

TOWNSHIP OF LEE

COUNTY OF CALHOUN, MICHIGAN

At a regular meeting of the Township Board of the Township of Lee, Calhoun County, Michigan, held at the Township Hall, in said Township, on the 8 day of November, 2006, at 7:00 p.m.

PRESENT: Members: FARMER, DADLOW, PIEPKOW,
LETTIS, & WILLIAMS

ABSENT: Members NONE

The following ordinance was offered by Member FARMER and supported by Member LETTIS.

The Township of Lee ordains:

ORDINANCE NO. 23-06

AN ORDINANCE to regulate the division of parcels or tracts of land in order to carry out the provisions of Michigan Public Act 288 of 1967, as amended, being the Land Division Act; to establish minimum requirements and procedures for the approval of such land divisions and to prescribe penalties for the violation of this ordinance.

Section 1. TITLE AND PURPOSE.

- 1.1 This Ordinance shall be known and may be cited as the Lee Township Land Division ordinance.
- 1.2 The purpose of this ordinance is to carry out the provisions of the Land Division Act, Michigan Public Act 288 of 1967, as amended (the "Act"), including without limitation Sections 108 and 109 thereof, in order to prevent the creation of parcels of land which do not comply with the Act or with applicable Township ordinances; to provide for the orderly development of land and otherwise to provide for the health, safety and welfare of the residents and property owners of the Township by establishing minimum requirements for review and approval of certain land divisions within the Township.
- 1.3 This Ordinance shall not be construed to repeal, abrogate, rescind, or otherwise to impair or interfere with provisions of other ordinances of the Township.

Section 2. DEFINITIONS.

Certain words and phrases used in this ordinance shall have the meanings stated in this section. Other words and phrases, if defined by the Act, shall have the meanings stated in the Act:

- 2.1 "Act" means the Michigan Land Division Act, 1967 PA 288, as amended (MCL 560.101 *et seq.*).
- 2.2 "Administrator" means the Township assessor or any individual or agency appointed by the Township Board to act as Administrator under this Ordinance.
- 2.3 "Division" or "land division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent (as defined in the Act), and that satisfies the requirements of Sections 108 and 109 of the Act. Division does not include a property transfer between two or more adjacent parcels, if the land taken from one parcel is added to an adjacent parcel. Any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Act and the requirements of all other applicable ordinances.
- 2.4 "Exempt split" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent.
- 2.5 "Parcel" means a contiguous area of land which can be described as stated in Section 102(g) of the Act.
- 2.6 "Parent parcel" or "parent tract" means a parcel or tract, respectively, lawfully in existence on March 31, 1997.
- 2.7 "Road authority" means the governmental authority having jurisdiction of a public road or public street.
- 2.8 "Resulting parcel(s)" means one or more parcels which result from a land division.
- 2.9 "Tract" means two or more parcels that share a common property line and are under the same ownership.

Section 3. LAND DIVISION APPROVAL REQUIRED.

Any partitioning or splitting of land which requires the approval of the Township in order to qualify as a land division under the Act shall satisfy the requirements of Sections 4 and 5, and the other applicable provisions of this Ordinance.

Section 4. APPLICATION FOR LAND DIVISION APPROVAL

- 4.1 A proposed land division shall be filed with the Administrator and shall include the following:
- (a) A completed application, on such written form as the Township may provide, including any exhibits described therein;
 - (b) Proof of an ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the owner of such land;
 - (c) A land title search, abstract of title, or other evidence of land title acceptable to the Administrator which is sufficient to establish that the parent parcel or parent tract of the land which is the subject of the proposed division was lawfully in existence on March 31, 1997.
 - (d) A copy of each proposed deed or other proposed instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning the right to make further divisions.
 - (e) Three copies of a tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to a scale of not less than one inch = 20 feet for parent parcels or parent tracts of less than three acres in area, and to a scale of at least 1" = 100 feet for parent parcels or parent tracts of three acres or more in area. A tentative parcel map shall include:
 - (1) Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map;
 - (2) Proposed boundary lines and the dimensions of each parcel;
 - (3) An adequate and accurate legal description of each resulting parcel;
 - (4) A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area and date of such divisions;
 - (5) The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets; and
 - (6) The location of any public or private street, driveway or utility easement to be located within any resulting parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
 - (f) The requirements of subparagraph (e) do not apply to any resulting parcel which is 40 acres or larger, as long as such parcel satisfies the requirements of Section 5.1(c) below.
 - (g) Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
 - (h) Payment of the application fee and other applicable fees and charges established by resolution of the Township Board.

- 4.2 A proposed division shall not be considered filed with the Township, nor shall the time period stated in subsection 5.3 commence, until all of the requirements for an application for land division approval have been complied with.

Section 5. STANDARDS FOR APPROVAL OF LAND DIVISION.

- 5.1 A proposed land division shall be approved by the Administrator upon satisfaction of all of the following requirements:
- (a) The application requirements of Section 4.
 - (b) Each resulting parcel has an adequate and accurate legal description and is included in a tentative parcel map showing area, parcel lines, public utility easements, accessibility, and other requirements of this ordinance and Section 108 of the Act. The tentative parcel map shall be a scale drawing showing the approximate dimensions of the parcels.
 - (c) Each resulting parcel shall have a means of vehicular access to an existing street or road from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street or road. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the requirements of subsection 5.2.
 - (d) The proposed division, together with any previous division (s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
 - (e) Each resulting parcel that is a development site (as defined in the Act) shall have adequate Easements for public utilities from the resulting parcel to existing public utility facilities.
 - (f) All parcels created by the proposed divisions(s) have a minimum width of 200 feet for property located on public roads in the AG-Agricultural District. For parcels located on private roads in the AG-Agricultural District, the minimum width shall be 120 feet. Parcels located in other use districts shall have a minimum width as called for by Article XV of the Lee Township Zoning Ordinance. For purposes of this subparagraph, lot width shall mean the distance between the side lot lines measured at the required front setback line.
 - (g) All such parcels shall contain a minimum area of one acre for property located in the AG-Agricultural District. All parcels located in districts other than AG-Agricultural shall comply with the lot area requirements designated in Article XV of the Lee Township Zoning Ordinance for the use district in which the property is located.
 - (h) The ratio of depth to width of any parcel created by the division shall not exceed a 4:1 ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured entirely within the boundary lines of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of

commencement of the measurement. The determination of the lot depth to width ratio of irregularly-shaped lots shall be based on the maximum diagonal length method outlined in Appendix A of this Ordinance.

- (i) The proposed land division(s) shall comply with all requirements of this Ordinance and the state Land Division Act.
- (j) All parcels created and remaining shall have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

5.2 If a means of vehicular access to a resulting parcel does not lawfully exist at the time a land division is applied for, the proposed division shall not be approved unless the following requirements are satisfied:

- (a) If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable Township ordinances.
- (b) If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. Such easement shall provide a lawful means of access over and across such parcel(s), in compliance with applicable Township ordinances.
- (c) If a new public street is proposed as a means of access, the applicant shall provide proof that the road authority having jurisdiction has approved the proposed layout and construction design of the street and of utility easements and drainage facilities associated therewith.

5.3 The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the Administrator, and shall provide the applicant with written notice of such approval or disapproval. If disapproved, the Administrator shall provide the applicant with a description of the reasons for disapproval. Any notice of approval for a resulting parcel of less than one acre in size shall contain a statement that the Township is not liable if a building permit is not issued for the parcel for the reason that the parcel fails to satisfy the requirements of Section 109a of the Act, including approval of on-site water supply and on-site sewage disposal under the standards set forth in Section 105(g) of the Act.

Section 6. APPROVAL OF LAND DIVISIONS.

6.1 The Administrator shall maintain a record of all land divisions approved by the Township.

6.2 A decision approving a land division shall be effective for not more than 180 days after such approval by the Administrator unless either of the following requirements is satisfied within such 180-day period:

- (a) A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s) other than the remainder of the parent parcel or parent tract retained by the applicant, shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator; or
- (b) A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

If neither paragraph (a) nor paragraph (b) is satisfied, such land division approval shall, without further action on the part of the Township, be deemed revoked and of no further effect after the 180th day following such approval by the Administrator.

6.3 All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with Section 5.1 shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this ordinance. Such documents shall be maintained by the Administrator in the Township record of the approved land division.

6.4 The approval of a land division shall not, of itself, constitute an approval or permit required under other applicable Township ordinances. Approval of a division is not a determination that the resulting parcels comply with other Township ordinances or regulations.

6.5 Any parcel created inconsistent with or in violation of this ordinance, where approval hereunder is required, shall not be eligible for issuance of building permits, zoning ordinance approvals or other land use or building approvals under other Township ordinances, nor shall any such parcel be established as a separate parcel on the tax assessment roll.

Section 7. PENALTIES AND OTHER REMEDIES.

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll until the assessing officer refers the suspected violation or potential nonconformity to the county prosecuting attorney and gives written notice of such referral to the person requesting the division and the person suspected of the violation or potential nonconformity. In addition, the assessing officer shall give written notice of the suspected violation or

potential nonconformity to the Department of Consumer and Industry Services. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

In addition, any person, firm or corporation who violates any provisions of this Ordinance shall be guilty of a misdemeanor offense punishable by a fine of up to \$500 and/or ninety (90) days in jail. A violator of this Ordinance shall also be subject to additional sanctions and judicial orders as authorized under Michigan law.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action of law.

Section 8. SEVERABILITY.

The provisions of this ordinance are severable and if any provision or other part hereof is determined to be invalid or unenforceable by any court of competent jurisdiction, such determination shall not affect the remaining provisions or other parts of this ordinance.

Section 9. SAVINGS CLAUSE.

All suits, proceedings, or prosecution, whether civil or criminal, for causes arising, or acts done or committed prior to said amendment, may be commenced, maintained and/or prosecuted as if said amendment had not been made.

Section 10. EFFECTIVE DATE.

This ordinance shall become effective 30 days after its publication which publication shall be within 30 days from the date of passage.

AYES: Members: FARMER, DADDOW, PIEPKOW, LETTS, WILLIAMS

NAYS: Members: NONE

ORDINANCE DECLARED ADOPTED.

STATE OF MICHIGAN

Lee Township Clerk Date

COUNTY OF CALHOUN

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Lee at a meeting held on date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Township Clerk

LEE
TOWNSHIP

ZONING
ORDINANCE

This ordinance was
developed by the Lee
Township Planning
Commission under
contract with

**Southcentral Michigan
Planning Council**

smpc

DEC 11 93

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TITLE

An Ordinance to establish in unincorporated areas of Lee Township, Calhoun County, Michigan, to include but not limited to zoning districts in which the location of trades and industries is regulated and restricted, and to regulate the use of land in the Township, the location of buildings designed for specified uses, restrict and determine the areas within which given forms of land utilization shall be prohibited; to designate in said districts the use of land for agriculture, recreation, residence, industries, trade, soil conservation, water supply conservation, natural resources, and the uses for which buildings and structures shall or shall not be erected, altered, or moved and designate the trades and industries that shall be permitted or excluded or subjected to special regulations and in each of said districts designating and limiting the location, the height, floor area, number of stories and size of dwellings, buildings and structures hereafter erected, altered or moved; regulate and limit the use of tent and automobile trailers and trailer coaches for community dwelling purposes; regulate and determine the area of yards, courts and other open spaces; and restrict the number of persons and families which may be housed in dwellings, hereafter erected or altered, and the sanitary, safety and protective measures required for such dwellings, buildings, and structures, including tents and trailer coaches; regulate and determine the areas to be used for agriculture and recreation; to designate the use of certain state licensed residential facilities; to provide for the acquisition by purchase, condemnation or otherwise of nonconforming property; to provide for petitions and public hearings; provide for amendments and supplements thereto; provide for the administration and enforcement of this Ordinance; provide penalties for the violation of its provisions and the collection of building permit fees in benefited and districts and of taxes therefore, and for amendments to this Ordinance.

INTENT

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan; now therefore:

ENACTING CLAUSE

The Township of Lee Ordains:

ARTICLE I - SHORT TITLE

SECTION 100. SHORT TITLE

This Ordinance shall be known and may be cited as the Township of Lee Zoning Ordinance, Calhoun County, Michigan. References to Township herein shall mean Lee Township and references to County herein shall mean Calhoun County.

ARTICLE II - DEFINITIONS

SECTION 200. DEFINITIONS

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

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure", and the word "dwelling" includes "residence", the word "person" includes "corporation", "copartnership", "association", as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel"; the words "used" or "occupied" includes the words "intended", "designed" or "arranged" to be used or occupied.

Terms not herein defined shall have the meaning customarily assigned to them.

1. Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
2. Adult Entertainment Facilities shall include the following uses and definitions as indicated:
 - (1) Adult Book Store - an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to "Specified Sexual Activities" or "Specified Anatomical Areas," (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.
 - (2) Adult Motion Picture Theater - an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", (as defined below) for observation by patrons therein.
 - (3) Adult Mini Motion Picture Theater - an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", (as defined below), for observation by patrons therein.

For the purpose of this Section, "Specified Sexual Activities" is defined as:

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

And "Specified Anatomical Areas" is defined as:

1. Less than completely and opaquely covered: a) human genitals, pubic region, b) buttock, and c) female breast below a point immediately above the top of the areola; and
 2. Human male genitals in a discernibly turbid state, even if completely and opaquely covered.
- (4) Adult Personal Service Business - shall mean a business whose activities include a person, while nude or partially nude, providing personal services for another person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: modeling studios, photographic studios, wrestling studios, individual theatrical performances, body painting studios, and massage studios.
 - (5) Cabaret - A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
 - (6) Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - (7) Hotels or Motels.
 - (8) Pawnshops.
 - (9) Partially Nude shall mean a person having any or all of the following body parts exposed: buttocks, genitals, pubic area or female breast.
 - (10) Pool or billiard halls.
 - (11) Public lodging houses.
 - (12) Secondhand stores.
3. Alterations: Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

4. Apartment: A residential structure containing three (3) or more attached one (1) family dwellings.
5. Automotive Service Center: A place where automobile service may be carried out for minor repair and servicing of automobiles, together with the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, only when the location of such Automotive Service Center is architecturally designed and located on the site so as to become an integral part of a larger planned shopping center complex.
6. Auto Repair Garage: Is a place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.
7. Basement: That portion of a building which is partly, or wholly, below grade. A basement shall be counted as a first story if more than fifty (50) percent of the wall area is above grade, and in such cases, the second story shall be equal to the basement in outside dimensions.
8. Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation for three (3) or more persons by prearrangement for definite periods. A boarding house shall be distinguished from a hotel.
9. Building: A structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for such purposes).
10. Building, Accessory: A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.
11. Building, Main: A building in which is conducted the principal use of the lot on which it is situated.
12. Buildable Area: The buildable area of a lot or parcel is the space remaining after yard, parking, or any other requirements of this Ordinance have been met.
13. Buildable Land Area (For Density Computations): The buildable area of a lot or parcel for the purpose of density calculations shall be that area of the lot or parcel exclusive of land which is within the established flood plain, water course, floodway, drainage course, wetland, or any other subaqueous area.
14. Building Height: The vertical distance measured from the established grade at the center of the front of the building

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 gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

15. Building Inspector: The Building Inspector or Official designated by the Township Board.
16. Building Line: A line formed by the face of the building, and for the purpose of this Ordinance, a building line is the same as a front setback line.
17. Building Permit: A written application provided by the Building Department which is used to record various developmental activities on land parcels within the Township.
- 17.1 Camp: A voluntary association of persons under the auspices of public or private organizations, engaging in outdoor activities while living in non-permanent housing such as tents, trailers, cabins designated for short-term experiences in nature, or specific recreational or educational pursuits. For the purpose of this ordinance, the term camp shall exclude persons or organizations operating programs involving (persons sentenced or assigned to said programs) by government agencies or courts of law having statutory authority to detain persons against their will".
18. Commercial Use: "Commercial Use" relates to the use of property in connections with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereof of offices, or recreational or amusement enterprises.
19. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.
20. District: A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
21. 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.

22. Drive-In Restaurant: A business establishment, for the serving of food and/or beverages, with driveways and approaches so developed and designed so as to serve patrons while in the motor vehicle, or permit patron self-service so that consumption within motor vehicles may be facilitated, as differentiated from a restaurant with indoor seating only.
23. Dwelling Unit: A building, or a portion thereof, including a mobile home designed for occupancy by one (1) family for residential purposes and having cooking facilities.
24. Dwelling, One Family: A building designed exclusively for and occupied exclusively by one (1) family.
25. Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families, living independently of each other.
26. Dwelling, Multiple Family: A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.
27. Erected: Any physical operations on the premises required for the construction or moving on and includes constructions, reconstructions, alteration, building, excavations, fill, drainage, installation of utilities and the like.
28. Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety or welfare.
29. Excavation: Excavation shall mean any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter, except for common household gardening and general farm care.
30. Family: One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of the dwelling unit comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

31. Farm: (not to include accessory buildings or structures) The carrying on of any agricultural activity or the maintaining or the raising of livestock, or small animals, when conducted on at least three (3) acres or more. The keeping of a horse for the purpose of this Ordinance, shall also constitute a farm and require at least three (3) acres for the first horse plus one (1) acre for each additional horse. Nothing in this ordinance shall prohibit a family from raising livestock or small animals in an AG, R-1R, R-1A, R-1B, and RM districts for the consumption of the family.
32. Fence: A structure of definite height and location to serve as an enclosure in carrying out the requirements of this Ordinance.
33. Fence, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
34. Filling: Filling shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.
35. Floor Area: The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.
36. Floor Area, Usable: For the purposes of computing parking, usable floor area is all ground and nonground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.
37. Garage, Private: A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) motor driven vehicles. The foregoing definition shall be construed to permit the storage on any one lot, for the occupants thereof, of not more than one commercial vehicle. This definition shall not be construed to include the storage of large construction tractors, backhoes, bulldozers, other construction-type equipment or similar equipment.
38. Garbage: The word "garbage" shall be held to include every refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use,

cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

39. Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of an minor repair of automobiles.
40. Grade: The highest point of ground contacting any portions of the basement or foundation of a dwelling.
41. Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.
42. Gun Club: Any club, organization, individual, group of individuals, or use, whether operated for profit or not, which caters to or allows the use of firearms.
43. Home Occupation: An occupation or hobby having traditional acceptance as being one customarily carried on in the home; provided that such occupation is incidental to the residential use to the extent that not more than twenty (20) percent of the usable floor area of the principal and accessory buildings be occupied by such occupations, that no article or service is sold or offered for sale or stored on the premises except such as is produced by such occupation, that such occupation shall not require internal or external alterations or construction features or equipment or machinery not customary in residential areas, and that there be not more than one employee other than members of the family.
44. Hospital: A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the County Health Department and the State of Michigan.
45. Hotel (Motel): A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation.
46. Industrial Use: Any land or building occupied or used for manufacturing, processing, or storage of equipment, materials or machinery.
47. Junk Yard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile wrecking yards, and includes any area of more than two hundred (200)

square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

48. Kennel, Commercial: Any lot or premises on which three (3) or more dogs, six (6) months old or over are boarded, bred or trained for remuneration, or kept for purchase or sale.
49. Limited Farming: The raising of crops and livestock when intended for the consumption of the family residing on the premises.
50. Loading Space: An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
51. Lot: A parcel of land occupied, or which could be occupied, by a main building or group of such buildings and accessory buildings, or utilized for the principal use and permitted accessory uses thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.
52. Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof and has a valid tax identification number.
53. Lot Area: The total horizontal area within the lot lines of the lot.
54. Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred 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 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 thirty-five (135) degrees.
55. Lot, Interior: Any lot other than a corner lot.
56. Lot Lines: The lines bounding a lot as defined herein.
 - a. Front Lot Line: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street which is designated as

the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines.

- b. Rear Lot Line: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - c. Side Lot Line: Any lot lines 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.
- 57. Lot Coverage: The percentage of the lot occupied by buildings, including accessory buildings.
 - 58. Lot Depth: The horizontal distance between front and rear lot lines measured along the median between side lot lines.
 - 59. Lot, Double Frontage: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot.
 - 60. Lot Frontage: The horizontal distance between the side lot lines as measured along the road right-of-way line of a public road or as measured along the easement line of a private road.
 - 61. Lot Width: The horizontal distance between the side lot lines measured at the two points where the building lines, or setback intersects the side lot lines for cul-de-sac lots and at the two points where the side lot lines intersect the front lot line on all other lots.
 - 62. Master Plan: The adopted Master Plan of Lee Township including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.
 - 63. Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.
 - 64. Mobile Home Park: Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are or may be located.

65. Nonconforming Building: A building or portion thereof existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of this Ordinance.
66. Nonconforming Use: A use which lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located.
67. Occupancy Load: The number of individuals normally occupying a building or part thereof, or for which the existing facilities have been designed.
68. 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 automobiles.
69. Parking Space: A parking space is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.
70. Pole Barn: Any accessory building of pole-type construction wherein supporting vertical wall members are installed at a minimum depth of 42 inches below grade and said wall members may consist of wood or steel not to exceed 25 feet in height.
71. Public Service: Public Service Facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.
72. Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
73. Roadside Stands: A roadside stand is the temporary use of property or facilities for the selling of produce, such as fruits and vegetables, which are grown on the property from which they are sold.
74. Rubbish: Rubbish means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades

manufacturing and offices, including other waste matter such as slag, stone broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

75. Sanitary Land Fill: Any operation which involves the piling, placing, storing, dumping or depositing, in a hole or trench, any material in the form of rubbish and/or waste materials.
76. Setback: The distance required to comply with front, side or rear yard open space provisions of this Ordinance.
77. Sign: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards) such as are used to show an individual, firm, profession, or business, and are visible to the general public. Accessory signs pertain to uses or ~~activities conducted on the premises where the signs are located.~~
78. Story: That part of a building 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.
79. Street: A public thoroughfare which affords the principal means of access to abutting property.
80. Structure: Anything constructed, or erected and designed for a permanent location on the ground.
81. Temporary Building or Use: A structure or use permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.
82. Thoroughfares, Major: An arterial street which is intended to serve as a large volume traffic way for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.
83. Thoroughfares, Secondary: An arterial street which is intended to serve as a traffic way serving primarily the immediate Township area and serving to connect with major thoroughfares.
84. Travel Trailer and/or Motor Home: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.
85. Use, Accessory: A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

86. Yards: The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

- a. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- b. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.
- c. Side Yard: An open space between a main building and the side lot. line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

ARTICLE III - ZONING DISTRICTS AND MAP

SECTION 300. DISTRICTS

For the purpose of this Ordinance, the Township is hereby divided into the following districts:

1. AG Agricultural
2. R-1R Rural Residential
3. R-1A Single Family Residential
4. R-1B Single Family Residential
5. RM Multiple-Family Residential
6. RPS Recreation, Public & Semi-Public
7. C-1 Local Business
8. C-2 General Business
9. M-1 ~~Industrial~~
10. M-2 Industrial

SECTION 301. BOUNDARIES:

The boundaries of these districts are hereby established as shown on the Official Zoning Map of the Township Zoning Ordinance, which accompanies this Ordinance, and which, with all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as is fully described herein.

- A. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the center lines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
- B. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

SECTION 302. ZONING OF VACATED AREAS:

Whenever any street, alley or other public way, within the Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley or public way, shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this Ordinance for such adjoining lands.

SECTION 303. DISTRICT REQUIREMENTS:

All buildings and uses in any district shall be subject to the provisions of ARTICLE XVII - GENERAL PROVISIONS.

ARTICLE IV - AG AGRICULTURAL DISTRICTS

INTENT:

To preserve lands best suited for agricultural use from the encroachment of incompatible uses, and to preserve in agricultural use land suited to eventual development in other uses, pending proper timing for the economic provision of utilities, major streets and other facilities, in order to attain compact, orderly development. Vacant land, fallow land and wooded areas also are included where such areas are interspersed among farms. Change of zoning districts should be gradual and should be based upon the Master Plan for the Township.

SECTION 4.00 PRINCIPAL USES PERMITTED:

In the AG Agricultural Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- A. Farms.
- B. All principal uses permitted in the R-1A and R-1B Single-Family Districts.
- C. Nurseries and greenhouses.
- D. Churches.
- E. Cemeteries.
- F. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 4.01 SPECIAL LAND USES:

The following special land uses shall be permitted in the AG district only after proper notice has been given as required by State law and after review and approval has been granted by the Planning Commission subject to the requirements and standards of ARTICLE XVIII of this Ordinance.

- A. All special land uses permitted in R-1A and R-1B Districts.
- B. Airports (Section 1802).
- C. Kennels (Section 1809).
- D. Agribusiness uses, such as fruit and vegetable processing and retail sales having a maximum floor area of three thousand (3,000) square feet (Section 1801).
- E. One (1) single family home as a tenant dwelling (Section 1814).
- F. Mining, Extraction and Soil Removal (Section 1812).
- G. Accessory buildings and uses customarily incident to the above uses.
- H. Wind Generators (Section 1817).
- I. Uses similar to the above uses.

SECTION 4.02 AREA AND BULK REQUIREMENTS:

See SCHEDULE OF REGULATIONS ARTICLE XV limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

SECTION 4.03 TEMPORARY HOUSING:

In addition to the temporary uses authorized in Section 2203.D.4.a-f, a temporary dwelling may be placed on an AG - Agricultural District lot for temporary use for a member of the immediate family (grandmother, mother, grandfather, father, son or daughter) subject to the restrictions/conditions otherwise contained in Section 2203 and the following:

- A. A one acre area shall be designated exclusively for the temporary structure.
- B. Minimum road frontage, setback and yard requirements as specified by the Zoning Board of Appeals shall be maintained.
- C. A performance guarantee (Section 1718) for removal of the temporary dwelling unit, site reclamation and other purposes as specified by the Zoning Board of Appeals may be required.
- D. Other conditions as may be reasonably applied by the Zoning Board of Appeals.

ARTICLE V - R-1R RURAL RESIDENTIAL DISTRICTS

INTENT:

The Rural Residential Districts are designed to provide a suitable environment for residential development on large parcels. The district is intended to permit certain limited agricultural activities so that families may raise food, including animals, for their own use and consumption, and remain compatible with adjacent single family uses.

SECTION 500. PRINCIPAL USES PERMITTED:

In the R-1R Rural Residential Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- A. Single family detached dwellings subject to the provisions of Article XIX.
- B. Limited Farming.
- C. Roadside stands.
- D. Nurseries and greenhouses.
- E. Farms.
- F. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 501. SPECIAL LAND USES:

The following special land uses may be permitted in the R-1R districts, only after proper notice has been given as required by State law and after review and approval has been granted by the Planning Commission subject to the requirement and standards of Article XVIII of this Ordinance.

- A. Cemeteries when developed on sites of twenty (20) acres or more (Section 1803).
- B. Churches and public buildings (excluding public works garages and storage yards) (Section 1804).
- C. Golf Courses, not including driving ranges or miniature golf courses (Section 1807).
- D. Mining, extraction and soil removal (Section 1812).
- E. Utility and public service facilities and uses, excluding storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity (Section 1816).
- F. Wind Generators (Section 1817).
- G. Accessory buildings and uses customarily incidental to any of the above uses.
- H. Uses similar to the above uses.

SECTION 502. AREA AND BULK REQUIREMENTS:

See SCHEDULE OF REGULATIONS ARTICLE XV limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

ARTICLE VI - R-1A AND R-1B SINGLE FAMILY RESIDENTIAL DISTRICTS

INTENT

The regulations of these districts are intended to encourage a suitable environment for families typically with children. To this end, uses are basically limited to single-family dwellings, together with certain other uses such as schools, parks and recreation areas which provide a neighborhood environment. Commercial and other uses which tend to be incompatible with the intent are prohibited.

SECTION 600. PRINCIPAL USES PERMITTED:

In the R-1A and R-1B Single-Family Residential Districts, no building or land shall be used and no building shall be erected ~~except for one or more of the following specified uses unless~~ otherwise provided in this Ordinance:

- A. Single family detached dwellings subject to the provisions of Article XIX.
- B. Farms.
- C. Accessory buildings and uses customarily incidental to any of the above uses.

SECTION 601. SPECIAL LAND USES:

The following special land uses shall be permitted in the R-1A and R-1B districts, only after proper notice has been given as required by State law and after review and approval has been granted by the Planning Commission subject to the requirements and standards of Article XVIII of this Ordinance.

- A. Utility and public service facilities and uses, excluding storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity (Section 1816).
- B. Churches, church schools, and parochial schools (Section 1804).
- C. Public and private colleges, universities and other such institutions of higher learning (Section 1805).
- D. Wind Generators (Section 1817).
- E. Mining, extraction and soil removal (Section 1812).
- F. Cemeteries when developed on sites of twenty (20) acres or more (Section 1803).
- G. Golf courses, not including driving ranges or miniature golf courses (Section 1807).
- H. Nursery schools, day nurseries and child care centers (Section 1813).
- I. Hospitals (Section 1808).
- J. Reserved for future use.
- K. Accessory buildings and uses customarily incident to any of the above uses.
- L. Uses similar to the above uses.

SECTION 602. AREA AND BULK REQUIREMENTS:

See SCHEDULE OF REGULATIONS ARTICLE XV limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

SECTION 603. CLUSTER HOUSING OPTION:

The provision of cluster housing within the various single family residential districts is intended to accommodate parcels of land that are immediately abutting major thoroughfares of at least 120' in width, have physical assets such as tree stands, unusual topographic conditions, water and/or swamp areas, or other readily identifiable land characteristics, which should be preserved, or parcels where such development could provide a transitional area of low density residential use between a higher density residential use or any nonresidential use of land. Land designated for the Cluster Option must be platted under the provisions of the Subdivision Control Act. Further, dwelling unit types may be detached single family and/or attached single family depending upon the physical land characteristics and the type of development proposal considered by the Township.

- A. In order to apply for the Cluster Option designation for a parcel of land zoned for either R-1A or R-1B, Single Family Residential, the parcel must meet one or more of the following locational characteristics:
 - 1. The parcel is located immediately abutting and contiguous to an inter-county highway, and/or major thoroughfare as designated on the Master Right-of-Way Plan of the County Road Commission, said plan having been officially adopted by the Township.
 - 2. The parcel of land possesses one or more of the following physical or locational characteristics:
 - a. Topography of the site exceeds twenty (20) percent slope.
 - b. Street slopes would exceed the maximum of six (6) percent on the site without mass grading of the parcel.
 - c. The area of open space planned accounts for at least twenty-five (25) percent of the total horizontal development area of the parcel, however land under water (lakes, streams, creeks, watercourses, and similar bodies of water shall not be included in this computation).
 - d. The parcel contains a readily identifiable physical resource which is to be conserved by the developer.

Items classified as a physical resource may include streams, watercourses, swamps, topographically sloped areas having a slope over 20 percent on at least 25% of the site, tree stands and/or other natural vegetation areas, and similar items.

- B. Maximum densities permitted and minimum lot sizes required within any Single Family Residential District shall be based upon the following modifications to the "Schedule of Regulations", Article XV of this Ordinance.

<u>DISTRICT</u>	<u>MAXIMUM DENSITY PERMITTED ON PARCEL WITH CLUSTER OPTION APPROVAL*</u>		
	<u>Water & Sewer</u>	<u>Water or Sewer</u>	<u>No Water or Sewer</u>
R-1A	3.5	2.6	2.0
R-1B	3.5	2.6	2.0

*Land area under water not to be included in gross density calculation.

- C. Single family dwelling units permitted within the Cluster Housing Option may be attached and/or detached, or any combination thereof within the scope of the following requirements:

1. The minimum setbacks of the residential district in which the land is located may be reduced to the following said reductions being a modification of Article XV:

<u>Minimum Yard Setbacks (in feet) For Each Unit*</u>				
<u>District</u>	<u>Front</u>	<u>One Side</u>	<u>Total of 2 Sides</u>	<u>Rear</u>
R-1A	25'	10'	20'	25'
R-1B	25'	10'	20'	25'

*Where attached single family is proposed, at least one side yard setback shall be 40 feet as measured on a per structure basis, each structure having a maximum of four (4) units contained therein. Minimum distance between structures shall be 40 feet.

- D. The minimum floor area required for each residence shall be equal to the minimum requirements of the applicable Single Family Residential District in which the land is located.
- E. Where attached single family units are planned, the common walls of the dwelling units shall not overlap by more than thirty (30) percent of the lineal distance so as to effectuate an offset of each dwelling unit contained within a structure. In no event may common walls overlap by their full distance.

- F. Application for use of the Cluster Housing Option as described in this Ordinance, shall be made to the Township Planning Commission. The Planning Commission shall hold a public hearing on the proposed application and thereafter formulate a recommendation to the Township Board. Following receipt of the Planning Commission's recommendation, the Township Board shall make a determination regarding the proposed application.
- G. All permitted principal uses, permitted accessory uses, and special land use as permitted by the Planning Commission, shall be permitted within the Cluster Housing Option area, subject further to all other applicable ordinances of the Township.
- H. The requirements of the Township Zoning Ordinance regarding ~~Lake Lots as enumerated in the Schedule of Regulations~~, are not applicable in any Cluster Housing Option as the intent is to protect these natural water areas from intensive development.
- I. Site Plan Approval as required in Section 1715 shall be submitted and approved by the Township Planning Commission prior to the commencement of construction of the Cluster Housing development.

ARTICLE VII - RM MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

INTENT

The RM Multiple-Family Residential Districts are designed to provide sites for multiple dwelling structures with height restrictions compatible with single-family residential districts to serve needs for the apartment type of unity in an otherwise single-family residential community. The RM District is intended generally for the development of a planned complex of buildings on acreage parcels.

SECTION 700. PRINCIPAL USES PERMITTED:

No building or land shall be erected or used except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- A. All principal and special land uses permitted and as regulated in the immediately abutting Single Family Residential District.
- B. Multiple-family dwellings.
- C. Two-family dwellings.
- D. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 701. SITE PLAN APPROVAL:

In the case of two-family and multiple dwelling developments, a site plan shall be submitted to the Planning Commission for approval prior to the issuance of a building permit. The site plan shall be prepared according to the requirements of Section 1715.

SECTION 702. SPECIAL LAND USES:

The following special land uses shall be permitted in the RM district only after proper notice has been given as required by State law and after review and approval has been granted by the Planning Commission subject to the requirements and standards of Article XVIII of this Ordinance.

- A. All special land uses permitted in R-1A and R-1B districts.
- B. Accessory buildings and uses customarily incident to any of the above uses.
- C. Community Correctional Facilities as licensed and operated by the State of Michigan (Section 1819).
- D. Uses similar to the above uses.

SECTION 703. AREA AND BULK REQUIREMENTS:

See SCHEDULE OF REGULATIONS ARTICLE XV limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

SECTION 704. RECREATION SPACE:

All multiple family development on a tract of land five (5) acres or more in size shall provide recreation space in a ratio of four hundred (400) square feet of play area per dwelling unit. The minimum play area shall be five thousand (5,000) square feet which shall be no longer than two (2) times its width. Such recreation space shall be developed and maintained by the management so as to provide adequate, healthful recreation for children living in the multiple family development.

ARTICLE VIII

(RESERVED)

ARTICLE IX - RPS RECREATION, PUBLIC & SEMI-PUBLIC DISTRICTS

INTENT

The RPS Recreation, Public & Semi-Public Districts are intended to provide areas for the development of recreational facilities and outdoor recreational uses. Full advantage will be taken of the land in its natural state through the protection and preservation of open spaces in the development of permitted uses.

SECTION 900. PRINCIPAL USES PERMITTED:

In a RPS Recreation, Public & Semi-Public District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- A. Archery Ranges
- B. Tennis Courts
- C. Racquetball Courts
- D. Country Clubs
- E. Golf Courses, including "Par Three"
- F. Golf Driving Ranges
- G. Beaches
- H. Swimming Pools
- I. Historical Sites and Monuments
- J. Education Facilities such as:
 - 1. Zoological Gardens
 - 2. Botanical Gardens
 - 3. Wildlife Sanctuaries
 - 4. Arboretum
 - 5. Nature Centers
 - 6. Farms
- K. Camps and similar noncommercial recreation uses.
- L. Riding academies and public stables with a minimum size of forty (40) acres.
- M. Public parks to include Township, County, Regional, and State facilities.
- N. Large Scale Commercial Recreation (Section 1811).

- O. Township government buildings and uses, not including service or outdoor storage yards.
- P. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations but not including service or outdoor storage yards.
- Q. Public or private cemeteries when developed on sites of twenty (20) acres or more (Section 1803).
- R. Private noncommercial recreation areas, uses and facilities, including country clubs, swimming pools, golf courses, and hunting gun clubs, provided that any structure on such parcel is at least two hundred (200) feet from a lot line of any adjacent R-1A, R-1B or R-1R District and sufficient parking is provided in accordance with this Ordinance.
- S. Public and quasi-public buildings, structures, camps and other similar uses, and uses of an administrative, educational, religious, cultural or public service type.
- T. Travel-trailer camp sites, travel trailer parks and similar uses provided said use is developed on a site of forty (40) acres or more.
- U. Other recreation uses similar to the above uses, subject to Planning Commission approval as compatible with surrounding land uses.

SECTION 901. SITE PLAN APPROVAL:

A site plan shall be submitted for approval by the Planning Commission, in conformance with Section 1715, prior to the issuance of a building permit for all uses in the RPS Recreation, Public & Semi-Public District.

SECTION 902. AREA AND BULK REQUIREMENTS:

See SCHEDULE OF REGULATIONS ARTICLE XV limiting the height and bulk of buildings, and the minimum size of lot permitted by land use.

ARTICLE X

(RESERVED)

ARTICLE XI - C-1 LOCAL BUSINESS DISTRICTS

INTENT

The C-1 Local Business Districts are designed to give the Township a business district that is somewhat more selective than a General Business District, and to provide for the establishment of neighborhood shopping areas, personal services and professional office areas that are primarily compatible with, and of service to, Township residential uses. The Township encourages the use of architectural treatment on buildings in C-1 Districts which promote a rural, early American or historical theme.

SECTION 1100. PRINCIPAL USES PERMITTED

~~In a C-1 Local Business District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:~~

- A. Office buildings for any of the following occupations: executive, administrative, professional, governmental and sales offices.
- B. Medical and dental offices, including clinics.
- C. Banks and financial institutions.
- D. Any generally recognized retail business which supplies such commodities as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
- E. Any personal service establishment which performs such services as, but not limited to: shoe repair, tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners and self-service laundries.
- F. Private clubs and lodge halls.
- G. Utility and public service facility (excluding storage yards) and uses when operating requirements necessitate the locating of said facilities within the District in order to serve the immediate vicinity.
- H. Restaurants, excluding fast food or drive-in restaurants.
- I. All uses shall be subject to the following limitations:
 - 1. All business establishments shall be in retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

J. Accessory buildings and uses customarily incidental to the above permitted uses.

K. Other uses similar to the above uses.

SECTION 1101. SITE PLAN APPROVAL

A site plan shall be submitted for approval by the Planning Commission, in conformance with Section 1715, prior to the issuance of a building permit for all uses in the C-1 Local Business District.

SECTION 1102. AREA AND BULK REQUIREMENTS

See SCHEDULE OF REGULATIONS ARTICLE XV limiting the height and bulk of buildings, and the minimum size of lot permitted by land use.

ARTICLE XII - C-2 GENERAL BUSINESS DISTRICTS

INTENT

The C-2 General Business Districts are designed to provide sites for more diversified business types and are often located so as to serve passer-by, highway-oriented traffic. As in C-1 Districts, uses in C-2 Districts are encouraged to use architectural treatments which promote the Township's rural character through an early American or historical theme.

SECTION 1200. PRINCIPAL USES PERMITTED:

No building or land shall be used, and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- A. All principal uses permitted in the C-1 Local Business District subject to all requirements of the C-2 General Business District.
- B. Wholesale uses and storage uses when in a completely enclosed building, except that new vehicles and/or earth moving equipment for sale may occupy a rear yard area.
- C. Theatres, assembly halls and similar places of assembly when conducted completely within enclosed buildings.
- D. Gasoline service station.
- E. New automobile sales or showroom.
- F. Restaurants.
- G. Bowling Alleys.
- H. Commercial printing and newspaper offices.
- I. Business schools or private schools.
- J. Other generally recognized commercial establishments when conducted within a completely enclosed building.
- K. Governmental offices or other governmental uses; public utility offices, and uses, utility exchanges, transformer stations, pump stations and service yards; and other public service facilities.
- L. Veterinary Hospitals and Clinics provided that all animals are kept inside a building.
- M. Accessory buildings and uses customarily incident to the above uses.
- N. Uses similar in character to the above listed uses.

SECTION 1201. SITE PLAN APPROVAL:

A site plan shall be submitted for approval by the Planning Commission, in conformance with Section 1715, prior to the issuance of a building permit for all uses in the C-2 General Business District.

SECTION 1202. SPECIAL LAND USES:

The following special land uses shall be permitted in the C-2 district only after proper notice has been given as required by State law and after review and approval has been granted by the Planning Commission subject to the requirements and standards of Article XVIII of this ordinance.

- A. Used Automobile Sales, Mobile Home Sales, Travel Trailer Rental (Section 1815).
- B. Commercial, Outdoor Recreation (Section 1806).
- C. Uses similar to the above uses.
- D. Uses and accessory buildings customarily incident to the above uses.
- E. Adult entertainment facilities to include the following uses (Section 1818):
 - 1. Adult Book Store
 - 2. Adult Motion Picture Theater
 - 3. Adult Mini Motion Picture Theater
 - 4. Adult Personal Service Business
 - 5. Cabaret
 - 6. Establishments for the sale of beer or intoxicating liquor for consumption on the premises
 - 7. Hotels or motels
 - 8. Pawnshops
 - 9. Pool or billiard halls
 - 10. Public lodging houses
 - 11. Secondhand stores

SECTION 1203. AREA AND BULK REQUIREMENTS:

See SCHEDULE OF REGULATIONS ARTICLE XV limiting the height and bulk of buildings, and the minimum size of lot permitted by land use.

ARTICLE XIII - M-1 INDUSTRIAL DISTRICTS

INTENT

The M-1 Industrial Districts are designed so as to primarily accommodate wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district, and in no manner affect in a detrimental way any of the surrounding districts. The M-1 District is so structured as to permit along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. Industrial uses are encouraged to maintain the Township's rural character through architectural treatment to buildings that promote an early American or historical theme.

SECTION 1300. PRINCIPAL USES PERMITTED

In the M-1 Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- A. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
- B. Warehousing and wholesale establishments, and trucking facilities.
- C. Tool, die, gauge, and machining shops.
- D. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials.
- E. Laboratories - experimental, film, or testing.
- F. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- G. Storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and propane tank holders. Railroad transfer and storage tracks. Railroad rights-of-way.

- H. Storage facilities for building materials, sand gravel, stone, lumber, or storage of contractor's equipment and supplies.
- I. Central dry cleaning plants or laundries subject to the provision of self contained sanitary disposal system or connection to a public sanitary sewer system.
- J. Automotive repair garages, auto engine and body repair and undercoating shops when completely enclosed. The storage of damaged or wrecked automobiles on the site shall be obscured from public view and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week.
- K. Nonaccessory signs.
- L. Other uses which are similar to the above uses.
- M. Accessory buildings and uses customarily incident to the above permitted uses.

SECTION 1301. SPECIAL LAND USES:

The following special land uses shall be permitted in the M-1 district only after proper notice has been given as required by State law and after review and approval has been granted by the Planning Commission subject to the requirements and standards of Article XVIII of this Ordinance:

- A. Landfills (Section 1810).
- B. Mining, extraction and soil removal (Section 1812).

SECTION 1302. SITE PLAN APPROVAL:

A site plan shall be submitted for approval by the Planning Commission, in conformance with Section 1715, prior to the issuance of a building permit for all uses in the M-1 Industrial District.

SECTION 1303. AREA AND BULK REQUIREMENTS:

See SCHEDULE OF REGULATIONS ARTICLE XV limiting the height and bulk of buildings and minimum size of lot permitted by land use.

ARTICLE XIV - M-2 INDUSTRIAL DISTRICTS

INTENT

The M-2 Industrial Districts are designed so as to accommodate landfills and recycling facilities and operations whose external physical effects are restricted to the extent possible to the area of the district, and in no manner affect in a detrimental way any of the surrounding districts.

SECTION 1400. PRINCIPAL USES PERMITTED

This section reserved for future use.

SECTION 1401. SPECIAL LAND USES

The following special land uses shall be permitted in the M-2 District only after proper notice has been given as required by state law and after review and approval has been granted by the Planning Commission subject to the requirements and standards of Article XIV of this Ordinance:

- A. Landfills (Section 1810).
- B. Recycling Facilities and Recycling Operations (Section 1821).

SECTION 1402. SITE PLAN APPROVAL

A site plan shall be submitted for approval by the Planning Commission, in conformance with Section 1715, prior to the issuance of a building permit for all uses in the M-2 Industrial District.

SECTION 1403. AREA AND BULK REQUIREMENTS

See SCHEDULE OF REGULATIONS ARTICLE XV limiting the height and bulk of buildings and minimum size of lot permitted by land use. M-2 Industrial Districts shall be governed by the same requirements as the M-1 Industrial Districts with regard to area and bulk requirements.

FOOTNOTES TO SECTION 1500:

- A. The minimum first floor area of any single-family two story dwelling shall be no less than seven hundred (700) square feet. Where a single-family home is constructed without a basement, an additional fifty (50) square feet shall be added to the minimum required first floor area requirement to provide space for utilities, such as, but not limited to: furnace, hot water, laundry tubs, and the like.
- B. The following minimum land area per dwelling unit type shall be met in RM Multiple-Family Residential Districts:

DWELLING UNIT	MINIMUM LAND AREA PER UNIT
Efficiency	5,000 sq. ft.
One-Bedroom	6,000 sq. ft.
Two-Bedroom	7,000 sq. ft.
Three-Bedroom	8,000 sq. ft.
Four Bedroom	10,000 sq. ft.

Plans presented which include a den, library, or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.

- C. Yards abutting major thoroughfares in RM Districts shall have a minimum depth of fifty (50) feet. For the purpose of yard regulations, Multiple-Family dwellings shall be considered as one (1) building occupying one (1) lot. Front, side and rear yards related to the spacing between buildings within RM Districts shall have the following minimum overall dimensions:

BUILDING RELATIONSHIP	OVERALL DISTANCE BETWEEN BUILDINGS (Exclusive of Parking Area)
Front to Side	45 feet
Front to Front	50 feet
Front to Rear	*60 feet
Rear to Rear	*60 feet
Rear to Side	45 feet
Side to Side	20 feet
Corner to Corner	15 feet

*Parking may be permitted in 50% of the required rear yard provided that there shall be at least 15 feet of yard space between said parking area and the multiple family building.

- D. Minimum floor areas for apartments shall be as follows:

Efficiency Apartment: The term, "Efficiency Apartment" shall mean a dwelling unit containing not over three hundred sixty (360) square feet of floor area, and consisting of not more

ARTICLE XV - SCHEDULE OF REGULATIONS

SECTION 1500. LIMITING HEIGHT, BULK, DENSITY AND AREA BY LAND USE:

USE DISTRICT	LOT AREA (in acres)	LOT WIDTH IN FEET	MAXIMUM HEIGHT OF STRUCTURES		MINIMUM YARD SETBACK (per lot, in feet)				MINIMUM FLOOR AREA PER UNIT (sq. ft.)	MAXIMUM PERCENTAGE OF LOT AREA COVERED BY ALL BUILDINGS
			in stories	in feet	Front	Sides Least One	Total of Two	Rear		
AG- AGRICULTURAL	1 AC. MAX 2 LOTS 10	200 500	(1) 2 1/2	(1) 25	50	20	50	50	1,400 (A)	30%
R-1R-RURAL RESIDENTIAL	10	330	2 1/2	25	50	20	40	50	1,000 (A)	30%
R-1A SINGLE FAMILY RESIDENTIAL	5	250	2 1/2	25	50	10	20	50	840	30%
R-1B SINGLE FAMILY RESIDENTIAL	2	150	2 1/2	25	35	10	20	35	720	30%
RM MULTIPLE FAMILY										
C-1 LOCAL BUSINESS	(H)	100	1(E)	25(E)	25(F)	10	20(G)	25(H)	-----	(K)
C-2 GENERAL BUSINESS	(H)	100	2(E)	35(E)	25(F)	10	20(G)	25(H)	-----	(K)
M-1 INDUSTRIAL	(H)	200	2	35	50(F)	20	40(I, J)	30	-----	(K)
RPS-RECREATION, PUBLIC, SEMI-PUBLIC	(H)	200	2	35	50(F)	20	40	30	-----	(K)

than one (1) room in addition to kitchen, dining, and necessary sanitary facilities.

One-Bedroom Unit: The term "One-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least six hundred (600) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.

Two-Bedroom Unit: The term, "Two-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least seven hundred fifty (750) square feet per unit, consisting of not more than three (3) rooms in addition to the kitchen, dining, and necessary sanitary facilities.

Three or More Bedroom Unit: The term, "Three or More Bedroom Unit" shall mean a dwelling unit wherein for each room in addition to the three (3) rooms permitted in the two (2) bedroom unit, there shall be provided an additional area of one hundred fifty (150) square feet to the minimum floor area of seven hundred fifty (750) square feet.

- E. Planned developments involving three (3) acres or more under one ownership shall be subject to the approval of the Township Board after review by the Planning Commission, after public hearing, regarding modifications with respect to height regulations in C-1 and C-2 Districts.
- F. Parking may be provided in the front yard after approval of the parking plan layout and points of access by the Township Board after review by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.
- G. No side yards are required along the interior side lot lines, except as otherwise specified in an applicable Building Code. On the exterior side yard which borders on a residential district or street, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential district or street.
- H. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building, and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- I. No building shall be closer than fifty (50) feet to the outer perimeter (property line) of such M-1 District when said property line abuts any residential district.
- J. The Board of Appeals may, upon review of the proposed site plan, and after public hearing, modify side and rear yard requirements upon a finding that (1) adequate ingress and

ert

**LEE TOWNSHIP
CALHOUN COUNTY, MICHIGAN**

**ORDINANCE NO. 1 OF 2006
TEXT AMENDMENTS
TO THE LEE TOWNSHIP ZONING ORDINANCE**

Adopted: October 11, 2006 Effective: October 30, 2006

An ordinance amending Article IV, to establish the number of residential building sites, parcel size, and road frontage in the AG Agricultural District, provide for alternative development options.

**LEE TOWNSHIP
CALHOUN COUNTY, MICHIGAN**

ORDAINS

SECTION I

PURPOSE

The purpose of this Ordinance is to amend the text of the Lee Township Zoning Ordinance to establish the number of residential building sites in the AG Agricultural District as well as dimensional regulations and alternative development patterns.

SECTION II

**AMENDMENT TO ALLOW FOR THE NUMBER AND CONFIGURATION OF
RESIDENTIAL BUILDING SITES.**

Article IV Section 4.04 is hereby added to read as follows:

Section 4.04 NUMBER OF RESIDENTIAL BUILDING SITES:

1. Public Road Frontage Parcels

- A. A maximum of two (2) parcels for residential use may be created along a public road. No further residential development sites shall be permitted without rezoning.
- B. Parcel size for created parcels shall be one (1) acre.
- C. Public road frontage shall be 200 feet.

- D. The foregoing regulations (Section 4.04-1. A-C) shall modify Article XV Schedule of Regulations. The balance of the parent parcel or tract (as defined by PA 591 of 1996) shall be subject to Article XV Schedule of Regulations.
- E. Section 4.04-1.A may be utilized for any lot of record at the time of the effective date of this ordinance (effective date: October 30, 2006).
- F. Use of Section 4.04-1., Public Road Frontage Parcels, prevents the use of that land parcel from using Section 4.04-2., Private Road Frontage Parcels.

2. Private Road Frontage Parcels

- A. Parcels which are proposed to be created for the purposes of residential building sites shall be limited to the following number of such sites if the frontage of such lots (and access to such lots) is solely from a private road which is approved (see Section 1722.B) by the Township Board according to the standards contained herein.

<u>Parcel Size</u>	<u>Maximum Number of Building Sites</u>
i. 4 – 40	2
ii. 41 – 80	3
iii. 81 – 120	4
iv. 121 +	4 + one per additional 40 acres

- B. Maximum parcel size shall be one and one-half (1 ½) acres.
- C. Minimum private road frontage shall be 120 feet.
- D. Lots may be allowed for parcels developed under Section 4.04-2., (building sites which front on a private road) if approved as a special land use according to Section 1726 based upon an adequate showing of the following in addition to the standards of Section 1726:
 - i. A Planning Commission approved site plan with Township Board approval (see site plan requirements – Section 1715). Said site plan should maximize natural resource protection and minimize impact to and from agricultural practices.
- E. All private roads that are created utilizing Section 4.04-2., shall meet Section 1722 Private Road Standards & Procedures.
 - i. The top course (as specified in Section 1722.c.1.h.) may be modified upon recommendation of the township designated engineer and acceptance of the recommendation by the Township Planning Commission and Township Board.

- ii. Maximum road length may not be extended unless it is demonstrated to the satisfaction of the Planning Commission that such an extension is necessary to achieve the purposes of this section.

PREEMPTION OF OTHER ZONING ORDINANCE REGULATIONS

Upon recommendation of the Township Planning Commission, the Township Board may reduce or waive any other Zoning Ordinance provision (other than regulations or Section 4.00 and 4.01) upon showing of the necessity of such waiver or reduction to meet the intent of Section 4.04.

SECTION III

REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE

All ordinances or parts of ordinances, which conflict herewith, are hereby repealed. This ordinance shall take effect eight days following proper publication of a notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996.

Lee Township
Jane Dadow, Clerk

The foregoing resolution offered by Board Member Farmer and supported by Board Member Piepkow.

Upon roll call vote, the following voted "Aye": Piepkow, Letts and Farmer.
"Nay": Dadow and Williams.

The Supervisor declared the resolution adopted.

CERTIFICATE: I, Jane Dadow, the duly elected and acting Clerk of Lee Township, hereby certify that the foregoing resolution was adopted by the Lee Township Board at the regular meeting of said Board held on October 11, 2006, at which meeting a quorum was present, by a roll call vote of said members.

Jane Dadow

Clerk

10-11-2006

Date

$$\begin{aligned}
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gress for parking, loading and fire and police protection needs are met, and (2) that any Building Code requirements relative to the relationship between buildings are met.

- K. The maximum percentage of lot coverage shall be determined by the meeting of yard requirements by the actual use, and by the provision of required off-street parking and loading facilities.
- L. Agricultural buildings, such as barns, silos and the like, may exceed the maximum height limitation in the Agricultural District provided a minimum setback of 100 feet is maintained from all property lines.
- M. The net lot area in commercial and industrial districts shall be determined by meeting all requirements for setbacks, greenbelts, parking and driveway areas and loading and unloading zones.
- N. References to lot in this Section and throughout the Zoning Ordinance also refer to parcels and building sites.
- O. Where a lot, parcel or building site in a development can be designed to have access to either an existing public road or a new private road or new public road access to all lots, parcels or building sites shall be required from a new public or private road.
- P. Maximum density (dwelling units per acre) may be reduced upon recommendation of the township planning commission and approval of the township board for developments subject to site plan review where any or all of the following conditions are found to exist which may benefit from density reduction at the sole discretion of the Planning Commission as approved by the Township Board of Trustees:
 - 1. wetlands
 - 2. woodlands
 - 3. extreme topographic conditions
 - 4. vulnerable aquifer
 - 5. threatened or endangered flora or fauna
 - 6. surface water
 - 7. soils conditions susceptible to erosion
 - 8. drainage concerns

Adequate information will be required of an applicant as part of site plan review in order to properly establish the presence of any or all of the foregoing conditions according to the Site Plan Review Procedure (Section 1715).

Repealed
06. Lots of Record as of the effective date of this ordinance which are zoned according to this ordinance as AG - Agricultural, may be allowed one land division without rezoning upon approval of a Special Use Permit by the Planning Commission for the purpose of establishing a single-family dwelling subject to the following requirements:

1. parcel from which land is to be divided is at least forty (40) acres, or
2. parcel from which land is to be divided is at least ten (10) acres and has not been farmed according to the sole judgment of the Planning Commission in the last ten years.
3. each remaining parcel shall have at least one hundred fifty (150) feet road frontage and meet the requirements of the R1-B Single-Family Residential District.

#233\art.15

ARTICLE XVI

(RESERVED)

ARTICLE XVII - GENERAL PROVISIONS

SECTION 1700. CONFLICTING REGULATIONS

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

SECTION 1701. SCOPE

No building or structure, or part thereof, shall hereafter be ~~erected, constructed or altered and maintained~~, and no new use or change shall be made or maintained of any building, structure of land, or part thereof, except in conformity with the provisions of this Ordinance.

SECTION 1702. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

- A. Intent: It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed.

It is recognized that there exist within the districts established by this Ordinance uses 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.

Such uses are declared by this Ordinance to be incompatible permitted uses in the Districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or

designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

B. Nonconforming Lots:

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, or width or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.
2. If two or more lots or combinations of lots and portions of lots with a contiguous border in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area for the smallest minimum residential lot as established by this Ordinance regardless of the Zoning Map designation, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

C. 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, so long as it remains otherwise lawful, subject to the following provisions:

1. 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.

2. 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 Ordinance.
 3. If such nonconforming use of land ceases for any reason for a period of more than 180 days, and subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. 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 the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
 2. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
 3. Should such structures 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.
- E. Nonconforming Uses of Structures and Land: If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 2. Any 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 of

adoption or amendment o of this Ordinance, but no such use shall be extended to occupy any land outside such building.

3. In any district, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing 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 Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
 4. Any structure, or structure and land combination in or on 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.
 5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
 6. 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.
- F. 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 (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance 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.

- G. Uses Allowed as Special Land Uses not Nonconforming Uses: Any use which is permitted as a special land use as provided in this Ordinance shall not be deemed a nonconforming use in such district.
- H. Change of Tenancy or Ownership: There may be a change of tenancy, or ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

SECTION 1703. ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. No accessory building may be constructed and/or used until ~~such time as a principal building is in place on the subject property.~~
- B. Buildings accessory to residential buildings shall not be erected in any required yard space, except the rear yard.
- C. Within platted residential subdivisions, buildings accessory to residential buildings not exceeding one (1) story or fifteen (15) feet in height may occupy not more than thirty-five (35) percent of a required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
- D. No detached building accessory to a residential building shall be located closer than the minimum side, front, and rear yard setback specifications as listed in the Schedule of Regulations for the Zoning District in which the building is to be located.
- E. No detached accessory building in R-1A, R-1B, RM, C-1, and C-2 Districts shall exceed one (1) story or fifteen (15) feet in height.
- F. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main building.
- G. When a building accessory to a residential building is located on a corner lot, the front yard setback required in the district shall be maintained along both streets. A building accessory to a residential building shall in no case be located nearer than ten (10) feet to a street right-of-way line.

SECTION 1704. OFF-STREET PARKING REQUIREMENTS

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or buildings uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

- A. Off-street parking may be located within any nonrequired yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this Ordinance.
- B. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- C. Residential off-street parking shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of SECTION 1703. ACCESSORY BUILDINGS, of this Ordinance.
- D. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- E. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- F. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- G. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant a variance.
- H. The storage of merchandise, motor vehicles for sale, trucks, or repair of vehicles is prohibited within or on any off-street parking area.
- I. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.

- J. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, the fraction shall require one parking space.
- K. For the purpose of computing the number parking spaces required, the definition of USABLE FLOOR AREA shall govern.
- L. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE -----	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE -----
1. RESIDENTIAL	
a. Residential, One-family & Two-family	Two (2) for each dwelling unit.
b. Residential, Multiple-family:	
Efficiency Unit	Two (2) for each dwelling unit.
1 Bedroom Unit	Two (2) for each dwelling unit.
2 Bedroom Unit	Two (2) for each dwelling unit.
3 or more Bedroom Unit	Two and one-half (2-1/2) for each dwelling unit.
In addition to the above minimum parking requirements for 1, 2, and 3 or more bedroom units, one-half (1/2) space per unit shall be provided for visitor parking.	
c. Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then the multiple-family requirements shall be met.
d. Mobile Home Park	Two (2) for each mobile home plus one (1) for each employee of the mobile home park plus one (1) for each three mobile home sites for visitor parking.

2. INSTITUTIONAL

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| a. Churches or Temples | One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship. |
| b. Hospitals | One (1) for each one (1) bed. |
| c. Homes for the Aged and Convalescent Homes | One (1) for each two (2) beds. |
| d. Elementary and Junior High Schools | One (1) for each one (1) teacher, employee, or administrator, in addition to the requirements of the auditorium. |
| e. Senior High Schools | One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium. |
| f. Private Clubs or Lodge Halls | One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes. |
| g. Private Golf Clubs, Tennis Clubs, or other similar uses | One (1) for each two (2) member families or individuals. |
| h. Golf Courses open to the general public, except miniature or "par 3" courses | Six (6) for each one (1) golf hole and one (1) for each one (1) employee. |
| i. Fraternity or Sorority | One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater. |
| j. Stadium, sports arenas, or similar place of outdoor assembly | One (1) for each three (3) seats or six (6) feet of benches. |
| k. Theatres and auditoriums | One (1) for each three (3) seats plus one (1) for each two (2) employees. |

1. Community Centers, libraries, museums, post offices

One (1) for each one hundred fifty (150) square feet of usable floor space.

3. BUSINESS AND COMMERCIAL

- a. Planned Commercial or Shopping Center located in a C-1 or C-2 District

One (1) for each hundred (100) square ft. of usable floor area.

- b. Auto Wash

One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles under-going some phase of washing at the same time, which shall be determined by dividing the length in feet in each wash line by twenty (20).

- c. Beauty Parlor or

Three (3) spaces for each of the barber shop first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.

- d. Bowling Alleys

Five (5) for each one (1) bowling lanes.

- e. Dance halls, pool or billiard parlors, pinball arcades and similar game room, roller or skating rinks, exhibition halls, and assembly halls without fixed seats

One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.

- f. Establishments for sale and consumption on the premises of beverage, food, or refreshments

One (1) for each sixty (60) square feet of usable floor space.

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| g. Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator electrician, or similar trade, shoe repair and other similar uses | One (1) for each eight hundred (800) square feet of usable floor area. [For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein]. |
| h. Automobile Service stations | Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump. |
| i. Laundromats and coin operated dry cleaners | One (1) for each two (2) machines. |
| j. Miniature "par-3" golf courses | Three (3) for each one (1) hole plus one (1) for each one (1) employee. |
| k. Mortuary establishments | One (1) for each fifty (50) square feet of usable floor space in assembly rooms, parlors and slumber rooms. |
| l. Motel, hotel or commercial lodging establishment | One (1) for each one (1) other occupancy unit plus one (1) for each one (1) employee. |
| m. Motor vehicle sales and service establishments | One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room. |
| n. Retail stores except as otherwise specified herein | One (1) for each one hundred and fifty (150) square feet of usable floor space. |
| o. Drive-in restaurants | One (1) for each twenty-five (25) square feet of floor area plus one (1) for each employee. |
| p. Roadside Stand | Four (4) for each roadside stand. |

4. OFFICES

- a. Banks One (1) for each one hundred (100) square feet of usable floor space plus five (5) spaces for each drive-up terminal window.
- b. Business offices or professional offices except as indicated in the following item (c) One (1) for each two hundred (200) square feet of usable floor space.
- c. Professional offices of doctors, dentists, or similar professions One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, or similar use area.

5. INDUSTRIAL

- a. Industrial or research establishments Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift, or one (1) for every five hundred and fifty (550) square feet of usable floor space, whichever determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction.
- b. Wholesale establishments Five (5) plus one (1) for every one (1) employee in the largest working shift or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

SECTION 1705. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Wherever the off-street parking requirement in SECTION 1704 above require the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector or Official. Applications for a permit shall be submitted in such form as may be determined by the Building Inspector or Official, and

shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.

- B. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° parallel parking	12'	8'	23'	20'	28'
30° to 53°	12'	8'6"	20'	32'	52'
54° to 74°	15'	8'6"	20'	36'6"	58'
75° to 90°	24'	9'	20'	44'	64'

- C. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

- D. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

- E. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.

- F. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distance from any adjacent property located in any single-family residential district.

- G. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height, measured from the surface of the parking area, on all sides where the next zoning district is designated as a residential district. Variations from the requirement of a masonry wall may be permitted by the Planning Commission in accordance with Section 1712.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be

landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing conditions, neat and orderly in appearance.

- H. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Board. The parking area shall be surfaced within one (1) year of the date the permit is issued.

Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the Township Board.

- I. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- J. In all cases where a wall extends to any alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
- K. The Board of Appeals, upon application by the property owner of the off-street area, and after review by the Planning Commission, may modify the yard or wall requirements, after public hearing conducted in accordance with Section 2202, where, the Board of Appeals makes a finding that:
 - 1. There are unusual circumstances applicable to the property involved, and
 - 2. That the granting of such modification would not be detrimental to the public welfare.

SECTION 1706. OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid interference with public use of dedicated right-of-way. Such space shall be provided as follows:

- A. All spaces shall be provided as required in ARTICLE XV SCHEDULE OF REGULATIONS, noted after minimum rear yards, except as hereinafter provided for M-1 Districts.

- B. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in M-1 Districts shall be provided in the following ratio of spaces to floor area:

GROSS FLOOR AREA (in square feet)	LOADING AND UNLOADING SPACE REQUIRED IN TERMS OF SQUARE FEET OF USABLE FLOOR AREA
0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet.
100,001 and over	Five (5) spaces

SECTION 1707. PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within any District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as a minimum requirements to be maintained within said area.

- A. Smoke, Dust, Dirt and Fly Ash: It shall be unlawful for any person, firm or corporation to engage in any use or operation which causes the emission of smoke, fumes, airborne solids and the like in excess of the maximum allowable limit as regulated by all applicable State and Federal laws and regulations.
- B. Open Storage: The open storage of any industrial or commercial equipment, industrial or commercial vehicles and all industrial or commercial materials including wastes, except new merchandise for sale and/or display, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of an obscuring wall or obscuring fence not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring wall or obscuring fence of at least six (6) feet in height.
- C. Glare and Radioactive Materials: Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be

performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines, Radioactive materials and wastes, and including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

- D. Fire and Explosive Hazards: The storage and handling of flammable liquids, liquified petroleum, gases, and explosives shall comply with all applicable State laws and regulations.
- E. Noise: Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses, said noise level not to exceed 80 decibels as measured with appropriate scientific equipment at the property line.
- F. Odors: Creation of offensive odors shall be prohibited. Any use which creates a public nuisance or hazard beyond the property line as a result of offensive odors is hereby prohibited.
- G. Wastes: No waste shall be discharged in the public sewer system or any public or private storm drainage facilities which is dangerous to the public health and safety as regulated and controlled by the County Health Department.
- H. Vibration: All machinery shall be so mounted and operated as to prevent transmission of ground vibration beyond the property line.

SECTION 1708. GREENBELT LANDSCAPING AND PLANT MATERIALS

Whenever in this Ordinance a greenbelt or planting strip is required, unless specific time requirements are stated it shall be planted within six (6) months from the date of issuance of a certificate of occupancy, and thereafter be properly maintained. Such greenbelt is intended to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided. All such landscape materials shall be depicted upon a Site Plan (Landscape Plan) drawn in accordance with the provisions of this Ordinance describing the characteristics and components of a Site Plan.

The following landscape and plant materials may be included in the Site Plan; the specific components of the Site Plan to be taken only from the materials list:

REPRESENTATIVE MAJOR PLANT TYPES (4)

TYPE	(1) MINIMUM SIZE ALLOWABLE	(3) MINIMUM ON-CENTER SPACING	(5) MAXIMUM ON-CENTER SPACING
<u>Deciduous Trees</u> <u>(shade/canopy)</u>			
Maple	(2) 1 1/2" caliper	15 ft.	30 ft.
Oak	1 1/2" caliper	15 ft.	30 ft.
Sycamore	2" caliper	20 ft.	40 ft.
Locust	2" caliper	15 ft.	30 ft.
Linden	1 1/2" caliper	15 ft.	25 ft.
Ash	1 1/2" caliper	15 ft.	30 ft.
Ginko	1 1/2" caliper	15 ft.	25 ft.
<u>Evergreen Trees</u>			
Pine	7' hgt.	10 ft.	20 ft.
Fir	6' hgt.	9 ft.	18 ft.
Spruce	6' hgt.	9 ft.	18 ft.
Hemlock	5' hgt.	10 ft.	20 ft.
Juniper	6' hgt.	8 ft.	16 ft.
<u>Ornamental Trees</u>			
<u>Flowering</u>			
Crabapples	(2) 1" caliper	10 ft.	20 ft.
Dogwoods	1" caliper	10 ft.	20 ft.
Birch	1" caliper	8 ft.	16 ft.
Magnolia	1" caliper	10 ft.	20 ft.
Fruit (Pear, Cherry, Plum, Peach)	1" caliper	9 ft.	18 ft.
<u>Shrublike Trees</u>			
Russian Olives	6' hgt.	10 ft.	20 ft.
Redbud	8' hgt.	15 ft.	30 ft.
Hawthorn	6' hgt.	10 ft.	20 ft.
Amur Maple	5' hgt.	8 ft.	16 ft.
Amelanchier	7' hgt.	10 ft.	20 ft.
Dogwood	6' hgt.	9 ft.	18 ft.
Goldenrain Tree	6' hgt.	9 ft.	18 ft.
Osage Orange	6' hgt.	10 ft.	20 ft.
<u>Evergreen Shrubs</u>			
Upright Yews	3' hgt.	3 ft.	6 ft.
Arbor-Vitae	4' hgt.	3 ft.	6 ft.
Upright Junipers	3' hgt.	4 ft.	8 ft.
<u>Deciduous Shrubs</u>			
Lilac	4' hgt.	4 ft.	6 ft.
Forsythia	3' hgt.	4 ft.	8 ft.
Euonymus (selected varieties)	3' hgt.	3 ft.	6 ft.
Smoketree	4' hgt.	4 ft.	8 ft.
Contoneaster (selected varieties)	(2) 3' hgt.	3 ft.	6 ft.
Dogwood	4' hgt.	3 ft.	6 ft.
Hydrangea	3' hgt.	3 ft.	6 ft.
Beauty Bush	4' hgt.	4 ft.	6 ft.
Privet	3' hgt.	3 ft.	6 ft.
Mock-Orange	4' hgt.	4 ft.	8 ft.

FOOTNOTES TO MAJOR PLANT TYPES LIST:

- A. Plantings elevated on earth berms may be reduced in size by one-half inch caliper (1/2") or one foot height (1 ft.) for every two feet of berm elevation above natural grade.
- B. Caliper readings on main stem twelve inches (12") above ground level.
- C. In order to promote design creativity, plant spacing may be varied only upon approval by the Planning Commission.
- D. Under certain conditions, soft wooded trees will be permitted (i.e., willows, poplars, aspen, soft maples, etc.) only upon approval of the reviewing agency. Under no circumstances will these trees be permitted where damage to persons or property might occur.
- E. Maximum on-center spacing may be used when plant sizes exceed "Minimum Size Allowable" by one-half (1/2) foot increments in height or one (1) inch increase in caliper reading.

SECTION 1709. SIGNS

- A. The following conditions shall apply to all signs erected or located in any use district:
 - 1. All signs shall conform to all codes and ordinances of the Township, and where required, shall be approved by the Building Inspector or Official and a permit issued.
 - 2. No sign, except those established and maintained by the Township, County, State or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
 - 3. No signs otherwise permitted shall project above or beyond the maximum heights limitations of the use district in which located, except that for a planned commercial or shopping center development involving three (3) acres or more under one (1) ownership, the Board of Appeals may modify the height limitation.
 - 4. All directional signs required for the purpose of orientation, when established by the Township, County, State, or Federal Government, shall be permitted in all use districts.
 - 5. Accessory signs shall be permitted in any use district consisting of a message content describing an activity located on the same site as the sign.
 - 6. Non-accessory signs shall be permitted only in M-1 Districts; except that non-accessory signs pertaining to

real estate development located within the Township and designed to promote the sale of lots or homes within a subdivision located within the Township may be permitted on a temporary basis in any district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all codes and ordinances of the Township and approved by the Building Inspector.

7. Signs used for advertising land or building for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.
 8. Accessory freestanding signs may be located in the required front yard except as otherwise provided herein.
 9. No flashing, oscillating or intermittent illumination of any kind shall be used on any sign in order to eliminate possible hazard for drivers of motor vehicles.
- B. In addition to the above, the following requirements shall apply to signs in the various use districts as follows:

<u>USE DISTRICTS</u>	<u>REQUIREMENTS</u>
R Districts	For each dwelling unit, one name plat not exceeding two (2) square feet in area, indicating name of occupant.
R, RPS, MHS, and RM Districts	For structures other than dwelling units, one (1) identification sign not exceeding ten (10) square feet, except a church bulletin board, not exceeding eighteen (18) square feet.
R, RPS, MHS, and RM District offices	For rental and/or management one (1) identification sign not exceeding six (6) square feet.
RM and MHS Districts	Signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent single-family district.
C Districts	No sign shall project beyond or overhang the wall, or any permanent architectural features, by more

than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.

C Districts

Freestanding, accessory signs or advertising pylons shall not be placed closer than one hundred (100) feet to any adjacent residential district.

C Districts

Freestanding, accessory signs or advertising pylons shall not be over one hundred (100) square feet in area.

~~M Districts~~

~~Freestanding, accessory signs or advertising pylons shall not be placed closer than two hundred (200) feet to any adjacent residential district and shall not exceed one hundred (100) square feet in area.~~

M Districts

Freestanding nonaccessory signs shall be permitted but shall be spaced no closer than one thousand (1,000) feet between signs on the same side of the right-of-way and shall not exceed two hundred (200) square feet in total sign area.

SECTION 1710. EXTERIOR LIGHTING

All lighting for parking areas or for the external illumination of buildings and uses shall be directed away from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

SECTION 1711. CORNER CLEARANCE

In all districts, no fence, wall shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed by the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

SECTION 1712. FENCES, WALLS AND GREENBELTS

- A. Those use districts and uses listed below shall be required by the Township Board upon the recommendation of the Planning Commission to construct and maintain on those sides abutting or adjacent to a residential district as specified below one (1) or a combination of the following:

<u>USES</u>	<u>MINIMUM DIMENSION REQUIREMENTS</u>
Off-street Parking Areas,	Walls: 4'6" high
C-1, C-2 and RM Districts	Fences: 4'6" high
M-1 Districts,	Obscuring Fences: 4'6" high
Utility buildings, stations and/or substations, except that in cases where all equipment is contained within a building or structure constructed so as to be similar in appearance to the residential buildings in the surrounding area, the Board of Appeals may waive the wall requirements.	Fence and Greenbelt: 4'6" high and 10' wide Landscaped Greenbelt: 4'6" high and 10' wide

- B. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.

- C. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Building Inspector. All walls herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained.

Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector and shall not be less than four (4) inches wider than the wall to be erected.

- D. The Board of Appeals, upon application by the property owner of the off-street area, and after review by the Planning

Commission, may modify the yard or wall requirements, after public hearing conducted in accordance with Section 2202 where, the Board of Appeals makes a finding that:

1. There are unusual circumstances applicable to the property involved, and
2. That the granting of such modification would not be detrimental to the public welfare.

SECTION 1713. USE RESTRICTION

No portion of a lot or parcel once used in complying with the provisions of this Ordinance for yards, lot area per family, density as for a development in the multiple-family district, or percent rate of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of ~~the lot or parcel required in connection with any other building~~ or structure existing or intended to exist at the same time.

SECTION 1714. LOT LIMITATIONS

No lot, parcel or building site shall be occupied by more than one principal building, and in the case of condominium projects each building site shall be limited to one principal building.

SECTION 1715. SITE PLAN REVIEW

All developments in MHS, RM, C-1, C-2, RPS and M-1 & M-2 Districts and all non-residential land uses within the AG, R1-R, R1-A and R1-B Districts and all projects with two or more dwelling units or building sites (in the case of condominium dwelling units) shall require site plan approval by the Planning Commission prior to issuance of a building permit and shall comply with the following requirements and standards. Approval will be based on the Articles of this Ordinance and such other conditions as may be imposed pursuant to Article XVIII of this Ordinance.

- A. Approval by the Planning Commission shall be contingent upon a finding that:
 1. The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and
 2. All the development features including the principal building or buildings and any accessory buildings, or uses, open trash or refuse containers, and any service road, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to, channeling excessive traffic onto local residential

streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulations routes located as a interfere with police or fire equipment access. Public streets adjacent or through the proposed development shall be required upon a finding that it is essential to promoting and protecting public health, safety and general welfare through continuation of the public street system.

3. The site plans and elevations of the buildings (principal and accessory) shall be in harmony with the general character of the area.

The required number of copies of the Site Plan Review and/or Special Land Use application together with the same number of copies of all the required drawings and illustrations shall be presented to the Township Clerk 20 days prior to the next regular meeting of the Commission to be forwarded to the Planning Commission, Community Planner and Township Engineer and/or Township Attorney where necessary. All of the following detailed information must be submitted.

B. Application Form (obtainable from the Township Clerk)

1. Applicant's name and address
2. Name of the proposed development
3. Common description of the property
4. Complete legal description
5. Dimensions of land, width, length and acreage
6. Existing zoning and zoning of adjacent properties
7. Proposed use of land
8. Name, address, city and phone number of the firm or individual who prepared site plan
9. Name and address of applicant if not the legal owner
10. Signature of the legal owner, if not the applicant

C. Site Plan (Drawing(s) and Illustration(s) fully dimensioned)

1. Location map drawn at scale of 4"-1 mile (show nearest major intersection).
2. Location of all existing and proposed structures and uses.
3. All aisles, drives and parking areas (include the number of spaces in each).

4. Screening and/or protective walls
5. Principal and accessory buildings.
6. Location of existing and proposed rights-of-way, widths of all abutting streets, alleys and easements.
7. Types of facing materials to be used on structures.
8. Elevations (front, sides and rear views) of all sides of the buildings(s).
9. Typical floor plan(s).
10. Seal of registered Architect, registered land surveyor, Landscape Architect, Professional Planner or Civil Engineer who prepared the plan. In cases of minor structural alterations where professional services are not required, the Planning Commission may waive this requirement.
11. Density calculations.
12. Existing buildings or improvements on the site and all land adjacent to the site within 100 feet.
13. Designation of units by type of buildings.
14. Interior sidewalls and sidewalks within right-of-way.
15. Exterior lighting locations and methods of shielding.
16. Trash receptacle location and method of screening.
17. Landscape plan.
18. Drive or street approaches including acceleration, deceleration and passing lanes, if appropriate.
19. All utilities located on or serving the site.
20. Loading and unloading area.
21. Total floor area.
22. Designation of fire lanes.
23. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels and other data of such equipment or machinery.
24. Location and extent of development of recreation areas, where necessary.

D. Sign Information: Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the time of site plan review or at a later date. The location of all signs shall be shown on the site plan but the following detailed information may be deferred until later.

1. Height of the sign above the ground.
2. Surface of the sign (material and dimensions).
3. Area of sign surface.
4. Lettering of sign drawn as it will appear on the erected sign need not be in the style of the finished sign but must be neatly printed in the size and the weight approximating that of the final constructed sign.
5. Method of illumination, if any.

E. Procedures: The application will be placed on the agenda of a regular meeting of the Planning Commission and consideration for acceptance, revision or disapproval will be given.

SECTION 1716. ACCESS REQUIREMENTS

All uses in every use district shall abut and have direct access to a public street. In AG, R-1R, R-1A and R-1B Districts, a Township approved private road shall also satisfy the access requirements. Developments which consist of fifteen or more dwelling units shall have at least two access/egress points. Projects which have (or will have within ten years of application) twenty-five or more lots or building sites shall be required to have an access/egress which adjoins a paved county primary or secondary roadway.

SECTION 1717. SWIMMING POOLS, PRIVATE

Private swimming pools may be permitted provided a building permit is obtained. Plans and construction shall meet the requirements of the State Health Department. Swimming pools shall not be constructed or placed nearer to the street than the established front building line. In-ground pools shall be securely fenced with a chain link or other nonclimbable fence and have self-closing fence gates which shall be kept locked when the pool is not in use. Above-ground pools shall have swing-up steps or a similar method of controlling entry to the pool which shall be kept locked when the pool is not in use.

All electrical installation or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.

SECTION 1718. PERFORMANCE GUARANTEE

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

- A. Performance guarantee as used herein shall mean a cash deposit, ~~certified check, or irrevocable bank letter of credit~~ in the amount of the estimated cost of the improvements to be made as determined by the applicant and confirmed and verified by a representative of the Township.
- B. Where the Planning Commission, as a condition of approval of a proposed use of land requires a performance guarantee, said performance guarantee shall be deposited with the Clerk of the Township prior to the issuance of a building permit by the Township for the development and use of the land. Upon the deposit of the performance guarantee the Township shall issue the appropriate building permit and the Township Clerk shall thereafter retain said deposit, however, if said deposit is in the form of cash or certified check, then it shall be transferred to the Township Treasurer for deposit in an interest bearing account.
- C. Where a performance guarantee is required by the Planning Commission as a condition of approval for a proposed use, the Planning Commission shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed, said period to run from the date of the issuance of the building permit.
- D. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant amounts of money in reasonable proportions to the ratio of the work completed on the improvements by the applicant as confirmed by the Township Engineer.
- E. Upon the satisfactory completion, as determined by the Township, of the improvement for which the performance guarantee was required, the Clerk shall notify the Treasurer of the Township to return to the applicant the performance guarantee deposited and any interest earned thereon.

- F. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
- G. In the event the applicant defaults in making the improvements and the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay to the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.

SECTION 1719. BASEMENT AND/OR GARAGE DWELLINGS PROHIBITED

Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. No basement or cellar shall be used or occupied for dwelling purposes at any time.

SECTION 1720. RECREATIONAL VEHICLE STORAGE

In all Residential Districts, campers shall be stored in the required rear yard area of any zoning lot. Open air storage of boats shall be permitted in the side and rear yard areas of any zoning lot.

SECTION 1721. TEMPORARY DWELLINGS PERMITTED IN EMERGENCY SITUATIONS

The Township Board at its discretion may permit the provision of a mobile home unit in any zoning district within the Township on a temporary basis not to exceed a period of 30 days provided that said Board enters an order that the provision of such dwelling unit is to preserve the general health, safety and welfare of the occupants of the property and that there is an eminent danger to the preservation of buildings and their contents which may be resulted from natural or man-made causes. Prior to this 30-day period, the property owner requesting such approval shall submit an application to the Zoning Board of Appeals for temporary use approval in that particular zoning district. Said approval of the Zoning Board of Appeals is not to exceed one year.

SECTION 1722. PRIVATE ROAD STANDARDS & PROCEDURES

- A. Access Requirements: All parcels of land which are not part of a recorded plat shall have access to a dedicated public street or access to a private road as described herein.

- B. Required Approval: No person shall commence construction of a private road within the Township without prior approval by the Township Board. Applications for approval shall conform to the rules of procedure as promulgated by the township Engineer and as adopted by the Township.

A construction permit for a private road as approved by the Township Board shall be valid for a period of not more than two years. The developer of a private road shall be responsible for maintenance of the private road until such time a dwelling is build and occupied or a maintenance agreement is in effect. The developer is also responsible for policing all parcels that remain unsold of all dumping and trash.

C. Standards:

~~1. All private roads shall meet the following specifications:~~

- a. All private roads shall be a minimum of sixty-six (66) feet in width and shall be created by an easement for purposes of ingress and egress for all abutting lots which must use the private road for those purposes.
- b. Plans shall show all existing and proposed grades, the location of all existing and proposed drainage facilities and structures and any other physical conditions existing adjacent to the subject private road.
- c. Maximum gradient shall be eight (8%) percent on said private road. Vertical curves shall be used at all changes in grade. Site distances on said curves shall be a minimum of one hundred fifty (150) feet.
- d. The angle of intersecting streets shall be between sixty-five (65°) degrees and ninety (90°) degrees. Minimum radius at intersections shall be thirty (30) feet measured along the parcel boundaries.
- e. There shall be a minimum of fifty (50) feet of flat gradient along the center line profile of the new private road from the center line of the public road before entering into a vertical curve.
- f. An aggregate surface twenty-four (24) feet wide shall be constructed upon prepared sub-grade in accordance with the provisions of this ordinance. Topsoil shall be stripped and stockpiled outside the 66' right-of-way easement and spread in the ditches and on the slopes at the completions of the project.

- g. The surfacing materials shall be computed in the excavated area for the full length and width to create a uniform and generally smooth surface. In addition, there shall be a center rise or crowned cross section rising not less than four inches measured from shoulder to shoulder and not more than eight inches measured from shoulder to shoulder.
 - h. The top 4" course shall consist of 22A aggregate as defined by the Michigan Department of Transportation Specifications. The subbase shall consist of a minimum of 10" of pit-run gravel laid in two 5" courses, each course compacted with a grader. Maximum stone size of the pit-run gravel shall be 1-1/2". Any stones larger than 1-1/2" shall be removed before placing the top 4" course. All trees, stumps, brushes, and the roots thereof, shall be entirely removed and disposed of outside the sixty-six (66) foot easement area.
 - i. Drainage ditches shall be constructed on each side of the proposed private road in cut sections and fill sections where required to a minimum depth of two feet and deeper where necessary at intersections to permit culverts to be installed. Either concrete or 12 gauge corrugated metal pipe shall be used at intersections and at driveway entrances. Minimum inside diameter of a crossroad culvert shall be fifteen inches and a minimum inside diameter for a driveway culvert of twelve inches with a minimum length of twenty-two feet. Sodding, planting, riprapping, top soil, seeding or other measures of erosion control shall be used where required. In areas of critical drainage, the Township Engineer will specify the culvert size and length.
 - j. Private roads which are cul-de-sacs shall have a maximum length of six hundred feet measured from centerlines of intersections along the centerline to the furthest point of the cul-de-sac.
2. No private road shall:
- a. Provide access to more than one dedicated public road.
 - b. Provide access to another private road.
3. The applicant shall submit at least two proposed names for a private road to the Township Board.
4. The applicant shall submit a drawing of said private road, as well as a letter of intent stating general specifications for said private road, including total

proposed length. In no event shall any private road be extended beyond the length as shown on said drawings and letter of intent.

5. For any parcel of land not fronting on an established public road, an easement for the construction and maintenance of various public utilities including natural gas, electric telephone, sewer, water, storm sewer, or similar improvement shall be provided. No building permit shall be granted for any parcel fronting on the private road until such easement has been provided by the applicant.

D. Deed Restrictions:

1. Prior to the approval of the proposed private road, the applicant shall submit to the Township a set of deed ~~restrictions in a form acceptable to the Township~~ which shall provide for the creation of the private road easement and the creation of a homeowners association whose members shall be the property owners abutting said road. The association shall be responsible for the up-keep and maintenance of said road. No more than one association shall be responsible for any one private road. The Township shall be given the authority to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and up-keep costs and fees expended by the Township relating to this assessment. Said restrictions shall be recorded prior to the completion of the road.
2. The applicant shall also submit to the Township a document, in a form sufficient for recording with the County Register of Deeds stating that in no event shall the association, the individual homeowners, the applicant or their heirs or assigns hold the Township liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.
3. Owners of private roads existing as of the date of the adoption of this Ordinance may petition the Township Board for permission to enter into a maintenance agreement, with authority given to the Township Board to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and upkeep costs, as provided in this Ordinance by submitting to the Township Board the following:
 - a. A petition, executed by 100% of the owners of said private road, requesting that the Township be given the authority to make the assessments provided for herein.

- b. A set of proposed deed restrictions or in the alternative, a proposed maintenance agreement, in form acceptable to the Township Board, in a form sufficient for recording with the County Register of Deeds, executed by 100% of the owners of the private road which shall provide for the maintenance and upkeep of the private road and which shall also give the Township Board the authority to make the assessments provided in this Ordinance. In the event of ownership by joint tenants, tenants-in- common, or tenants by the entirety, signatures of all those with an ownership interest in the private road shall be required. The maintenance agreement or deed restrictions shall be considered covenants running with the land.
- c. One hundred percent of the owners of the private road shall also submit to the Township a document, in a form sufficient for recording with the County Register of Deeds, stating that in no event shall the association, if any, the individual owners, or their heirs or assigns hold the Township liable for the costs of road signs, traffic control signs, lighting or snow removal.

The Township Board shall have the discretion to accept or reject any request to assume partial or total responsibility for the making of the assessments provided for herein. If the Board accepts the request, the proposed deed restrictions and/or maintenance agreement shall be executed forthwith and recorded in the office of the County Register of Deeds, prior to the making of any assessments by the Township. Term owners of private road shall be construed to mean those properties that either abut or front said private road.

- d. Preparation of Plans and Legal Descriptions: All drawings, legal descriptions and private road specifications shall be prepared and sealed by a registered civil engineer and/or registered land surveyor.
- e. Conditions for Issuing of Permit:
 - 1. Except as provided in this Ordinance, no building permits shall be issued for parcels abutting private roads until the Township Engineer has reported to the Township Board that said private road meets the standards provided herein.

2. Building permits may be issued prior to the required reports by the Township Engineer when any or all of the following conditions are satisfied, and subject to the sub-base being installed within the private road and approved by the Township Engineer.

a. The subject parcel also abuts a dedicated public county road and,

1. Construction permits have been obtained by the applicant for the building permit from the County Road Commission for the construction of an entrance from the subject parcel onto the County right-of-way;

~~2. The applicant's plans provide that no other parcel shall have access permitted through said entrance to the County right-of-way unless the driveway is improved to the standards contained herein.~~

b. The building permit applicant supplies a performance bond guaranteeing the completion of the private road according to the standards provided herein. The surety bond, to be executed by a surety company authorized to do business in the state of Michigan shall be in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder.

c. In fixing the amount of such surety bond, the Township Board shall take into account the size of the proposed private road, the current prevailing costs of completing the road upon default of the applicant, the estimated expense to compel the applicant to comply with the terms of this ordinance by court order or such other conditions and facts as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. In the alternative, the Township Board may accept a cash bond to be held by the Township under the terms of a written agreement between the applicant and the Township.

3. Notwithstanding the provisions of this Ordinance, certificates of occupancy will not be issued until the Township Engineer has reported the completion of the road as provided for in this Ordinance.

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SECTION 1723. LARGE ACREAGE DIVISION REGULATIONS

- A. Required Petition: Only upon the filing of a petition by the owner or owners of all interests therein, may acreage parcels be divided, upon resolution of the Township Board.
- B. Required Information:
1. Said petition shall contain at least the following information:
 - a. The name of the owners or owners of all interests in the subject property.
 - b. The legal description of the parcel to be divided together with the number of total acres involved.
 - c. A copy of the most recent tax bill pertaining to the parcel.
 - d. A drawing showing the boundaries of the parcel prior to the proposed division and a drawing showing the proposed division including the square footage of each resulting parcel.
 - e. The proposed use for each of the divided parcels.
 - f. A copy of all deed restrictions and covenants either existing or proposed which shall run with the land, whether recorded or not.
 - g. The date of any previous applications for divisions involving any portion of the subject property together with copies of the decisions rendered with respect to said applications, if any.
 - h. The person to whom all correspondence concerning said petition is to be directed with specific appointment of said person as agent for all owners.
 2. Said petition shall be filed with the Township Clerk and upon payment of the fees required under Section G, the petition shall be presented by the Clerk to a committee consisting of the Township Supervisor and the chairman of the Planning Commission. Upon the recommendation of either member of the committee the petition shall be submitted to the Planning Commission for review. If no such recommendation is made within ten (10) days after receipt of the application by the committee, the division shall be presented to the Township Board for consideration.

C. Standards:

1. No division shall be granted which creates a parcel smaller than the minimum size required under the terms of this Ordinance except as provided in Sec. C-2 as follows:
2. The Township Board may grant the division which creates a parcel smaller than the minimum size required under the terms of this Ordinance where such a division results in an increase in the size of adjacent parcels even though the increased resulting area of such parcels does not conform to the requirements of this Ordinance. The Township Board shall not finally approve such a division until the petition has been presented to the Zoning Board of Appeals and a variance granted allowing the proposed use of the subject parcel.
3. ~~Except for the divisions permitted under Sec. C-2, parcels~~ resulting from an approved land division shall not exceed depth to width ratio of more than four to one.
4. For purposes of this sub-section:

"Lot" - In addition to the meaning found in Article II, "lot" shall also mean a parcel of land shown in a request for an acreage division.
5. All parcels created under the provisions of this amendment shall have direct frontage on a public street or road which is dedicated to the public or on a private road provided, however, that no access through easements across other land parcels will be permitted.
6. Where an amendment to the zoning ordinance is required, or a variance of the terms of the ordinance is necessary for a proposed use of any of the subject parcels, the necessary petition shall be submitted in addition to petition for an acreage division.
7. The minimum road frontage in all acreage divisions shall be one hundred (100) feet.
8. A private road shall be required for access to parcels which abut a major thoroughfare as designated in the Township Master Plan unless those parcels exist as lots of record as of the effective date of this ordinance. Parcels or lots created subsequent to the effective date of this ordinance shall comply with this requirement.

- D. Deed Restrictions: In each instance where a divided parcel is to be joined with a neighboring parcel to create the larger building site as authorized in Section C-2, the owner of both the parcel to be divided and the adjoining parcel

shall join in a restrictive covenant agreeing to said joining and restricting said property as a single parcel and providing such other restrictions or limitations as the Township Board may require.

- E. Survey: Prior to the entry of an approved division in the Township records, the applicant shall provide the Township with a survey of the subject property together with legal descriptions of all parcels as prepared by a registered land surveyor or civil engineer. The survey shall include all existing buildings and structures on the property and all easements, whether recorded or not. The applicant may submit a scale drawing containing the above information.
- F. Entry of Approved Divisions: Upon the approval of a proposed division by the Township Board, the Township Board shall order all action necessary to effectuate the approved division.
- G. Fees: Fees as established by resolution of the Township Board and kept on file with the Township Clerk shall be paid by each petitioner.

SECTION 1724. REGULATION IN EXISTING AND PLANNED RESIDENTIAL DEVELOPMENTS

- A. The use of any waters, streams, ponds, drainage ways of all types shall be restricted to that right of use enjoyed by the owner or occupant of a riparian parcel which is contiguous to the water and has riparian rights as of the effective date of this ordinance; provided, however, that if a riparian parcel is proposed to be used by persons other than the owner residing thereon or occupant residing thereon, for a park, beach, boat launch, picnic area or similar use for outdoor recreation, then in such event said use may be made of said riparian parcel only when permitted by the Township Planning Commission as a Special Land Use as provided for in Article XVIII of the Zoning Ordinance.
- B. The Township Planning Commission shall take into consideration, among other considerations as explicitly spelled out in Section 1800 and following, that such use does not impair the natural appearance of the said land or over-crowd the parcel or water surface or tend to produce unreasonable noise or annoyance to surrounding properties, that the proposed construction or use because of its intensive nature or proposed location, does not pose substantial environmental hazards, and that all other factors considered in light of the proposed use and the specific characteristics of the property and the surroundings are favorable towards the proposed use: and that no use shall be made of any land or water for boat liveries or public or commercial beaches or recreational use operated for profit.

- C. Any dredging and/or filling of land and/or water area shall be permitted only after review and approval from the Michigan Department of Natural Resources, the County Drain Commissioner and the Township Planning Commission.

SECTION 1725. PROCEDURE FOR PLAN APPROVAL

- A. Existing Developments. In the event the Petitioner desires to effect the use permitted by this Ordinance, he shall make the application directly to the Township Planning Commission, pay the required fee and proceed before the said body under the terms and conditions of the Zoning Ordinance.
- B. In the event Petitioner is requesting approval for a new subdivision and/or development of a parcel of land contiguous ~~to a body of water requiring compliance with this Ordinance,~~ he shall make application to the Township Planning Commission and obtain approval under the procedure set forth in B-1 above prior to submitting a subdivision plat or site plan for development to the Township for approval. Approval by the Township Planning Commission shall be a condition precedent to submission of the proposed subdivision plat or site plan to the Township for examination for compliance with the zoning ordinance and the other ordinances in effect in the Township governing land development.

SECTION 1726. SPECIAL LAND USE PERMIT REQUIREMENT - TOWNSHIP BOARD APPROVAL

In addition to the other circumstances which require the issuance of a special land use permit, all residential developments which consist of over ten (10) dwelling units shall require a special permit following review by the Planning Commission, recommendation to the Township Board with final approval the sole authority of the Township Board.

ARTICLE XVIII - SPECIAL LAND USE APPROVAL REQUIREMENTS

SECTION 1800. GENERAL REQUIREMENTS AND PROCEDURES

A. For all special land uses, a site plan shall be submitted to the Township Planning Commission and conform to the Requirements and Procedures for Site Plan Review set forth in Section 1715. If the plans meet the required standards of this ordinance, Article and applicable section and indicate no adverse effects, which in the opinion of the Planning Commission, cause injury to the residents, users or adjoining property, or the Township as a whole, the Planning Commission shall approve the use. The Planning Commission shall have sole power to approve or disapprove all special land uses. In consideration of all applications for special land use approval, the Planning Commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.

1. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. The proposed use shall be such that the proposed location and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access

by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

6. The proposed use is necessary for the public convenience at the proposed location.
 7. The proposed use is so designated, located, planned and to be operated that the public health, safety and welfare will be protected.
 8. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- B. Approval. If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked, provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.
- C. Denial. If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
- D. Record. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.
- E. Hearings. The Planning Commission shall investigate the circumstances of each such case and give notice of the time and place of any hearing, meeting or review which may be held relative thereto as required by State law and/or its rules of procedure.
- F. Conditions. The Planning Commission may impose such conditions or limitations in granting approval as may be permitted

by State law and this ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. 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 do all the following:

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 immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the land-owner. The Planning Commission shall maintain a record of changes granted in conditions.

SECTION 1801. AGRIBUSINESS USES

Agribusiness uses, such as but not limited to cider mills, fruit and vegetable processing and sales, processing of agricultural or farm products, and the like, may be permitted in the AG districts subject to the provisions of this Ordinance and the following special standards:

- A. Retail floor area for agribusiness uses shall not exceed three thousand (3,000) square feet.
- B. Lot area, lot width and all setback requirements of the AG district shall be complied with.
- C. Off-street parking shall be provided in the ratio of one (1) space for each two hundred (200) square feet of retail floor area, plus one space for each employee. A minimum of five (5) customer parking spaces shall be provided for all uses of one thousand (1,000) square feet or less.

- D. All food and other waste products shall be screened from public view, properly disposed of on a regular basis and shall in no way be allowed to become a nuisance to adjacent properties.

SECTION 1802. AIRPORTS

Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations may be permitted in the AG District subject to the provisions of this ordinance and the following special standards:

- A. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aviation Administration, which agency shall approve the preliminary plans submitted to the Township. All aircraft approach lanes, as established by appropriate as established by appropriate aviation authorities, shall be so developed as to not endanger the permitted land use. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies, in considering an airport use.

B. Yard and Placement Requirements

1. No building or structure or part thereof shall be erected closer than sixty (60) feet from any property line.
2. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.

C. Performance Requirements

All lights, used for landing strips and other lighting facilities, shall be so arranged as not to reflect towards adjoining nonairport uses.

D. Prohibited Uses

The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.

E. Off-Street Parking Requirements

1. One (1) parking space shall be required for every three (3) airplanes stored on the site.

2. All off-street parking shall be paved and constructed to the standards of this ordinance.

SECTION 1803. CEMETERIES

Cemeteries are a permitted use in the AG, R-1R, R-1A and R-1B Districts subject to the requirements of this ordinance and the following special standards:

- A. The area to be occupied by the cemetery shall not have more than fifty one (51) percent of its land area in recorded plots.
- B. The continuity of all roads present or planned for adjacent areas shall be satisfactorily resolved to provide safe and prompt access to and from such areas.
- C. All ingress and egress shall be directly to a public road having a right of way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Thoroughfare Plan.
- D. All sides of the cemetery shall be screened from any residential views by providing a continuous and completely obscuring wall or fence, four feet six inches (4'6") in height, measured from the surface of the ground. The Planning Commission may permit a "chain-link" type fence adequately screened with deciduous and evergreen material.
- E. Approval shall be given contingent on a satisfactory drainage plan approved by the Township Engineer and the County Health Department.

SECTION 1804. CHURCHES AND PUBLIC BUILDINGS

Churches are permitted in the AG, R-1R, R-1A, R-1B and RM Districts subject to the requirements of this ordinance and the following special standards:

- A. Site Requirements
 1. Minimum site shall be two (2) acres on a continuous parcel.
 2. The site shall abut a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted thoroughfare Plan.
- B. Yard and placement requirements for the district in which located must be adhered to.

1. Front and rear yard - same as those listed for the district in which the special land use is requested.
2. Side yard - same as those listed in the requested district for permitted nonresidential uses.
3. Maximum lot coverage: same as for the district in which the special land use is requested..

C. Off-street Parking

1. Parking spaces shall be provided according to Article XVII except that facility without fixed seats or pews shall have one (1) parking space for every one hundred (100) square feet of usable floor area.
2. No off-street parking shall be permitted in the front yard space.
3. All off-street parking shall be paved and constructed to the standard of this ordinance.

SECTION 1805. COLLEGES AND UNIVERSITIES

Public and private colleges and universities and other similar institutions are permitted in the AG, R-1R, R-1A and R-1B Districts subject to the requirements of this ordinance and the following special standards:

A. Site Requirements

All ingress and egress shall be directly to a public road having a right-of-way of major thoroughfare on the Township's adopted thoroughfare Plan.

B. Yard and Placement Requirements

1. No building other than a structure for residential purposes shall be closer than seventy-five (75) feet to any property line.
2. Height of residential buildings in excess of the minimum requirements may be allowed provided minimum yard setbacks were yards abut land zoned for residential purposes, are increased by not less than thirty (30) feet for each yard, for each twelve (12) feet or fraction thereof by which said building exceeds the maximum height requirements of the zone.
3. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures and the like shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.

C. Off-street Parking Requirements

1. The quantity of parking spaces shall be such as to adequately service the faculty, students and maintenance staff of the institution and provide property for access to the public streets.
2. All off-street parking shall be paved and constructed to the standards of this ordinance.

SECTION 1806. COMMERCIAL, OUTDOOR RECREATION

Commercially used outdoor recreational space for adult or children's amusement parks, carnivals, miniature golf courses, and golf driving ranges are permitted in the C-2 District subject to the following special standards:

- A. All lighting shall be shielded from adjacent residential districts.
- B. Parking areas shall be provided off the road right-of-way and shall be fenced with a four foot, six inch (4'6") wall or fence where adjacent to a residential district or existing residential use.
- C. Children's amusement parks must be fenced on all sides with a four foot, six inch (4'6") wall or fence.
- D. No loud speaker or public address system shall be used except by the written consent of the Township Board wherein it is deemed that no public nuisance or disturbance will be established.

SECTION 1807. GOLF COURSES:

Golf courses are permitted in the AG, R-1R, R-1A and R-1B Districts subject to the requirements of this ordinance and the following special standards:

- A. 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 closer than seventy-five (75) feet from the lot line of any adjacent residential land and from any existing or proposed public right-of-way.
- B. All parking areas shall be paved and constructed in accordance with the standards of this ordinance.
- C. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.

- D. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
- E. Whenever included, swimming pools shall be provided with a protective fence not less than six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.

SECTION 1808. GENERAL HOSPITALS

General hospitals are permitted in the AG, R-1A, R-1B, and RM Districts subject to the requirements of this ordinance and the following special standards:

- A. All such hospitals shall be developed on sites consisting of at least (5) acres in area for the first one hundred (100) ~~beds or less plus one (1) acre for each additional twenty-five (25) beds.~~
- B. The proposed site shall have at least one property line abutting a major thoroughfare and vehicular ingress and egress to the site shall be directly onto said thoroughfare.
- C. The site plan shall show that a proper relationship exists between the abutting thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
- D. All the development features including the principal building and any accessory buildings, open spaces, and all service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

SECTION 1809. DOG KENNEL REGULATIONS

The purpose of the following is to provide for the construction and maintenance of dog kennels within the Township so as to protect the general health, safety, and welfare of residents, property owners and to preclude any harmful effects of such land use from occurring in any zoning district where such use may be permitted.

- A. Definition: This ordinance is intended to prohibit any premises being used contrary hereto and is defined as a premise on which three (3) or more dogs over six (6) months of age are boarded or bred, for remuneration, or kept for purchase or sale. Any person, firm, corporation, partnership, association or user of lands violating this ordinance shall be guilty as herein defined. A dog kennel shall consist of a kennel building, dog runs, fencing and necessary parking.

- B. Regulations: The building, heating, water supply, electricity and sanitary facilities shall meet the requirements of the Codes and Ordinances of the Township. In addition, all kennels shall be regulated by the rules of the County Animal Shelter and Dog Pound and Public Act 195 of the State of Michigan, 1969, as amended.
- C. Inside Enclosures: The minimum size of the enclosures within the required kennel building shall be not less than three (3) feet by three(3) feet square and four (4) feet high. There shall be a door or gate to each enclosure which allows easy access for inserting or removing the dogs. All enclosures shall have a sloped concrete floor to facilitate cleaning and drainage. There shall be a minimum of one (1) enclosure for any dog over eighteen (18) inches long or over fourteen (14) inches high.
- D. Outside Runs: The exterior runs shall be a minimum of three (3) feet wide and ten (10) feet long and have direct access to the kennel building. The opening into the required kennel building shall have a sliding or other type of closable door. Dogs shall be kept in the kennel building from 10 p.m. to 9 a.m. All exterior runs shall be paved and constructed with a slope to facilitate drainage.
- E. Enclosure Fences: The outside enclosures such as runs, etc., shall all have fencing a minimum of six (6) feet high, of commercial cyclone quality or woven type of equal quality. The gates to these enclosures shall be self latching and each shall be equipped with a lock. The gate shall be locked at all times when not being used.
- F. Noise and View Fence: The dog runs, exercise yards and any places where the dogs are kept either full or part time must be enclosed with a view obstruction noise barrier such as an earth berm or sound fence. This fence shall allow air to pass through and may be constructed of masonry with sound baffles, or may be of a wood louver or other similar type. The fence and/or earth berm shall also be no less than six (6) feet or more than eight (8) feet high and no closer than three (3) feet to any of the runs, exercise areas, places where the dogs are kept or any exterior property lines.
- G. Off-Street Parking: Paved off-street parking is required for each kennel with one (1) space for each employee, plus an additional five (5) spaces for temporary visitors. Refer to Section 1705 for parking lot specifications.
- H. Enforcement: The determination of whether any violation of this ordinance has been committed shall be made by the Township Zoning Administrator.

- I. Location: Dog kennels, under this ordinance, are a Special Land Use and may be established in Agricultural Districts.

SECTION 1810. LANDFILL

Disposal areas and landfills are permitted in M-2 districts as designated by this Ordinance subject to the requirements of this Ordinance and the following special standards:

- A. The location of all disposal areas within said districts shall be sufficiently distant from pre-existing development so as not to be injurious to the public health, safety and welfare, and in no instance shall the operation of the landfill be set back less than two hundred and fifty (250) feet from the road right-of-way and from any residential home, and the side line set back shall be a minimum of one hundred (100) feet from the property line of said licensee for the operation of said landfill.
- B. Disposal area activity shall only be allowed as a special land use activity within zoning districts specified in this Ordinance and subject to the provisions of this article. The purpose of these procedures is to provide for the use of lands as disposal areas and to regulate and control said use for the preservation of public health, safety and welfare. Disposal areas are considered to be a temporary use of land only, therefore, the further intent of these provisions is to assure that such operations are conducive to and result in the reclamation of the land for other purposes. The requirements of this section shall be in addition to the requirement of all applicable State Laws.
- C. Licensing Procedures: All landfills shall be required to obtain an annual license issued by the Township Board. All performance, standards and requirements of the Township Landfill Licensing Ordinance must be met prior to issuance of said annual operating license.
- D. Site Plan: A site plan, conforming to the requirements of Article XVII, must be submitted by the petitioner for approval by the Planning Commission. The site plan should show the existing and proposed contours, extent of fill operations and relationship of the property to abutting parcels and uses.
- E. Reuse Plan: A reuse plan, drawn to the same scale as the site plan, must be submitted to the Planning Commission. Approval will be contingent upon a finding that the site will be rehabilitated and suitable for reuse under the provisions of the adopted Township Master Plan. The reuse plan shall include a deed restriction indicating that the property was used as a landfill.

SECTION 1811. LARGE SCALE COMMERCIAL RECREATION

Large scale recreation uses, such as but not limited to, riding stables, gun clubs, parks, camper and /or tent parks, boy scout/girl scout camps and the like, are permitted in the Recreation, Public & Semi-Public Districts subject to the requirements of this ordinance and the following special standards:

A. Site Requirements

1. All approved uses shall be on a contiguous parcel of twenty (20) acres or more in area.
2. All vehicular ingress and egress from the site shall be directly onto a major thoroughfare, having a designated right-of-way of 120 feet on the Township's adopted Thoroughfare Plan, or a secondary thoroughfare with an existing right-of-way of 86 feet.
3. Review of the proposed site plan shows that a proper relationship exists between the major or secondary thoroughfare and all proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.

B. Yard and Placement Requirements:

1. All development features including the principal building related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of two hundred (200) feet to the property line of abutting residentially zoned lands and public right-of-way; provided where topography conditions are such that the building would be screened from view, this requirement may be modified.
2. No activity shall take place within thirty (30) feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting residentially zoned property by means of a protective fence or greenbelt.
3. Related accessory commercial uses may be permitted in conjunction with recreation use when it is clearly incidental to the main recreational character of the use and such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.
4. Permitted accessory uses which are generally of a commercial nature, shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreation use itself, such as a maintenance garage, may be located in separate building.

5. No buildings shall be located in a flood plain area.
6. All off-street parking shall be constructed to the standards of this ordinance.

C. Other Requirements:

1. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate or turnstile.
2. When a gun club is proposed it shall be clearly established that the activities shall in no way endanger the health, safety or welfare of any persons and will not become a nuisance in any manner whatsoever.

D. ~~Off-street Parking:~~ There shall be one (1) parking space for every two member families or individuals in private pools and/or one (1) parking space for every two users at maximum capacity plus one(1) space for each employee in public parks.

SECTION 1812. MINING, EXTRACTION AND SOIL REMOVAL

Soil, sand, clay, gravel, topsoil, or similar removal operations are permitted in the AG, R-1R, R-1A, R-1B, RPS, MHS, RM and M-1 districts subject to the requirements of this ordinance and the following special standards:

- A. Where sand, gravel, topsoil or other substances are proposed too be removed from the site where found to another site, an annual operating permit is required to be obtained from the Township Board, after approval of the special use by the planning commission.
 1. Application For Permit. The following information must be submitted as part of the special land use request, for use by the Township Board, after approval of the special use by the Planning Commission.
 - a. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
 - b. Full legal description of the premises wherein operations are proposed.
 - c. Detailed statements to method of operation, such as wet or dry method, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
 - d. Detailed statement as to exactly what type of deposit is proposed to be extracted.
 - e. Proposed method of filling excavation where quarrying results in extensive under-surface excavation.

- f. Site plan prepared by a registered civil engineer or surveyor, at a scale of not more than two hundred (200) feet to the inch of the excavation area, and real property within 1/2 mile of such area with the names of the owners of record of such property, all residences and commercial establishments with such area and contour lines at not more than five(5) foot intervals. Such owner shall also present a map showing the proposed contours to which the excavation area would be established upon completion of the excavation operations.
- g. Reuse plan showing how the site will be used after operations are complete and indicating that the reuse can be accomplished within the guidelines of the present zoning classification.

2. Permit fees. The sum established by resolution of the Township Board shall accompany the application for a mining and extraction permit. Said sum is to be used to defray the cost of engineering services, investigation, publication charges, and other miscellaneous administrative expenses occasioned by processing such application. Permits issued by the Township Board shall be for a period of one year expiring December 31st each year, and such permits may be renewed by the payment of an annual inspection fee established by resolution of the Township Board. Such permits shall be renewed as herein provided for so long as the permit complies with all of the provisions of this ordinance or other conditions of this permit.

3. Permits. After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Township Board, said Board shall at a regular meeting determine whether or not a permit will be issued. The permit shall be issued in the event the Township Board shall determine that the issuance of the permit would not detrimentally affect the public health, safety, morals, and general welfare of citizens of the Township.

B. Required Conditions. The following requirements shall be mandatory:

1. Pit Operations:

- a. Where an excavation in excess of five (5) feet deep will result from such operations, the applicant shall erect a fence completely surrounding the portion of the site where the excavation extends, said fence to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.

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9/12-31-1998

LEE TOWNSHIP
CALHOUN COUNTY, MICHIGAN
ORDINANCE NO. 1998-2

TEXT AMENDMENTS TO THE TOWNSHIP ZONING ORDINANCE

Please take notice that a regular meeting held on December 9, 1998, the Township Board adopted Ordinance No. 1998-2. The summary of the ordinance appears below.

SECTION I

PURPOSE

The purpose of this Ordinance is to amend the text of the Township Zoning Ordinance to alter mining and stripping regulations to allow excavations below road elevations and require site reclamation plans, to change the minimum core area required for each home to sixteen feet and require a pre-inspection prior to any home being brought into the township.

SECTION II

1-A AMENDMENT TO ALLOW MINING EXCAVATIONS BELOW ROAD ELEVATION LEVEL, PROHIBIT STANDING WATER AS A PUBLIC SAFETY HAZARD AND TO REQUIRE RECLAMATION PLANS. Article XVIII Section 1812.B.2. Regulations for Stripping is hereby amended to read as follows: 2. Regulations for Stripping and Reclamation

- a. Soil, sand, clay, gravel or similar materials shall be removed in such a manner as to not cause water to collect in a manner so as to create a menace or threat to public health. Sloping of drainage areas and fencing may be required to provide for public safety. The premises shall be properly graded so that surface water drainage is not interfered with from off-site or to off-site parcels.
- b. Sufficient topsoil shall be stockpiled on said site so that the entire site, when stripping operations are completed, may be recovered with a minimum of four (4) inches of topsoil and replacement of such topsoil shall be made in compliance with required site reclamation plan. Approval of such a reclamation plan shall be a condition of special land use approval. If a stripping operation continues over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. Any variation from this requirement may be approved as part of the site reclamation plan.

SECTION III

AMENDMENT TO CHANGE THE MINIMUM REQUIRED CORE WIDTH OF HOMES TO SIXTEEN FEET. Article XIX Section 1901 II is hereby amended to read as follows: All homes shall have a minimum core area (length times width) as measured across any front, side or rear elevation of sixteen (16) feet.

SECTION IV

AMENDMENT TO REQUIRE A PRE-INSPECTION OF ALL HOMES BEFORE BEING MOVED INTO OR PLACED IN THE TOWNSHIP. Article XIX Section 1901 J is hereby amended to read as follows: All homes shall be inspected for compliance with the zoning ordinance prior to being moved or placed in the township and before being occupied in accordance with Section 210-4 of this ordinance.

SECTION V

REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE. All ordinances or parts of ordinances which conflict herewith are hereby repealed. This ordinance shall

1-B
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12-31-98

- b. All interior roads used in connection with said excavation site shall be kept dust free by hard-topping with cement or bituminous substance. All ingress and egress to the site shall be directly onto a public road designated as a major or secondary thoroughfare on the Township's adopted Thoroughfare Plan and having a paved surface suitable for carrying Class A loadings on a year round basis. Weights for a Class A loadings shall be as defined by the County Weighmaster.
- c. The slopes of the banks of the excavation shall in no event exceed a minimum of seven (7) feet to one (1) foot (seven feet horizontal to one foot vertical) and where pond water results from the operation, this slope must be maintained and extended into the water to a depth of five (5) feet.
- d. Where quarrying operations result in a body of water, the owner or operator shall place appropriate "Keep Out" - "Danger" signs around said premises not more than two hundred (200) feet apart. In order to protect water wells and the water supply of the Township, the pumping or draining of water from such quarrying operations is absolutely prohibited. A drag line or other method of quarrying approved by the Township Board shall be followed.
- e. No cut or excavation shall be made closer than one hundred (100) feet from the nearest street or highway right-of-way line nor nearer than one hundred (100) feet to the nearest property line; provided, however, that the Planning Commission may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geographic conditions warrant it.

2. Regulations for Stripping:

- a. No soil, sand, gravel, clay or similar materials shall be removed below a point six inches above the mean elevation of the center line of the nearest existing or proposed street or road established or approved by the County Road Commission, except as required for the installation of utilities and pavements.
- b. Soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health. The premises shall at all times be graded so that surface water drainage is not interfered with.

- c. That sufficient topsoil be stockpiled on said site so that the entire site, when stripping operations are completed, may be recovered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping operations. In the event, however, that such stripping operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. In order to stabilize the replaced topsoil, the areas shall be seeded with an appropriate grass cover as replacement of topsoil progresses.

- C. Performance Bond. The Township Board shall, to insure strict compliance with any regulations contained in this permit either for mining or topsoil stripping, require the permittee to furnish a cash performance bond in an amount determined by resolution of the Township Board to be reasonably necessary to insure compliance hereunder. In fixing the amount of such performance bond the Township Board shall take into account the probable cost of rehabilitating the premises per acre upon default of the operator, estimated expense to compel operator to comply by Court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of facts and circumstances surrounding each application. Performance bonds will also comply to provisions of Section 1718 of this ordinance.

SECTION 1813. NURSERY SCHOOLS

Nursery schools, day nurseries and child care centers are permitted in the AG, R-1A, R-1B, and RM Districts subject to the requirements of this ordinance and the following special standards:

A. Site Requirements

1. The site shall contain a minimum of one hundred fifty (150) square feet of outdoor play area for each child and shall not be less than twenty thousand (20,000) square feet in total.
2. Any such use shall not be permitted in the interior of any residential district and shall be located adjacent to a multiple or nonresidential district.

B. Yard and Placement Requirements

1. No building, use, or activity shall be located closer than 30 feet to any property line.
2. The recreation area shall be completely enclosed by a masonry wall or chain link fence of not less than four (4) feet in height.

C. Off-street Parking Requirements

1. One parking space shall be required for each employee.
2. All off-street parking shall be paved and constructed the standards of this ordinance.
3. Sufficient area shall be provided for automobiles waiting to pick up children so that they are not forced to wait or stand on a public street.

SECTION 1814. TENANT DWELLING

One (1) tenant dwelling, in addition to the property owner's residence, may be permitted in the AG Districts as a part of an Agribusiness use subject to the requirements of this ordinance and the following special standards:

- A. There shall be at least one (1) acre of land devoted to the ~~exclusive use of the tenant dwelling.~~
- B. All front, side and rear setbacks required in the AG District shall be met.
- C. The tenant dwelling shall not be required to meet the minimum floor area requirement of the AG - Agricultural District. The tenant dwelling must have a minimum floor area of at least 400 square feet.
- D. The tenant dwelling may be occupied no more than one hundred eighty (180) days per calendar year.
- E. The tenant dwelling shall have separate water and sanitary facilities which meet the requirements of the County Health Department.

SECTION 1815. USED AUTOMOBILE SALES, MOBILE HOME SALES, TRAILER RENTAL

The above uses are permitted in the C-2 District subject to the requirements of this ordinance and the following special standards:

- A. All lighting shall be shielded from adjacent uses in such a manner that it does not project beyond the property line.
- B. Ingress and egress to the site shall be at least fifty (50) feet from a street intersection or adjacent residential district.
- C. When adjacent to districts zoned for residential use, there shall be provided a completely obscuring masonry wall four feet six inches (4'6") in height along the abutting residential district.
- D. There shall be no strings of flags or bare light bulbs, or flashing illumination of any kind anywhere on the site.

SECTION 1816. UTILITY AND PUBLIC SERVICE FACILITIES

Public utilities buildings including telephone exchange buildings and repeater stations, electric transformer substations and stations and gas regulator stations (all without storage yards) when operations requirements necessitate the locating within the district in order to serve the immediate area are permitted in the AG, R-1R, R-1A, R-1B, RPS, and RM districts subject to the requirements of this ordinance and the following special conditions:

- A. All such uses shall be completely enclosed and the site fenced with a suitable chain link fence not less than six (6) feet in height.
- B. The entire site shall be landscaped according to the standards of Section 1708 and the plant materials properly maintained in a healthy and growing condition.
- C. All buildings constructed shall be so designed that they are architecturally compatible with surrounding buildings and dwellings.
- D. All parking driveway areas shall be paved and constructed according to the standards of the Ordinance.

SECTION 1817. WIND GENERATORS

Private electric wind generators may be permitted in the AG, R-1R, R-1A, and R-1B, districts subject to the requirements of this ordinance and the following special conditions:

- A. All towers used to support the wind generating equipment shall be adequately anchored to prevent their being knocked down by high winds.
- B. All towers shall be set back at least one and one-half (1 1/2) times the height of the tower from all property lines.
- C. All electrical wiring and equipment shall be safely enclosed in a manner that meets the Township's electrical code.

SECTION 1818. ADULT ENTERTAINMENT FACILITIES

The following adult entertainment facilities are permitted in C-2 General Business Districts only subject to the requirements of this ordinance and following special conditions:

- A. In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable

operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e. not more than two such uses within one thousand feet of each other would create such adverse effects). Uses subject to these controls are as follows:

- a. Adult Book Store
 - b. Adult Motion Picture Theatre
 - c. Adult Mini Motion Picture Theater
 - d. Adult Personal Service Business
 - e. ~~Cabaret~~
 - f. Establishments for the sale of beer or intoxicating liquor for consumption on the premises
 - g. Hotels or motels
 - h. Pawnshops
 - i. Pool or billiard halls
 - j. Public lodging houses
 - k. Secondhand stores
- B. The Planning Commission may waive this locational provision for Adult Book Stores, Adult Motion Picture Theaters, Adult Mini Motion Picture Theaters, Cabarets, hotels or motels, pawnshops, pool or billiard halls, public lodging houses, secondhand stores, shoeshine parlors, if the following findings are made:
1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed.
 2. That the proposed use will not enlarge or encourage the development of a "skid row" area.
 3. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
 4. That all applicable regulations of this Ordinance will be observed.
- C. For establishments for the sale of beer or intoxicating liquor for consumption on the premises, the Township Board may waive the locational requirements listed in Section 1818 - D if the findings required in Section 1818, B - (1) through (4) can be made and after receiving a report and recommendation from the Planning Commission.

- D. It shall be unlawful to hereafter establish any Adult Book Store, Adult Motion Picture Theater, Adult Mini Theater or Cabaret within 500 feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file with the Planning Commission a petition which indicated approval of the proposed regulated use by 51 percent of the persons owning, residing or doing business within a radius of 500 feet of the location of the proposed use, the petitioner shall attempt to contact all eligible locations within this radius, and must maintain a list of all addresses at which no contact was made.
- E. The Township Building Department shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this section of the ordinance. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Department and the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.

The Planning Commission shall not consider the waiver of locational requirements set forth in Sections 1818, B- (1) through (4), C and D, until the above described petition shall have been filed and verified.

SECTION 1819. COMMUNITY CORRECTIONAL FACILITIES

Community correctional facilities may be permitted in the RM-1 Multiple Family districts subject to the requirements of this ordinance and following special conditions:

- A. Such facilities shall not exceed the maximum residential land use density for the RM-1 district.
- B. All such uses shall be located on a parcel of not less than ten (10) acres.
- C. All buildings and/or structures used or related to the community correctional facilities shall not be located closer than 250 feet to any property boundary of an abutting residential and/or agricultural zoning district.
- D. Any buildings proposed shall be architecturally compatible with surrounding buildings and dwellings.

SECTION 1820. (RESERVED)

SECTION 1821. RECYCLING FACILITY AND RECYCLING OPERATION:

- A. Intent: The intent of this ordinance provision is to regulate the activities and impacts which are associated with a recycling facility. These regulations are intended to provide for the preservation of the public health safety and welfare as well as the natural environment. Furthermore, in addition to the licensing and regulation of recycling operations, ~~the Township intends to monitor and inspect such operations to assure minimization of any and all pollution or impairment of the natural environment including groundwater, surface water, air, flora, fauna and the roadside environment.~~
- B. Section Reference: This recycling facility and recycling operation section of this portion of the Township Zoning Ordinance shall hereafter be referred to as "this section" in the balance of Section 1821.
- C. Definitions: Terms not specifically defined below or in Article II of the Township Zoning Ordinance shall have the meanings customarily assigned to them.
1. "Recycling" shall mean the commercial business of recovering materials for reuse from solid waste, scrap, vehicles, machinery, salvage, including, without limitation, the process of sorting solid waste and/or processing and/or packaging sorted solid waste in preparation for reuse.
 2. "Solid Waste" shall mean non-hazardous garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, municipal and industrial sludges, and solid commercial and solid industrial waste, but shall not mean and include animal wastes.
 3. "Vibration Perception Threshold" shall mean the minimum ground or structure borne vibrational motion necessary to cause a reasonable and normal person to be aware of the vibrational motion by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

- D. Permit Requirement: From and after the effective date of this section, no person shall commence and/or continue to operate a recycling operation in the Township except in accordance with a special exception permit issued by the Township Planning Commission and a licensure permit issued by the Township Board in accordance with this chapter.
- E. Application Procedure for Permits: The application for special use permit and application for licensure permit shall be submitted to the Township Clerk who shall apprise the Township Board of the filing of the application, and shall refer the application to the Planning Commission of the Township for action on the special use permit. Following action of the Planning Commission, the matter shall be placed upon the agenda of the Township Board for action on the licensure permit. In its deliberations on the application, the Township Board shall be entitled to continue the matter ~~to subsequent meetings from time to time, and, further,~~ shall consult with any and all experts deemed appropriate within the discretion of the Board. Upon completion of deliberations, the Board shall either grant the licensure permit, or deny the same and state the reasons for denial. Both a special exception permit and licensure permit are required for lawful operation of a recycling facility/ recycling operation in the Township.

The application submitted for a special use permit/licensure permit shall contain the following, provided, the applicant shall be relieved from duplicating the preparation and submission of materials presented to the Township within the immediately preceding 12 months in connection with a special use permit and/or site plan review application:

1. Identifications:

- a. Names and addresses of all owners or parties of interest in the site, together with their legal or equitable interest in the property.
- b. Name and address of applicant.
- c. Name and address of person, firm or corporation that will be conducting the actual operation, and the name, address and telephone number of the specific person designated by the applicant for the purpose of receiving all notice, correspondence and communications.
- d. Location, size and legal description of the proposed operation area, as well as the total site and any and all adjoining land owned by the applicant and/or any persons or entities affiliated with applicant.
- e. Location and type of proposed operation facilities.

- f. Amount of each and every kind of material to be received on the property for recycling purposes, and each and every type of material proposed to be recovered in the recycling process.
 - g. Proposed method of recycling, processing and/or other procedures undertaken prior to transport of materials from the site.
 - h. Proposed vehicular access to and from the operation and the generally anticipated route or routes off-site.
 - i. Description of each and every procedure used in connection with the recycling operation.
 - j. Description of each and every physical improvement ~~and procedure to accomplish and insure~~ containment and secondary containment of toxic spills and emergency procedures in the event of toxic or non-toxic spills or accidents.
 - k. Number and description of all vehicles to be:
 - 1. Used in connection with any part of the operation
 - 2. Stored on the property for any period while not in use
 - l. Name and address of the banking or savings and loan institution, or other company, which is to issue the irrevocable letter of credit and/or corporate surety bond to be posted by applicant.
 - m. The name of the operator's carrier for public liability and property damage insurance to be required under this chapter.
 - n. Description of each and every type of water body or other natural resource on the property which may be impaired or destroyed, and an environmental impact statement detailing how such water or other natural resources will be impacted and protected by and from the operation.
 - o. Days and hours of operation proposed.
- 2. Vertical aerial photography as specified at the time of application request.
 - 3. Topographic Survey: Topographic survey taken from aerial photographs or field surveys of the existing parcel drawn to a scale of one (1) inch equals two hundred (200) feet prepared by a registered civil engineer or registered land surveyor licensed by the State of Michigan within the minimum four-foot contour intervals based upon

U.S.G.S. data. The drawing shall also clearly show each and every area on which recycling shall be conducted and each and every area to be utilized for any other aspect of the operation.

4. Geological and Engineering Survey: Geological and engineering survey and data prepared by a geologist or engineer licensed by the State of Michigan, indicating:
 - a. Level of water table throughout the area for which a permit is sought.
 - b. Surface water, ground water and water shed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected.
 - c. Detailed plan for the disposition by controlled flow or controlled drainage of any on-site water used in the operation or stormwater into which drains or water courses, demonstrating, among other things, that the facilities and water quality of such drain and/or water course shall not be unduly burdened and/or impaired.
5. Plan of Operation: A plan of operation shall be presented on a transparent overlay on the same scale as the vertical area photograph, and, when so applied, shall delineate the following:
 - a. Area on which recycling operation shall be actively conducted.
 - b. Area for location of buildings and/or other improvements.
 - c. Areas used for storage and each and every other purpose.
 - d. To supplement the plan of operation overlay, referenced above, the following shall be submitted: Description of operation, including all mobile and stationary machinery and equipment utilized or to be utilized; method or methods of treatment of water and/or solid waste utilized in the operation prior to removal from the property and/or discharge onto the ground or into the surface water system.
6. Environmental Impact Report: An environmental impact report, detailing the effects of the proposed operation on all aspects of the environment, to the extent that such a report was not prepared in response to the requirement set forth above.

F. Application Fee: The application fee shall be accompanied by a processing fee, to be paid by the applicant in advance in an amount established by the Township Board. The applicant is also responsible for payment of all review fees required by the township engineer and township planning consultant as specified by the township clerk at the conclusion of such review(s).

G. Permit Content and Conditions:

1. A permit granted under this chapter shall contain the following:
 - a. The name and address of the holder of the licensure permit, as well as the name and address of the land, if different from that of the licensure permit holder. In addition, the permit shall also include the name, address and phone number of the person designated as agent for all notice, correspondence and communication.
 - b. The legal description of the property to which the permit shall apply.
 - c. The period for which the permit shall be valid including its expiration date.
 - d. The allowable days and hours of operation.
 - e. All required setbacks relative to specified aspects of the operation.
 - f. A description of the operation, including each and every material to be recycled, and each and every means of recycling.
 - g. Each and every allowable activity on the property other than recycling.
 - h. A statement to be countersigned by the applicant corresponding substantially to the following: "The undersigned has read this permit and understands and agrees that, incorporated by reference as a part of the terms and conditions hereof, are all the statements and contents of the application for the permit as approved by the Township Board, the terms and conditions of the Township Zoning Ordinance, as amended, and of any other applicable law, ordinances or regulations, and, further, that the Township employees and agents are permitted to come upon the premises at any reasonable time for the purpose of inspecting, monitoring and/or administering the above-identified ordinance."

- i. Any additional condition deemed appropriate by the Township Board which is reasonable in effect and which is reasonably related to the intent of this chapter.
 - j. A statement of the machinery and equipment to be used in the operation.
- H. Inspections and Monitoring: refer to township licensing requirements.
- I. Inspection and Monitoring Fee: set by resolution of township board.
- J. Permit Renewal: refer to township licensing requirements.
- K. Licensure Period: refer to township licensing requirements.
- L. Performance Bond: set by resolution of township board.
- M. Insurance Requirements: refer to township licensing requirements.
- N. Standards for Review of Application for Special Use Permit and Operations License:
 - 1. Days and Hours of Operation - The days and hours of operation by licensee shall be as follows:
 - a. Activities involving the operation of motor-driven vehicles and/or the use of equipment which may be heard, felt or otherwise perceived at the property line shall be limited to the hours of 7:00 a.m. through 7:00 p.m. Monday through Saturday.
 - b. Equipment maintenance and repair may be carried on at any time between the hours of 7:00 a.m. and 7:00 p.m., provided, however, that emergency repairs may be made during other hours with the condition that the building inspector shall be given advance notice of, and shall approve, such activities.
 - c. No activities on the property shall occur on Sunday with the exception of emergency repair activity required to permit the commencement of operations on the following Monday morning, however, this exception shall not apply in the event that such activities shall involve the operation of vehicles and equipment earlier than 7:00 a.m. or later than 7:00 p.m.
 - d. The limitation of operations on legal holidays shall be the same as the limitation applicable to Sundays.

2. Removal of Materials from Roadway - In the event the operation, through the operator or contractor, shall cause any material to be deposited upon the public highway in the Township, it shall be the responsibility of the operator to remove such materials within 12 hours of receipt of notice from the Township. This requirement shall not waive any other higher or more restrictive requirements by other governmental entity or agency, or other ordinance of the Township.
3. Sound, Vibration and Dust -
 - a. All equipment and facilities used in the operation shall be constructed, maintained and operated in such a manner as to eliminate, insofar as practical, sounds, vibration, or dust which interfere with the reasonable use and enjoyment of surrounding property. ~~At a minimum, the operations shall conform to all performance standards set forth in the~~ Township Zoning Ordinance, as amended, or any successor zoning ordinance, except as specifically modified herein.
 - b. The intensity level of sounds shall not exceed the following decibel levels, as measured from the nearest property line of the following types of adjacent uses, where applicable: fifty-five (55) decibels from residentially used property; sixty (60) decibels from commercially used property; and seventy (70) decibels from industrially used property. Measurements shall be made under this section on an "A" weighing scale.
 - c. All machinery and other operations conducted on or at the site which cause vibration shall be conducted so as to prevent transmission of ground vibration. The ground vibration shall be measured from any lot line adjoining the site, and the vibrations shall not exceed the vibration perception threshold of an individual standing on said lot line.
4. Lighting - All lighting used to illuminate all or any part of the property and operation, shall be directed away from surrounding property. Shielding shall be required where lighting would otherwise be directed toward a residential use and/or county road.
5. Protection of Public Health and Safety; Drainage; Environment - No aspect of the operation shall result in a danger to the public health or safety, and/or impairment and/or pollution of the ground water, surface water and/or water shed; and shall not impair or destroy the air, water and/or other natural resources, and/or the public trust therein.

6. Machinery, Equipment and Methods of Operation - Machinery, equipment and methods of operation on the site shall be limited to those specified in the permit application, and the permit issued, whichever is most restrictive.
 7. Protection of Wetlands and Watercourses - Any and all activities of the operation, where applicable, shall be subject to all of the standards required in any applicable law, ordinance or regulation, including this Ordinance.
 8. Accident Clean-Up - In the event of any spill or accident which may impair or destroy air, water or other natural resources, the permit holder/licensee shall take reasonable and immediate action to maximize protection of the environment and all other public and private interests.
- O. Operations Regulated Under State Law:
1. Pre-Emption - With respect to all portions of an operation regulated under Act 641 of the Public Acts of 1978, as amended, those parts of this Chapter deemed to be pre-empted shall not apply.
 2. Monitoring and Inspection - In all events, regardless of pre-emption, the Township shall be entitled to continue its monitoring and inspection as provided in this Chapter. However, such monitoring and inspection shall be limited to insuring compliance with applicable state law and those parts of this Chapter which remain applicable.
 3. Violation Prosecution - The right of the Township to criminally and civilly prosecute violations of state law and the substantive provisions of this Chapter shall not apply to the extent that such activities on the part of the Township are pre-empted by state law.

SECTION 1822. RESIDENTIAL DEVELOPMENTS

Residential developments which consist of twelve or more units shall be subject to the provisions of the special land use approval requirements with the addition of final approval of the Township Board following review and recommendation by the Township Planning Commission. In addition to the conditions, restrictions and safeguards listed herein as general requirements, the following standards shall apply:

- A. All roads which are part of the development shall be paved to the existing standards for paved roads according to the County Road Commission.

- B. Existing roads proposed for access/egress to the proposed site shall be of sufficient condition to accept the anticipated traffic increase without significant threat to public safety.
- C. Sufficiency of proposal to minimize impact of the proposed development on wetlands, woodlands, extreme topographic conditions, vulnerable aquifers, threatened or endangered flora or fauna, surface water, soils conditions susceptible to erosion, drainage or other environmental concerns as well as public health, safety and welfare matters.

ARTICLE XIX - REQUIREMENTS FOR SINGLE FAMILY HOMES

SECTION 1900. PURPOSE

The purpose of this provision of the zoning ordinance is to provide reasonable standards which ensure that all single family homes regardless of construction type (e.g. site-built or factory built) are compatible and compare aesthetically within the same residential zone.

SECTION 1901. CONDITIONS

Sufficient evidence must be submitted to the township building inspector to assure that the following standards are met by single family homes prior to location on a site in the township:

- A. All homes permitted under this section shall meet all requirements imposed under Article XV (Schedule of Regulations).
- B. All mobile homes shall be constructed after January 1, 1978 and be in compliance with all state and federal laws and regulations pertaining to mobile homes as well as plumbing and fire codes.
- C. All homes permitted under this section shall be firmly attached to their foundations in compliance with the provisions of the Township building code and state law.
- D. No skirting shall be permitted for homes permitted under this section.
- E. All homes permitted under this section shall be connected to public sewer and water facilities when available.
- F. Any accessory uses involving the construction of accessory buildings and/or additions to the home shall meet the requirements of this Ordinance and the Township Building Code.
- G. All homes permitted under this section shall be aesthetically compatible in design and appearance with homes within the area including a roof with compatible pitch and overhang, appropriate siding or exterior finishes, front and rear or front and or exterior doors, permanently attached steps or porch areas constructed in a manner consistent with the design of other homes within the area.

- H. All homes shall have a minimum width as measured across any front, side, and rear elevation as follows:

AG	District	eighteen	(18) feet	
R1-R	District	sixteen	(16) feet	
R1-A	District	fourteen	(14 16 feet)	} changed 12-9-98
R1-B	District	twelve	(12 16 feet)	

- I. The standards do not allow or permit the placement or construction of a home in those areas where deed restrictions or other covenants prevent it.

ARTICLE XX - GENERAL EXCEPTIONS AS TO AREA, HEIGHT AND USE

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

SECTION 2000. ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township.

SECTION 2001. VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

SECTION 2002. HEIGHT LIMIT

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special land use.

SECTION 2003. YARD REGULATIONS

When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

SECTION 2004. RESIDENTIAL YARD FENCES

In any platted residential district, fences and walls are permitted in any required open space, except front open space, or along any lot line except front lot lines. In unplatted acreage type residential districts, fences and screen walls are permitted in any required open space area having a minimum of four feet and a maximum of six feet in height.

SECTION 2005. ACCESS THROUGH YARDS

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives

shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

ARTICLE XXI - ADMINISTRATION AND ENFORCEMENT

SECTION 2100. ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.

SECTION 2101. DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator or duly appointed enforcement officer shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

SECTION 2102. APPLICATION

The Zoning Administrator shall require that all applications for permits shall be accompanied by plans and specifications including construction, manufacturing, assembly, set-up or engineering plans of adequate detail to assure compliance with the requirements of all applicable codes and zoning ordinance requirements including the following:

- A. The actual shape, location, and dimensions of the lot.
- B. The shape, size, and location of all buildings or other structures, to be erected, altered, or moved and of any building or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

- E. Plans for drainage of existing and future surface waters during and after construction including storm water runoff to provide for safe on-site retention or off-site drainage which mitigates the impact on soil erosion and adjoining parcels and rights of way as well as natural features including lakes and streams.
- F. Plans and provisions for a stable off-road (non right of way) safe parking surface or driveway for vehicles and equipment during and after construction.

Failure to supply adequate information as required in this section shall in the sole judgment of the building inspector be sufficient means to withhold issuance of a building permit.

SECTION 2103. PERMITS

~~The following shall apply in the issuance of any permit:~~

- A. Permits Not to be Issued: No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this and other Ordinances.
- B. Permits Required: No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress, and ingress, or other changes affecting or regulated by the Township Building Code, Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Construction plans for water mains, sanitary sewers, paving, storm drainage facilities and site grading, approved by the Township Engineer, shall also accompany an application for a building permit, where necessary.

SECTION 2104. CERTIFICATES

No land, building, or part thereof, shall hereafter be occupied by, or for, any use unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any certificates:

- A. Certificate for New Use of Land: No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

- B. Certificate for New Use of Buildings: No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
- C. Certificates not to be Issued: No Certificate of Occupancy shall be issued for any building, structure, or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance.
- D. Certificates Required: No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.
- E. Certificates Including Zoning: Certificates of Occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Occupancy as required by this Ordinance.
- F. Certificates for Existing Buildings: Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
- G. Records of Certificates: A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- H. Certificates for Dwelling Accessory Buildings: Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.
- I. Application for Certificates: Application for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by him and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structures or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

SECTION 2105. FINAL INSPECTION

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

SECTION 2106. FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Inspector in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

SECTION 2107. INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or Ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits; the provisions of this Ordinance shall control.

SECTION 2108. PLANNING COMMISSION

The Township Planning Commission is empowered to approve certain uses of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may be affected thereby, as required by State Law.

SECTION 2109. PLANNING COMMISSION APPROVAL

In cases where the Planning Commission is empowered to approve certain uses of premises under the provisions of this Ordinance,

the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may be affected thereby, as required by State Law.

SECTION 2110. CHANGES AND AMENDMENTS

The Township Board may from time to time, on recommendation from the Planning Commission, on its own motion, or on petition, amend, supplement or change this Ordinance in accordance with the procedure established by State Law.

SECTION 2111. FEES - PETITION FOR AMENDMENT

Upon presentation of petition for amendment of the Zoning Ordinance by the owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be paid to the Township Clerk to defray the expense of publishing the required notices of public hearings and the expenses of said public hearing.

SECTION 2112. VIOLATIONS

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred (\$500) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

SECTION 2113. PUBLIC NUISANCE PER SE:

Any building or structure which is erected, altered or converted, or any use of premises of land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 2114. FINES, IMPRISONMENT

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or

shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

SECTION 2115. EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 2116. RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by the law.

SECTION 2117. VARIANCE

A zoning variance is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement would cause undue hardship due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship, and unique circumstances applied to property. A variance is not justified unless all of these elements are present in the case.

ARTICLE XXII - BOARD OF APPEALS

SECTION 2200. CREATION AND MEMBERSHIP

There is hereby established a Board of Appeals, hereinafter called the "Board", which shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended, and in such way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. The membership of the Board shall be in accordance with the requirements of Act 184 of 1943, as amended.

SECTION 2201. MEETINGS

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All ~~hearings conducted by said Board shall be open to the public.~~ The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearing and other official action. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

SECTION 2202. APPEAL

An appeal may be taken to the Board of Appeals by any person, firm or corporation or by any officer, Department, Board or Bureau affected by a decision of the Building Inspector and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificates a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appeal and testify at the hearing, either in person or by duly authorized agent or attorney. A fee shall be paid to the Township Clerk at the time the notice of appeal is filed. The fees to be charged for appeals shall be set by resolution of the Township Board.

SECTION 2203. JURISDICTION

The Board of Appeals shall have the following powers and it shall be its duty:

- A. To hear and decide on all matters referred to it upon which it is required to pass under this Ordinance.
- B. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this Ordinance.
- C. To interpret the location of district boundaries on the ~~Zoning Map where said boundaries are unclear due to scale or legibility~~ of the Zoning Map.
- D. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variance therefrom as may be in harmony with their general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured and substantial justice done, including the following:
 1. May interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the Plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 2. May permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 3. May permit modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.
 4. May permit, upon proper application, temporary uses not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible, and uses which do not require the erection of any capital improvement of a structural nature.

The Board in granting permits for the above temporary uses, shall do so as near as possible to the following conditions:

- a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - b. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in ~~protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township~~, shall be made at the discretion of the Board of Appeals.
 - d. In classifying uses as not requiring capital improvements, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments such as, but not limited to, golf- driving ranges, and outdoor archery courts, or structures which do not require foundations, heating systems or sanitary connections.
 - e. The use shall be in harmony with the general character of the district.
 - f. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in SEC. 2202 of this Ordinance.
- E. Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardship, within the meaning of this Ordinance, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
 2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
 3. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
 4. That the granting of such variance will not adversely affect the purpose or objectives of the Master Plan of the Township.
- F. In consideration of all appeals and all proposed variations to this Ordinance, the Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

Nothing herein contained shall be construed to give or grant to the Board of Appeals the power of authority to alter or change the Zoning Ordinance or the official Zoning Map, such power and authority being reserved to the Township Board in the manner hereinafter provided by law.

1. The Board of Appeals may attach conditions to the granting of all variances allowed under this section.
2. The requirements of Section 1800F shall apply to all conditions imposed by the Board of Appeals under this section.

SECTION 2204. EXERCISING POWERS

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

SECTION 2205. NOTICE

The Board of Appeals shall make no recommendations except in a specific case and after a hearing conducted by said Board. A written notice of the time and place of such hearing shall be mailed to the appellant and to the owners of all lots or parcels of land, or portion thereof, lying within three hundred (300) feet of the property in question. Such notice shall be served at least twelve (12) days prior to the date of the hearing.

SECTION 2206. MISCELLANEOUS

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

When any application made under the provisions of this Ordinance shall have been denied by the Board of Appeals, not less than one year must intervene before a new application of the same tenor, and relating to the same property or proposed use, may be accepted or acted upon by the Building Inspector or by any other Township employee or authority, unless a positive finding is made by the Building Inspector that the facts of the case have substantially changed since its previous consideration.

ARTICLE XXIII - VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modifications as may be necessary to the preservation or protection of public health, safety and welfare.

ARTICLE XXIV - SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XXV - CONDOMINIUM REGULATIONS

SECTION 2500. PURPOSE

Article XXV is intended to provide for condominium projects within the Township, establish comparable regulations to guide development of such projects in a manner similar to comparable development allowed within the zoning ordinance, and to establish development standards and required information to assure adequate compliance within the purposes of this ordinance including:

- A. orderly growth and harmonious development of the community as planned for in the Township Master Plan, and
- B. to secure adequate traffic circulation and safety through ~~coordinated street systems with relation to the county and~~ state paved road system, future development, public services and facilities, and
- C. to provide for development which can be timed in a manner consistent with planned or needed public improvements so as not to create an undue inconvenience, hazard or financial burden for present residents of the Township, and
- D. to secure adequate provisions for water supply, storm drainage, sanitary sewage disposal and other public health and safety needs, including safe and coordinated interconnection with existing and planned paved roadways, and to provide for the achievement of these purposes, and
- E. to provide for an environmental assessment and when necessary to evaluate the impact of proposed developments to assure minimum impact of the natural environment including but not limited to the wetlands, surface waters, groundwater, flora and fauna of the community.

SECTION 2501. DEFINITIONS

In addition to the terms defined in the Township Zoning Ordinance and Subdivision Ordinance the following terms shall have the meanings as shown in this Section. Terms defined in the Condominium Act, in addition to the terms defined herein, shall have the meanings as defined therein:

- A. Building Site: The condominium unit including the building envelope and contiguous limited common area or element. The functional equivalent of a lot when lot is used as a reference in the Zoning Ordinance the regulation shall also refer to building site.

- B. Condominium Act: Public Act 59 of the 1978 Acts of the Michigan Legislature, as amended (Section 559.101 et.seq. of the Michigan Compiled Laws)
- C. Condominium Plan: The drawings and information prepared in compliance with the Zoning Ordinance which display the proposed site layout, survey and utility plans; floor plans; floodplain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location and approximate size of common elements.
- D. Condominium Project: A plan or project consisting of not less than two condominium units if established and approved in conformance with the Condominium Act.
- E. Condominium Subdivision Plan: Shall mean the same as Condominium Plan.
- F. Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use as described in the master deed and shall be equivalent to the term 'lot' as used in Township Ordinances.

SECTION 2502. REQUIRED INFORMATION

Concurrently with notice required to be given the Township pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

- A. The name address and telephone number of:
 - 1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 - 2. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - 3. The developer or proprietor of the condominium project.
- B. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.

- C. The acreage content of the land on which the condominium project will be developed.
- D. The purpose of the project (for example, residential, commercial, industrial, etc.).
- E. Approximate number of condominium units to be developed on the subject parcel.
- F. Whether or not a community water system is contemplated.
- G. Whether or not a community septic system is contemplated.

SECTION 2503. CURRENT INFORMATION

All information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.

SECTION 2504. SITE PLANS - NEW PROJECTS - MASTER DEED, AND ENGINEERING AND INSPECTIONS

Prior to recording of the Master Deed required by Section 72 of the Condominium Act, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval. In addition, the Township shall require appropriate engineering plans and inspection prior to the issuance of any Certificate of Occupancy. Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval.

SECTION 2505. MASTER DEED, RESTRICTIVE COVENANTS AND "AS-BUILT" SURVEY TO BE FURNISHED

The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One copy of the recorded Master Deed, one copy of all restrictive covenants and two copies of an "as-built survey". The "as-built survey" shall be reviewed by the Township Engineer for engineering aspects and the Township Planner for compliance with Township Ordinances. Fees for these reviews shall be established by resolution of the Township Board in addition to those otherwise required by Township Ordinances.

SECTION 2506. MONUMENTS REQUIRED - SITE CONDOMINIUM PROJECTS

All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.

- A. Monuments shall be located in the ground and made according to the following requirement, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- B. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at all intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in all side lines of streets and alleys; at all angles of an intermediate traverse line and at intersections with elements and all common elements.
- D. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- F. All required monuments shall be placed flush with the ground where practicable.
- G. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- H. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township, whichever the proprietor selects, in an amount set by resolution of the Township Board. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

SECTION 2507. MONUMENTS REQUIRED - ALL CONDOMINIUM PROJECTS

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 2706.B, above.

SECTION 2508. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAW

All condominium projects shall comply with Federal and State statutes and local ordinances.

SECTION 2509. STATE AND COUNTY APPROVAL

The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the wastewater disposal system for the proposed project.

SECTION 2510. TEMPORARY OCCUPANCY

The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

SECTION 2511. STREET STANDARDS, SITE PLAN SUBMITTAL, INSPECTIONS

All streets located within a Condominium Project shall be constructed and paved in accordance with the standards and specifications of the County Road Commission and Township Subdivision Ordinance for developments comparable in use, frontage, etc., to the condominium project. All condominium roads shall be designated and remain common elements as specified in the Master Deed. The Master Deed shall contain a clause approved by the Township Board which allows an assessment against condominium owners for road maintenance for the purposes of public safety and welfare. Where standards differ, the more restrictive standard shall apply. After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet twenty-four by thirty-six (24 x 36) inches with an image not-to-exceed eight and one-half by fourteen (8-1/2 x 14) inches.

Prior to issuance of a Final Certificate of Occupancy by the Township, the Township Engineer shall inspect all site improvements, including roads, water, sanitary and storm sewer facilities, grading and road signs, and determine compliance with all applicable Township Ordinances and requirements.

ARTICLE XXVI

(RESERVED)

ARTICLE XXVII

(RESERVED)

ARTICLE XXVIII

(RESERVED)

ARTICLE XXIX

(RESERVED)

Special use Permit - house already there
why needed?

Dwelling house Due to Fire in Toronto
can person rebuild - why not?

age of mobile home should progress with
zoning age

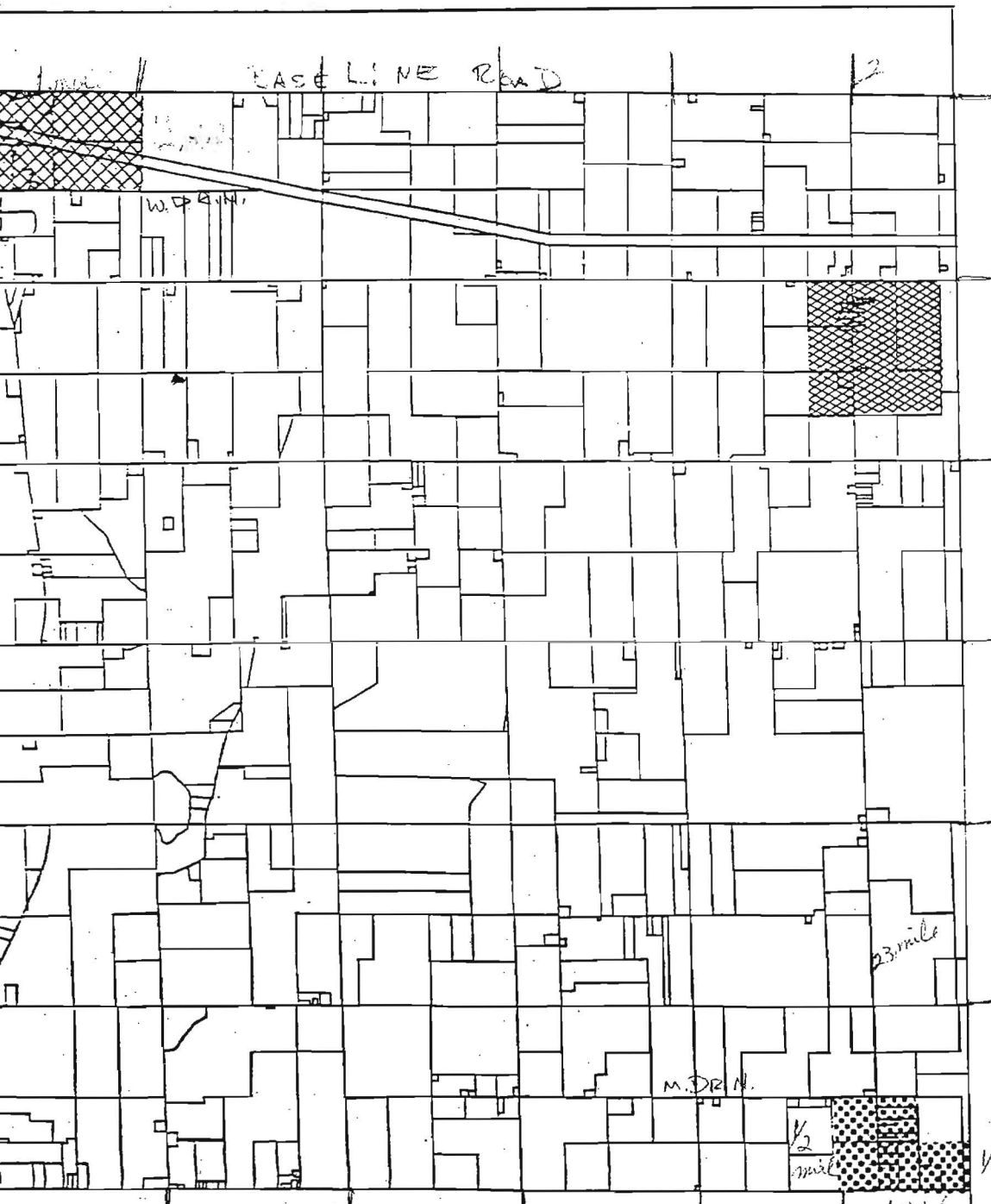
one time split why should ground not be
farmed for last 10 yrs.





ARTICLE XXX - 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. The Zoning Ordinance for the Township of Lee, Calhoun County, Michigan, effective and as amended, is specifically repealed in its entirety.

LEE TOWNSHIP

ZONING DISTRICT MAP



	AG AGRICULTURAL
	R-1R - RURAL RESIDENTIAL
	R-1A - SINGLE-FAMILY RESIDENTIAL
	R-1B - SINGLE-FAMILY RESIDENTIAL
RM	MULTIPLE FAMILY
C-1	LOCAL BUSINESS
C-2	GENERAL BUSINESS
M-1	INDUSTRIAL
RPS	RECREATION, PUBLIC SEMI-PUBLIC



NORTH

one mile

base map - by Calhoun County
Planning Department