amp; RELATED USES</b>	
Agriculture service establishments	One (1) space for each two hundred (200) sq. ft. of customer service area, and one (1) space for each employee.
<b>COMMERCIAL &amp; RELATED USES</b>	
Automatic Teller Machine (ATM) (free standing, not applicable when associated with another use)	Two (2) spaces per machine.
Automobile service and repair garages, gasoline filling and service stations (see convenience retail establishments)	Three (3) spaces for each repair and service stall, plus one (1) space for every employee.
Barber shops and beauty parlors	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one-half (1/2) space for each additional chair.
Business service establishments: Advertising and mailing Banks and credit unions Employment services Investment companies Real estate companies	One (1) space for every two hundred (200) sq. ft. of useable floor area.
Business, vocational or trade schools	One (1) space per one hundred (100) sq. ft. of gross floor area.
Catering service	One (1) space per two hundred (200) sq. ft. of gross floor area, plus one (1) space per employee in the largest shift.
Clinics and professional offices of doctors, dentists, or similar professions	One (1) space for each fifty (50) sq. ft. of usable floor area in waiting rooms, and one (1) space for each examining room, dental chair, or similar use area.
Clothing, furniture, appliance, hardware, shoe repair, personal services (other than beauty and barber shops), wholesalers	One (1) space for every two hundred (200) sq. ft. of usable floor area.
Commercial kennel	One (1) space per four hundred (400) sq. ft. of gross floor area, but no fewer than four (4) spaces.

ARTICLE 7 OFF-STREET PARKING AND LOADING

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Convenience retail establishments	Five (5) spaces per each one thousand (1,000) sq. ft. of gross floor area.
Dance schools	One (1) space for each one hundred (100) sq. ft. of dance floor area, plus one (1) space for each six hundred (600) sq. ft. of gross floor area.
Drive-through banks, cleaners, drug stores, and similar businesses	Space for five (5) cars between the sidewalk area and the pickup window, and one (1) space for every two hundred (200) sq. ft. of usable floor area if there is no customer space inside.
Drive-through restaurants or fast-food establishments	One (1) space per fifty (50) sq. ft. of eating area, plus one (1) space for each employee on the largest working shift.
Food service establishments:	
Carry-out food or walk-up, establishment including bakeries, ice cream shops and delicatessens if carry-out only, or if all seating is exterior only.	One (1) space for each employee, plus five (5) spaces.
Restaurant or establishment for sale and consumption, of beverages, food or refreshments on the premises including drive-in, but not including drive-through restaurants	One (1) space for each seventy-five (75) sq. ft. of usable floor area, or one (1) space for each two (2) persons allowed within the maximum occupancy load as established by the local fire marshal.
Funeral homes and mortuaries	One (1) space for every twenty-five (25) sq. ft. of usable floor area of chapels and assembly rooms.
Furniture, antique, appliance, household equipment, showroom of a plumber, decorator, electrician or similar trade, and other similar uses (including resale shops but not flea markets)	One (1) space for each eight hundred (800) sq. ft. of usable floor area, plus one (1) additional space shall be provided for each two (2) persons employed therein.
Garden center, greenhouse (if it has retail sales)	One (1) space for each two hundred (200) sq. ft. of usable floor area, plus one (1) space for each two thousand (2,000) sq. ft. of exterior sales area.
General offices	One (1) space for every two hundred (200) sq. ft. of usable floor area.
General retail stores, except otherwise specified herein	One (1) space for every one hundred and fifty (150) sq. ft. of usable floor area.
Health or fitness club, or martial arts schools	One (1) space for each two hundred (200) sq. ft. of usable floor area, plus one (1) space for each employee.
Hotels	One (1) space for each guest room, plus one (1) additional space for every five (5) employees.
Laundromats and coin operated dry cleaners	One (1) space for each two (2) washing and/or dry-cleaning machines.
Motels, and auto courts	One (1) space for each sleeping unit, plus. one (1) space for each one (1) employee.
Music and voice schools	One (1) space per three (3) students at any one time.
Open air business	One (1) space per three thousand (3,000) sq. ft. of exterior sales area, except for open air flea markets which require one (1) space for each three hundred (300) sq. ft. of exterior sales area.

ARTICLE 7 OFF-STREET PARKING AND LOADING

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Office supply, factory and mill supplies, and related activities	One (1) space for each four hundred (400) sq. ft. of gross floor area.
Personal service establishment	One (1) space per two hundred (200) sq. ft. of retail sales area, and one (1) space for each four hundred (400) sq. ft. of service area.
Planned commercial or shopping center	One (1) space for each one hundred (100) sq. ft. of usable floor area.
Repair services	One (1) space for each two hundred (200) sq. ft. of usable floor area, plus one (1) space for each employee.
Supermarket, self-service food store	One (1) space for every fifty (50) sq. ft. of usable floor area.
Taverns, bars	One (1) space for every seventy-five (75) sq. ft. of usable floor area, or one (1) space for every three (3) seats, whichever is greater.
Vehicle, farm equipment and other machinery sales and service establishments	One (1) space for each two hundred (200) sq. ft. of usable floor area of sales room, and one (1) space for each one (1) auto service stall in the service room.
Vehicle wash (automatic)	One (1) space for each one (1) employee. In addition, reserved parking spaces equal in number to five (5) times the maximum capacity of the vehicle wash. Maximum capacity of the vehicle wash shall mean the greatest number of vehicles possibly undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
Vehicle wash (self-service or coin operated)	Five (5) spaces for each washing stall, in addition to, the stall itself.
<b>Indoor Entertainment</b>	
Amusement center, video or pinball arcade	One (1) space per game, provided that where such games are an accessory use, one (1) space is required for each game above four (4) games.
Bingo parlor	One (1) space for each three (3) seats or one (1) per one hundred (100) sq. ft. of usable floor area, whichever is greater.
Bowling alleys	Five (5) spaces for each alley, plus one (1) space for each employee, plus spaces for each accessory use, such as a bar or restaurant.
Dance halls, pool and billiard rooms, exhibition halls, roller and ice skating rinks	One (1) space for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length).
Indoor racquet courts	Three (3) spaces per court, plus one (1) space per employee on the largest shift, plus spaces for any other principal or accessory uses, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length).

ARTICLE 7 OFF-STREET PARKING AND LOADING

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Indoor soccer facility	Fifty (50) spaces for every playing field, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length), plus two (2) spaces for every three (3) employees on the maximum shift, but in no case less than one hundred (100) spaces.
Theaters and commercial auditoriums	One (1) space for each three (3) seats, plus one (1) for each two (2) employees.
<b>Outdoor Entertainment</b>	
Boat, canoe, jet ski and bicycle rental	Five (5) spaces per employee where it is the principal use; where it is an accessory use, parking may be waived partially or wholly in the discretion of the Zoning Administrator.
Campground	Two (2) dust free 10'x30' spaces for every campsite.
Golf courses open to the public, except Miniature or "Par 3" courses	Four (4) spaces for each hole, plus one (1) space for each employee, plus required spaces for each accessory use, such as a restaurant or bar.
Golf driving range	One (1) space for each tee, plus one (1) space for each employee on the largest work shift.
Marinas	One and one-half (1-1/2) spaces per boat mooring slip.
Miniature or "Par 3" golf courses	Three (3) spaces for each hole, plus one (1) space for each employee, plus required spaces for each accessory use, such as a restaurant or bar.
Racetrack	One (1) space for every four (4) seats; one (1) seat is equal to two (2) feet of bench length.
Racquet sports	Three (3) spaces, plus three (3) spaces per court or one (1) per three (3) spectator seats, whichever is greater.
Rifle and archery range (indoor or outdoor)	A minimum of five (5) spaces, plus one (1) space per target area.
Stadiums and sport arenas	One (1) space for every four (4) seats or six (6) feet of benches.
Theme park, scenic area, amusement ride, water slide, go cart track and similar uses	Two (2) spaces per three (3) seats on amusement rides or twenty (20) spaces per ride or attraction with no specific or defined seating.
<b>INDUSTRIAL &amp; RELATED USES</b>	
Auto body/paint shop	One (1) space per each service bay and employee.
Contract construction uses	One (1) space per employee, plus one (1) space per company vehicle.
Dangerous chemical manufacturing, storage and/or distribution	One (1) space per employee on the largest shift.
Incinerators and recycling centers	One (1) per employee, plus one (1) per each simultaneous truck.



ARTICLE 7 OFF-STREET PARKING AND LOADING

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Industrial or manufacturing establishments, testing laboratories, creameries, bottling works, printing and engraving shops	One space for every two (2) employees for industries working two (2) or more shifts. One space for every three (3) employees for industries working one shift or one space for every 400 square feet of gross floor area, whichever is greater.
Industrial service establishments	One (1) space for every two (2) employees for industries working two (2) or more shifts. One (1) space for every three (3) employees for industries working one (1) shift, or one (1) space for every four hundred (400) sq. ft. of gross floor area, whichever is greater.
Medical or dental laboratories	One (1) space per two hundred (200) sq. ft. of gross floor area.
Mini-warehouse (self-service storage facility)	One (1) space per ten (10) storage units plus one (1) space per employee.
Research and development establishments	One (1) space per employee on the largest shift.
Wholesale trade establishments and warehouses	One (1) space for every eight hundred (800) square feet of gross floor area.
<b>PLANNED UNIT DEVELOPMENTS</b>	
Planned Unit Developments: Commercial Industrial Park Institutional Mixed use Residential	Parking standards shall be established by the Planning Commission after receiving the recommendation of the Zoning Administrator based on the mix of proposed uses compared to the standards for those, or the most similar uses in this schedule.

**7.1.8 Location of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, they shall be under the ownership of the applicant or part of an approved joint parking area under Section 7.1.4, with the exception of the following:

- A. Uses in M-1 Districts: Parking on the premises or within eight hundred (800) feet.
- B. Public and Quasi-Public Buildings, Places of Assembly, Private Clubs, Associations and Institutions: Parking on the premises or within five hundred (500) feet.

**7.1.9 Parking Lot Plan Review:** Whenever four (4) or more vehicle parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator for review and approval before a zoning permit is issued. Such plans and specifications shall indicate the location of buildings and parking areas, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, and any other detailed feature essential to the complete design, and construction of the parking area.

**7.1.10 Site Development Requirements:** All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements:

- A. A minimum area of two hundred (200) square feet or ten (10) feet by twenty (20) feet shall be provided for each vehicle parking space; each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress.
- B. Parking area shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

ARTICLE 7 OFF-STREET PARKING AND LOADING

C. Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. See also the access requirements of Section 6.3.1.

1. Except for parking space provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than twenty-five (25) feet for two-way access and at least fifteen (15) feet for one-way access.
2. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.

D. Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern as follows and illustrated on Figure 7-1:

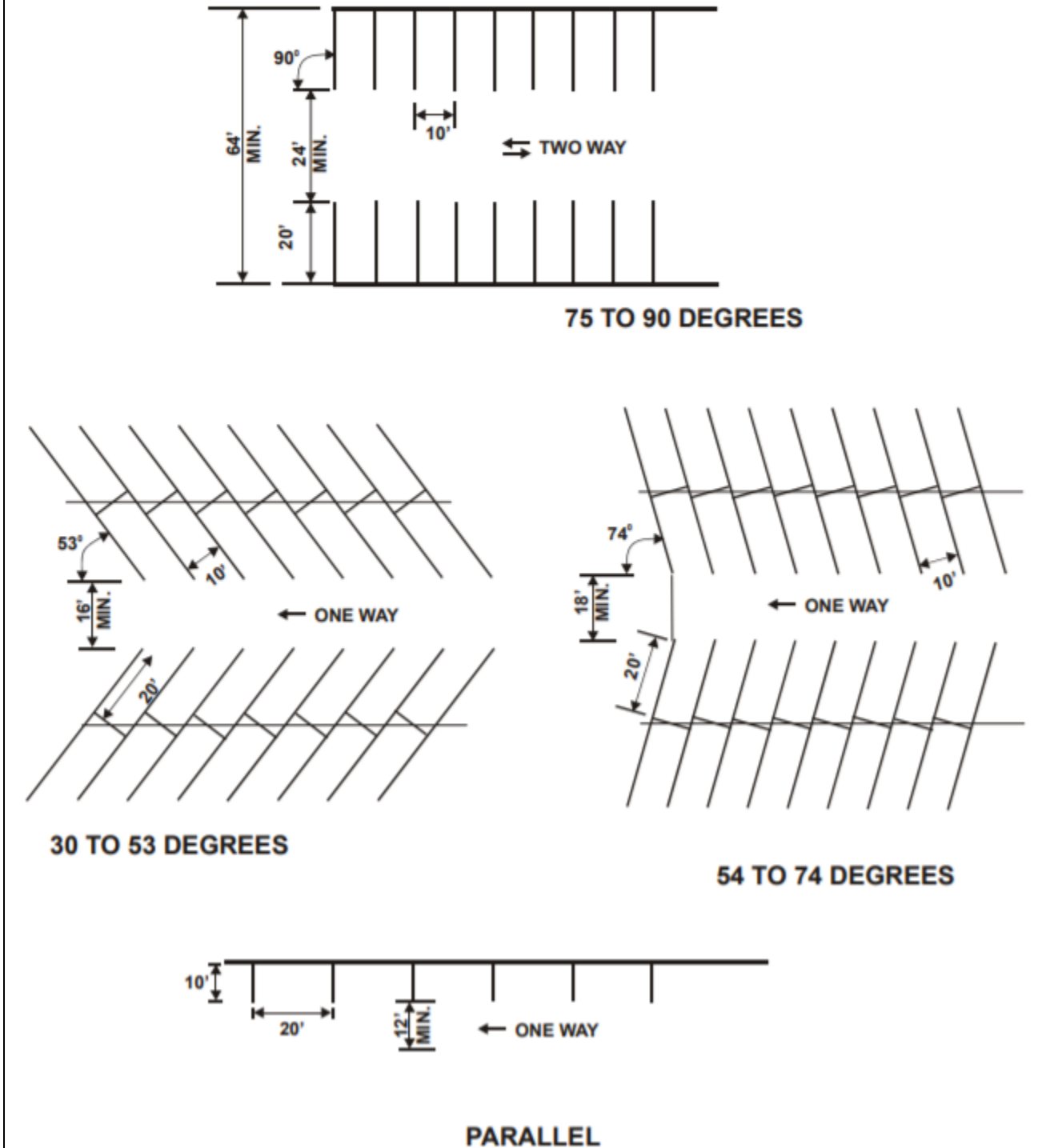
1. For right angle parking patterns, seventy-five (75) to ninety (90) degrees. The maneuvering lane width shall be a minimum of twenty-four (24) feet.
2. For parking patterns, fifty-four (54) to seventy-four (74) degrees. The maneuvering lane width shall be a minimum of eighteen (18) feet.
3. For parking patterns, thirty (30) to fifty-three (53) degrees. The maneuvering lane width shall be a minimum of sixteen (16) feet.
4. For parallel parking, one-way drives or boulevards, the maneuvering lane width shall be a minimum of twelve (12) feet.
5. All maneuvering lane widths shall permit one-way traffic movement, except for the ninety (90) degree pattern, which may provide for two-way traffic movement.

E. Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface consisting of bituminous, asphalt, concrete, aggregate stone or gravel, and shall be graded and provided with adequate drainage. Said surface shall be maintained and replaced if necessary, as long as the building it serves is occupied.

F. Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the parking area and any adjacent road or street.

G. Where a parking area with a capacity of four (4) or more vehicles adjoins a residential district, a landscaped buffer strip at least fifteen (15) feet wide shall be provided between the parking area and the adjoining property, or a fence or wall no less than four (4) feet in height shall be erected. See Section 8.3.2.

**FIGURE 7-1  
PARKING SPACE DIMENSIONS**



H. Off-street parking facilities for trucks, buses and recreational vehicles at restaurants, motels, hotels, automobile service stations, commercial garages for large vehicles, and similar establishments, shall be sufficient in size to adequately serve large vehicles and trucks without interfering with other vehicles using the same facility. Parking spaces for such vehicles shall be not less than twelve (12) feet in width and forty (40) feet in length. Access drives for such vehicles shall be designed with adequate turning radius and special provision for slow entry onto public streets and highways. The Planning Commission shall approve the design of any parking area use proposing to serve trucks, buses or recreational vehicles.

## ARTICLE 7 OFF-STREET PARKING AND LOADING

I. The required number, size, arrangement and type of off-street parking spaces with a surface conforming to the requirements of this Section shall be in place prior to the issuance of a Certificate of Zoning Compliance.

J. Wherever safe and feasible, adjoining parking lots of businesses on abutting properties in the B- 1 district shall be connected so that drivers of motor vehicles do not need to enter onto a street or road and then immediately exit in order to go from one establishment to another. The particular standards and guidelines for the design of such connections shall be maintained by the Zoning Administrator following adoption by the Planning Commission.

K. Reduction, Modification, Waiver: The Board of Appeals may authorize a reduction, modification, or waiver of any of the off-street parking or loading regulations provided in this article when it can be demonstrated that circumstances of extreme practical difficulty exist that would result in hardship to the applicant. Hardship shall not be deemed economic only, but shall be evaluated also in terms of the use of a particular parcel of land. A hardship that is a result of any action of the applicant shall not be considered by the Board of Appeals. In no case shall the off-street parking or loading standards be reduced by more than twenty-five (25%) percent.

7.2.2 Review of Plans: Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a permit for the erection or enlargement of a use of a building or structure.

7.2.3 Loading Space: Loading space required under this Section shall be provided as area additional to off- street parking space, as required under Section 7.1.7, and shall not be considered as supplying off-street parking space. Loading standards are presented in Table 7-2.

7.2.4 Space Requirements: There shall be provided adequate space for standing, loading, and unloading services not less than twelve (12) feet in width, twenty- five (25) feet in length, and fourteen (14) feet in height, open or enclosed, for uses listed in the following table, or for similar uses similarly involving the receipt or distribution by vehicles of materials or merchandise.

7.2.5 Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley as determined by the Planning Commission.

7.2.6 Site Requirements: Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a lot or premises used as a dwelling or used for , educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a masonry wall or solid fence not less than four (4) feet in height between the off-street loading space and said . adjoining land uses.

## SECTION 7.2 LOADING AND UNLOADING SPACE REQUIREMENTS

**7.2.1 Intent and Purpose:** In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.

**TABLE 7-2: LOADING SPACE REQUIREMENTS**

USES	FLOOR AREA (square feet)	REQUIRED SPACE
Commercial use such as retail stores, personal services, amusement, automotive service	First 2,000	None
	Next 20,000 or fraction thereof	One space
	Each additional 20,000 or fraction thereof	One space
Hotels, offices	First 2,000	None
	Next 50,000 or fraction thereof	One space
	Each additional 100,000 or fraction thereof	One space
Wholesale & storage, including building & contractor's yards	First 20,000	One space
	Each additional 20,000 or fraction thereof	One space
Manufacturing uses	First 20,000	One space
	Each additional 20,000 or fraction thereof	One space
Funeral homes & mortuaries	First 5,000 or fraction thereof	One space
	Each additional 10,000 or fraction thereof	One space
Hospitals	First 10,000	None
	Next 100,000 or fraction thereof	One space
	Each additional 200,000 or fraction thereof	One space
Schools, churches, clubs, public assembly buildings	For each building	One space
For similar uses not listed	For each building 5,000 or over	One space

## ARTICLE 8 LANDSCAPING, BUFFERING, AND FENCING REGULATIONS

### SECTION 8.1 PURPOSE

The purpose of this article is to provide regulations and requirements for fencing, landscaping, berming or screening of the perimeter of certain activities in order to protect the character of the surrounding area, prevent trespassing into unsafe areas, discourage theft, stabilize soils, control wind-blown dust and debris, prevent light from glaring onto adjoining properties, reduce stormwater runoff, increase ground water infiltration and reduce noise.

### SECTION 8.2 RIGHT-OF-WAY PROTECTION AND PUBLIC SAFETY

No trees or shrubs shall be planted within a public right-of-way without the prior written consent of the appropriate public agency responsible for maintaining the right-of-way. Landscaping shall not interfere with public safety, and shall not interfere with the safe movement of motor vehicles, bicycles, or pedestrians. Landscape materials shall not obstruct the operation of fire hydrants, electrical or other utility lines or facilities.

### SECTION 8.3 REQUIRED VEGETATION

A greenbelt, buffer strip, or berm as required by this Ordinance or as a condition to the approval of a Site Plan, Special Use Permit, Planning Unit Development Permit or variance, shall be installed and maintained in a healthy living condition for the duration of the principal use of property in accordance with the following requirements. Where this Ordinance or a condition on a permit issued under this Ordinance fails to specify a particular option, the owner or developer may choose which option to install: a greenbelt, buffer strip or berm. If none is selected, the Zoning Administrator shall select and so note on the permit. See also Section 8.7, Table 8-1.

**8.3.1 Greenbelts:** A greenbelt shall consist of an open space strip running along the property line at least thirty (30) feet in width, seeded and maintained as grass or other plant ground cover. Trees or shrubs may be planted at the discretion of the landowner without regard for the spacing requirements of Section 8.3.2.

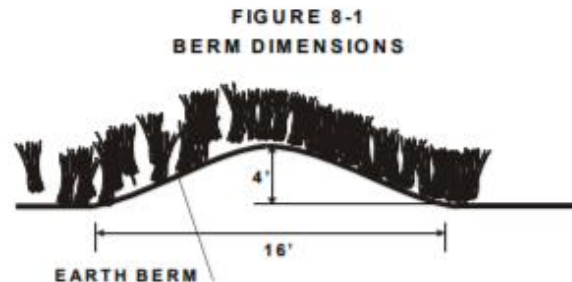
**8.3.2 Buffer Strips:** A buffer strip shall consist of a landscaped strip at least fifteen (15) feet in width containing at least two (2) trees plus one (1) additional tree for each twenty (20) feet in length of the buffer strip. Said trees shall be at least one and three-fourths ( $1\frac{3}{4}$ ) inches in caliper measured six (6) inches above ground level. Dead or dying trees shall be replaced within eight (8) months. Grass or other plant ground cover, mulch, or ornamental bark or stone, shall completely cover area not planted in trees or shrubs.

**8.3.3 Berms:** A berm shall consist of a linear mound of earthen material rising to a height of at least four (4) feet with a minimum base of sixteen (16) feet covered and maintained as grass or ground cover and constructed in accordance with the diagram below, or with a base of at least four (4) times the desired height of the berm. See Figure 8-1.

#### 8.3.4 Plant Materials:

##### A. Plant Material Spacing:

1. Plant materials shall not be placed closer than four (4) feet from the fence line property line.



## ARTICLE 8 LANDSCAPING, BUFFERING, AND FENCING REGULATIONS

2. Narrow evergreens: Minimum three (3) feet in height. Columnar Himoki false cypress, , Chinese Juniper Pyramidal, Eastern Red Cedar, Swiss Stone Pine, Pyramidal White Pine, Irish Yew, Douglas Fir, Arbor Vitae Columnar, Western (giant) Arbor Vitae.
3. Tree-like shrubs: Minimum four (4) feet in height. Flowering Crab, Mountain Ash, Redbud, Hornbeam, Magnolia, Russian Olive, Dogwood, Rose Of Sharon, Hawthorn.
4. Large deciduous shrubs: Minimum six (6) feet in height. Honeysuckle, Mock-Orange, Lilac, Cotoneaster, Euonymus, Buckthorn, Viburnum, Forsythia, Ninebark, Hazelnut, Privet, Sumac.
5. Large deciduous trees: Minimum eight (8) feet in height. Oak, Hackberry, Planetree (Sycamore), Sweet Gum, Linden, Hard Maple, Birch, Beech, Honey Locust, Hop Hornbeam.
6. Ground cover: Periwinkle, Baltic ivy, Euonymous varieties, Pachysandra.
7. The Zoning Administrator shall maintain a list of native and natural planting materials for use where a more natural and less ornamental appearance is desired, as well as a list of salt tolerant species which are encouraged to be planted along major thoroughfares.

### SECTION 8.4 PROHIBITED TREES

The following trees are not permitted as they split easily. Their wood is brittle and breaks easily, their roots clog drains and sewers, and/or they are unusually susceptible to disease or insect pests.

COMMON NAME	HORTICULTURAL NAME
Box Elder	Acer negundo
Red Maple	A. rubrum
Silver Maple	A. saccharinum
Horse Chestnut	Aesculus hippocastanum
Hickories	Carya Species
Catalpa	Catalpa Species
Hawthorns	Crataegus Species
Black Walnut	Judlans nigra
Mulberry	Morus Species
Poplars	Populus Species
Willows	Salix Species
American Elm	Ulmus americana
Siberian Elm	U. pumila
Slippery Elm, Red Elm	U. rubra

### SECTION 8.5 DRIVES AND ACCESSWAYS

Necessary drives and accessways from public rights- of-way through such buffer strips shall be permitted, provided that such accessways shall not be subtracted from the lineal dimension used to determine the required number of plants.

### SECTION 8.6 BUFFERING PROVISIONS FOR SURFACE MINING AREAS AND JUNK YARDS

Where requirements in Article 4 for buffering for surface mining areas, and junk yards or any other use in Article 4 are more restrictive than provisions of Article 8, the provisions of Article 4 shall apply.

### SECTION 8.7 SIDE AND REAR YARD LANDSCAPING AND FENCING OPTIONS

In each of the situations in the left column of Table 8-1, either a greenbelt, buffer strip or berm meeting the requirements

of Section 8.3 shall be selected by the landowner to fulfill landscaping requirements. A fence meeting the requirements of Section 8.14 may be used in addition to any of these landscaping options, unless required as a standard or condition of approval of a site plan, Special Use Permit, Planning Unit Development Permit or variance.

#### **SECTION 8.8 PARKING LOT LANDSCAPING**

A. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces, either around the perimeter of the parking area or on a minimum landscaped space of fifty (50) square feet within a designated parking area. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement. This distance shall be increased if the volume of snow to be plowed from the parking lot requires a larger storage area.

B. Landscaping along the perimeter of the parking lot shall meet the requirements for a buffer strip in Section 8.3.2 .

#### **SECTION 8.9 LANDSCAPING FOR ALL OTHER PROPERTIES REQUIRING SITE PLAN REVIEW**

A. In addition to any greenbelt, buffer strip, berm and/or parking lot landscaping required by this Article, ten (10) percent of the site area, excluding existing thoroughfare right-of-way, shall be landscaped.

B. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area not to exceed five (5) percent of the site area.

#### **SECTION 8.10 MINIMUM STANDARDS FOR LANDSCAPING MATERIALS**

A. Quality: Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.

B. Composition: A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy naturally occurring or native species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

C. Existing Trees:

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Zoning Administrator, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Zoning Administrator.
2. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Zoning Administrator, the Contractor shall replace them with trees which meet Ordinance requirements.



**TABLE 8-1: LANDSCAPING REQUIREMENTS**

<b>Use Conditions</b>	<b>GREENBELT Section 8.3.1</b>	<b>BUFFER STRIP Section 8.3.2</b>	<b>BERM Section 8.3.3</b>	<b>FENCE* Section 8.14</b>	<b>YARD</b>	<b>NOTE</b>
B-1 or, M-1 abuts an R-1A district or an existing single family dwelling unit in any district then	X	or X	or X	□	side	
	X	or X	or X	□	rear	
Special Use abutting any district or an existing single family dwelling unit in any district	X	or X	or X	□	side	Unless a specific landscaping option is required by a standard in Article 4.
	X	or X	or X	□	rear	
P.U.D. abutting any district or an existing single family dwelling unit in any district	X	or X	or X	□	side	Unless a specific landscaping option is required by a standard in Article 13.
	X	or X	or X	□	rear	

X= Applicable

□= optional (see footnote below)

\* A fence is optional at the discretion of the landowner, unless required as a condition of approval of a site plan, Special Use Permit, P.U.D. Permit, or variance. Any fence erected must meet the requirements of Section 8.14, and any special standards particular to that use (as in Article 4) or if around a trash receptacle, per the requirements of Section 8.11, or if around a loading/unloading area, per the requirements of Section 7.2.

### SECTION 8.11 SCREENING OF TRASH

All areas used for the storage of trash or rubbish including dumpsters and other commercial containers shall be screened by a solid fence or dense plant materials no less than six (6) feet in height. If a fence is used, view obstructing doors at least six (6) feet in height shall be installed and kept closed except when accessing.

### SECTION 8.12 EXISTING SCREENING

Any fence, landscape screen, wall or hedge which does not conform to this Ordinance and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is not physical change other than necessary maintenance and repair; unless otherwise regulated by this Ordinance.

### SECTION 8.13 RESERVED FOR FUTURE USE

## SECTION 8.14 FENCES, WALLS, AND SCREENS

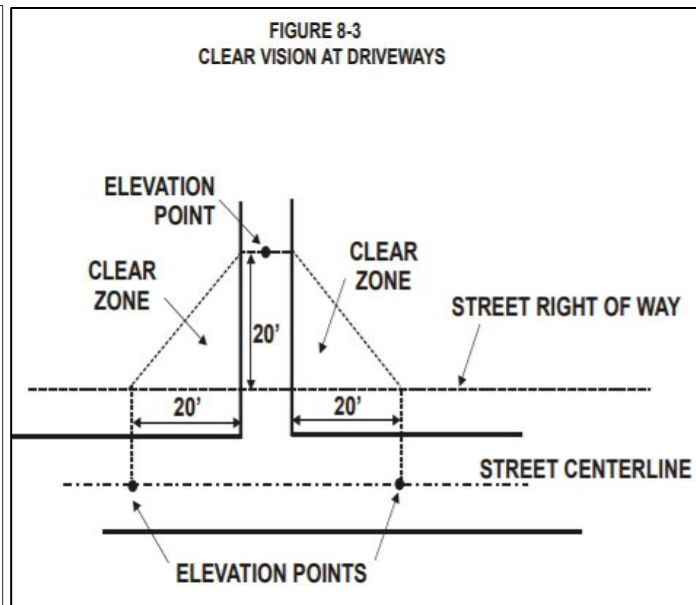
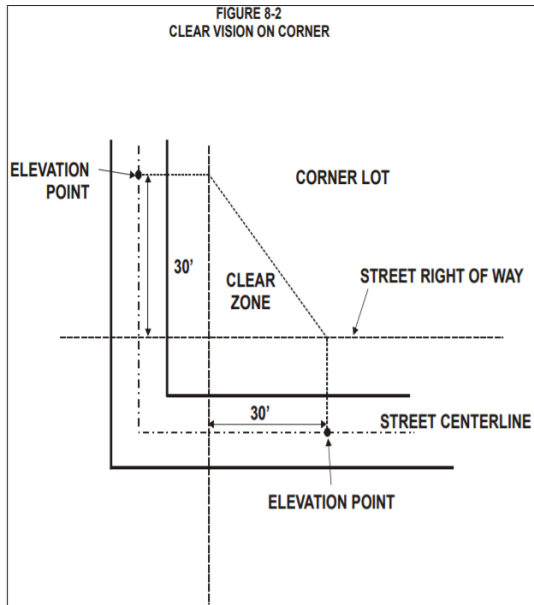
- A. Whenever a use is established or substantially improved in a business district and the lot abuts a residential district, a fence at least six (6) feet in height shall be erected along the common lot by the business use unless the abutting lot owner in the residential district signs a waiver for this requirement and a buffer strip, or berm shall be installed instead.
- B. No fence, wall, or structural screen other than plant material shall be erected higher than eight (8) feet in a B-1 or M-1 district.
- C. No fence shall be required to be higher than five (5) feet in height between uses within the same district, nor higher than six (6) feet between uses in the different districts.
- D. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground. Fences located in the front yard or beyond the front of the dwelling unit shall not exceed four (4) feet in height, measured from the surface of the ground and shall have at least a seventy-five percent (75%) open area. No fence, wall, planting or structure shall, within ten (10) feet of any public or private right-of-way, be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley or driveway (see Subsection G below). All fences shall be constructed so as to allow the passage of air through the fence to an adjacent dwelling.
- E. Fences, walls, or obscuring walls shall not contain barbed wire, electric current or charge of electricity (except in an A-1 district), glass, spikes, or other sharp protruding objects. Notwithstanding the foregoing provision, security fences six (6) feet high or more may include up to eighteen (18) inches of barbed wire in an industrial area, surrounding a public utility, or around a police or corrections facility. Such barbed wire shall slant inward towards property, or be straight up. Security fences with barbed wire in any other location or surrounding any other use require approval by the Planning Commission.
- F. All fences shall have the finish side facing out, away from the property on which the fence is located.
- G. Fences are structures that may be erected along property lines or within yards, irrespective of the setback requirements of this Ordinance. No site plan review is required for a fence which conforms with Ordinance standards in an R-1A District. The Zoning Administrator may waive site plan review for a fence in any other district if no other structural changes or changes in the design or layout of the site are proposed.
- H. The Zoning Administrator may require the removal, reconstruction or repair of any fence, wall or screen not in good condition

## SECTION 8.15 CLEAR VISION CORNERS

These regulations govern the protection of clear vision site distances on property outside of the road right-of-way and are in addition to the site distance requirements of the County Road Commission.

- A. No fence, wall, sign, screen, any planting, berm, boulder, or other structure shall be erected or maintained in such a way as to obstruct clear vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines thirty (30) feet from the point of intersection of the right-of-way lines. The three (3) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads' centerline which lays between the point of intersection of the other centerline and the extension of line drawn through the points thirty (30) feet from the intersection of the right-of-way lines. (See Figure 8-2).
- B. No fence, wall, sign, screen, any planting, berm, boulder, or other structure shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two points which are located on the right-of-way line and the driveway twenty (20) feet from the point of intersection of the right-of-way line and driveway. The three (3) foot height limit shall be measured from the lowest elevation of the segment of the intersecting road and the driveways' centerlines which lays between the point of intersection of

the centerlines and the extension of the line drawn through the points 20 feet from the intersection of the right-of-way line and driveway. (See Figure 8-3).



C.

## SECTION 8.16 PERFORMANCE GUARANTEE

In all cases the Planning Commission may, due to weather conditions, seasonal availability of plant materials, or other factors, require a performance guarantee equal to the estimated cost of the plant material and installation cost. Such performance guarantee shall be related to the various vegetation or planting plans shown on the site plan. Such performance guarantee shall be processed according to the requirements of Section 16.10.

## SECTION 8.17 WAIVER OF LANDSCAPING, BUFFERING AND FENCING REGULATIONS

A. Planning Commission Modification: Any of the requirements of this Article may be waived or modified through Site Plan approval, provided the Zoning Administrator for minor site plans or the Planning Commission for major site plans, first makes a written finding that specifically identified characteristics of the site or site vicinity would make required landscaping, fencing, buffering or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.

Board of Appeals: The Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Article as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Board of Appeals shall record the reason for the condition and clearly spec

## ARTICLE 9 SIGNS, NAME-PLATES, AND ADVERTISING STRUCTURES

### SECTION 9.1 PURPOSE AND INTENT

The purpose and intent of these rules and regulations governing signs is to apply reasonable controls over size, placement, and general appearance of signs in their use in each district that will insure, promote, and safeguard standards for protecting the public health, safety, and welfare.

### SECTION 9.2 GENERAL PROVISIONS

#### 9.2.1 Prohibited Signs

- A. Encroaching signs and roof signs as defined herein are specifically prohibited.
- B. Any sign which, by reason of its size, location, content, coloring, motion or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by distracting drivers or obstructing or detracting from the visibility of any traffic control device on public streets and roads.
- C. Signs which make use of words such as "STOP", "LOOK", "DANGER", or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- D. Signs and sign structures that are no longer in use as originally intended or have been abandoned; or are structurally unsafe, constitutes a hazard to safety and health, or those not kept in good repair.
- E. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
- F. Any sign, unlawfully installed, erected or maintained after the effective date of this Ordinance.
- G. Signs having flashing, blinking or running type lights are prohibited, except for signs presenting changing of copy for time, temperature and date, provided they do not use flashing or blinking to attract attention.
- H. Any sign installed prior to the effective date of this Ordinance without a permit, when in fact the prior Ordinance required a permit.
- I. Billboards, except where off-premise signs are allowed.
- J. Billboards used for on-premise advertising.
- K. Billboards located within 300 feet of residential districts.
- L. Signs located in the right-of-way of public streets or highways.
- M. A sign erected on a roof of a building above the permitted building height.

#### 9.2.2 Signs Allowed in any District

- A. No hunting, no trespassing signs and on- premise directional signs not exceeding four (4) square feet in area.
- B. Signs located in the interior of buildings.
- C. Any identification, address, or "for sale" sign affixed to a wall, mailbox, post, lamp post, or pillar; and which is not larger than four (4) square feet in display surface.
- D. Traffic control or other municipal signs such as, but not limited to, directional signs placed in right- of-ways, legal notices, railroad crossing signs, danger and other temporary emergency signs.

E. Memorial signs or tablets, names of buildings, and dates of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material.

F. Flags bearing the official design of a nation, state, municipality, educational institution and organization.

### SECTION 9.3 PERMITTED SIGNS BY ZONING DISTRICTS

9.3.1 Agricultural and Residential District Uses: In the A-1 and R-1A Districts, the requirements of Table 9-1 shall govern sign use, area, type, height, and numbers, in addition to requirements elsewhere in this Ordinance.

9.3.2 Commercial and Office District Uses: In the B-1 District, the requirements of Table 9-2 shall govern sign use, area, type, height, and numbers in addition to requirements elsewhere in this Ordinance.

9.3.3 Industrial District Uses: In the M-1 Industrial District, the requirements of Table 9-3 shall

### SECTION 9.4 REQUIRED SIGN SETBACK

Sign setback for all districts shall be as required in Table 9-1.

### SECTION 9.5 TEMPORARY USE SIGNS

Signs displayed for a limited period of time may be permitted. Temporary signs shall comply with all the requirements of this Ordinance and Table 9-4. All temporary signs not listed in Table 9-4 are prohibited. Sign setback shall be as required in Figure 9-1. govern sign use, area, type, height, and numbers in addition to requirements elsewhere in this Ordinance.

9.3.4 PUDs: Sign Standards shall be established by the Planning Commission after receiving the recommendation of the Zoning Administrator based on the mix of proposed uses compared to the standards for those, or the most similar uses in this Schedule.

### SECTION 9.6 PERMITTED CONSTRUCTION TYPE BY DISTRICTS

In all districts, the type of sign construction shall be in accordance with Table 9-5.

#### 9.6.1 Construction Requirements:

A. Wind Load: Signs and sign structures shall be designed and constructed to resist wind forces of not less than twenty (20) pounds per square foot on signs up to sixty (60) feet in height and not less than thirty (30) pounds per square foot for signs of over sixty (60) feet in height.

B. Bracing: All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as to not overstress any of the elements thereof. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or the structural frame of the building.

C. Anchorage: Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support all loads applied.

**TABLE 9-1: PERMITTED SIGNS: AGRICULTURAL & RESIDENTIAL DISTRICTS**

LAND USE	MAXIMUM DISPLAY AREA	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS
Education Religious Day care Human care Cemeteries Parks (public) Public buildings	18 square feet	Ground	8 feet	One per principal use
	10% area of wall to be served	Wall	Shall not exceed 10' and not above upper wall line	
Farm enterprise Surface mining Commercial airport	18 square feet	Ground	8 feet	One per enterprise <sup>1</sup>
Housing developments including mobile home parks and apartments	40 square feet	Ground	8 feet	One per street entrance
Community residential care facility for < 6 persons Family day care home Home business Home occupation Residential identification sign	4 square feet	Wall	Not above front wall	One per dwelling unit

**Footnotes:**

1. For produce produced on the farm and sold directly off the farm, two additional 18 square foot ground signs are permitted.

**TABLE 9-2: PERMITTED SIGNS: COMMERCIAL AND OFFICE DISTRICT USES**

LAND USE	MAXIMUM DISPLAY AREA	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS
Individual commercial & office establishments (not located within a multi-establishment center)	15% area of wall to be served	Wall or projecting	Shall not exceed 10' & not above upper wall line	No maximum number on wall
	100 square feet	Pole	30 feet	One pole or one ground sign <sup>1</sup>
	75 square feet	Ground	30 feet	
	6 square feet	Marquee	Affixed to underside of building overhang	
Commercial & office establishments located within a multi-establishment	15% area of wall to be served	Wall	Not above upper wall line	No maximum number on wall
	Individual pole & ground signs prohibited			
	6 square feet	Marquee	Affixed to underside of building overhang	One per establishment
Multi-establishment commercial and/or professional center (for establishments located within commercial and office multi-establishments, see above)	1 square foot for each front foot of building with a maximum of 300 square feet	Pole	50 feet	One pole or one ground sign <sup>1</sup>
		Ground	12 feet	

**TABLE 9-2 CONTINUED**

LAND USE	MAXIMUM DISPLAY AREA	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS
Auto service stations	100 square feet each sign <sup>1</sup>	Pole	30 feet	One pole or one ground sign <sup>1</sup>
		Ground	12 feet	
	15% area of wall to be served	Wall sign or projecting sign	Not above upper wall line	No maximum number on wall
Vehicle sales	100 square feet each sign	Pole	30 feet	One pole or one ground sign
		Ground	12 feet	
	15% area of wall to be served	Wall or projecting sign	Shall not exceed 10' & not above upper wall line	No maximum number on wall
Businesses facing I- 69	6 square feet of area for each feet of height with maximum of 300 square feet	Pole	90 feet	One
	15% area of wall to be served	Wall or projecting sign	Shall not exceed 10' & not above upper wall line	No maximum number on wall
	6 square feet	Marquee		One sign per establishment
Off-premise signs including billboard signs in the Commercial districts only <sup>3</sup> [see Section 4.3.9]	720 square feet	Ground Pole Billboard	30 feet	The number of and spacing of signs shall follow the rules promulgated under P.A. 106 of 1972, the Highway Advertising Act <sup>2</sup>

**Footnotes:**

1. Corner locations may have one sign on each street with a maximum area of 100 square feet each.
2. Each side of the road shall be considered separately for purposes of measuring 500 feet required spacing.
3. No billboard shall be placed closer than 300 feet to any residential district or residence.



**TABLE 9-3: PERMITTED SIGNS: INDUSTRIAL DISTRICT USES**

LAND USE	MAXIMUM DISPLAY AREA	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS
Individual industrial establishments	15% area of wall to be served	Wall	Not above upper wall line	No maximum number on wall
	100 square feet	Pole	30 feet	One pole or one ground sign per establishment
	75 square feet	Ground	12 feet	
Industrial parks	100 square feet	Pole	30 feet	One sign per exit drive
	75 square feet	Ground	12 feet	
Commercial and office establishments located in industrial areas	15% area of wall	Wall	Not above upper wall line	No maximum number on wall
	75 square feet	Ground	12 feet	One per establishment
	100 square feet	Pole	30 feet	One per establishment
Off-premise signs including billboards <sup>2</sup> in the M-1 District [see Section 4.3.9]	720 square feet	Ground Pole Billboard	30 feet	The number and spacing of signs shall follow the rules promulgated under P.A. 106 of 1972, the Highway Advertising Act <sup>1</sup>

**Footnotes:**

- Each side of the road should be considered separately for purposes of measuring 500 feet required spacing.
- No billboard shall be placed closer than 300 feet to any residential district or residence.

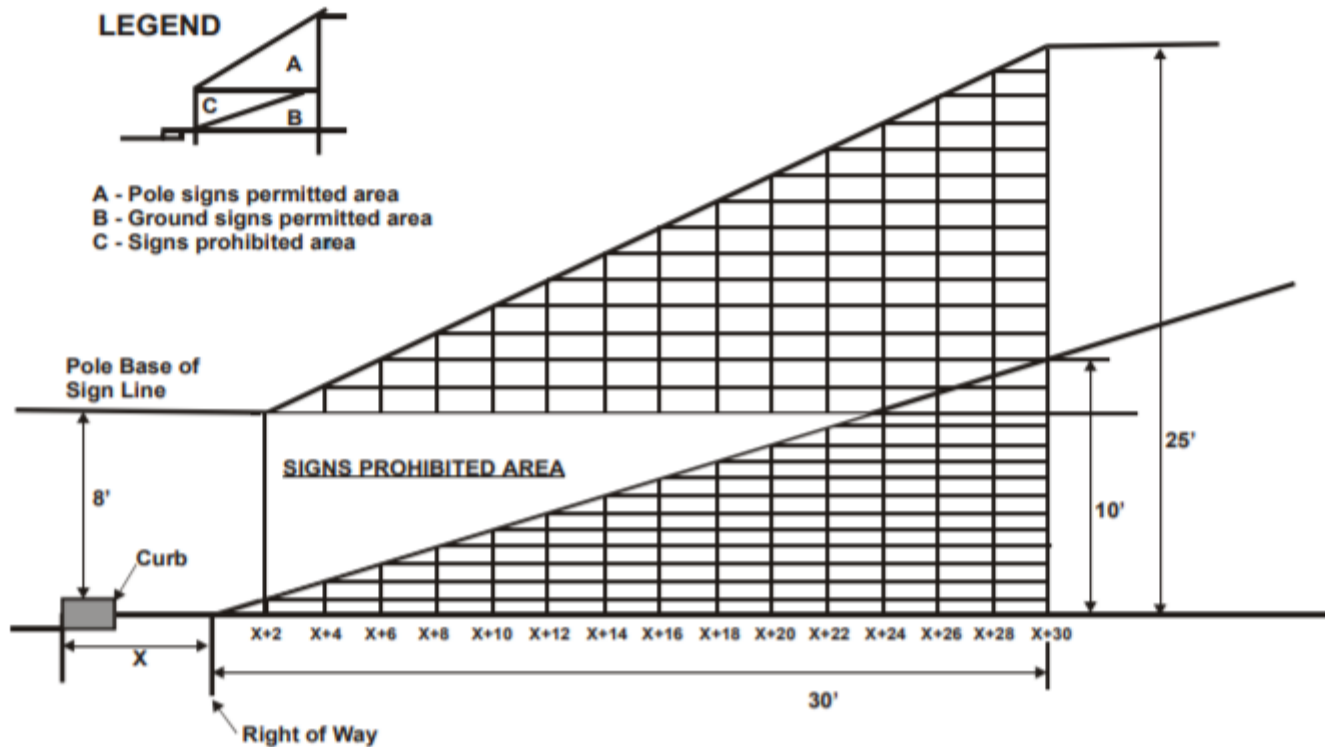
**TABLE 9-4: TEMPORARY USE SIGNS**

LAND USE	MAXIMUM SIZE PER FACE	MAXIMUM DURATION
Real estate sale, rent or lease in residential uses (no permit required)	6 square feet (single family) 10 square feet (multiple family)	5 days after purpose of sign fulfilled <sup>1</sup>
Real estate, all other uses (no permit required)	32 square feet	5 days after purpose of sign fulfilled
Building construction signs for residential projects	20 square feet (single family) 32 square feet (multiple family)	First occupancy
Building construction, all other districts, except residential	200 square feet	First occupancy
Political signs, all districts ( no permit required)	200 square feet	45 days, each election, removed within 5 days following election
Commercial and industrial districts (this regulation includes trailer signs) <sup>2</sup>	40 square feet	90 days each permit, 2 permits maximum per year
Residential garage sales (no permit required)	4 square feet	15 days

**Footnotes:**

- For single family subdivisions under development, sign(s) shall be removed within one year after sale of 90 percent of all lots.
- Trailer signs shall have owner's name and address clearly imprinted for identification.

**FIGURE 9-1  
REQUIRED SIGN SETBACKS**



**NOTE:** Where Tables 9-1, 9-2 and 9-3 allow sign maximum heights which exceed limits of Figure 9-1, the setback required will be  $X+30$  plus 1 additional foot for every 1' allowed in excess of the height limits of Figure 9-1.

**TABLE 9-5: PERMITTED SIGN CONSTRUCTION TYPE BY DISTRICT**

SIGN TYPE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	AGRICULTURE
Pole sign		X		
Wall sign	X	X	X	
Ground sign	X	X	X	X
Marquee sign	X	X	X	X
Billboards		X <sup>1</sup>	X	

**Footnotes:**

1. For B-2 and B-3 districts only.

D. Electrical: All signs of electrical construction and installation shall comply with applicable electrical codes of the State of Michigan and shall be connected by a licensed electrician.

E. Other: The Zoning Administrator may require an engineer-sealed set of drawings thereby certifying that all loads are in compliance with this Section.

**SECTION 9.7 SIGN PERMITS**

**9.7.1 Application for a Permit:** Application for a permit to erect or replace a sign shall be made to the Zoning Administrator, by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by his agent, or lessee. The application shall contain the following information:

- A. The property owner's name and address in full.
- B. Applicant's name and address.
- C. Address of property on which sign is to be situated.
- D. Business to which sign belongs or relates.
- E. Total display area in square feet.
- F. Proposed setback from right-of-way.
- G. Sign type.
- H. Sign purpose.
- I. Sign height.
- J. Height and width of building to be served.
- K. Drawing of proposed sign indicating proposed copy.

**9.7.2** Sign permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the design and construction set forth in such approved plans and applications, and no other design.

**9.7.3** The Zoning Administrator shall not approve plans or issue sign permits for any sign which does not conform to the provisions of this Ordinance.

ARTICLE 9 SIGNS, NAME-PLATES, AND ADVERTISING STRUCTURES

9.7.4 The Zoning Administrator shall maintain a record of all sign permits issued, and said record shall be open for public inspection.

**SECTION 9.8 PERMIT FEES**

9.8.1 Permit fees shall be established by Resolution of Township Board. A copy of current costs is available from the Zoning Administrator.

**SECTION 9.9 ILLEGAL SIGNS**

For all signs hereafter erected without issuance of a required sign permit, the Zoning Administrator shall issue a citation per the requirements of Article 17.

**SECTION 9.10 DEFINITIONS**

Definitions of terms as used herein are defined under "Signs" in Article 21 of this Ordinance.

**SECTION 9.1 APPEALS**

The Board of Appeals may authorize a reduction, modification, or waiver on any of the requirements of this Article upon request, provided the standards established in Article 18 of this Ordinance are fully met.

## ARTICLE 10 NONCONFORMING USES OF LAND AND STRUCTURES

### SECTION 10.1 INTENT AND PURPOSE

It is the intent of this article to permit legal nonconforming lots, structures or uses to continue until they are removed or terminated, but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

### SECTION 10.2 NONCONFORMING LOTS

Lot areas and widths, on a lot of record existing on or prior to the date of adoption of this Ordinance, the minimum lot size, and width at the building line may be waived by the Zoning Administrator, or by the Planning Commission on a PUD, provided that the intended structure and required yards are in full compliance with all other requirements of this Ordinance. In no case, however, shall the width or area requirements be waived for a lot less than fifty (50) feet wide at the front lot line or less than three-thousand (3,000) square feet in area except as provided in this Ordinance for a Planned Development. Where two or more lots were, on the effective date of this Ordinance:

- A. Contiguous to one another along side lot lines
- B. Under common ownership, and
- C. Vacant, such lots shall be considered as single lots of record for purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

### SECTION 10.3 NONCONFORMING 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 this Ordinance as enacted or amended, such use may be continued in the same manner and to the same extent as it existed when it became nonconforming, and so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except upon appeal and a finding of hardship in accordance with Section 10.9.

Except in the case of surface mining operations, existing holes may be worked and enlarged on the land which constituted the lot or parcel on which operations were conducted at the time of becoming nonconforming. However, no new holes shall be established unless a Special Use Permit is obtained pursuant to the procedures of Article 12 and the applicable standards of Section 4.3.67.

Also in the case of Sport Shooting Ranges as defined in Act No. 269 of 1989, as amended. (see Section 4.3.66)

- B. No such nonconforming 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 article, except upon appeal and a finding of hardship in accordance with Section 10.9.

### SECTION 10.4 NONCONFORMING 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

ARTICLE 10 NONCONFORMING USES OF LAND AND STRUCTURES

the structure or 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 nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use and which existed at the time for adoption or amendment of this article, but no such use shall be extended to occupy any land outside such building.
- B. Should such structure be destroyed by any means to an extent of more than sixty (60%) percent of twice its assessed evaluation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this 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.
- D. Any structure, or structure and land in combination, in or which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
- E. Where nonconforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the nonconforming status of the land and future use shall thereafter conform with the district regulations of the district in which it is located.

**SECTION 10.5 CHANGE IN NONCONFORMING USES IN BUSINESS AND INDUSTRIAL DISTRICTS**

Irrespective of other requirements of this article in any business or industrial district, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of the same or a more restricted use 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 nonconforming use. In permitting such change, the board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this article. Where a nonconforming use of a structure, land or structure, and land in combination is hereafter changed to a more restrictive use classification. It shall not thereafter be changed to a less restricted use classification.

**SECTION 10.6 REPAIRS AND MAINTENANCE**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty percent (50%) of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage of this Ordinance or an amendment to it shall not be increased. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

**SECTION 10.7 CHANGE OF TENANCY OR OWNERSHIP**

A nonconforming building, structure, use or lot may be sold or a tenant may change with the nonconforming use right intact, provided that the physical dimensions of the nonconforming lot, or the use of the nonconforming structure or lot do not result in a change contrary to the requirements of this Article.

**SECTION 10.8 DISTRICT CHANGES**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

**SECTION 10.9 HARDSHIP CASES**

Nonconforming use, buildings or structures may be structurally changed, altered or enlarged with the approval of the Board of Appeals in accordance with Section 18.4.11

**SECTION 10.10 ILLEGAL NONCONFORMING USES**

Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

**SECTION 10.11 NONCONFORMING USE DISCONTINUED**

In the event that any nonconforming use is abandoned, any subsequent use shall conform to the uses permitted in the district in which the premises are located.

**SECTION 10.12 ELIMINATION OF NONCONFORMING USES**

The Township may eliminate any and all nonconforming uses it deems in the best interests of the Township by whatever means are provided by law in such cases.

**SECTION 10.13 CONSTRUCTION OR CONTRACTS UNDER PERMITS ISSUED PRIOR TO THIS ORDINANCE**

Any structure for which a building permit has been issued and construction of the whole or a part of which has been started or for which a contract or contracts have been entered pursuant to a building permit issued prior to the effective date of this Ordinance or an amendment to this Ordinance may be completed and used in accordance with the plans and applications on which said building permit was granted, provided the construction allowed by such permit shall have been initiated and completed within one year from the date of issue of such building permit.

**ARTICLE 11 RESERVED FOR FUTURE USE**



**ARTICLE 12 SPECIAL USE PERMITS**

**SECTION 12.1 GENERAL STANDARDS AND REQUIREMENTS**

**12.1.1 Intent and Purpose:** Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for specific use of land or structures that will allow, on one hand, practical latitude for the developer, but that will at the same time maintain sound provisions for the protection of the health, safety and general welfare of the inhabitants of Vernon Township. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a Special Use Permit. By such a procedure, the Planning Commission has the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public health, safety, and/or general welfare.

The following Sections specify the procedures and general standards which must be met before a Special Use Permit can be issued. Article 4 presents the specific standards which must be met in order for a special use to be established. The general standards of this Article, the specific use standards of Article 4, the Site Plan Review standards of Article 14 and all other applicable standards of this Ordinance (such as standards for parking, landscaping, signs, etc.) must be met before a use designated as a special use may be established on property.

**12.1.2 Permit Procedures:** An application for a Special Use Permit for any land use or structure permitted under this Article shall be submitted and processed under the following procedures:

A. Submission of Application: An application shall be submitted through the Zoning Administrator for consideration to the Planning Commission on a form provided by the Zoning Administrator not less than sixty (60) days before any regular meeting of the Planning Commission. The application shall be accompanied by payment of a fee as established by the Township Board to cover costs of processing the application. Once an application is accepted as complete no part of any fee shall be refundable except on unused portion of an escrow fee (see Section 16.11).

1. Twenty (20) copies of an application for a Special Use Permit shall be presented to the Zoning Administrator and accompanied by a site plan, drawn to a readable scale, of the property involved and adjacent property which meets the requirements of Article 14.
2. An application determined to be complete by the Zoning Administrator shall be scheduled for public hearing before the Planning Commission. The Zoning Administrator shall select the first regularly scheduled meeting of the Planning Commission after the Planning Commission has met (see Section 14.6) and after the Township in which the property is located has had a chance to review the request pursuant to Section 12.1.3 for the public hearing.
3. Until a Special Use Permit has been issued for any use requiring the same in this Ordinance, and until a proper zoning permit has been granted pursuant to the Special Use Permit, there shall be no construction or excavation on said land nor shall there be made any use of land related to the request for the Special Use Permit.

C. Incomplete Applications.

1. An application that does not fully comply with the submittal requirements of this Ordinance shall be returned to the applicant.
2. An application determined to be complete by the Zoning Administrator shall be scheduled for public hearing before the Planning Commission. The Zoning Administrator shall select the first regularly scheduled meeting of the Planning Commission.

**12.1.3 Public Hearing:** Public Hearing: At least sixty (60) days after the application is accepted as complete, the Planning

## ARTICLE 12 SPECIAL USE PERMITS

Commission shall, schedule a hearing on the site plan and Special Use Permit request the next regular meeting provided that public notice is given pursuant to Section 16.12.

**12.1.4 Review and Approval:** The review of an application and site plan requesting a special use permit shall be made by the Planning Commission in accord with the procedures and standards specified in this Ordinance. The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the special use permit to the Township Board which shall have final authority to make a decision on a special use permit.

If a submitted application and site plan do not meet the requirements of the Ordinance, they may not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself or attached to it or these documents shall be resubmitted incorporating said changes. A site plan and application for a special use permit shall be approved if they comply in all respects with the requirements of this Ordinance and other applicable local, State or Federal laws, rules or regulations. Approval and issuance of a special use permit shall signify prior approval of the application and site plan, therefore, including any modification and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the special use permit and shall be enforceable as such. The decision to approve or deny a request for a special use permit shall be retained as a part of the record of action on the request and shall incorporate a written statement of conclusions which specify: The basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the Ordinance, and any conditions imposed with approval. Once a special use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Planning Commission and is documented as such.

### **SECTION 12.2 STANDARDS FOR ISSUANCE**

**12.2.1 Basis of Determination:** Before making a decision, the Planning Commission and Township Board shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

A. General Standards: The Planning Commission and Township Board shall review the particular circumstances of the special use request under consideration in terms of the following standards and shall approve a special use request only upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance.

1. The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The special use shall not inappropriately change the essential character of the surrounding area.
3. The special use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural character and environmental quality of the site.
4. The special use shall not be hazardous to adjacent property or involve use, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, ground vibration, water runoff, fumes, light or glare.
5. The special use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.
6. The special use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.
7. The special use shall be consistent with the intent and purpose of this Ordinance and the objectives of the Township Land Use Plan.

## ARTICLE 12 SPECIAL USE PERMITS

8. For special uses in the A-1 District, approval of a permit shall be further determined on the basis of the proposed land use's effect on a loss of prime agricultural land or on the right-to-farm of any adjacent farm.
9. The special use meets the Site Plan Review Standards of Section 14.5.

### B. Conditions:

1. The Township Board may impose conditions with the approval of a special use application and site plan which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this or other applicable ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator.
2. The conditions may include conditions necessary to insure 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 conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
3. Recording with Register of Deeds. A Special Use Permit and all conditions attendant thereto, may be recorded with the Register of Deeds and attached to the property record of the property for which it was issued as may a notice that such permit no longer is valid. See Section 16.9.

C. Performance Guarantee: In authorizing a special use permit, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the permit holder to insure compliance with an approved site plan and the special use permit requirements per the requirements of Section 16.10.

### 12.2.2 Effective Date of Special Use Permit

The Special Use Permit shall become effective when the application has been approved by the Township Board.

A. A zoning permit shall not be issued until approval of such Special Use Permit by the Township Board.

B. Land subject to a Special Use Permit may not be used or occupied for purposes of such special use until after a Certificate of Zoning Compliance for same has been issued pursuant to Section 16.7 of this Ordinance.

### 12.2.3 Expiration of Special Use Permit:

A. A Special Use Permit shall be valid for as long as the permitted use continues in accordance with the terms stated therein, unless otherwise stated in the Special Use Permit.

B. The Township Board shall have the right to limit the duration of a special use where the same is of a temporary nature.

C. If no construction activity to initiate site development pursuant to a Special Use Permit has begun within six (6) months from the date of its issuance, then it shall automatically expire and be of no further effect or validity.

In the event of permit expiration, the Zoning Administrator shall notify the applicant, in writing, mailed to the address listed on the application, that such Special Use Permit has expired.

C. If the applicant requests an extension of the permit validity, prior to its expiration, the Township Board may extend the permit one time for an additional six (6) months if:

1. it is satisfied that the owner or applicant is maintaining a good faith effort to proceed with construction and establishment of the use;
2. no significant changes to applicable regulations have occurred;
3. there have been no significant changes to surrounding property or public services.

## ARTICLE 12 SPECIAL USE PERMITS

The determination of the Township Board shall be forwarded to the applicant with a recommended action.

D. **Expiration of a Special Use Permit if the use changes:** If the use of a property for which a Special Use Permit was issued is no longer for the land use authorized by either of those permits, the Special Use Permit authorization shall automatically be terminated and the property shall only be used for a use permitted in the District in which the property is located. Discontinuance of a seasonal use for which a Special Use Permit was issued is also subject to termination of the Special Use Permit, if the season passes in which the permit would normally apply and a different use is in place instead.

12.2.4 **Re-Application:** No application for a Special Use Permit which has been denied, wholly or in part, by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions which is found upon inspection by the Township Board to be valid. A reapplication shall be processed in the same manner as the original application.

12.2.5 **Requirement Compliance-Penalties:** It shall be the duty and obligation of the owner(s) or operator(s) of property approved for a Special Use Permit to at all times be in compliance with the use requirements of this Ordinance and the conditions of the Special Use Permit under which their particular use is governed. Failure thereof shall be in violation of this Ordinance and subject to the penalties and remedies provided in Article 17.

12.2.6 **Appeal:** Appeal of a decision on a Special Use Permit request may be taken to the Board of Appeals in accord with the procedure specified in Sections 18.3 and 18.4.8.

12.2.7 **Once Granted a Special Use Permit, the Use is a Permitted Use:**

A. Any use for which a special use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located provided:

- 1) Such permit was issued in conformity with the provisions of this Ordinance and,
- 2) Such permit shall be deemed to effect only the lot or portion thereof and uses there upon for which the Special Use Permit shall have been explicitly granted and,
- 3) Such permit authorizes a use which is subsequently built, operated and maintained in compliance with the Ordinance, the Special Use Permit, and all conditions established with its approval.

B. **Permit Transferability:** A Special Use Permit may be transferred from one owner of the property to which it is affixed to the next owner of the same property. A Special Use Permit may not be transferred from one property to another property. A new owner may continue to use the property for the purposes to which the Special Use Permit was granted as long as all conditions and terms of the permit are adhered to.

Permit transfer is automatic, provided the new owner submits in writing to the Zoning Administrator, his or her new address, and telephone number on a form established for that purpose. The Zoning Administrator shall review with the new owner all the applicable Ordinance requirements that apply to the property and any special conditions imposed upon the Special Use when the transfer form is submitted.

## ARTICLE 13 PLANNED UNIT DEVELOPMENTS

### SECTION 13.1 RESIDENTIAL PLANNED UNIT DEVELOPMENTS

**13.1.1 Authorization:** Projected urbanization in certain areas of Vernon Township in the next decade will produce a need for an economical single-family living unit that is adaptable to urban densities, but that retains many of the attractive features of the suburban home. Among the housing concepts emerging to meet this need are townhouses, row houses, and similar types of housing units with common property areas, cluster types of subdivisions in which housing units are arranged in cluster forms with clusters separated from each other by common open space, and housing units developed with related recreational space such as golf courses, swimming pools, private parks, community center, and other recreational facilities.

**13.1.2 Purpose and Intent:** It is the purpose of this Section to encourage more imaginative and livable housing environments within the residential districts through a planned reduction or averaging of the individual lot area requirements for each zone district providing the overall density requirements for each district remains the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as an entity and, thereby, qualify for regulation of that tract of land as one complex land use rather than an aggregation of individual buildings located on separate, unrelated, lots. Under these conditions, a Planned Unit Development may be issued for construction and occupancy of a planned unit development, providing the standards, procedures, and requirements set forth in this Section can be complied with.

**13.1.3 Objectives:** The following objectives shall be considered in reviewing any application for a residential Planned Unit Development:

- A. To provide a more desirable living environment by preserving the natural character of open field, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- B. To encourage the provision of open space and the development of recreational facilities at a generally central location and within reasonable distance of all living units.
- C. To encourage developers to use a more creative and imaginative approach in the development of a residential area of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
- E. To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.

**13.1.4 Qualifying Standards:** An application for Planned Unit Development Permit shall comply with the following standards to qualify for consideration as a residential planned unit development:

- A. The site shall be not less than twenty (20) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit.
- B. The site shall be located within an R-1A district.
- C. Public water and sewer facilities shall be available or shall be provided as part of the site development.

**13.1.5 Uses that may be Permitted:** The following uses may be permitted within a residential planned unit development:

- A. All uses permitted by right, by right with conditions, or by Special Use Permit in the district in which the property is located and subject to all restrictions specified for that district except as modified by a PUD Permit.
- B. Two-family dwellings.
- C. Townhouses, row houses, or other similar housing types which can be defined as a single-family dwelling with no side yards between adjacent dwelling units, provided that there shall be no more than five (5) dwelling units in any one building.

D. Recreation and open space, provided that the following uses may be set aside as common land for open space or recreation use under the provisions of this Section:

1. Private recreational facilities such as golf courses, swimming pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.
2. Historic building sites or historical sites, parks, and parkway areas, ornamental parks, extensive areas with tree cover, lowlands along streams, or areas of rough terrain when such areas have natural features worthy of scenic preservation.

E. Name-plates and signs in compliance with the provisions of this Ordinance.

F. Off-street parking in compliance with the provisions of this Ordinance.

G. Customary accessory uses as permitted in the respective district.

13.1.6 Lot Size Variation Procedure: The lot area for residential planned unit developments within the underlying residential districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:

A. Site Acreage Computation: The gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.

In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:

1. Land utilized by public utilities as easements for major facilities such as electric transmission lines, sewer lines, water mains, County drain easements or rights-of-way, or other similar lands which are not available to the owner because of such easements.
2. Lands within flood plains, as specified in Article 5, Section 5.7 or wetlands subject to regulation by the Michigan Department of Environment, Great Lakes and Energy.

B. Maximum Number of Lots and Dwelling Units: After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the total gross area available ten (10%) percent of said total for street right-of-way purposes (unless the applicant demonstrates less will be needed to comply with this Ordinance) and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned unit development is located.

C. Permissive Minimum Lot Area: Notwithstanding other procedures set forth in this Section, lot sizes within a residential planned unit development shall not be reduced in area below the following minimum standards:

1. One-Family Detached Dwelling Units: Twenty thousand (20,000) square feet within the R-1A district.
2. Two-Family Dwellings: Twelve thousand (12,000) square feet of lot area within the R-1A Residential district.
3. Townhouses, Row Houses, or Other Similar Dwelling Units: Three thousand (3,000) square feet of lot area for each dwelling unit in the R-1A Residential district.

D. Permissive Minimum Yard Requirements: Under the lot averaging or reduction procedure each lot shall have at least the following minimum yards:

1. Front Yard: Twenty-five (25) feet for all dwellings, provided that front yard requirements may be varied by the Planning Commission after consideration of common greens or other common open space if such space

provided an average of twenty-five (25) feet of front yard area per dwelling unit.

2. Side Yard: Eight (8) feet on each side for all single- and two-family dwellings. None for townhouses or row houses, provided that there shall be a minimum of fifteen (15) feet between ends of each building containing dwelling units.
3. Rear Yard: Twenty-five (25) feet for all dwellings, provided that rear yard requirements may be reduced by the Planning Commission after consideration of common open space lands or parks which abut the rear yard area.

E. Maximum Permissive Building Height: Two and one-half (2½) stories, but not exceeding thirty-five (35) feet. Accessory buildings shall not exceed a height of fifteen (15) feet.

F. Minimum Dwelling Floor Area: Single- and two- family dwellings same as R-1A district and multiple family dwellings same as R-1A district. See Schedule A, Table 3-1, Section 3.2.

13.1.7 Open Space Requirements: For each square foot of land gained through the averaging or reductions of lot sizes under the provisions of this Section, equal amounts of land shall be provided in open space. At least thirty-five (35%) percent of the net area shall be open space. All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use, and enjoyment of present and future lot or home owners within the development or may be dedicated to the public as park land for the use of the general public. The Planning Commission shall determine which is most appropriate based on the following considerations:

A. That open space land shall be legally conveyed from the tract owner or owners to a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, provided that actual arrangements have been made for the maintenance of said land and any buildings thereon and that an open space easement for said land may be conveyed to the public to assure that open space land shall remain open.

B. That open space land may be dedicated to the public for park or recreational purposes by the tract owner or owners, provided that the location and extent of said land conforms to a township plan, and that access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development, and maintenance in which event the developer shall not be required to improve the same.

C. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is reviewed and approved by the Township Attorney, such as: recorded deed restrictions, covenants that run with the land, transfer to a nonprofit land trust, a recorded conservation easement such as that provided in the State of Michigan Conservation and Historic Preservation Easement Act, Public Act 197 or 1980, as amended (MCLA. 399.251) or dedication to and acceptance of the open space by the Township or other public entity. Such conveyance shall assure, unless the land is dedicated to the Township and accepted by it, that the Township will not be liable for any uses or activities occurring within the dedicated open space and 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 unless mutually agreed by the written consent of the Planning Commission and the property owner or Association. Such conveyance shall also:

1. Indicate the proposed allowable use(s) of the dedicated open space.
2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space in the manner specified in the PUD approval.
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 the property owners.
5. 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 Planned Unit Development.

13.1.8 Application, Review and Approval Procedures: a residential planned unit development shall be applied for, reviewed and approved using the same procedure as for a Special Use Permit in Sections 12.1.2 through

## ARTICLE 13 PLANNED UNIT DEVELOPMENTS

12.1.12. This includes submittal, review and approval of a site plan and application of the same standards for review and approval, in addition to the standards of this Section 13.1. If approved, a Planned Unit Development Permit shall be issued with any conditions detailed in the same manner as for a Special Use Permit.

### 13.1.9 Scheduled Phasing:

A. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.

B. Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the standards in the Ordinance, or in the case of fraud or violation of the terms of the original approval.

## **SECTION 13.2 MIXED USE PLANNED UNIT DEVELOPMENTS**

13.2.1 Intent and Purpose: It is the intent of this Section to carry out much of the same creative approach to land development as set forth in Article 13, Section 13.1 with the addition of some commercial services.

13.2.2 Qualifying Standards: An application for a Planned Unit Development Permit shall comply with the following standards to qualify for consideration as a mixed use planned unit development.

13.2.3 Permitted Uses: A mixed use planned unit development is a residential planned unit development (as permitted in Section 13.1) in an R-1A district, plus any use permitted by right or by right with conditions in the B-1 district.

13.2.4 Development Standards: For residential uses in the PUD development standards, as set forth in Article 12, Section 12.1.6, and:

A. The review and approval standards shall be as established for a residential planned unit development in Section 13.1.

B. In any mixed use planned unit development, commercial or office uses shall not be constructed or established until thirty-five percent (35%) of all proposed dwelling units are constructed and occupied.

C. Commercial or office uses shall not exceed six percent (6%) of the net area of the proposed planned unit development site, except where the planned unit development net area exceeds one hundred sixty (160) acres in which case a maximum of eight percent (8%) may be allowed.

D. The Planning Commission must make written findings, that such nonresidential uses will not significantly increase traffic in the area, will not reduce the value of adjacent homes, structures and uses, do not create unnecessary noise, dust, odors, lights, sound or other nuisances to adjacent properties, and shall materially improve the quality of the PUD.

E. The nonresidential use of the PUD must be located with direct access to a major thoroughfare.

## **SECTION 13.3 NON-RESIDENTIAL PLANNED UNIT DEVELOPMENTS**

### 13.3.1 Purpose and Intent:

A. It is the purpose of this Section to encourage innovation and variety in land use, design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space, and provide different opportunities for office, commercial and industrial development particularly suited to the needs of the residents of the Township and State, provided such opportunities do not unreasonably create any adverse economic, social or environmental impact on surrounding land uses.



## ARTICLE 13 PLANNED UNIT DEVELOPMENTS

B. The following objectives shall be met by an application for a nonresidential PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning and development of such planned unit development:

1. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, river and lake shorelines, floodplains, hills and similar natural assets.
2. To encourage developers to use a more creative and imaginative approach in the development of areas.
3. To encourage underground utilities which can be more efficiently designed when master planning a larger area.
4. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and subsequently approved by the Township.
5. To promote flexibility in design and permit planned diversification in the location of structures.
6. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
7. To combine and coordinate architectural styles, building forms, and building relationships within the planned unit development.
8. To ensure a quality of construction commensurate with other new developments within the Township

### 13.3.2 Area and Use Regulations:

A. A nonresidential PUD shall primarily be an Institutional PUD, a Commercial PUD, a railroad yard or an Industrial Park PUD depending on the underlying zoning district which shall establish the permitted uses.

B. Not more than twenty percent (20%) of the gross floor area of a nonresidential PUD in a B-1 district may be used for dwelling units. All dwelling units shall be above the ground floor businesses or office uses.

C. Setbacks: Minimum yard restrictions of the zoning district in which the project is located shall be maintained around the perimeter of the project.

D. Open Space: Required open space shall be dedicated to the public or set aside for common use of the owners and users within the PUD so that there are assurances that the required open spaces shall remain open. Required open space shall conform with the requirements of Section 13.1.7.

### 13.3.3 Development Standards:

A. No nonresidential planned unit development shall be approved unless the applicant, through written submittal, and the Planning Commission, through certification of written findings, demonstrate that the land use and development meet the following standards:

1. Compliance with the dimensional, open space and use standards of the district in which it is located, along with such other uses or modified standards as may be approved through the PUD review and approval process.
2. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the Township. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single zoning district.
3. All land for which application is made must be owned or under control of the applicant(s) and the parcel must be capable of being planned and developed as one integral land use unit. Noncontiguous parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the Planning Commission.
4. The Planned Unit Development shall remain under the control or authority of a single individual, corporate or

organizational owner who is authorized to administer the Planned Unit Development. Elimination of a single authority, such as by sale of part of the Planned Unit Development shall not occur without approval of a site plan amendment.

**13.3.4 Application, Review and Approval Procedures:** A nonresidential planned unit development shall be applied for, reviewed and approved using the same procedure as for a Special Use Permit in Sections 12.1.2 through 12.1.12. This includes submittal, review and approval of a site plan and application of the same standards for review and approval, in addition to the standards of this Section 13.3. The applicant shall include a statement with regard to compliance with the objectives of a nonresidential PUD stated in Section 13.3.1, and the development standards of Section 13.3.3. If approved, a Planned Unit Development Permit shall be issued with any conditions detailed in the same manner as for a Special Use Permit.

**13.3.5 Scheduled Phasing:**

A. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.

B. Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the standards in the Ordinance, or in the case of fraud or violation of the terms of the original approval.

**SECTION 13.4 HARDSHIP PLANNED UNIT DEVELOPMENTS**

**13.4.1 Intent and Purpose:**

A. It is the intent of this Section to provide a site specific administrative remedy to allow reasonable use of property in those limited instances in which a property owner demonstrates to the Township Board that (1) the applicant's property cannot be used for the purposes permitted in the zoning district, (2) the plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions, (3) the proposed development and use would not alter the essential character of the area, and (4) the applicant's problem has not been self-created.

B. If and when a property owner meets such four- part threshold burden of proof, it is not intended that any use may then be approved. Rather, this Section is intended to authorize administrative relief to the minimum extent necessary to allow reasonable use of property on the particular site, taking into consideration the objective of achieving compatibility and highquality development.

**13.4.2 Application Requirements:**

A. In addition to the information required for other variance requests, an application for a Hardship Planned Unit Development shall include a plan drawn to scale detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:

1. Applicant's property cannot be used for the purposes permitted in the zoning district.
2. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.
3. Applicant's suggested use would not alter the essential character of the area.
4. Applicant's problem has not been self-created.

B. At the end of each statement (1. through 4.) identify all persons who will appear at the hearing with respect to each of the facts, and, separately, identify all persons who will appear at the hearing relative to the respective conclusion (and if any person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such person within the particular area of expertise).

13.4.3. Pre-Hearing Conference:

- A. Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference.
- B. The purposes of the pre-hearing conference shall be to:
1. Review the procedure for the hearing and identify all persons who will appear (directly or through affidavit) and the evidence to be offered on behalf of the applicant.
  2. Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.
  3. Explore a means of providing relief to the applicant by way of non-use variance from the Board of Appeals.
  4. Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing.
- C. The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.
- D. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference, stated above.

13.4.4. Hearing Procedure:

- A. The applicant shall have the burden of proof. In order to be entitled to relief, the applicant must demonstrate each of the four factors set forth in Section 13.4.2.A, paragraphs 1. through 4., above.
- B. Manner of Presentation:
1. Community representatives shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the zoning district, and any planning, engineering, financial, environmental or other considerations which are generally relevant within the zoning district and/or in the general area of the property at issue.
  2. The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits, however, the Township Board may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the Township Board may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of an expert nature, with the view of permitting members of the Township Board to ask questions of such witnesses.
  3. At the conclusion of the applicant's presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.
  4. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant. The purpose of such presentation shall be to ensure that a full picture, including all relevant information, is before the Township Board for consideration as it relates to the specific application presented.
  5. If testimony or evidence has been offered by or on behalf of interested persons and/or the community, the applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and community representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant's principal presentation.

6. At the hearing, the Township Board may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the community, or other rules found to be necessary or appropriate by the Township Board. When questions of procedure arise during the hearing, the chairperson of the Board may solicit the recommendation of the representatives of both the applicant and the community.
7. If a hearing is not completed at a given meeting within the time period allowed by the Township Board, it shall adjourn the hearing to a date certain for continuation.

13.4.5. Decision of the Township Board

A. The Township Board may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.

B. At the conclusion of the hearing, the Township Board may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.

C. If the Township Board determines to grant a Hardship Planned Unit Development, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. The motion may include conditions that are authorized by law.

D. If the Township Board adopts a motion to grant a Hardship Planned Unit Development, such motion may be made as a tentative grant of relief, subject to review by the Planning Commission, Zoning Administrator, consultant or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If a motion authorizing such a tentative grant of relief is made, the Township Board, in the same motion, should request the completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.

## ARTICLE 14 SITE PLAN REVIEW

### SECTION 14.1 PURPOSE AND INTENT

It is the purpose of this article to require site plan review approval for certain building structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, and the character of future development in the area.

The requirements contained in this article are intended to reduce the hazards to life and property due to fire, flooding, soil erosion, poor surface water drainage, inadequate private sewage disposal systems, pollution, dust, fumes, noise vibrations, noxious odors and other hazards; and to promote and facilitate the adequate provision of a system of roads, streets and parking, sewage disposal, drainage, public education, recreation and other public requirements, and to promote the harmonious relationship of uses through proper design.

### SECTION 14.2 RESERVED FOR FUTURE USE

### SECTION 14.3 JURISDICTION

14.3.1 Site plan review is required for:

- a) all developments requiring a Zoning Permit other than single-family homes, duplexes, and accessory buildings associated with them;
- b) all special uses (S) and
- c) PUDs (P); and
- d) any right by condition use specified as requiring site plan review. Platted subdivisions and condominium projects involving more than two dwelling units, and .
- e) conservation design developments.

14.3.2 The Planning Commission shall take action on all site plans submitted for review unless withdrawn by the applicant. The Planning Commission shall approve, deny or approve with conditions site plans for special uses and PUDs as part of the approval process for special uses (see Article 12) and PUDs (see Article 13).

14.3.3 Relationship to Variances: If it is evident that in order for a site plan to be approved, one or more variances must be obtained, the Zoning Administrator shall so inform the applicant and explain the procedural steps and implications of initiating a variance request immediately, following action by the Planning Commission if they make the final decision. The applicant shall make the decision as to when or whether to proceed with a variance request.

### SECTION 14.4 PLAN REVIEW PROCEDURES

14.4.1 Application: The owner or his/her designated agent shall file an application requesting site plan review with the Zoning Administrator on a special form designated for the purpose and as adopted or periodically updated by the Planning Commission. The owner and/or applicant shall include their full name, address, telephone, fax numbers and e-mail address and their signature on the application.

A. An application that does not fully comply with the submittal requirements of this Ordinance shall be returned to the applicant.

B. An application determined to be complete by the Zoning Administrator shall be scheduled for review by the Planning Commission.

14.4.2 Site Plan: Each application for Site Plan Review shall contain the required quantity plan view line drawings

containing all of the following information unless specific waivers are granted by the Zoning Administrator. A Site Plan for A Conservation Design Development requires twelve (12) copies containing the information listed in Section 4.3.20

**TABLE 14-2: SITE PLAN REQUIREMENTS**

INFORMATION REQUIRED FOR SITE PLAN COMPLETENESS	Print and Use as Checklist
<b>A.</b> A scale drawing at no smaller than 1" =50' (1" = 20' for land under 5 acres)	
<b>B.</b> Property dimensions, legal description of the property, existing or proposed deed restrictions or previous zoning approval limiting the property and in the case of a condominium development, the proposed master deed.	
<b>C.</b> Significant vegetation and location of all proposed landscaping, buffer strips, greenbelts, berms, fences or walls.	
<b>D.</b> Existing and proposed public rights-of-way and/or private easements.	
<b>E.</b> Water courses and water bodies including surface drainage ways.	
<b>F.</b> Location of abutting streets and proposed alignment of streets, drives, and easements serving the development, and the location of all roads and driveways within 200 feet of the parcel.	
<b>G.</b> Location of proposed buildings and intended uses thereof, as well as floor area, finished floor elevation, building height and lot coverage.	
<b>H.</b> Location and design of off-street parking areas, including type of surface materials, maneuvering lanes, service lanes, off- street loading spaces and other service areas within the development.	
<b>I.</b> Location of water supply and the location and design of waste water systems and solid waste disposal facilities (including trash receptacles and dumpsters). All utility lines must be indicated along with the location and specifications of any proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities.	
<b>J.</b> Proposed grades of any site retention and detention facilities, and site drainage pattern at a minimum of two (2) foot intervals.	
<b>K.</b> Proposed location of common open spaces and facilities, if applicable.	
<b>L.</b> Proposed location of accessory buildings and use, including free-standing signs and on-site lighting.	
<b>M.</b> A location map at a smaller scale indicating the relationship of the site to the surrounding land use.	
<b>N.</b> North arrow, scale, descriptive legend, name and address of applicant, name and address of surveyor, engineer, landscape architect or professional planner involved in development of the site plan, the professional seal of the preparer, and date prepared or last amended.	
<b>O.</b> Distance of proposed structures from rear, side, and front lot lines.	
<b>P.</b> The zoning of the site and of all adjacent property and the location of any building or structure with a base area larger than ten (10) square feet on adjacent property within two- hundred (200) feet of the parcel boundary.	
<b>Q.</b> The location of all proposed outside storage and the manner in which it is to be screened and accessed.	
<b>R.</b> Dimension and number of proposed condominium lots and units, if applicable.	
<b>S.</b> Total acreage of site.	
<b>T.</b> All areas within the 100-year floodplain or regulated wetland areas on to the site.	
<b>U.</b> The location of stands of trees and individual trees, apart from the stands of trees having a caliper of twelve (12) inches or greater, four feet above existing grade.	
<b>V.</b> For projects requiring an Environmental Impact Assessment pursuant to Section 5.2.1, a completed Environmental Impact Assessment Work Sheet on a special form designed for the purpose and as adopted or periodically updated by the Planning Commission shall accompany the Site Plan.	
<b>W.</b> For projects requiring a Traffic Impact Assessment pursuant to Section 5.2.1, a completed Traffic Impact Assessment shall accompany the Site Plan.	
<b>X.</b> Location of all farms within one mile.	

**14.4.3** A fee shall be charged to the applicant for site plan review based on a schedule developed by the Planning Commission and approved by the Township Board.

## **SECTION 14.5 STANDARDS FOR SITE PLAN REVIEW APPROVAL**

In reviewing a Site Plan, the Planning Commission and Planning Commission shall consider the following standards when applicable, in the case of a Conservation Design Developments, standards for approval are found in Section 4.3.20

**TABLE 14.3: GENERAL STANDARDS FOR SITE PLAN APPROVAL**

<b>STANDARDS</b>
<b>A.</b> The site shall be developed so as not to impede the normal an orderly development or improvement of surrounding property for uses permitted in this Ordinance.
<b>B.</b> Ingress and egress to the property and proposed structures thereon shall provide motor vehicle and pedestrian safety and convenience, efficient traffic flow and control, and easy access in cases of fire, catastrophe or emergency.
<b>C.</b> Every structure or dwelling unit shall have access to a public or approved private street, walkway, or other areas dedicated to common use.
<b>D.</b> Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the County storm drainage system.
<b>E.</b> Provisions shall be made for the construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicle or pedestrian traffic or create puddles in paved areas.
<b>F.</b> That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and, where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
<b>G.</b> That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, or landscaping.
<b>H.</b> That existing stands of trees and large individual trees be preserved to the extent feasible.
<b>I.</b> Off-street parking and loading areas where required, shall be satisfactory in size, shape and design and not present noise, glare, odor or other nuisance effects on adjoining properties and properties in the proposed development above a level enjoyed by existing similar uses in the area, or in that zone.
<b>J.</b> The type, dimensions and character of open spaces, landscaping, screening and buffering shall enhance the design, character, use and value of the property and abutting lands and waters. Any exterior lighting shall be designed to prevent unnecessary illumination of the night sky and shall be shielded from adjacent properties.
<b>K.</b> Signs, if any, and their proposed size, shape, height and lighting relative to glare, traffic safety, and economic effect, shall be aesthetically pleasing, compatible and in harmony with signs, structures and uses of adjoining properties.
<b>L.</b> Garbage storage and disposal and recycling bins shall be designed to ensure no vermin or rodent infestation and easy access to facilities which are screened from view from the street or abutting properties when not in use.
<b>M.</b> The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous substances from entering the soil or water including: <ol style="list-style-type: none"> <li>1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.</li> <li>2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.</li> <li>3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.</li> <li>4. Rules for keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.</li> <li>5. Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Environmental Quality.</li> <li>6. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.</li> </ol>

**14.5.1 Other Regulations:** Before granting approval of any application, the Planning Commission shall be reasonably sure that the proposed development fully complies with:

- A. All applicable State laws
- B. Local ordinances
- C. The adopted published rules, standards or policies of the Planning Commission
- D. The published rules, standards or policies Shiawassee County Drain Commissioner
- E. The published rules, standards or policies Shiawassee County Board of County Road Commissioners
- F. The published rules, standards or policies of the Shiawassee County Health Department
- G. The fire safety and emergency vehicle access requirements of the Michigan Building Code and/or any local Fire Code having jurisdiction
- H. The published rules, standards or policies the Township Board.

## **SECTION 14.8 SITE PLAN APPROVAL**

A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the Zoning Ordinance, the conditions imposed under the Zoning Ordinance, other applicable ordinances, and state and federal statutes.

A. If any Planning Commission member demonstrates a lack of compliance in the site plan with their own rules, standards, or ordinances, a site plan shall not be approved until compliance is acknowledged. Appeals by applicants to local, state, or federal agencies other than the decisions of the Zoning Administrator shall be directed to the legal course of action applicable to those agencies. Any disapproval of a site plan shall be accompanied by the reasons for that disapproval and provided, in writing, to the applicant.

B. An approval of a site plan for a Special Use Permit does not constitute the final approval of a Special Use Permit. Standards for complete approval of a Special Use Permit are outlined in Article 12.

## **SECTION 14.9 REVIEW PERIOD LIMITATIONS**

The Planning Commission shall act on a complete application within forty five (45) calendar days to allow for township response. This time limitation may be extended only by the mutual consent of the applicant and the committee chairperson.

## **SECTION 14.10 BOARD OF APPEALS**

Any applicant for Site Plan Review considering himself aggrieved by the decision of the Planning Commission may appeal the decision to the Board of Appeals within 21 calendar days of receipt of the decision. The Board of Appeals shall review the decision of the Planning Commission to ensure that it is consistent with the standards contained in this Ordinance and rules established by agencies responsible for site plan review. The Board of Appeals shall give written justification for their decision. The Board of Appeals may not grant a variance to any element of a site plan unless an application for a variance has been filed therefor; any such variance request shall be reviewed relative to the requirements of Section 6.4.5.

## **SECTION 14.12 AMENDMENT TO SITE PLAN**

No changes shall be made to an approved site plan prior to, during or after construction except upon mutual agreement between the applicant and the Township and by application to the Zoning Administrator according to the following procedures:

A. Small changes to an approved site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, traffic- ways, parking areas, and similar slight changes may be approved by the Zoning Administrator provided they would not otherwise violate a requirement of this Ordinance or require a variance from the Board of Appeals.

B. Major changes or amendments to an approved site plan involving enlargement of the project area or new buildings, change in the number and location of accesses to public streets or alleys, a reduction in the number of parking spaces, a major relocation of a building, an increase in the gross floor area or heights of buildings, a reduction in the common open space, and similar major changes, shall require the approval of the Planning Commission in the same



manner as the original application was submitted, reviewed, and approved.

#### **SECTION 14.13 CONFORMITY TO APPROVED SITE PLAN**

- A. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto, which have received the approval of the Planning Commission. If construction and development does not conform with such approved plan, the permit holder or land owner shall be notified of a violation of this Ordinance and if the circumstances warrant, issued a stop work or cease operations order per the requirements of Section 16.6. Following a hearing pursuant to the requirements of Section 16.6.3, any Zoning Permit associated with the project may be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation. However, the Board of Appeals may by variance or the Planning Commission may by site plan amendment, upon proper application of the developer and after a hearing, approve a modification in the Site Plan to coincide with the developer's construction provided such construction complies with the criteria contained in the Site Plan approval provisions and with the spirit, purpose, and intent of the Zoning Ordinance.
- B. Approval of the Site Plan shall be valid for a period of one (1) year after the date of approval. If a Building Permit has not been obtained and on-site development actually commenced within said one (1) year, the Site Plan approval shall become void and a new application for Site Plan approval shall be required and new approval shall be required and obtained before any construction or earth change is commenced upon the site.

#### **SECTION 14.14 AS BUILT SITE PLANS**

Once a project for which a site plan was approved is completed, two (2) sets of "as built" site plans showing the exact building footprints, driveways, parking areas, landscaping, utilities, sidewalks, bike paths and trails shall be signed by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of receipt of a Certificate of Zoning Compliance (for each phase of a project if multi-phased). The Zoning Administrator may waive this requirement, except where major utilities, new streets and/or large buildings are involved.

#### **SECTION 14.15 CONDITIONAL APPROVALS**

- A. Site plans for special uses, planned unit developments, variances or other discretionary decisions may be approved with reasonable conditions.
- B. The conditions may include conditions necessary to insure 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 conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:
1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners 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 to the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
- C. A site plan shall be approved if it contains the information required and is in compliance with this Zoning Ordinance and with the conditions imposed pursuant to this Ordinance, other applicable ordinances, and State and Federal statutes.
- D. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in this Zoning Ordinance, other applicable ordinances, and State and Federal statutes.



## ARTICLE 16 ADMINISTRATION

### SECTION 16.1 ADMINISTRATION

The provisions of this Ordinance shall be administered by the Zoning Administrator, the Planning Commission and the Township Board in accordance with the Michigan Zoning Enabling Act.

The Township Board shall have the primary responsibility for supervision of the administration and enforcement of the Ordinance. In order to carry out this responsibility the Township Board may adopt and file rules and guidelines to assist the Zoning Administrator and the Planning Commission in administering and enforcing this Ordinance.

The Township Board shall employ a Zoning Administrator to act as its officer to effect the proper and consistent administration and enforcement of this Ordinance. The terms and conditions of employment shall be established by the Township Board. The Zoning Administrator or his or her agents shall have the power of a police officer, whose jurisdiction is the enforcement of this Ordinance.

### SECTION 16.2 RELIEF FROM PERSONAL RESPONSIBILITY

The Zoning Administrator, officer or employee charged with the enforcement of this Ordinance, while acting for the Township Board, shall not thereby render himself or herself liable personally, and he or she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her official duties.

### SECTION 16.3 DUTIES OF THE ZONING ADMINISTRATOR

It shall be the responsibility of the Zoning Administrator and his or her employees to enforce the provisions of this Ordinance and in so doing shall perform the following duties:

**16.3.1 Issue Permits:** All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall issue Zoning Permits and Certificates of Zoning Compliance when all applicable provisions of this Ordinance have been complied with.

**16.3.2 File Applications:** The Zoning Administrator shall maintain files of all applications for Zoning Permits and for Certificates of Zoning Compliance and shall keep records of all Zoning Permits and Certificates of Zoning Compliance issued. These shall be filed with the Zoning Administrator, such files and records shall be open to public inspection. Copies shall be furnished at cost upon request of any person having a proprietary or tenancy interest in the property involved.

**16.3.3 Official Copies:** Maintain one official copy of an updated Zoning Ordinance and Zoning District Map, as amended, in accordance with Article 2.

**16.3.4 Inspections:** The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.

**16.3.5 Record of Complaints:** The Zoning Administrator shall keep a record of every identifiable complaint of a violation of any of the provisions of this Ordinance, such records shall be public record.

**16.3.6 Report to Township Board:** On behalf of the Planning Commission, the Zoning Administrator shall report to the Township periodically; at intervals of not greater than one (1) year, summarizing for the period since the last previous report of zoning permits, Certificates of Zoning Compliance, all complaints in violation, all appeals, variances and exceptions granted by the Zoning Board of Appeals and State action taken subsequent thereto.

**16.3.7 Chairman of the Site Plan review Committee:** The Zoning Administrator or Planning Director shall act as Chairman of the Site Plan Review Committee, in accordance with Article 14 of this Ordinance.

16.3.8 Prepare Record of Decisions: The Zoning Administrator shall establish notebooks or other records for listing each decision, waiver interpretation, or enforcement action made under this Ordinance. This record shall be organized for easy reference by date and decision to help ensure consistency of future decisions.

16.3.9 Prepare Forms, Manuals and Guidelines: The Zoning Administrator shall periodically prepare or update forms, procedure manuals and guidelines for the smooth administration of the Zoning Ordinance. All such forms, manuals and guidelines shall be reviewed and approved by the Planning Commission. A form, procedure or guideline may be implemented for not more than sixty (60) days after being established by the Zoning Administrator without Planning Commission approval.

16.3.10 Enforce the Zoning Ordinance: The Zoning Administrator shall be the principal Ordinance enforcement officer. Other individuals may be hired for this purpose, or the task may be delegated to others who work under the supervision of the Zoning Administrator.

#### **SECTION 16.4 DUTIES OF THE PLANNING COMMISSION**

The Planning Commission shall perform the following duties:

16.4.1 Adopt forms, rules, procedures and guidelines for the proper administration and enforcement of the Ordinance.

16.4.2 Act as the policy board on matters of enforcement and administration of the Ordinance not covered by the adopted rules or guidelines of the Township Board.

16.4.3 Conduct public hearings.

16.4.4 Make comprehensive review and recommend changes to the Zoning Ordinance as deemed necessary but not less than once every five (5) years.

16.4.5 Review all proposed requests for Special Use Permits and/or amendments to the Zoning Ordinance for compliance with requirements of the Ordinance based on Article 12 and 19, and thence recommend appropriate action to the Township Board for approval, disapproval, or modification.

#### **SECTION 16.5 ZONING PERMITS AND CERTIFICATE OF LOT APPROVAL**

The following provisions shall apply in the issuance of any Zoning Permit in addition to any other requirements for a particular use contained in this Ordinance:

16.5.1 Commencement: Excavation for building or structure shall not be commenced; the erection, addition to, alteration of, or moving of any building or structure shall not be undertaken, or any land shall not be changed to a use of a different use type, use category, or use class under this Ordinance, nor to any different use group under the State Construction Code, PA 230 of 1972, until a Zoning Permit has been secured from the Zoning Administrator. A Zoning Permit shall not be issued for those uses requiring a Special Use Permit as provided for in this Ordinance until a Special Use Permit has been approved in compliance with the provisions of Article 12 of this Ordinance. Except upon a written order of the Board of Appeals, no Zoning Permit shall be issued for any building, structure or use of land that would be in violation of any of the provisions of this Ordinance.

16.5.2 Application for Zoning Permit: There shall be submitted to the Zoning Administrator with each application for a Zoning Permit the following:

A. In the case of a permit for a dwelling or other building intended for human occupancy or having waste water plumbing, a written report or an electronic copy from the Shiawassee County Health Department certifying the approval of a private sanitary sewage disposal system, or when public sanitary sewage service is available or required by local ordinance, a written notice of acceptance of hookup or a tap-in fee receipt shall be required.

B. When a new or rehabilitated driveway is intended, proof of issuance of a driveway permit from the Shiawassee

County Road Commission shall be required.

- C. All applications for a Zoning Permit shall require an accurate scale map showing the following:
1. The location, shape, area, dimensions, and legal descriptions of the parcel, location of easements and centerline of road.
  2. The location, dimensions, height of the existing and/or proposed structures to be erected, altered, or moved on the parcel,
  3. All existing and proposed uses.
  4. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.
  5. The yard, open space, and parking space dimensions.
  6. Any change to the ground contour of the parcel involved.
- D. A copy of the deed or proof of equitable title shall be required with any application for a Zoning Permit for any new principal or accessory structure on any non-platted parcel in order to assure compliance with dimensional requirements of this Ordinance, to protect easements from encroachment, and to assure conformance with the Land Division Act, Public Act 288 of 1967, as amended. The Zoning Administrator may examine electronic copies of recorded deeds to meet this requirement.

16.5.3 Affidavit of Compliance: Each application form for a Zoning Permit, a Special Use Permit or Planned Unit Development Permit shall contain a signed and notarized affidavit stating that the applicant understands, and agrees to comply with the following laws when applicable to the lot, tract or parcel in question. The applicant shall further affirm that said lot tract or parcel not currently in violation of the following laws.

- A. The Land Division Act, Public Act 288 of 1967, as amended.
- B. The Shiawassee County Health Department Sanitary Code.
- C. The Flood Plain regulations of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 31, as amended.
- D. Michigan Public Health Code, Public Act 368 of 1978, as amended.
- E. Farmland and Open Space Preservation provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 361, as amended.
- F. Wetlands Protection provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 303, Section 324.30301 et.seq., as amended.
- G. Inland Lakes and Streams provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 301, Section 324.30101, et.seq., as amended.
- H. "Miss Dig Law", Act 53, as amended.
- I. Airport Zoning Act, Public Act 23 of 1950, as amended.
- J. State Construction Code Act, Public Act 230 of 1972, as amended.
- K. The Shiawassee County Drain Commission Standard Construction Specifications for open and closed drains.
- L. The Subdivision Control Procedures pursuant to Public Act 288 of 1967, as amended.

## ARTICLE 16 ADMINISTRATION

- M. The Shiawassee County Soil Erosion and Sedimentation Control Ordinance, and any applicable regulations of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 91, Section 324.9101 et. seq., as amended.
- N. Michigan Department of Environment, Great Lakes and Energy rules for Land Divisions, as amended.
- O. All township ordinances that are applicable to the proposed building, structure or land use.
- P. All other State, Federal or local laws, rules, or regulations applicable to the proposed building, structure or use of the property.

### 16.5.4 Withholding Permit:

- A. Section 16.5.3 notwithstanding, the Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required township, county, state or federal permits including but not limited to sanitary sewer and water tap-in permits, septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, floodplain, culvert, or driveway permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission, Township Board or the Board of Appeals, the Planning Commission, or the Township Board shall condition final approval of the requested development activity upon the receipt of any of the above mentioned township, county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other jurisdictions or agencies have been obtained.
- B. The Zoning Administrator may refuse to issue a Zoning Permit to a person who is responsible for an unresolved violation of this Ordinance at the requested location, or another location within the jurisdiction of this Ordinance, until such time as the violation is satisfactorily corrected.

### 16.5.5 Certificate of Lot Approval

- A. Upon request and the payment of a fee established in accordance with Section 16.11, the Zoning Administrator shall review proposed lot drawings and legal descriptions to determine if the following criteria have been met:
  - 1. Compliance with the Land Division Act 288 of 1967, as amended.
  - 2. For the type of lot being created (see Article 21C) and within the particular Zoning District, if the requirements for lot area, frontage/depth ratio, lot width, and density, are in compliance.
  - 3. That a current on-site septic and well permit match the description of the proposed lot.
  - 4. Whether or not the site is impacted by drain easements, flood plain regulations, or farmland easement under Part 361 PA 451 of 1994, as amended.
  - 5. The minimum yard setbacks and the location of the front lot line
- B. Approval shall be granted in writing and may contain a drawing that is specifically approved and signed by the Zoning Administrator.
- C. Approval shall be valid for six (6) months after issuance, but may be renewed prior to expiration, by the Zoning Administrator for one (1) additional period not exceeding six (6) months
- D. The Decision shall be subject to an appeal of an Administrative Decision, provided said appeal is filed with Zoning Board of Appeals within twenty one calendar (21) days of issuance.
- E. A lot which is created in accordance with a Certificate of Lot Approval shall be considered a lot of record while the permit is valid.
- F. Notice of action on a request for a Certificate of Lot Approval shall be mailed to the supervisor of the township in

which the lot is located. The time limit on an appeal, as described in D above shall begin the day after the notice is mailed.

16.5.6 Temporary Zoning Permits for Temporary Buildings, Structures & Uses:

A. Application: Temporary Zoning Permits as specifically authorized in Section 5.8 may be approved, modified, conditioned, or denied by the Zoning Administrator based on the standards established in Section 5.8 and such conditions as are reasonably necessary to minimize adverse impacts on abutting property, and protect the public health, safety and general welfare (see Section 16.5.6.B.3. below). The Zoning Administrator may refer the application for a Temporary Zoning Permit to the Planning Commission for a decision.

B. Permits: A written temporary Zoning Permit shall be issued for all temporary buildings, structures and uses that comply with this Ordinance and shall contain the following information:

1. The applicant's name.
2. The location and effective dates of the temporary building, structure or use.
3. Conditions specified by which the permit was issued, such as:
  - a. use and placement of signs.
  - b. provision for security and safety measures.
  - c. control of nuisance factors.
  - d. elements of a performance guarantee.
4. Signature of the Zoning Administrator on the permit.

C. Conditions of Approval:

1. The nature and intensity of the temporary use and the size and placement of any temporary building or structure shall be planned so that the temporary use, building or structure will be compatible with existing development on abutting property.
2. Except for a garage sale, the temporary use shall not be located within a permanent building or structure.
3. The parcel shall be of sufficient size to adequately accommodate the temporary use, building or structure.
4. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the temporary use or structure.
5. Off-street parking areas are of adequate size for the particular temporary use, building or structure, are safely located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
6. Signs shall conform to the provisions of this Ordinance (see Article 9, Section 9.5).
7. Any lighting or noise shall be directed and controlled so as to not create a nuisance to neighboring property owners.
8. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance.

D. Renewable Temporary Zoning Permits: Temporary Zoning Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit, except that applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) days prior to the expiration date of the current permit.

## ARTICLE 16 ADMINISTRATION

E. Performance Guarantee: The Zoning Administrator shall require a performance guarantee in the form of cash, check or savings certificate be deposited with the Township Treasurer in an amount equal to the estimated cost of removing any temporary structure for which a Temporary Permit is authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary Zoning Permit have been met and the temporary use or structure has been removed.

F. Permit Revocation: A temporary Zoning Permit may be revoked at any time for:

1. nonconformance with the requirements of this Section and/or a permit issued thereunder
2. evidence that the temporary Zoning Permit was obtained by misrepresentation or fraud
3. that one (1) or more of the conditions of the temporary Zoning Permit have not been met; and
4. that the temporary use is in violation of any statute, Ordinance, law, or regulation.

G. Cessation of Temporary Use Upon Revocation: Upon expiration or revocation of a temporary Zoning Permit for a temporary use, building or structure, the temporary use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land.

H. Notice shall be given to the township supervisor, or other person designated by the township supervisor, at least 48 hours before any action is taken on a request for a Temporary use Permit by the Zoning Administrator. Notice shall be written or verbal at the option of the township supervisor. The Township may advise the Zoning Administrator of applicable local ordinances or the relevant facts about the application. The recommendations of the Township are advisory and not binding on the action of the Zoning Administrator. The Zoning Administrator may waive this requirement in an emergency situation when a delay in issuing the permit would cause the applicant a substantial hardship.

I. Appeal: An appeal of a decision by the Zoning Administrator relative to approval or denial of a temporary Zoning Permit for a temporary use or renewal thereof may be taken to the Board of Appeals pursuant to Section 18.3 of this Ordinance.

### **SECTION 16.6 ADMINISTRATIVE PROVISIONS**

16.6.1 Suspension of a Permit: Any permit issued shall become invalid if the authorized work is not initiated within six (6) months of receipt of a permit, or is suspended or abandoned for a period of six (6) months after the time of commencing the work unless the development proposed shall have passed its first building inspection.

16.6.2 Previous Approvals: Nothing in the Ordinance shall require changes in the plans, construction, or designated use of a building for which a lawful permit has been here-to-fore issued or otherwise lawfully authorized, and the construction of which shall have been actively pursued within ninety (90) days after the effective date of this Ordinance; and the entire building shall be completed as authorized within two (2) years after the date of approval of the application.

16.6.3 Revocation of Permits: The Zoning Administrator may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or in case of failure or neglect to comply with any provisions of this Ordinance. The owner or his agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. Cancellation of a permit issued for a special land use, planned unit development or variance shall not occur before a hearing by the body which granted the permit. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit. See also Section 14.13.

16.6.4 Inspections: The Zoning Administrator shall inspect sites on which new permanent buildings will be erected prior to issuance of a zoning permit and at such other time as is necessary to ensure conformance with this Ordinance.



**16.6.5 Administrative Waiver:**

- A. Authority and Limit of Waiver: The Zoning Administrator is authorized to grant administrative waivers to the provisions of this Ordinance in an amount not to exceed a ten percent (10%) variation from the site development standards, parking and loading requirements, sign requirements, lot width-to-depth ratios and the specific dimensional, area, and similar provisions and requirements contained in Articles 5, 6, 7, 8, and 9 of this Ordinance. Up to a ten (10) percent variation in front, side or rear yards may be granted on any nonconforming lot of record. This authority does not extend to waiver or consideration of different land uses than those expressly permitted within a zoning district.
- B. Criteria: Upon receipt of a written request for an administrative waiver, the Zoning Administrator shall prepare a report of the situation and all factual data concerning the site in terms of: (1) what the situation would be if developed pursuant to the standards stated in this Ordinance, (2) what the situation would be if the administrative waiver were granted, (3) what impacts, if any, on the public and neighboring property owners would result if the administrative waiver were granted, and (4) the conclusion on the waiver request and the rationale for that conclusion. No administrative waiver shall be granted if doing so would create a nuisance or result in significantly more noise, odor, dust, bright or flashing lights, or similar impact on the public or abutting property. Decisions rendered by the Zoning Administrator shall be in the form of a letter which states specifically a determination on each of the items listed above. An appeal on any administrative waiver may be made by any affected person to the Board of Appeals within ten (10) days following the decision. No decision by a Zoning Administrator on an administrative waiver shall be effective until after this ten (10) day period has passed. All abutting property owners shall receive notice of any administrative waiver request and when a decision is expected to be made, prior to a determination by the Zoning Administrator. Abutting property owners may file a written statement on the administrative waiver request with the Zoning Administrator, but the decision of the Zoning Administrator shall be based on the standards contained in this Section.
- C. Appeals: The decision of the Zoning Administrator may be appealed to the Board of Appeals pursuant to Section 18.3 of this Ordinance.

**SECTION 16.7 CERTIFICATE OF ZONING COMPLIANCE**

No land shall be occupied or used and no building shall be used or changed in use until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the building and its intended use complies with the provisions of this Ordinance.

The holder of every Zoning Permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Zoning Administrator within 24 hours after completion of the work authorized by such permit for a final inspection and issuance of a Certificate of Zoning Compliance.

**16.7.1 Certificates for Existing Buildings:** Certificates of Zoning Compliance may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, such uses of land are in conformity with the provisions of this Ordinance. Where the certificate is issued for building, or use not in conformity with this Ordinance, the certificate shall specify the degree of nonconformity including but not limited to use type, use intensity, structures, and dimensions.

**16.7.2 Certificates for New or Changed Uses:** All uses permitted in this Ordinance by Zoning Permit, Right with Conditions, Special Use Permit, Site Plan Approval, or Planning Unit Development Permit, shall not be occupied or used until a Certificate of Zoning Compliance is issued by the Zoning Administrator.

- A. Application for Certificates of Zoning Compliance shall be in writing to the Zoning Administrator on a forms furnished for that purpose, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.
- B. If such certificate is refused for cause, the applicant therefore shall be mailed a notice of such refusal and cause thereof, within the aforesaid five(5) day period.
- C. Except upon a written order of the Board of Appeals, or Certificate of Zoning Compliance shall be issued for any building, structure or use of land that would be in violation of any of the provisions of this Ordinance.

**SECTION 16.8 ZONING APPROVAL RUNS WITH THE LAND**

## ARTICLE 16 ADMINISTRATION

The approval to engage in any land use activity or to construct a building or structure that has received a Zoning Permit, Certificate of Zoning Compliance, or other permit issued under the authority of this Ordinance, or any variance granted by the Board of Appeals, runs with the land, just like a nonconforming use right, and not with the owner. Thus, any person who relies on a valid permit or approval granted under the terms of this Ordinance, may sell the property to another person who will enjoy the same rights, privileges and restrictions as the seller, provided that the seller's use of the property was not in violation of the Ordinance prior to the sale.

### **SECTION 16.9 RECORDING CONDITIONS WITH REGISTER OF DEEDS**

At the direction of the body or official making the final decision to approve or approve with conditions a planned unit development, special land use, variance or other discretionary approval authorized by this Ordinance, or as otherwise may be specified by this Ordinance, or at the discretion of the Zoning Administrator, an approval or approval with conditions may be recorded with the County Register of Deeds.

The following requirements shall be met with each recording:

- A. The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved site plan or variance unless an amendment thereto is adopted by the Township. In addition, all deed restrictions and easements associated with the property shall be duly filed with the Register of Deeds of the County in which the property is located and copies of all recorded documents shall be presented to the Zoning Administrator.
- B. Record of Agreement: A copy of any agreement between joint users of parking areas shall be filed with the application for a zoning permit and recorded with the Register of Deeds. The agreement shall include a guarantee for continued use of the parking facility by each party. A copy of all recorded documents shall be presented to the Zoning Administrator.
- C. All documents to be recorded with the County Register of Deeds at the initiative of the Township, shall be first reviewed and approved as to form and content by the Township Attorney.

### **SECTION 16.10 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE**

A. Requirements: In authorizing any Zoning Permit, Temporary Zoning Permit, Special Use Permit, Planning Unit Development Permit, site plan approval or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; and (2) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not; or (3) to insure the discontinuance of a temporary use by a stipulated time.

B. Improvements Covered: Improvements that shall be covered by the performance guarantee or bond include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The term "improvements" should not be construed to mean the project itself, but rather those features associated with the project which are deemed necessary to protect the health, safety and welfare of Township's resources and future users or inhabitants of the proposed project. The term "improvements" does not include improvements for which a performance guarantee has been deposited pursuant to the Land Division Act, Public Act 288 of 1967, as amended. The performance guarantee shall meet the following requirements:

1. Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee.
2. Time when Required: The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest bearing account in a financial institution with which the Township regularly conducts business.
3. Amount and Type: The amount and type of the performance guarantee shall be determined by the body or official making the decision to approve the request, or if they have not done so, by the Zoning Administrator. The amount

## ARTICLE 16 ADMINISTRATION

of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions. The performance guarantee shall be reasonable, appropriate, and commensurate with the scope of the project. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by resolution of the Township Board.

C. Return of Performance Guarantee or Bond: The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in proportion to the work completed on the applicable improvement or condition and may be written as an element of the conditions surrounding the approval of the project.

D. Withholding and Partial Withholding of Performance Bond: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Planning Commission or Township Board indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

1. The Planning Commission shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within 30 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
2. Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any unused balance remaining would be returned to the applicant, any excess expense would be recorded as a lien on the property.

E. Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

### **SECTION 16.11 FEES**

A. The amount of all Planned Unit Development fees, Site Plan Review fees, Special Use fees, Inspection and Certificate of Zoning Compliance fees, Board of Appeals fees, Amendment fees, and any other fees pursuant to this Ordinance shall be determined, and periodically revised, by adoption of a Schedule of Fees by the Township Board. Fees for review of development proposals, inspections and the issuance of Zoning Permits or Certificates of Zoning Compliance required under this Ordinance shall be deposited with the Township Treasurer in advance of processing any application, issuance of any permit or inspection. Fees shall be based on actual direct costs of inspection and supervision resulting from the enforcement of this Ordinance and may include the cost of filing approvals with other entities, such as the County Register of Deeds. Such fees may also include but are not limited to all costs associated with conducting a public hearing or inspection, including the newspaper notice and any map, postage, photocopying, staff time, Planning Commission, Township Board and/or Board of Appeals special meeting expenses, mileage and any costs associated with reviews by qualified professional planners and/or engineers. Such fees may be collected in escrow with any unexpended balance returned to an applicant according to the procedure described below:

B. A fee is required for any application for approval of a Site Plan, Special Use, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance, except for projects proposed by the Township or one of its agencies, or by any other public agency if the fee is waived by either the Zoning Board of Appeals, Township Board or the Planning Commission. Either the Zoning Administrator or the Planning Commission may require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required for any project with more than ten (10) dwelling units, or more than ten thousand (10,000) square feet of enclosed space, or which requires any more than twenty (20) parking spaces. An escrow fee may be requested for any other project which may, in the discretion of the Zoning Administrator or Planning Commission create an identifiable and potentially negative impact on public

infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.

C. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township values to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and identifying any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review hired by the Township and a copy of the statement of expenses for the professional services rendered.

D. No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the Township Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

E. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by a representative of the Township in response to the applicant's request. Failure of the applicant to make timely payment of any balance due will entitle the Township to place a lien on the subject property.

## **SECTION 16.12 PUBLIC NOTICE**

Where public notice is required for a hearing on an application for a Special Use Permit, a Planning Unit Development Permit, a variance or other procedure wherein this Section is referenced, the following public notice procedure shall be followed:

A. Notice of the hearing shall be given by mail or personal delivery to the owners of property for which special land use permit approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within three-hundred (300) feet. Notice of the public hearing shall also be published in a newspaper of general distribution in the Township. Public notice shall be given not less than five (5) nor more than fifteen (15) days before the date of the public hearing on the application. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. Each notice given under this Section shall:

1. Describe the nature of the Special Use Permit
2. Indicate the property which is the subject of the special use request
3. State when, where, and at what time the public hearing on the special use request will be considered
4. Indicate when and where written comments will be received concerning the request.

## ARTICLE 17 VIOLATIONS AND ENFORCEMENT

### SECTION 17.1 ENFORCEMENT, VIOLATIONS, PENALTIES

**17.1.1 Violations are a Nuisance per se:** The Zoning Administrator shall enforce the provisions of this Ordinance. Violations of any provisions of this Ordinance are declared to be nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed or communicated to the County Sheriff's Department or to any Township officials shall be reported to the Zoning Administrator.

**17.1.2 Violations and Penalties:**

A. It shall be unlawful for any person to commence operations of any kind that are in violation of the terms of this Ordinance and any violations shall be subject to the penalties herein prescribed.

B. Unless a violation of this Ordinance is specifically designated in 17.1.2.C. as a municipal civil infraction, the violation shall be deemed a misdemeanor. Any person deemed guilty of a misdemeanor shall, upon conviction thereof, be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than five hundred dollars (\$500.00), or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate punishable offense.

C. The following violations of this Ordinance may be handled as a municipal civil infraction:

1. a violation of the terms of a Zoning permit issued pursuant to Section 16.5.
2. a violation of the terms of a Temporary Zoning Permit issued pursuant to Section 16.5.6.
3. a violation of the terms of a Certificate of Zoning Compliance issued pursuant to Section 16.7.
4. a violation of the terms of a Site Plan approved pursuant to Article 14.
5. a violation of the terms of a Special Use Permit approved pursuant to Article 12.
6. a violation of the terms of a Planned Unit Development Permit approved pursuant to Article 13.
7. a violation of any variance, condition or other approval of the Zoning Board of Appeals pursuant to Article 18. to Article 9.
9. a violation of any private road permit approved pursuant to Section 6.5.
10. A violation of Section 5.2.1.C. regarding illegal maintenance of junk on a lot.

**17.1.3 Civil and Criminal Penalties:**

A. The sanction for any violation of the Zoning Ordinance which is a municipal civil infraction shall be a civil fine as provided in 17.1.6 plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961 and other applicable laws.

B. The Zoning Administrator together with deputies of the Shiawassee County Sheriff and the Township Supervisor, are the Township officials authorized to issue municipal civil infraction violation notices and municipal civil infraction violation citations under this Ordinance.

C. In addition to enforcing violations as misdemeanors or municipal civil infractions, violations of this Ordinance may be enforced by civil action along with any other remedies provided by law. Violations of the Ordinance are a nuisance per se, and adjudication of responsibility for a municipal civil infraction violation of this Ordinance shall not preclude other civil proceedings to abate such nuisance.

D. Each day that a violation exists constitutes a separate offense or infraction.

**17.1.4 Cumulative Rights and Remedies:** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

17.1.5 No Permit to Violators: The Zoning Administrator may refuse to issue new Zoning Permits to a person who has failed to correct violations or to any person representing a firm which has failed to correct violations of this Ordinance or the Michigan Construction Code Act, Public Act 230 of 1972, or the Land Division Act, Public Act 288 of 1967, as amended.

17.1.6 Municipal Civil Infraction: Schedule of Fines:

A. Fines for Municipal Civil Infraction Citations.

1. A person, corporation, or firm who violates any provision of Section 17.1.2.C, of the Zoning Ordinance that is found responsible by the district court for a municipal civil infraction citation, shall pay a civil fine of not more than \$500.00, plus costs and other sanctions, for each infraction.
2. . Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of the section of the Zoning Ordinance committed by a corporation, person, or firm within any 24 month period and for which the per-son admits responsibility or is determined to be responsible. The increased fine for a repeat offense under those subsections shall be as follows:
  - a. The fine for any offense that is a repeat offense shall be no less than \$100.00 plus costs and other sanctions.
  - b. The fine for any offense that is a second repeat offense shall be no less than \$500.00 plus costs and other sanctions.
  - c. The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500.00 plus costs and other sanctions.

17.1.8. Enforcement Procedure: The Zoning Administrator shall prepare a procedure and administrative forms for Ordinance enforcement with input from the Township Attorney. These procedures and forms shall be approved by the Planning Commission.

## ARTICLE 18 BOARD OF APPEALS

### SECTION 18.1 CREATION AND MEMBERSHIP

**18.1.1 Establishment:** There is hereby established a Board of Appeals in accordance with the Michigan Zoning Enabling Act. The Board of Appeals shall perform its duties and exercise its power in such a way that the objective of this Ordinance may be equitably achieved.

**18.1.2 Compensation:** The members of the Board of Appeals shall be paid such amount per meeting as shall be determined by the Township Board and in addition shall be reimbursed for reasonable expenses actually incurred in the performance of their duties.

### Section 18.2 ORGANIZATION AND PROCEDURE

**18.2.1 Rules of Procedure:** The Board of Appeals shall adopt rules of procedure for the conduct of its meetings and implementation of its duties. The Board shall choose its own chairman, and in his or her absence, an acting chairman who may administer oaths and compel the attendance of witnesses.

**18.2.2 Meetings:** Meetings shall be held at the call of the chairman or the Zoning Administrator, in writing, by first class mail to the addresses of each member of the Board of Appeals. All meetings of the Board of Appeals shall be open to the public.

**18.2.3 Records:** Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Board of Appeals including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case together with the votes of the members and final disposition of each case. Such minutes shall be filed in the Office of the Township Clerk and shall be available to the public.

The Record of Proceedings shall be contained in a file with the following information:

- A. The application (for a permit, variance, interpretation, exception).
- B. Any reports, plans, surveys, or photos.
- C. Notice of Public Hearing to affected parties in newspaper.
- D. Letter from Zoning Administrator granting or denying the application or referring it to the Board of Appeals and all other relevant records related to the case.
- E. Affidavit of publication of Notice of Hearing.
- F. Record of testimony heard and evidence presented.
- G. A copy of the zoning Article(s) and Section(s) in question.
- H. Briefs, correspondence or other communications made to the Board of Appeals.
- I. Statement of facts found by Board of its knowledge regarding the request including any information gained from personal inspection.
- J. Decision of the Board as specifically related to the Findings of Fact.
- K. A copy of any other correspondence to the appellant regarding the request.

**18.2.4 Counsel:** Legal counsel may be retained by the Board of Appeals for any purpose deemed necessary provided that such appointment or retainer shall be approved in advance by the Township Board.

**18.2.5 Hearings:** The Board of Appeals shall fix a reasonable time and date for a Public Hearing not to exceed forty-five (45) days from the date of filing any petition of appeal with the Zoning Administrator. Upon

the hearing any party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appeals from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all powers of the officer from whom the appeal is taken.

18.2.6 Notification: Notice of all Board of Appeals hearings shall be published in a newspaper of general circulation and mailed to nearby property owners using the same procedure as specified in Section 16.12. The Township Board and Chairperson of the Township Planning Commission in the Township in which property for which the Board of Appeals hearing is scheduled shall be notified pursuant to the procedure in Section 19.4. However, a response shall be requested within twenty (20) days of receipt of notice and the Board of Appeals need not wait for a response before conducting a hearing or making a decision.

18.2.7 Majority Vote: The concurring vote of a majority of the total membership of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation.

18.2.8 Decisions: Once all the necessary information has been received, the Board of Appeals shall return a decision on a case in a timely manner, or if time frames are included within rules of procedure, then within the time specified in rules of procedure.

### **SECTION 18.3 APPEALS**

18.3.1 Filing of Appeal: An appeal may be taken by any person aggrieved or by an officer, department, board of the Township from which the appeal arises of any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Ordinance.

18.3.2 Procedure on Appeals: A notice of appeal shall be filed by the appellant with the Zoning Administrator. Such petition shall state the reasons for the appeal and the order or ruling appealed from. When applicable, the legal description of the property involved shall be stated in the notice of appeal. Before such an appeal shall be processed, the fees for an appeal as hereinafter set forth shall be paid to the Zoning Administrator who shall deliver same to the Township Treasurer to be credited to the appropriate fund of the Township.

A. A notice of appeal that does not fully comply with the submittal requirements of this Ordinance shall be returned to the applicant.

B. A notice of appeal determined to be complete by the Township Clerk shall be scheduled for public hearing before the Zoning Board of Appeals. The Zoning Administrator shall select the first regularly scheduled meeting of the Zoning Board of Appeals for the public hearing for which notice pursuant to Section 18.2.6 can be sent.

18.3.3 Fees on Appeal: Appeal fees shall be established from time to time by the Township Board sufficient to cover all costs incurred by the Township pursuant to the processing of any appeal, including but not limited to the costs of advertisements, investigations and Appeal Board member attendance fees.

18.3.4 Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the petition of appeal shall have been filed with the Township Clerk, that by reason of facts stated in the appeal petition, a stay would in his or her opinion cause imminent peril to life and property.

### **SECTION 18.4 DUTIES AND POWERS**

18.4.1 Duties: The Board of Appeals shall have the duty to rule on those matters provided in this Ordinance for administrative review, interpretation, or variance.

18.4.2 Powers: The Board of Appeals shall have the power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this Ordinance may be equitably achieved in order there shall be uniform interpretation and flexibility in the enforcement of this Ordinance or to fulfill any other responsibilities bestowed



upon the Board of Appeals by this Ordinance.

18.4.3 Review: The Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any order, requirement, permit, or decision made by the Zoning Administrator or any other administrative official or body in administering or enforcing any provision of this Ordinance.

18.4.4 Interpretation: The Board of Appeals shall have the power to:

A. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.

B. Determine the precise location of the boundary lines between zoning districts and properties.

C. Classify, upon receipt of an application therefore, a use which is not specifically mentioned in the use regulations of any district according to the following standards:

1. The unmentioned use shall conform to the purpose and intent of the district in which it is allowed as a permitted principal use, as a use permitted by right with conditions, as an accessory use or as a special use.
2. The chosen use classification and permitted district(s) shall be that (those) which is (are) most similar to the unmentioned use being classified.
3. The classification of the unmentioned use does not automatically permit the use, it only identifies the district in which it may be located and the zoning regulations with which it must conform.

D. Determine the off-street parking and loading space requirements of any use not specifically mentioned in Article 7 of this Ordinance according to the parking requirements of the use classification and district to which it is most similar.

E. No rehearing on a denied or approved interpretation application shall be permitted except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application. A request for rehearing shall be made within eight (8) days from the meeting at which the decision was made. No Zoning Permit shall be granted which relies upon an ordinance interpretation before eight (8) days have expired.

18.4.5 Variances: The Board of Appeals may authorize specific variances from such requirements as lot area and width regulations, yard and depth regulations, off- street parking and loading space requirements, and sign and billboard regulations, provided all of the following standards shall be satisfied and the record of proceedings of the Board of Appeals contains evidence supporting that conclusion:

A. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

B. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.

C. That the practical difficulties or special conditions or circumstances do not result from actions of the applicant.

D. That the variance will relate only to property under control of the applicant.

E. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.

F. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

G. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

H. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit is required; except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under contemporary legal standards. In this case, the applicant shall first have sought and been denied a rezoning, Special Use Permit or PUD approval as appropriate. This option is not available if an applicant has applied for a Hardship PUD pursuant to Section 13.4.

I. Rules: The following rules shall apply in the granting of variances:

1. The Board of Appeals may specify, in writing, such conditions regarding the character, location and other features of the structures or property that will in its judgment secure the objectives and purposes of this Ordinance. Such conditions shall meet the requirements of Section 14.15. The breach of any such condition shall be a violation of this Ordinance.
2. Every variance granted under the provisions of this Ordinance shall become null and void unless:
  - a. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance, or
  - b. the occupancy of land or premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variances.
3. No application for a variance which has been denied, wholly or partly, by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.
4. No rehearing on a denied or approved variance application shall be permitted except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application. A request for rehearing shall be made within eight (8) days from the meeting at which the decision was made. No Zoning Permit shall be granted which relies upon a variance before eight (8) days have expired.

18.4.6 Findings of Fact: The Board of Appeals shall grant no variance or make any determination on an appeal or other issue requested of it unless the Board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards and conditions imposed by the requirements of this Ordinance have been met.

Said findings of fact shall include, but not be limited to the following information:

A. Findings of Fact:

1. How the application of the Zoning Ordinance creates unnecessary hardship or practical difficulty in the use of petitioner's property.
2. Identify the unique physical circumstances or conditions or exceptional topography that create practical difficulties.
3. Specific findings (characteristics of the land) showing that because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance. That the authorization of a variance is, therefore, necessary to enable the reasonable use of the property and that the condition is specific to this property and not general to other properties in the area.
4. Finding that the practical difficulty was not created by the appellant and is related only to property that is owned or occupied by the appellant.
5. A statement of the impacts of the variance if authorized, the property values, use and enjoyment of the property in the neighborhood or district, and on the public, health, safety and welfare.

## ARTICLE 18 BOARD OF APPEALS

6. The proposed variance does not permit the establishment of any use which is not permitted by right within the district or any use or dimensional variance for which a Special Use Permit is necessary.
7. Findings on whether the proposed development complies with the requirements, standards or procedures given in the Zoning Ordinance or an interpretation of the disputed ordinance provisions, if applicable.
8. Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.
9. The possible precedents or affects which might result from the approval or denial or the appeal.
10. Findings on the impact if the appeal is approved, on the ability of the Township or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably require in the future if the appeal is approved.

18.4.7 Special Use Permit: The Board of Appeals shall review any properly filed appeal from action by the Township Board on a request for a Special Use Permit pursuant to Article 12 of this Ordinance. The Board of Appeals has the power to approve or deny the issuance of a Special Use Permit, or it can authorize approval and vary the conditions of that approval as long as the conditions remain consistent with the standards described in Article 12 and are consistent with the intent and purposes of this Ordinance. In making this determination, the Board of Appeals shall examine the application and all accompanying data as well as the records and determinations of the Township board or Planning Commission hearing.

Furthermore, the Board shall make any additional investigations it deems necessary before rendering a decision. Decisions of the Board of Appeals are appealable to the Circuit Court.

18.4.8 Essential Services: The Board of Appeals shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes in any permitted district to a greater height or of larger area than the district requirements herein established and permit the location in any use district of a public utility building, structure or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

18.4.9 Determination of a Lot of Record: The Board of Appeals shall have the power to make "Lot of Record" determinations in accordance with the following:

- A. Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject to a deed or land contract, not recorded in the Office of the Register of Deeds on the effective date of this Ordinance, the Board of Appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him to have the parcel treated as a "lot of record" in accordance with Article 10 of this Ordinance.
- B. The Board shall grant said variance when it finds by a preponderance of the evidence that the instrument purporting to transfer title to the parcel of said owner was executed prior to the effective date of this Ordinance. In making its determination, the Board is authorized to consider all matters it deems relevant, including but not limited to, the tax roll of the Township, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses.
- C. Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other requirements set forth in this Ordinance.

18.4.10 Site Plan Review: The Board of Appeals shall review and make final determination on properly filed appeals from action by the Planning Commission pursuant to Article 14 of this Ordinance. The Board of Appeals has the power to sustain, reverse, or remand for further consideration the decision of the Planning Commission when it is found that the decision is inconsistent with the provisions of this Ordinance, or that there was an error of fact involved in the decision of the Planning Commission. In making this determination, the Board of Appeals shall examine the application and all accompanying data as well as the records of the Planning Commission.

18.4.11 Nonconformity Appeals: Nonconforming use, buildings or structures may be structurally changed, altered, enlarged, moved, repaired, re-established, reconstructed, or changed to another nonconforming use upon appeal

## ARTICLE 18 BOARD OF APPEALS

in cases of exceptional hardship upon a finding that failure to grant the relief requested will:

- A. Unreasonably restricts continued use of the property or restricts valuable benefits that the public currently derives from the property as used in its nonconforming status.
- B. Not have an adverse affect on surrounding property
- C. Be the minimum necessary to relieve the hardship

18.4.12      Bond for Compliance: The Board of Appeals may require that a bond or other performance guarantee pursuant to Section 16.10 be furnished to insure compliance with the requirements, specifications, and conditions imposed with the granting of any variance, appeal, or Special Use Permit.

**ARTICLE 19 AMENDMENTS**

**SECTION 19.1 INITIATION OF AMENDMENTS**

- A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Districts Map of the Township may be amended pursuant to the Michigan Zoning Enabling Act.
- B. Amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more persons having an interest in the property to be affected by the proposed amendment.

**SECTION 19.2 FEES**

- A. The Township Board shall establish, by resolution, fees for zoning amendment petitions.
- B. Such fee shall be paid in full at the time of application, and no part of such fee shall be returnable to the petitioner.
- C. Fees shall not be required for amendments proposed or requested by the Township Board or the Planning Commission.



## ARTICLE 21 DEFINITIONS

### SECTION 21.1 CONSTRUCTION OF LANGUAGE

The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended. The following rules of construction apply to the text, tables and illustrations of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. Words used in the present tense include the future tense; and the singular includes the plural unless the context clearly indicates the contrary.
4. The word "person" includes a corporation, partnership, or firm as well as an individual.
5. The word "building" includes the word "structure".
6. The word "lot" includes the word "plot", "tract", or "parcel".
7. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
8. 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".
9. Any word or term not defined in this Article shall be given a meaning of common or standard acceptance. A dictionary may be consulted.
10. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
12. The "Township" is the Township of Vernon, County of Shiawassee, State of Michigan; the "Planning Commission" is the Planning Commission of Vernon Township, and the "Board of Appeals" is the Zoning Board of Appeals of Vernon Township.
13. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday. A legal holiday includes; New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas Day, Martin Luther King day, Lincoln's birthday, President's Day, Columbus Day, and Veterans Day.
14. All statutory citations are to statutes as amended, including codifications and repeals if a new statute is adopted with a similar scope and purpose.

**SECTION 21.2 DEFINITIONS**

**A. BUILDING, BASEMENT, STORY and STRUCTURE DEFINITIONS**

Accessory Building: A subordinate building or structure on the same lot with a principal or main building, but detached from it.

Basement: That portion of a building which is partly or wholly below and partly above grade, and having at least one-half (  $\frac{1}{2}$  ) its height above grade (see "Grade", "Story" and "Cellar"). See Figure 21-1.

Breezeway: Any structure connecting the principal dwelling unit with a freestanding accessory building.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls or other supports, and used or intended for the shelter or enclosure of persons, animals, chattels, or property of any kind, or for the conduct of business. The definition includes but is not limited to: mobile homes, tents, inflatable structures, sheds, garages, greenhouses, and other principal and accessory buildings.

Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building, Front Line of: The line that coincides with the face of the building nearest the front line of the lot which includes sun parlors and enclosed porches, but not steps.

Building, Height Of: In the case of a principal building, the vertical distance measured from the average finished grade in the front yard to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gable roofs. A cupola, widows watch or tower that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. The measurement of the height of an accessory building or structure shall be determined as the greatest vertical distance from the average finished grade of any side to the highest point of the roof surface. (See Figure 21-2)

Building Lines: A line defining the front, side and rear yard requirements outside of which no building or structure may be located.

Building, Main: A building in which is conducted the principal use of the lot upon which it is situated.

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

Carport: A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

Cellar: A cellar is a basement.

Deck: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which protrudes more than four (4) inches above the finished grade.

Fence: An accessory structure made of wood, metal, stone, brick, or various manufactured materials, intended for use as a barrier, to property ingress or egress, a screen from objectionable vista, noise, and/or for decorative use.

Floor Area: The term "floor area", "total floor area" and "gross floor area", shall mean the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent-shafts and courts, without any deduction for corridors, stairways, closet, the thickness of walls, columns or other features. See Figure 21-3.

Floor Area, Usable (for the purposes of computing parking): The term "usable floor area" as applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied by fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing or mechanical equipment integral with the building, maintenance facilities, or those areas where customers, patients, clients, salesmen, and the general public are denied

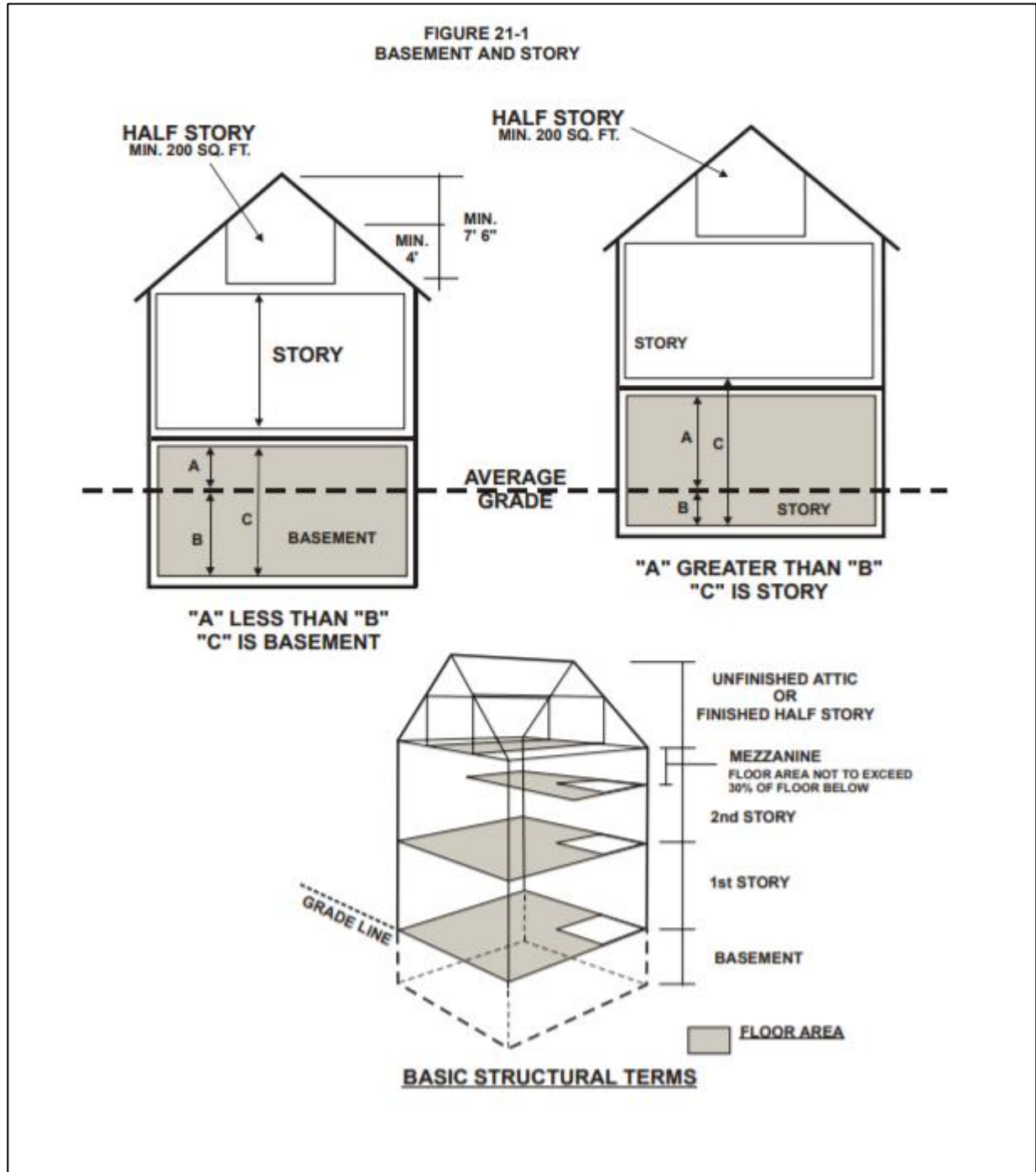


ARTICLE 21 DEFINITIONS

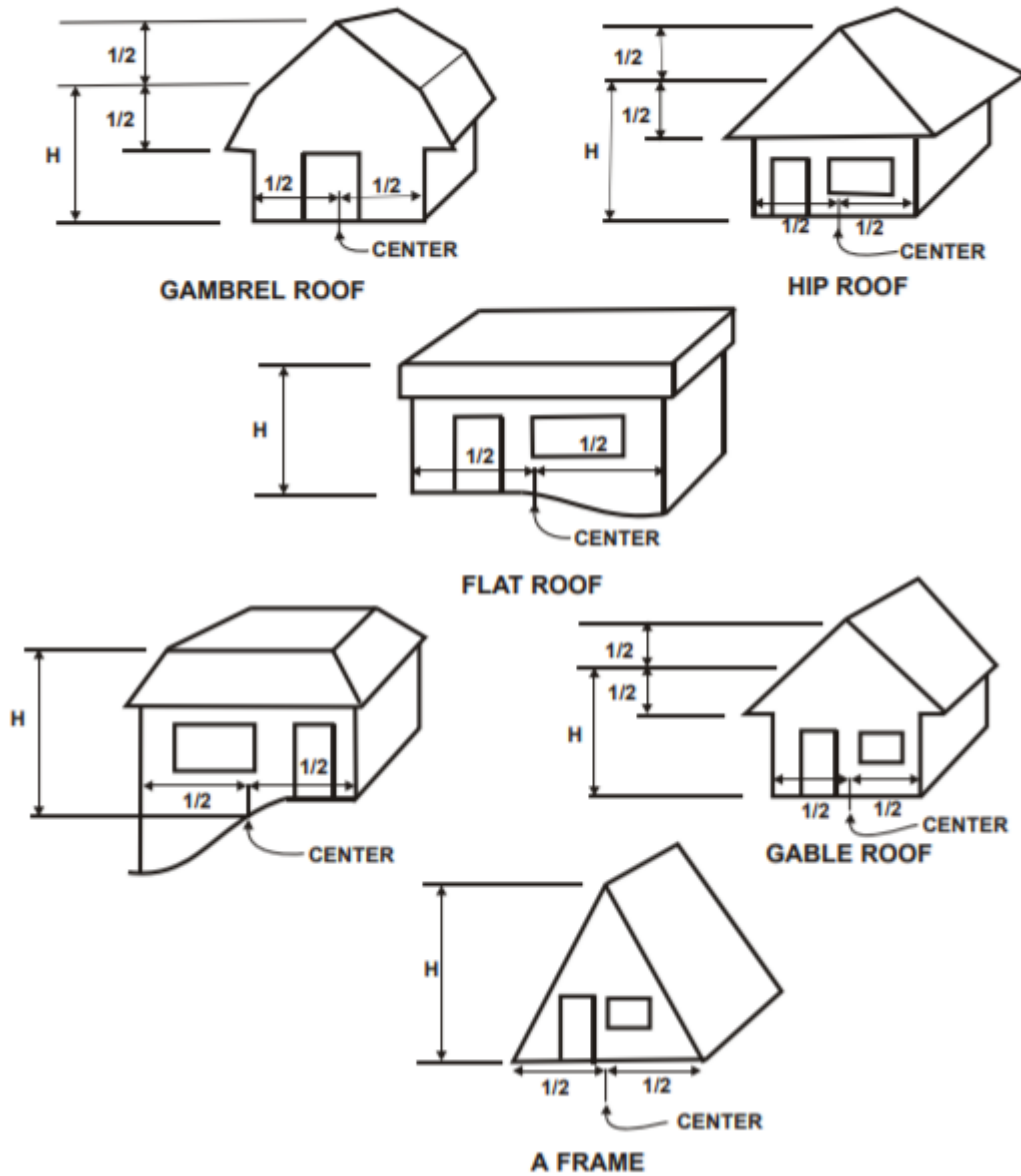
access. "Floor area" shall be measured from the exterior faces of exterior walls. See Figure 21-3.

Grade Average: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure. See Figure 21-4

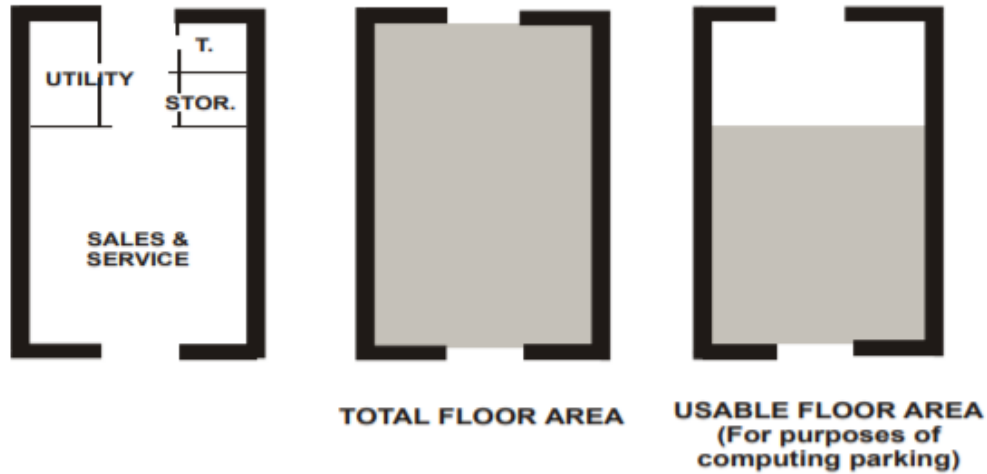
Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure. See Figure 21-4.



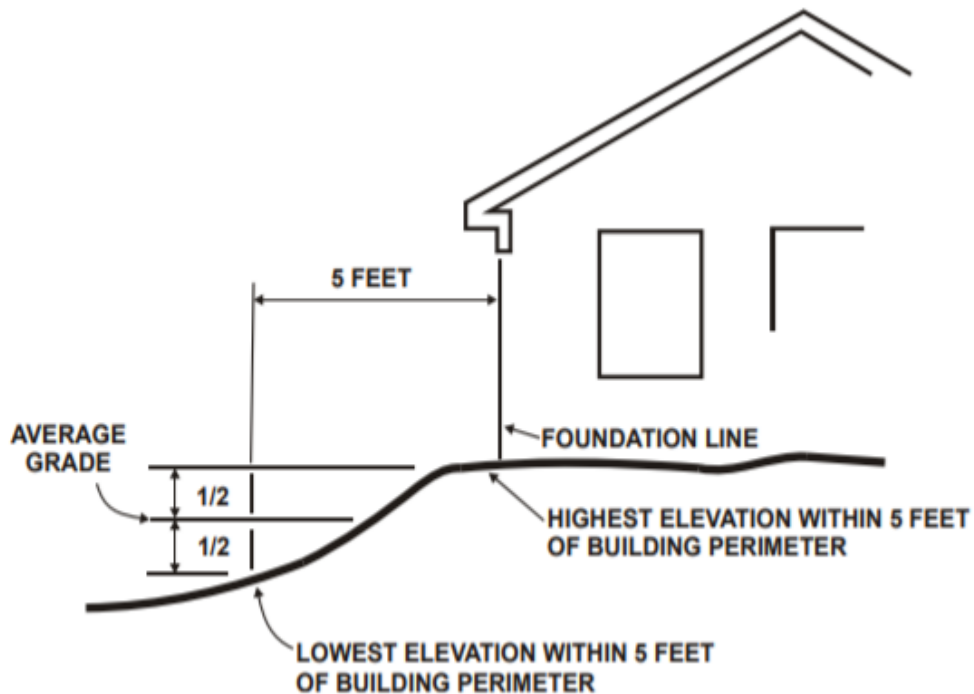
**FIGURE 21-2  
BUILDING HEIGHTS**



**FIGURE 21-3  
FLOOR AREA**



**FIGURE 21-4  
AVERAGE GRADE**



**Mezzanine:** An intermediate floor in any story occupying not to exceed one-third ( $1/3$ ) of the floor area of such story. See Figure 21-4.

**Nonconforming Structure:** A building, structure, plot, premises or use of land lawfully existing at the time of the effective date of this Ordinance which does conform to the regulations of the district in which it is situated.

**Porch:** A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a

## ARTICLE 21 DEFINITIONS

**building.** A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

**Ramp:** A sloping walkway, roadway or passage used to join and provide a smooth transition between two levels of different elevation, including between land and water at a boat launching site.

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

**Story:** That part of a building, except a mezzanine as defined herein included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story. See Figure 21-1.

**Story (Half):** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'-6").

For the purposes of this definition, the floor area is only that area having at least four (4) feet clear height between floor and ceiling. See Figure 21-1.

**Story, Height of:** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists. See Figure 21-1.

**Structure:** Anything fabricated, constructed or erected, the use of which requires fixation or placement in, on or attachment to something having location on the ground including but not limited to all buildings, independently supported decks, satellite dishes, fences and free- standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

**Swimming Pool:** The term "Swimming Pool" shall mean any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.

**Temporary Building:** A building or structure permitted by procedures established in this Ordinance, to exist during a specified period of time.

## **B. CONDOMINIUM and LOT DEFINITIONS**

### CONDOMINIUM DEFINITIONS:

**Condominium Master Deed:** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**Condominium Project:** Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act, Public Act 59 of 1978.

**Condominium Subdivision:** A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended. Also known as a site condominium.

**Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**Condominium Unit:** Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for

## ARTICLE 21 DEFINITIONS

residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

General Common Area: That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium associated as described in the Master Deed.

Limited Common Area: That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in, as described in the Master Deed.

### **LOT DEFINITIONS:**

Forty acres or equivalent means forty (40) or more acres, or a parcel containing not less than 30 acres, of any configuration, described to equal one sixteenth (1/16) of a section; or a parcel containing not less than 30 acres described as a government lot

Frontage: The total continuous length of the front lot line. (See also Lot, Front Lot Line.)

Lot: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having proper size to comply with the frontage, area, frontage/depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the Township (see Figures 21-5 and 21-8). A lot may or may not be specifically designated as such on public records. A lot may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) any combination of complete and/or portions of contiguous lots of record; or (d) a parcel of land described by metes and bounds, provided that in no case of a lot division or combination shall the width, frontage, area, frontage/depth ratio of any lot or parcel created including residuals fail to comply with the requirements of this Ordinance.

Lot Area, Gross: The area contained within the lot lines or property boundary including street right-of-way (See Figure 21-6), except in a planned unit development.

Lot Area, Net: The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot, except in a planned unit development. (See Figure 21-6).

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees. See Figure 21-5.

Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks (four inches or less above the finished grade) or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

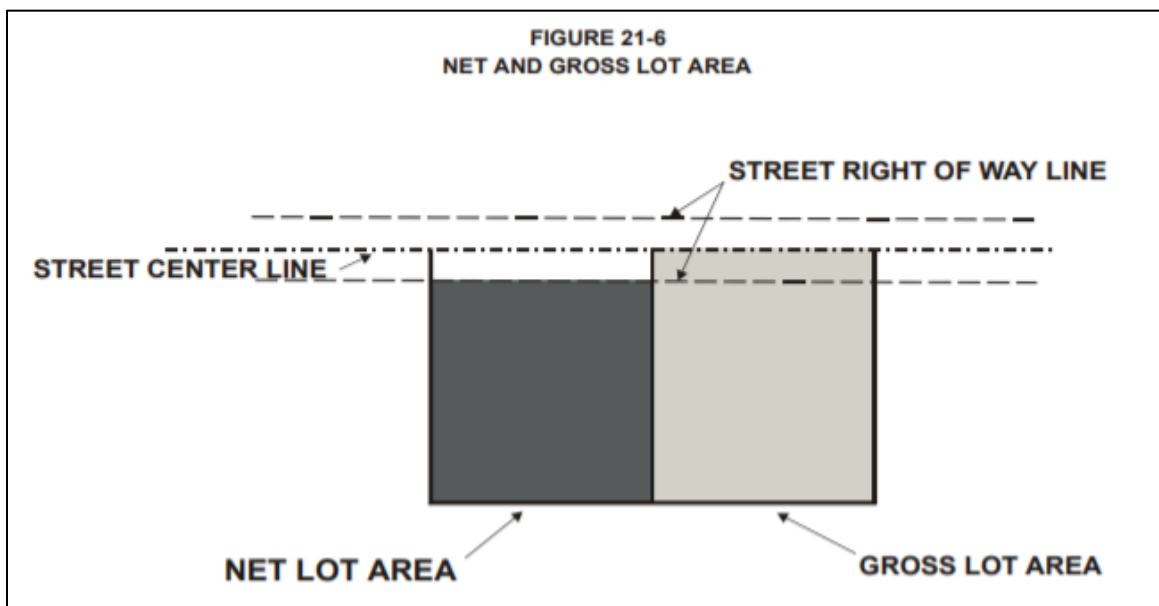
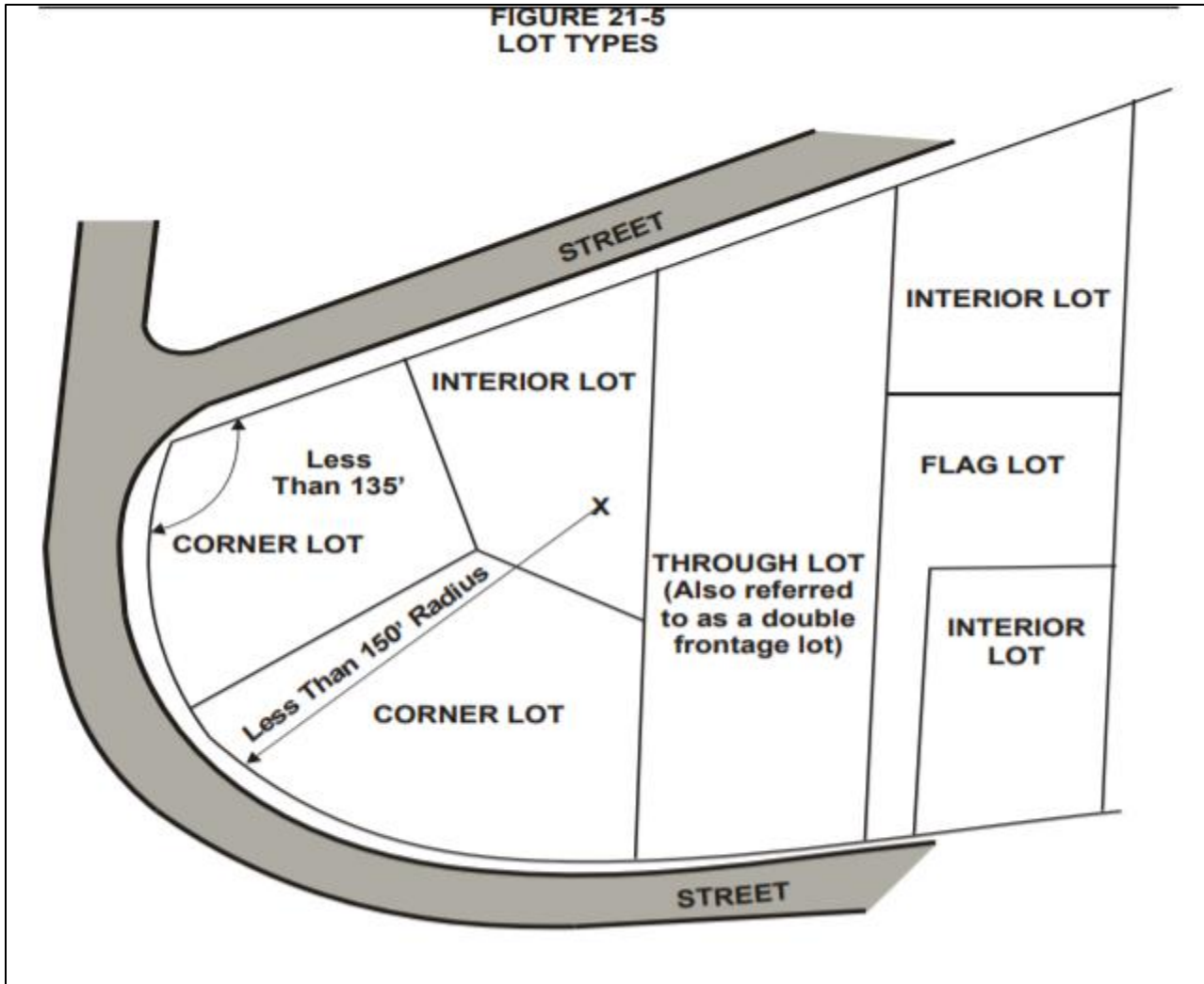
Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot. See Figure 21-7.

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. See Figure 21- 5.

Lot Frontage: The length of the front lot line.

Lot, Interior: Any lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a

street. See Figure 21-5.



## ARTICLE 21 DEFINITIONS

Lot, Line: The lines bounding a lot as defined herein. See Figure 21-8.

Front Lot Line: In the case of an interior lot, that line separating said lot from the street, private road, or other access easement. In the case of a through lot, that line separating said lot from either street private road, or other access easement. In the case of a waterfront lot, the line which fronts on a navigable waterway shall be a front lot line.

Rear Lot Line: That lot line opposite the front lot line. In the case of a through lot or a lot having frontage on more than one street, the line which is opposite the street address selected by the owner. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record:

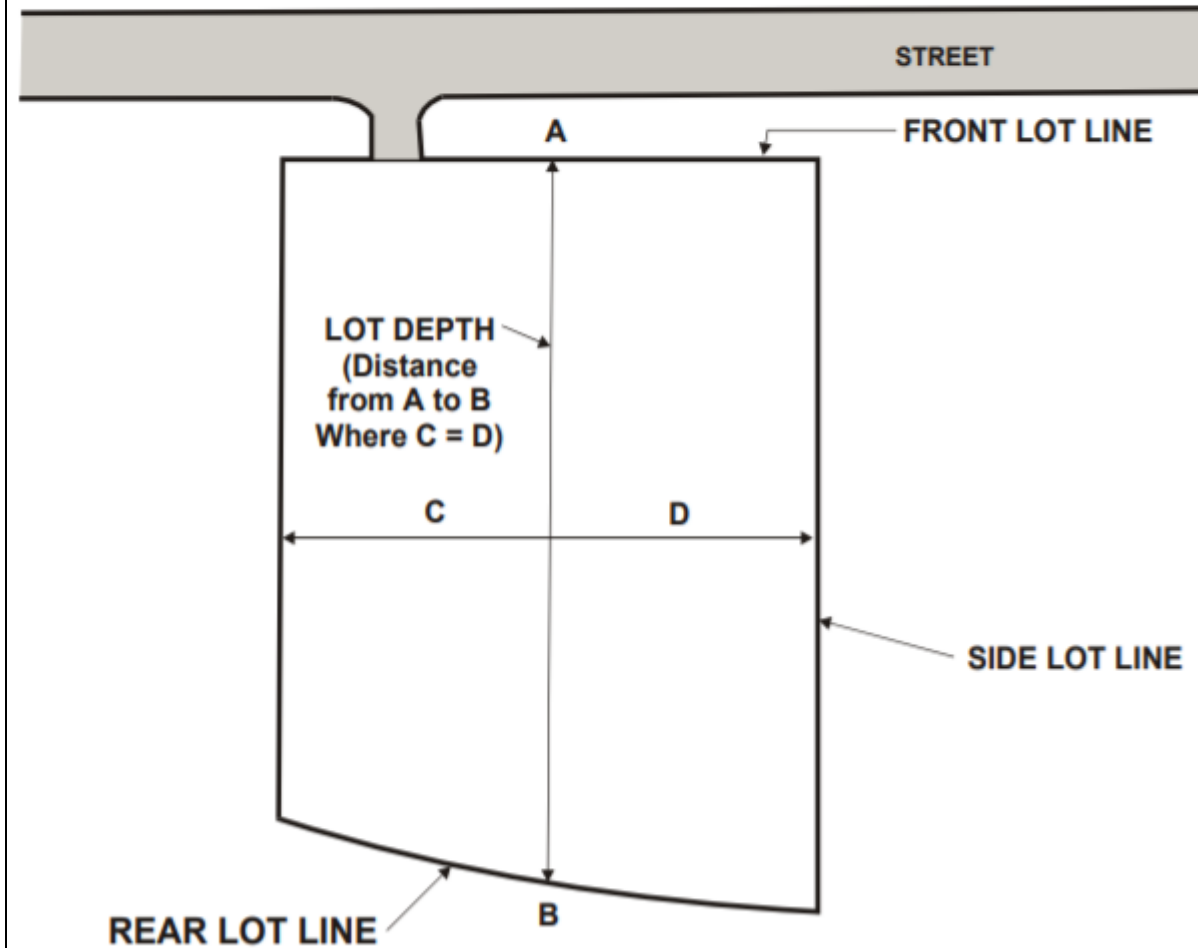
A lot, division, tract or parcel that is the subject of an instrument of land transfer, including but not limited to a deed, land contract, or a lease for more than a year that was recorded with the Register of Deeds Office on or before March 31, 1997 or a lot that was legally created under the Land Division Act 288 of 1967, as amended (including lots created before March 31, 1997 that were both included in a recorded survey and actively marketed for sale at that time) that is recorded with the County Register of Deeds prior to the effective date of this Ordinance or an amendment thereto. Lots which hold a Certificate of Lot Approval from the Zoning Administrator in accordance with Section 16.5.5 shall also be considered a lot of record during the life of the certificate.

Lot, Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot (see Figure 2-4). In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required. See Figure 21-5.

Lot, Waterfront: A lot which fronts on a navigable waterway, as defined in State law.

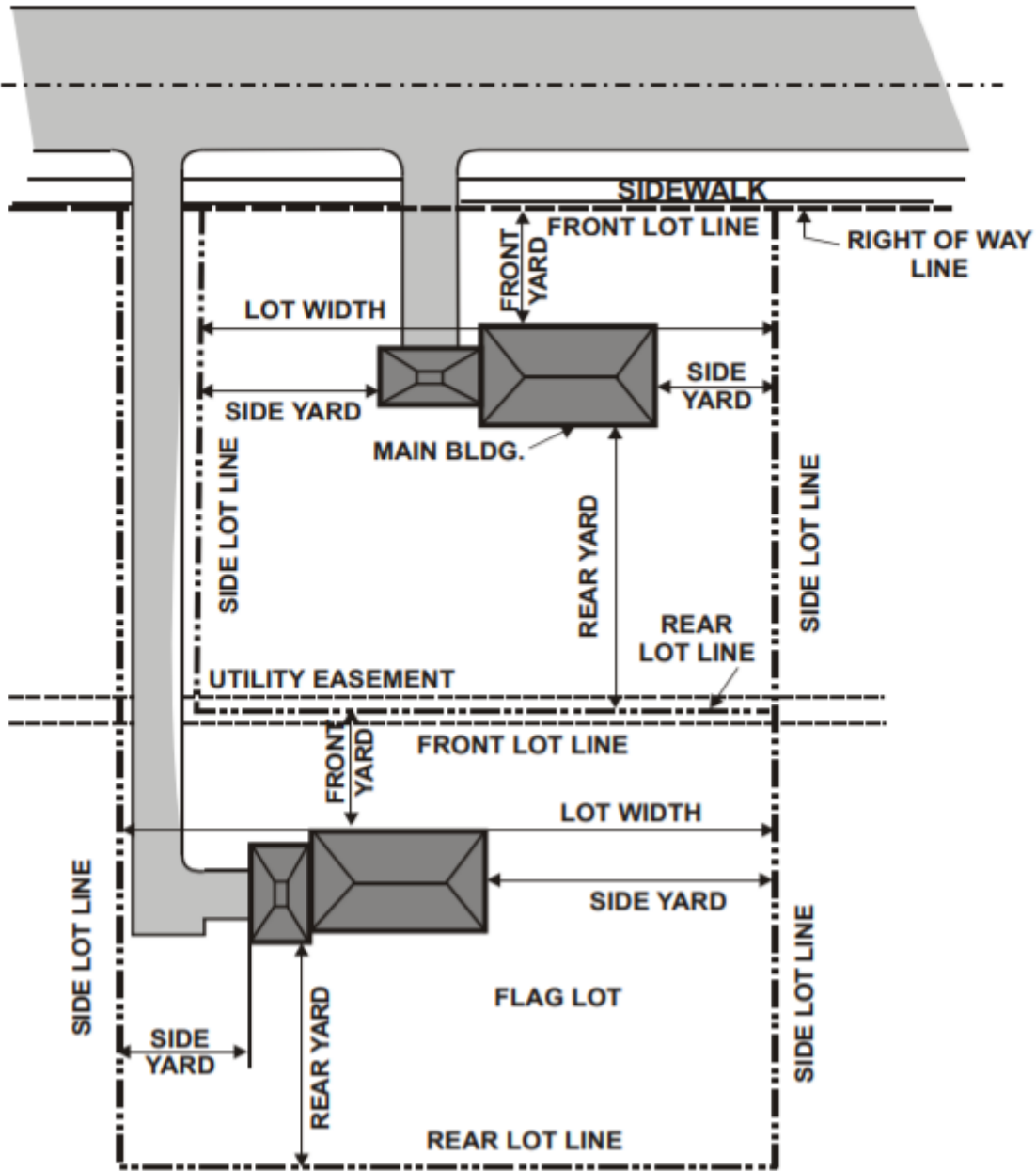
Lot, Width of: The horizontal straight line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard intersects the side lot lines.

**FIGURE 21-7**  
**LOT DEPTH**





**FIGURE 21-8  
LOT LINES AND YARDS**



**Nonconforming Lot of Record:** A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was conforming "of record" prior to enactment of the Zoning Ordinance.

**Original Parcel:** A parcel or contiguous parcels of land as it existed before the effective date of this Ordinance or an applicable amendment to this ordinance that regulates the development of land based on the size of the existing parcels. An (1) original parcel may also be called the parent parcel. Two or more contiguous parcels may also be called a parent tract

**Parcel:** (See definition of "lot").

## ARTICLE 21 DEFINITIONS

Plat: A map of a subdivision of land recorded with the County Register of Deeds pursuant to the Land Division Act, Public Act 288 of 1967, or a prior statute.

Subdivision: The division of a lot, tract, or parcel of land into more lots for the purpose of sale or development, and subject to the requirements of the Land Division Act, Public Act 288 of 1967, as amended, and this Ordinance.

### C. YARD DEFINITIONS

Berm: A lineal earthen mound of variable height and width, used as visual relief or transitional area between different land uses.

Buffer Strip: A strip of land reserved for plant material, berms, walls, and possibly fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer strip and may be so required by this Ordinance.

Greenbelt: An open space strip running along the property line with grass or other plant ground cover.

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

Open Space, Common: Open space except a Golf Course that is held for the collective use and enjoyment of the owners, tenants, or occupants of a single cluster development who are provided direct access to the common open space area without crossing property that is not collectively owned.

Open Space, Dedicated: Common open space dedicated as a permanent recorded easement, except a Golf Course

Open Space, Usable: The portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation.

Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance. See Figure 21-8.

Yard: An open space on the same lot with a building, unoccupied and unobstructed, from the ground upward, except as otherwise provided herein. The measurement of a yard shall be the horizontal distance between the lot line and the building line. See Figure 21-8.

Yard, Front: A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot, excluding road right-of-way, and the nearest point on the main building or land use.

Yard, Rear: A yard extending the width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot or the centerline of the alley, if any, and the rear line of the building. In the case of a corner lot, the rear yard may be opposite either street frontage.

Yard, Side: An open, unoccupied space on the same lot with building, situated between the building and the side of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.

### D. STREET DEFINITIONS

Alley: A dedicated public way other than a street which provides a secondary means of access to abutting property and is not intended for general traffic.

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

Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading

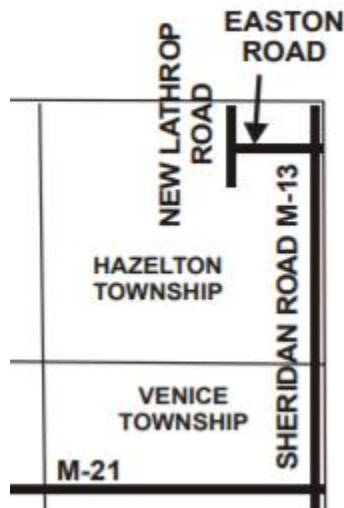
## ARTICLE 21 DEFINITIONS

area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any other requirements of the County Road Commission or State of Michigan (depending on which entity exercises authority over the street from which driveway access is derived).

Local or Public: A public highway, the principal use or function of which is to give access to abutting properties.

Major Thoroughfare: A public street, the principal use or function of which is to provide a paved arterial route for fast and/or heavy through traffic with its secondary use or function the provision of access to abutting property. Major thoroughfares include State and Federal highways all of which are hard surfaced or paved as indicated in Figure 21-9.

**FIGURE 21-9  
MAJOR THOROUGHFARE MAP**



Primary Road: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property.

Private Road: A private way or means of approach to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated to and accepted by the public road agency for general public use. (See Section 6.5)

Public Road: Same as “street.”

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Street: A public dedicated right-of-way, other than an alley, or an approved private road or easement which affords the principal means of access to abutting property.

Street Line: The legal line of demarcation between a street or road and abutting land, which is also known as the edge or furthest extreme of the right-of-way.

## E. DWELLINGS

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple dwelling intended or designed for use as a residence by a single family.

Apartment, Garden: A group of two (2) or more multiple dwelling buildings not over two (2) stories in height, located on the same lot, that offer each dwelling unit direct access to an open yard area.

## ARTICLE 21 DEFINITIONS

Attached Dwelling: A single-family dwelling attached to two (2) or more single-family dwellings by common vertical walls. See Figure 21-10.

Condominium: A form of real property ownership sometimes considered a type of dwelling such as an apartment or townhouse which is owned as opposed to rented.

Density: As applied in this Ordinance in the agricultural districts, the number of dwelling units situated on or to be developed on a gross acre of land.

Detached Dwelling: A dwelling that is not attached to any other dwelling by any means. See Figure 21-10.

Dormitory: A building or portion thereof used for housing purposes under the supervision of a college, university, or other institution.

Dwelling, Multi-Family: A building or portion thereof used and designed to contain separate living quarters for three or more families, but which may have joint services or facilities. See Figure 21-10.

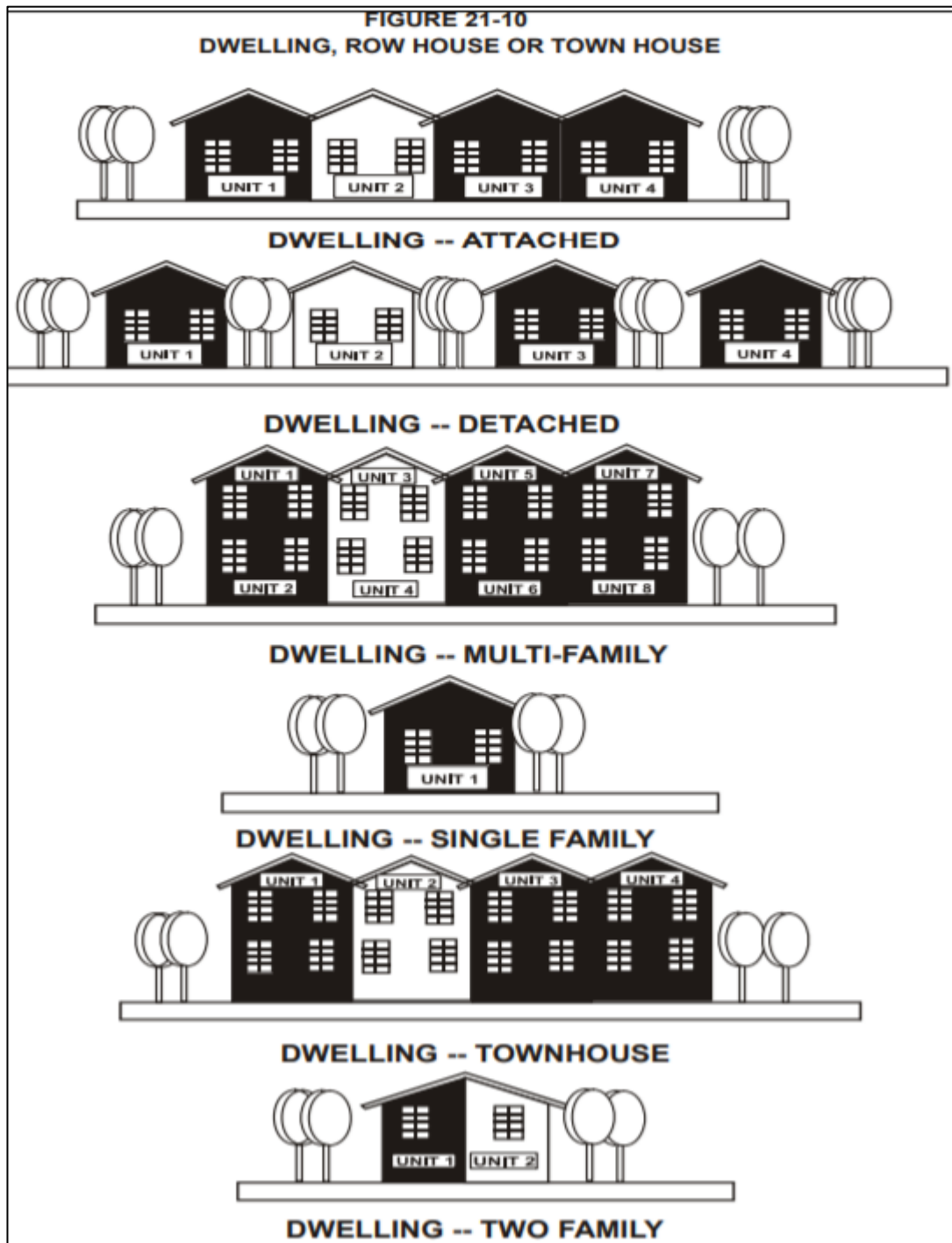
Dwelling, Row House, or Town House: Three or more one-family dwelling units, each having access on the first floor, to the same lot, that offer each dwelling unit direct access to an open yard area. See Figure 21-10.

Dwelling, Single-Family: A building containing not more than one dwelling unit used, intended or designed to be used as the home, residence or sleeping place of one- family. See Figure 21-10.

Dwelling, Two-Family or Duplex: A detached or semi- detached building designed and occupied exclusively by two families living independently of each other. See Figure 21-10.

Dwelling Unit: A building, or portion thereof, providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

ECHO Housing or ECHO Unit: A small dwelling unit added as accessory to a principal dwelling usually to provide a residence for an elderly relative.



**Family:** An individual or two or more persons related by blood, marriage, or adoption, and/or a group not to exceed six (6) persons not related by blood or marriage occupying premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or similar dwelling for group use. Domestic servants residing on the premises shall be considered as part of the family.

**Room:** An area of a dwelling unit not including bathrooms, closets, and kitchens.

#### **F. ANIMAL, FARM AND RELATED DEFINITIONS:**

**Animal:** Members of the animal kingdom other than human beings.

## ARTICLE 21 DEFINITIONS

Bona fide farm or Bona fide agricultural enterprises means a parcel of land of twenty (20) acres or more in size engaged in commercial agriculture or commercial horticulture. (see Commercial Agriculture and Horticulture)

Commercial Agriculture or Horticulture (CAH): The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended;

Concentrated Animal Feeding Operation (CAFO): means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area where manure may accumulate, or where the concentration of animals is such that vegetative cover cannot be maintained within the enclosure during the months of May, June, July and August. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered concentrated animal feeding operations, but pastures shall not be considered concentrated animal feeding operations.

Domesticated Animal: means those species of animals which have lived under the husbandry of human beings.

Equine: means all animals of the equine family which includes horses, asses, jacks, jennies, hinnies, mules, donkeys, burros, ponies, and zebras

Equine Boarding Stable: A facility for the storage and care of more than ten (10) horses and other members of the equine animal family for a profit.

Equine Training Facility: A facility operated for profit for training of horses, provision of riding lessons, clinics and otherwise general education involving horses,

Equine Breeding Facility: A facility used for breeding and raising horses for profit.

Farm: A parcel of land containing at least twenty (20) acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products which include necessary farm structures and the storage of equipment used.

Farm Market: A commercial establishment selling produce and other farm products, whether or not produced on the property, at retail to customers, not unlike a grocery store.

Household Pets: Any domesticated dog(excluding hybrids with wolves, coyotes, or jackals); domestic cats (excluding hybrids with ocelots or margays); domesticated rodents; nonpoisonous reptiles, amphibians and arachnids; fish; ferrets; captive-bred species of common cage birds or other domesticated animal except livestock. The household pet must be kept for friendship, security, or hunting purposes. (See Section 5.2.12.) The Zoning Administrator shall prepare a list of other animals which may be considered household pets if so approved by the Planning Commission.

Kennel: Any lot or premise on which five (5) or more household pets six months of age or older, are kept.

A. Kennel, Commercial: Any lot or premise used for the commercial sale, boarding, or treatment of household pets.

B. Kennel, Private: Any lot or premises used for the private maintenance of ten(10) or fewer household pets not involving any commercial activities. Keeping of more than ten (10) animals shall be considered a commercial kennel regardless of ownership of animals.

Large Carnivore: A large carnivore is an inherently dangerous mammal of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to the inherent nature, may be considered dangerous to humans and which include:

A. **Canidae**, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (Canis Familiaris).

B. **Felidae**, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, or any hybrids thereof, but no including domestic cats (Felis Catus).

## ARTICLE 21 DEFINITIONS

C. **Ursidae**, including any member of the bear family, or any hybrids thereof.

**Livestock**: means those species of animals used for human food and fiber or those species of animals used to service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, capitive cervidae as listed in Act No. 191 of 2000, ratities, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

**Prime Agricultural Land**: Land best suited for the production of food, feed, forage and fiber crops. It is now or could be available for such uses and could be cropland, pasture land, forest or other land. It does not include urban build-up or water areas. Criteria:

A. It has the soil quality, growing season and moisture conditions necessary to produce high yields of crops economically when treated and managed in accordance with modern farming methods.

B. Soils with the capability of producing yields of crops common to the area equal to or greater than yields from well-managed, deep, well-drained sandy loams.

C. Slopes of less than six percent.

D. Effective rooting depth of at least 20 inches.

E. If drainage is needed, the land must be capable of providing sufficient depth for production of crops common to the area. (Excluded are lands with waterlogged soils which have standing water of as much as six inches deep several times during the growing season.)

F. Soils that do not flood more than once every two (2) years.

G. Soils that present no particular difficulty in cultivating with large equipment (less than 10 percent is covered with coarse rock fragments).

H. Land having the potential of being made prime for agriculture through economically justifiable investments and practices. For example: drainage, clearing, irrigation, etc.

**Riding Academy**: Any establishment where equine are kept for training, riding, driving, or stabling, for compensation or incidental to the operation of any club, association, ranch or similar establishment.

**Roadside Stand**: A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

**Stable, Private**: An accessory building in which horses are kept for private use and not for hire, re-numeration or sale. The storage and care of more than ten (10) equine shall be considered a Equine Boarding Stable regardless of the ownership of the animals.

**Vicious Animal**: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. (See Section 5.2.12.A.)

**Wild Animal**: means any non-domesticated animal or any cross of a non-domesticated animal. (See Section 5.2.12.A).

## **G. LAND USES and USE CATEGORIES**

**Accessory Use**: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building. When "accessory" is used in this text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

## ARTICLE 21 DEFINITIONS

- A. Swimming pools for the use of the occupants of a residence or their guests.
- B. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- C. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is not permitted in the applicable district regulations.
- D. Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is not permitted in the applicable district regulations.
- E. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- F. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- G. Accessory off-street loading, subject to the off- street loading regulations for the district in which the zoning lot is located.
- H. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Agricultural District: The A-1 District described in Article 2.

Agricultural Service Establishments: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.

Amusement Center, Pinball or Video Game Arcade or Establishment: Establishments where the principal business consists of customer-operated games or entertainment experience of a mechanical, electronic, physical or emotional nature or an admission fee, or a fee for the use of the particular devices engaged by a customer.

Automobile Repair: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile Service Station: Buildings and premises where gasoline, oil, grease, battery, tires, and/or accessories for automobiles and trucks under one (1) ton rated capacity may be supplied and sold at retail, and where minor services may be rendered to such vehicles but not including:

- A. Major mechanical and body work such as straightening of body parts, painting, and welding.
- B. Storage of damaged automobiles or light trucks not in operating condition, except those waiting for immediate repair or service.
- C. Other work involving noise, glare, fumes, and smoke to an extent greater than normally found in automobile service stations. An automobile service station is not a commercial garage nor an automobile repair body shop.

BI Basic Utility (private landing strip): A private transportation facility, closed to the public to accommodate the take-off and landing of aircraft which has sod runways.

BII Basic Utility (limited commercial airport): A transportation facility to accommodate the take-off and landing of aircraft, and the servicing and/or repair thereof which has sod or paved runways.

BIII Commercial Airport: A transportation facility to accommodate the take-off, landing, shelter, supply, service and repair of aircraft, and the receiving and discharging of passengers and cargo.

Bed and Breakfast Operation: A single family, owner occupied dwelling unit in which transient guests are provided a sleeping room and board for compensation as an accessory use of the single-family dwelling. A continental or American



## ARTICLE 21 DEFINITIONS

breakfast, lunch and/or dinner may be served to overnight guests only. A bed and breakfast operation has three (3) or less sleeping rooms available for transient occupancy, including sleeping rooms occupied by the innkeeper and his/her family.

Boarding House or Rooming House: A building, other than a hotel, where for compensation and by pre- arrangement for definite periods, lodging and meals are provided for three or more persons, on a temporary basis.

Business District: A district in which the principal land uses are not residential, and includes the B-1 and M-1 Districts.

Business Service Establishments: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis as well as finance, insurance and real estate services.

Campground: A parcel or tract of land under the control of a person in which four or more sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters in tents or recreational vehicles.

Cemetery: Property, including, if on the site, crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

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, together with all accessory buildings and uses customarily associated with such primary purpose.

Clinic: A building where human or animal patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, veterinarians or similar professions.

Club: An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political or social purposes which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities, except as required incidentally for the membership and purpose of the club.

Commercial District: The B-1 District described in Article 2.

Common Boating Access Site: see Section 5.2.13

Common Land: A parcel or parcels of land together with the improvements thereon; the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

Communication Tower: A radio, telephone or television transmission, reception or relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals. Includes wireless telecommunication towers and any tower erected by a public entity for hazard warning or other communication purposes.

Antenna – Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Commercial Wireless Telecommunication Service – Licensed companies providing wireless telecommunication services including cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services that are marketed to the general public.

Colocation – The use of a wireless telecommunications tower or facility by more than one wireless telecommunications provider.

Lattice Tower – A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top.

## ARTICLE 21 DEFINITIONS

Monopole – A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Telecommunication – The technology which enables information to be exchanged through the transmission of voice, telephonic, radio, television, video, or data signals by means of electrical or electromagnetic systems.

Tower – Any ground or roof mounted pole, spire, structure, or combination thereof taller than thirty (30) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Wireless Telecommunications Tower – Any structure that supports one or more wireless telecommunication antenna/s owned and operated by a wireless telecommunication service provider that is licensed by the Federal Communications Commission to provide service in the applicable market. Tower types include but are not limited to monopoles, guyed towers, and lattice towers.

Community Residential Care Facilities: Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings for six or less persons or in larger facilities when more persons are assisted. These are all state-regulated facilities.

Compost: Organic matter from yard clippings or compostable materials which have undergone biological decomposition by composting, which have been stabilized to a degree that it is potentially beneficial to plant growth without creating a nuisance, and which are used or sold for use as a soil amendment, artificial topsoil, or growing medium amendment or for other similar uses.

Composting: The process by which biological decomposition of yard clippings or compostable material is carried out under controlled aerobic conditions and which stabilizes the organic fraction into a material that can easily and safely be stored, handled, and used in an environmentally acceptable manner. The presence of insignificant anaerobic zones within the composting material will not cause the process to be classified as other than composting.

Composting facility A facility where composting of yard clippings or compostable material occurs using composting technology. Composting technology may include physical turning, windrowing, aeration, or other mechanical handling of organic matter.

Conservation Design Development: The grouping of single family dwellings on a limited portion of developable land in order to preserve agricultural lands, woodlands, open space, natural features, and rural character. The size the lots may be reduced below those normally required in the zoning district in which the development is located.

Convalescent or Nursing Home: A building wherein infirm, aged, or incapacitated persons are furnished shelter, care, food, lodging and medical attention.

Convenience Retail Establishments: A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. These are usually short trip, high volume uses not more than 3,500 square feet in size. A convenience retail establishment can share a building with another use, such as an automobile service station. Drive-through establishments are not convenience retail establishments.

Dance Hall: An establishment where open public dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.

Dangerous Chemicals: Manufacturing, Storage and/or Distribution: Manufacturing establishments which produce flammable, explosive or corrosive substances subject to state or federal regulation.

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

Drive-through Establishments: An establishment that by design, physical facilities, service or by packaging procedures

## ARTICLE 21 DEFINITIONS

encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without disembarking from their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided (as in a drive-in theater).

Educational and Social Institutions: An educational institution is any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge. A social institution is any building or part thereof which is designed, constructed, or used to provide a service of a public, nonprofit or charitable nature to the people of the community on an ongoing basis (not just special events). Educational and social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of overhead surface or underground gas, electrical, steam, or water distribution or transmission systems, collection, communication, supply of disposal systems including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, except those necessary to house the foregoing, reasonable necessary for the furnishings of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and the Ordinance of the Township in any use district, it being the intention thereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance, except electrical substations, gas regulator stations and any communication tower over forty (40) feet which require a Special Use Permit in compliance with Article 12.

Flood Plain: Land areas adjacent to the waterbody or watercourse including drainage ways subject to periodic inundation which are indicated on the Flood Plain Information Study, U.S. Army Corps of Engineers, the Flood Hazard Analysis Study, U.S. Natural Resources Conservation Service, or equivalent technical determination.

Food Service Establishments: An establishment where food and drink are prepared, served and consumed primarily on the premises.

Game or Hunting Preserve: A fenced area in private ownership containing wild animals which are regularly hunted for a fee. Often the principal use of such land not to be confused with a bona fide commercial agriculture or horticulture operation which is occasionally hunted by sportsmen and for which a small fee may be paid.

Garage, Parking: A structure or series of structures for the temporary or parking of motor vehicles having no public shop or service connected therewith.

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, body repair, or equipping of automobiles or other motor vehicles, including vehicles over one ton.

Garage, Private: An accessory building or accessory portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, motor homes, snowmobiles and similar vehicles owned and used by the occupants of the building to which it is accessory.

General Retail Establishments: The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common accessory use is repair of products sold on the premises.

Group Housing: Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It is a form of transient lodging. There is usually a common eating area for residents.

Guest Unit: A room or group of rooms occupied, arranged or designed for occupancy by one or more guests for compensation.

## ARTICLE 21 DEFINITIONS

Halfway House: Public or private building(s) used principally for the occupancy and therapy of mentally and emotionally ill persons not requiring intensive care, supervision, or confinement. For purposes of this Ordinance all requirements of public and semipublic institutions shall apply.

Heavy Equipment: Commercial vehicles and trailers which are used in construction, excavation, mining, and the hauling of goods and materials, including but not limited to semi-tractors, commercial tractors, stake trucks, dump trucks, gravel trucks, fuel delivery trucks, school buses, semi trailers, low boy trailers, bulldozers, scrapers, tree spades, graders, bucket trucks, well drilling rigs, and similar vehicles built on commercial truck chassis.

Home Business: A home business is a home occupation in an accessory building within two hundred (200) feet of a dwelling unit on the same lot.

Home Occupation: An accessory use of a dwelling unit involving the manufacture, provision or sale of goods and services which is conducted entirely within the dwelling and is clearly secondary and incidental to the use of the dwelling as a residence and does not change the character thereof. See Section 5.3.2.A.

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

Hotel: A building in which the rooms are occupied or designed for temporary occupancy by individuals who are lodged with or without meals and in which there are more than ten (10) sleeping rooms served only by a general kitchen and dining facility located within the building, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

### **HUMAN CARE FACILITIES:**

#### **Child Care:**

A. Child Care Center/Day Care Center: A facility, other than a private residence, receiving more than six (6) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

B. Family Day Care Home: A private home in which one, but less than seven minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or a legal guardian, except 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 during a calendar year.

C. Group Day Care Home: A private home in which more than six (6), but not more than twelve (12), children are given 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. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

#### **Adult Foster Care:**

A. Congregate Facility: A facility which provides adult foster care for more than twenty (20) adults of which not more than six (6) can be of age sixty-five (65) or older with the condition that each living unit does not exceed twenty (20) individuals and requires functional grouping of residents.

B. Group Home: A facility which provides adult foster care for more than six (6), but not more than twenty (20) adults of which not more than six (6) can be of age sixty-five (65) or older.

Indoor Entertainment Establishments: Business establishments providing recreation that diverts, amuses, or entertains; or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments. Additional regulations apply to indoor entertainment establishments that serve alcohol.

## ARTICLE 21 DEFINITIONS

Industrial District: The M-1 District described in Article 2.

Industrial, Heavy: Intensive high volume production with a relatively high ratio of workers to floor area (typically over fifteen (15) workers per gross industrial acre) wherein bulky, durable goods, requiring heavy trucking or rail movement are fabricated and which produces smoke, noise, and/or odor.

Industrial Service Establishments: Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Institutions for Human Care and Habitation: Institutions for human care include a broad spectrum of facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g. homeless, abused spouses, etc.). Does not include correctional facilities.

Junk: Shall be considered to be miscellaneous dry solid waste material resulting from housekeeping, mercantile and manufacturing enterprises and offices including, but not limited to, scrap metals, rubber and paper, abandoned, wrecked, unlicensed and inoperable automobiles and motor vehicles, rags, bottles, tin cans, and comparable items. It includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days, unless it is actively in the process of rehabilitation as an antique car, and shall also include whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building.

Junk Yard: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes automobile salvage yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

Lodging/Accommodations: A facility offering transient lodging accommodations to the general public and possibly providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities as accessory uses.

Lodging House: A building in which three or more rooms are rented and in which no food is furnished.

Manufactured Homes: Dwelling units prefabricated in part or total and transported to the building site for long- term temporary use.

Manufacturing Establishments: Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

Marina: A boat basin with facilities for berthing and securing all types of recreational craft, providing adequate supplies, provisions and service and fueling facilities, and rental, repair and storage of boats.

Medical Service Establishments: Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories, medical suppliers and service establishments.

Mini-storage/Self-service Facility: Separate storage areas are provided for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use. The rental of trucks or equipment is not considered accessory to a self-service storage use.

Mobile Home: A movable or portable dwelling constructed to be towed on its own chassis and designed for permanent

## ARTICLE 21 DEFINITIONS

year-round living as a single family dwelling. Provided, however, that the term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power, and potable water utilities.

Mobile Home Park: Any lot, site, parcel or tract of land under the control or management of any person upon which two or more mobile homes are parked or which is offered to the public for that purpose regardless of whether a charge is made, therefore, or not, and including any buildings, structure, tent, vehicle, or enclosure used or intended to be used as part of the equipment of the park.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and providing accessory off-street parking facilities. The term "motel" shall include buildings designated as "auto courts" "tourist courts", "motor hotels", and similar appellations which are designed as integrated units of individuals rooms under common ownership.

Multiple Family Dwellings: A building or portion thereof used and designed to contain separate living quarters for three or more families on one or more levels, but which may have joint services or facilities, such as for laundry or storage.

Nuisance: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating 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 such as, but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of nonabutting street frontage by traffic.

Nursery, (Plant Materials): A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursing or Convalescent Home: A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

Office Establishments: Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Accessory uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.

Outdoor Recreation & Entertainment Establishments: Outdoor recreation and entertainment uses provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. They may take place in a number of structures that are arranged together in an outdoor setting. There may be concessions, restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, caretaker's quarters and maintenance facilities in addition to structures for the principal uses. Additional regulations apply to outdoor entertainment establishments that serve alcohol.

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Pawnshop: An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period.

Personal Service Establishments: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Planned Unit Development: A land area which has both individual building sites and common property such as park and which is designed and developed under one (1) owner or organized group as a separate neighborhood or community unit. A PUD or Planned Unit Development is intended to permit and control the development of preplanned areas for various

## ARTICLE 21 DEFINITIONS

compatible uses allowed by the Zoning Ordinance and for other uses not so provided. It is a discretionary review and approval procedure that results in an approved development if all standards of this Article are met and denial if they are not. The zoning district does not change, if a PUD is approved, but like a special use, an approved PUD has all the rights and privileges of an approved use by right as long as all conditions attached to the approval are complied with.

Pool or Billiard Hall: An establishment having a substantial or significant portion of its space devoted to the game of pool, billiards, bumper pool, ping pong, darts, dice, cards, or similar activities that is not owned or operated by a public or quasi-public agency.

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Private Non-Commercial Race Track: A facility constructed for the purpose of racing or practicing for racing of mechanical devices, vehicles, models of vehicles, which involves a change in the natural state of the surface of the ground, including removal of topsoil, earthen filling, the spreading of aggregate, the creation of earthen berms, ramps, or other man-made earth change or construction.

Public Buildings: Buildings housing public services usually in offices; but not including "Utility and Public Service Installations" or "Educational and Social Institutions".

Public Place: Any public way, park, cemetery, school or open space adjacent thereto; any public lake or stream and any place of business, business establishment, and any establishment licensed by the Michigan State Liquor Control Commission, open to use of the public in general, open to public view, or to which the public has access.

Public Utility: Any person, firm, corporation, municipal department or board authorized to furnish the public, electricity, gas, steam, telephone, telegraph, transportation or water service.

Recreation, Private: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of man-made structures and/or other artificial apparatus which are necessary to or form the basis for said use.

Recreation, Public: Any recreational space or structure owned by the public or any space and structure or combination thereof privately owned and publicly used consisting primarily of the utilization of natural physical features as the basis for said use (structures and artificial apparatus being secondary to the primary outdoor use).

Religious Institutions: Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use).

Repair Services: Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods. Includes customer drop-off and pick-up as well as off-site service calls.

Research and Development Establishments: An establishment or other facility for carrying on investigation in the natural, physical or social sciences which may include engineering and product development.

Residential District: The R-1A District as described in Article 2.

Restaurant: An establishment where food is prepared and served for consumption within the principal building, with or without carry-out services.

Sauna, Hot Tub, or Other Similar Enterprises: An establishment where saunas, hot tubs, whirlpools, sun lamps, and similar body relaxing, soothing, or improving facilities are available for male and female customers, with or without supervision, or participation by employees or independent contractors of the business.

Secondhand Store: An establishment where used merchandise is offered for sale as a principal portion of the business of the establishment.

Sexually Oriented Businesses: Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character.

**SEXUALLY ORIENTED BUSINESSES** (specific types):

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises twenty percent (20%) or more of sales volume or occupies twenty percent (20%) or more of the floor area or visible inventory within the establishment; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises twenty percent (20%) or more of sales volume or occupies twenty percent (20%) or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
4. Persons who engage in lewd, lascivious or erotic dancing, including but not limited to straddle dancing or lap dancing, or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Motel: A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right of way that advertises the availability of any of the above; and either
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater: A theater, concert hall, auditorium or similar commercial establishment that regularly and primarily features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or by specified sexual activities.



## ARTICLE 21 DEFINITIONS

Escort: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Massage Parlor: An establishment where persons conduct, or permit to be conducted, or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating, or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, ointments, oils, alcohol, or any other means of preparations to provide relaxation or enjoyment to the recipient by persons not licensed or certified by the State of Michigan as registered nurses, physicians, massage therapists, rehabilitation therapists, or myomassologists.

Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals, genital area, buttocks or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, being Section 722.673 of the Michigan Compiled Laws.

Person: As used in Section 4.3.65, and in the definition of "straddle dance," an owner of a sexually oriented business, an employee, licensee, contractor, tenant, or

## ARTICLE 21 DEFINITIONS

invitee, on the premises of a sexually oriented business who entertains patrons, performs in a state of nudity, models lingerie, provides erotic dance or strip tease, or engages in other conduct intended to titillate the patrons of a sexually oriented business.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following:

1. adult arcade;
2. adult bookstore or adult video store;
3. adult cabaret;
4. adult motel;
5. adult motion picture theater;
6. adult theater;
7. escort agency;
8. massage parlor;
9. nude model studio; and
10. sexual encounter center.

Specified Anatomical Areas: Specified anatomical areas are defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Specified sexual activities means and includes any of the following:

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

Straddle Dance (also known as a lap dance or friction dance): A form of live erotic dance at a sexually oriented business where a person offers physical contact in the form of touching, with any part of the person's body, the genital or pubic area of a patron or other person; or when a person uses his/her breast(s) to touch any part of the patron or other person's body; or allows the touching of the breast(s), genitals, pubic area or buttocks of a patron or other person, whether clothed or unclothed by a patron or other person. It shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the person is clothed, nude, semi-nude or displaying or exposing any specified anatomical area. It shall also be a

## ARTICLE 21 DEFINITIONS

“straddle dance” regardless of whether the “touch” or “touching” is direct or through a medium.

Shopping Center: A group of commercial establishments planned and developed as a unit with off- street parking provided on the property and related in its location, size and type of shops to the trade area which the center serves. Included in this definition are "Regional Shopping Center" and "Neighborhood Convenience Shopping Center".

Slaughter House: Any building used for the slaughter or the preparation of live animals for food consumption or other uses and for processing animals and the parts thereof to make them saleable for food or otherwise.  
Retail sales shall be limited to items slaughtered on the premises.

Storage Facilities for Building Materials: Fully covered, partially covered or uncovered storage areas and facilities for materials used in construction and building activities, including but not limited to cement blocks, cement, sand, gravel, stone, crushed stone, landscaping materials, bricks, wallboard, lumber and similar materials. These facilities may be accessory to a principal use such as a surface mining operation, or may be established on a site while a new building is being constructed or street or highway improvements are being made, or may be a principal use in limited districts (see Table 2-2); except that this definition does not include a wholesale or retail lumber yard, and where the use is associated with a surface mining operation, on or off-site, it shall be considered a part of the surface mining operation, even if the materials are imported from off-site, and as such is subject to a special use permit as an accessory use to surface mining.

Temporary Use: A land use specifically authorized and permitted by procedures established in this Ordinance, to exist during a specified period of time.

Utility and Public Service Installations: A building or structure within which a utility or transportation service deemed necessary for the public health, safety or general welfare (an essential service) is provided to the public by an entity under public franchise or ownership; including but not limited to facilities created for the generation, transmission and/or distribution of electricity, gas, steam, communications, television, and water; the collection and treatment of sewage and solid waste; and the provision of roads, rails, air or mass transportation. Accessory uses may include offices, truck and large equipment parking, fueling and maintenance.

Use: The purpose for which land or a building is arranged, designed, or intended or for which land or a building may be occupied.

Vehicle Sales and Service Establishments: Retail sales and service of motorized land and water vehicles. Generally the customer does not wait at the site while the service or repair is being performed. Accessory uses may include offices, showrooms, sales of parts, and vehicle storage.

Vehicle Wash: A building or portion thereof, containing facilities for washing more than two vehicles, using production line methods with a chain conveyor, blower, steam cleaning devices or other similar mechanical devices.

Watercraft Access Site: A facility available for use by the public for the launching and retrieval of watercraft which may contain a boat trailer ramp or a canoe or other watercraft access area.

Wholesale Trade Establishments: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.

### H. SIGNS (See Figure 21-11).

Advertising Structure: A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.

Banners: Any sign intended to be hung either with or without frames possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered banners for the purpose of this article.

## ARTICLE 21 DEFINITIONS

Billboard: A non point-of-sale sign which advertises a business, organization, event, person, place, or thing.

Ground and/or Pole Sign: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

Illuminated Sign: Any sign illuminated in any manner by an artificial light source.

Nonconforming Sign: Any sign which does not conform to the regulations of this article.

Projecting Sign or Marquee: Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

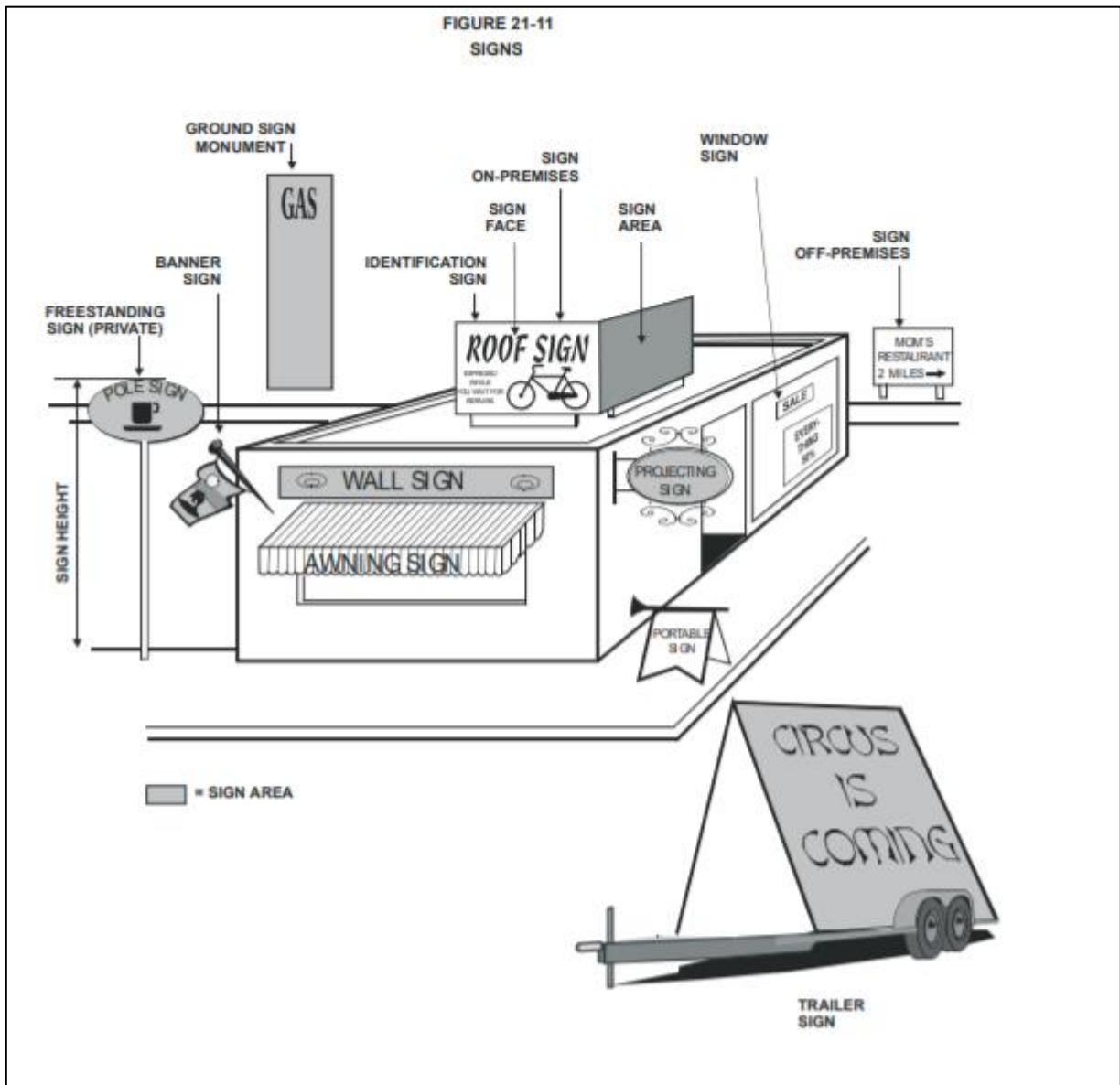
Roof Sign: Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

Signs: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

Sign Area: That area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc. which are not a part of the main supports of the sign are to be included in determining sign area.

Trailer Sign: Any sign mounted on vehicle normally licensed by the State of Michigan as a trailer and used for advertising or promotional purposes.

Wall Sign: Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.



**Window Sign:** Any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

## I. OTHER DEFINITIONS USED IN THIS ORDINANCE

**Adjacent:** having a common boundary line with, or lying next to, or a having a point of contact with

**Abutting:** to share a border or boundary with, including public or private right of ways for roads or other easements

**Alteration:** Any modification, addition, or change in construction or type of occupancy, and change or rearrangement in the structural parts of a building. Any enlargement of a building, whether by extending a side or by increasing its height, or the moving from one location to another.

**Applicant:** A person who submits an application under one of the procedures in this Ordinance. The applicant must be the owner of the property for which an application for a permit or other approval is filed, or an authorized representative of the owner. A "petitioner" is also an "applicant."

**Benefit, Recognizable and Substantial:** A clear benefit, both to the ultimate users of the property in question and to the

## ARTICLE 21 DEFINITIONS

community, which would reasonably be expected to accrue, taking into consideration the reasonable foreseeable detriments of the proposed development and use(s), including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

Board of Appeals: The body appointed by the Township Board to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties or would cause unnecessary hardship to the property owner.

Building Official: Official responsible for administering the State Construction Code Act 230 of 1972 in Vernon Township.

Certificate of Zoning Compliance: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the occupancy of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

Change of Use: A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the Building Code, as amended.

Conservation Easement: A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Contiguous: sharing a lot line with, regardless of public or private right of ways for roads or other easements

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

Dismantled Motor Vehicles: A motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing and which render the vehicle incapable of being operated or propelled under its own power.

District or Zone: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height limitations.

Erected: The word "erected" includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for a building or structure. Excavation, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Excavation: Any breaking of ground, except common household gardening and ground care.

Fee Simple Title: A freehold estate with no restrictions with respect to inheritable characteristics and full possessors rights

Filing Date: The date upon which any application pursuant to this Ordinance is submitted and the required filing fee is paid.

Future Land Use Plan: The plan adopted by the Planning Commission pursuant to the Planning Enabling Act, including text, maps and graphic proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Hazardous Substance: means one of the following:

1. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
2. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability

## ARTICLE 21 DEFINITIONS

Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767.

3. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, MCL 324.11103.

4. "Petroleum" as defined in the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, MCL 324.21303(d)(ii).

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

Michigan Building Code: The administrative rules adopted under the State Construction Code Act 230 of 1972, as amended, that adopt codes governing the construction of buildings and structures including but not limited to the Michigan Residential Code and the Michigan Rehabilitation Code.

Nuisance: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating 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 such as, but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of non-abutting street frontage by traffic.

Off-Street Parking Lot: A 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 three (3) vehicles.

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 marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

Parking Space: A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley. See Figure 21-12.

Partially Dismantled Motor Vehicle: A motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing and which render the vehicle incapable of being operated or propelled under its own power.

Person: As used in all but Section 4.3.65 dealing with sexually oriented businesses, means an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.

Proof of Equitable Title: Proof of Equitable Title is defined as a recorded land contract agreement or recorded deed conveying to the purchaser interest in real estate and/or any assignments of the purchasers interest thereof.

Reclamation: The activity of returning a parcel of land that has been surface mined for gravel, coal, clay, shale or any earth material and used as an operations area to a land form that has a viable land use compatible with land use activities in the surrounding area. This further implies that the proposed land use has a value equal to or greater than the use of the parcel prior to mining and operations activity.

Recreational Vehicles: Small mobile units principally designed for recreational pastime such as motor homes, camper trailers, pickup campers, pop-up tent trailers, and similar camping type vehicles or trailers.

Refuse Storage Space: Any exterior space designated by a site plan for containers, structures, or other receptacle intended for temporary storage or solid waste materials.

## ARTICLE 21 DEFINITIONS

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Scenic Vista: A distant view through or along an avenue or opening relating to natural scenery.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Special Use: A use of land which is not essentially incompatible with the classes of land uses permitted in a zoning district, but which possesses characteristics or locational qualities which may make it incompatible with adjoining lots when proposed in a particular location because of certain nuisance-like characteristics, or which may pose problems in a particular location with the adequate provision of public services and facilities. Also known as a "special land use" in the Michigan Zoning Enabling Act.

Special Use Permit: A permit issued following a process to ensure that a proposed special use is compatible with adjacent lands, public services, and facilities. (See Article 12)

Stop Work Order: An administrative order which is either posted on the property or mailed or personally delivered to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

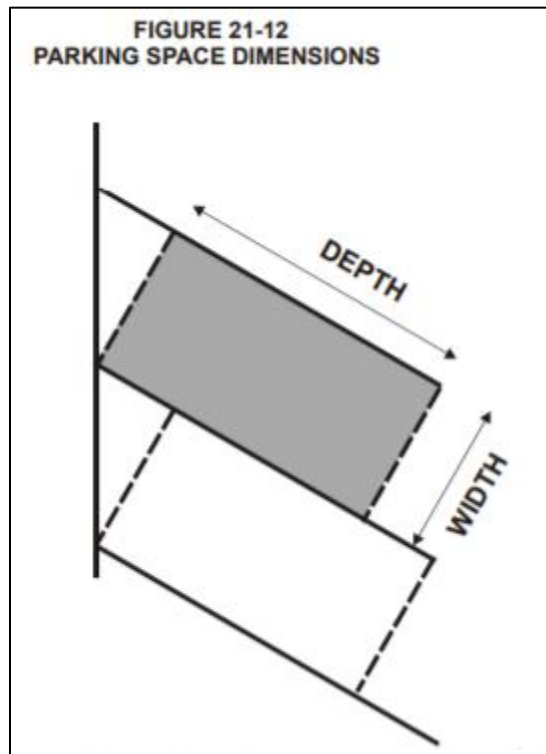
Structural Alterations: Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

Traffic Impact Assessment or Study: See Section 5.2.1.F.

Travel Trailer: A recreational unit designed to be used for temporary residence purposes.

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.





Variance: A variance is a modification of the dimensional requirements of the Zoning Ordinance where such variance will not result in a use of property being allowed that is not otherwise allowed in that zoning district and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary hardship or practical difficulties.

Watercourse: An open conduit, either naturally or artificially created, which periodically or continuously contains moving water draining an area of at least two (2) square miles.

Water's Edge: Means "ordinary high water mark."

Zoning Administrator: The administrator of this Ordinance appointed by the Township Board. Employees hired to work with and for the Zoning Administrator may be empowered to exercise the same authority as the Zoning Administrator, according to rules and procedures established by the Planning Commission.

Zoning Permit: A document signed by the Zoning Administrator according to procedures established in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates that a site plan, plot plan, and/or other zoning application or request for special zoning approval or variance for a use, structure or building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a variance therefrom.



**ARTICLE 24 SEVERABILITY, VALIDATION AND SAVINGS CLAUSE**

**SECTION 23.1 SEVERABILITY**

This Ordinance and the various Articles, Sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by any Court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the Court to be inoperable.

**SECTION 23.2 CONFLICTING PROVISIONS REPEALED**

All other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

Where a provision of this Ordinance conflicts with a provision of another Ordinance, the strictest provision shall prevail.

**SECTION 23.3 SAVINGS CLAUSE**

This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued, or acquired; or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings are or were commenced. All prosecution, or other actions, pending at the effective date of this Ordinance and all prosecution, or other proceedings, instituted after the effective date of this Ordinance, or offenses or acts committed prior to the effective date of this Ordinance, may be continued or instituted under and in accordance with the provisions of the Ordinance in force at the time of such offense.

