

# **JEFFERSON TOWNSHIP ZONING ORDINANCE**

**Ordinance No. \_\_\_\_**

**DRAFT**

**November 6, 2023**

*The material contained within reflects work in progress  
and is subject to review and revision.*

**Jefferson Township  
Cass County, Michigan**

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**Jefferson Township  
County of Cass, State of Michigan**

**ORDINANCE NO. \_\_\_\_  
ZONING ORDINANCE**

An Ordinance enacted by Jefferson Township under Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended, to regulate the use and development of land and provide for the establishment of districts within which specified land use and development may occur including restrictions and requirements for structures, buildings, yards, and development densities, and to establish a permitting system to ensure reasonable review and authorization of land uses and development including the issuance of permits, appeals of decisions, and penalties for violations.

**THE JEFFERSON TOWNSHIP BOARD ORDAINS:**

**Article 1  
TITLE and PURPOSE**

**Section 1.1 Title**

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

**Section 1.2 Purpose**

- A.** It is the purpose of this Zoning Ordinance to:
1. Regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land in accordance with the land's character and adaptability.
  2. Ensure that the use of land is situated in appropriate locations and relationships.
  3. Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities.
  4. Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
  5. Promote public health, safety, and welfare including the conservation of property values and natural resources including wooded areas, wetlands, and water resources.
  6. Implement the goals, objectives, and policies of the Jefferson Township Master Plan.
  7. Advance all other purposes as authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

**End of Article 1**



## Article 2

# GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES

### **Section 2.1 Purpose**

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a Zoning Permit, which shall indicate that the uses and plans for which the permit is requested comply with this Ordinance. Upon the issuance of a Zoning Permit from the Zoning Administrator, and the issuance of all necessary Building Permits from the Building Inspector demonstrating conformance with the Building Code, the applicant may proceed with the establishment of the use for which the Zoning Permit and Building Permit has been issued.

### **Section 2.2 Zoning Permit Required**

**A. When a Zoning Permit is Required:** Except as provided in subsection (C) below, none of the following shall occur until the Zoning Administrator has issued a zoning permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Building Code through the issuance of a building permit:

1. Grading and excavation.
2. The erection, enlargement, alteration, movement or demolition of any wall, structure, or building.
3. The use of any land or building or change in the use of any land or building, as delineated in the Permitted Uses tables of Article 3 or elsewhere in this Ordinance, including the conversion of an abandoned or vacant building to an active use.

**B. Zoning Permit Form / Approval:** A zoning permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, and any conditions made part of such permit. No zoning permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. See Section 2.4 regarding application review procedures.

**C. Zoning Permit Exemption:** A zoning permit shall not be required for the following or as provided elsewhere in this Ordinance, but the following shall be subject to the standards and other requirements of this Ordinance:

1. Buildings and other structures that occupy a ground area of less than two hundred (200) sq. ft. in area and are not of a permanent character, such as in the case of the absence of footings, a foundation, or similar structural attachment to the ground or other structure.
2. The alteration of any wall of any building provided no change is made to the location of an exterior wall. A building permit may be necessary for such an alteration pursuant to the Building Code.
3. The repair and/or replacement of exterior building features such as siding, roofing, windows and similar features, provided such modifications comply with any previously issued permits where such permits were based on specific exterior materials such as in the case of the approval of a site plan and/or special land use application that was contingent on specific proposed exterior materials and architecture. A building permit may be necessary for such alterations pursuant to the Building Code.
4. Grading and/or excavation in association with ground care, landscaping, or agricultural field contouring.
5. Buildings and other structures used principally for agriculture as defined in this Ordinance.

### **Section 2.3 Responsibility for Administration**

**A. General Administration:** The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, Planning Commission, Zoning Board of Appeals, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance. The Zoning Administrator may simultaneously serve as the Building Inspector.

**B. Duties of the Zoning Administrator:** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. The Zoning Administrator shall perform the duties specified in this Ordinance including, at a minimum:

1. Provision of Application Forms: The Zoning Administrator shall make available administration forms as necessary for the efficient and comprehensive administration of this Ordinance.
2. Review Applications: The Zoning Administrator shall undertake and/or assist in the review of zoning permit applications and other applications made under this Ordinance as may be requested, including

- applications for plot plans, site plans, special land use approvals, amendments, and variances.
3. Issue Zoning Permits: The Zoning Administrator shall issue zoning permits and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the designated body or official, including in association with plot plans, site plans, special land uses and variances.
  4. Issue Zoning Permit Denials: The Zoning Administrator shall issue zoning permit denial correspondences, notifying an applicant of such action and the basis for the denial.
  5. File of Applications: The Zoning Administrator shall maintain files of all applications submitted under this Ordinance, actions on such applications, and any performance guarantees associated with permits.
  6. Inspections and Violations: The Zoning Administrator shall investigate or assist in the investigation and resolution of violations of this Ordinance including inspections to investigate, monitor and ensure conformance with this Ordinance. The Zoning Administrator is authorized to issue notice of violations and municipal civil infraction citations pursuant to Section 2.12.
  7. Record of Complaints: The Zoning Administrator shall maintain a record of any complaint of a violation of this Ordinance and of the action taken consequent to each complaint.
  8. Maintain a Record of Official Ordinance Interpretations: The Zoning Administrator shall keep a record of any official interpretation of any aspect of this Ordinance rendered by the Zoning Board of Appeals according to Article 16.
  9. Disburse Public Information: The Zoning Administrator shall make available to officials and the public copies of this Ordinance as the need may arise or as may be requested and provide other Ordinance information as the need or requests may arise.
  10. Reports/Meetings: The Zoning Administrator shall report to the Planning Commission, Zoning Board of Appeals, and Township Board, to report on activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters, as may be requested by such bodies. The Zoning Administrator shall attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board, as may be requested.

## **Section 2.4 General Zoning Permit Application Procedures / Single and Two-Family Dwellings**

**A. General Application and Review Procedures:** An application for a zoning permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a zoning permit shall be issued.

1. Single-Family Dwellings and Two-Family Dwellings: Whenever the Zoning Administrator determines an application for a single-family dwelling or two-family dwelling, and accessory uses and structures thereto, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the zoning permit. See Section 2.4(B).
2. Buildings and Structures Not Associated with Single-Family or Two-Family Dwellings: Zoning permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator upon completion of the approval process specific to the application in question.
3. Plot Plan / Site Plan: An application for a zoning permit shall include the submittal of a plot plan or site plan. An application for a single-family dwelling or two-family dwelling, and accessory structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Article 14 (Site Plan Review) unless provided otherwise by this Ordinance.
4. Special Land Uses: In addition to meeting the site plan requirements of Article 14, a zoning permit application for a use classified as a "special land use" according to the Permitted Uses tables of Article 3, or elsewhere in this Ordinance, shall be processed according to the provisions of Article 15 (Special Land Uses), which requires Township Board action after receipt of a Planning Commission recommendation.
5. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 16 is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be acted upon by the Zoning Administrator, Planning Commission or Township Board, nor shall such project be issued a zoning permit, until action on the variance request has first been acted upon by the Zoning Board of Appeals.
6. Incomplete Applications: If zoning permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
7. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of

a permit in order to ensure conformance with the requirements of this Ordinance, according to Sec. 2.8.

8. Permit Refusal in Writing: In any case where a zoning permit or other approval requested under this Ordinance is refused, the reasons shall be provided to the applicant in writing by the Zoning Administrator. Such notification may include a copy of the meeting minutes and denial motion containing such reasons.

**B. Agricultural Buildings, Single-Family and Two-Family Dwellings, and Plot Plan Approval**

1. Application: Application for a zoning permit for a single-family dwelling or two-family dwelling, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose. See Section 2.2(C) for exceptions. Three (3) copies of all application materials shall be submitted and shall consist of:
  - a. The completed application form, and all permit applications, approvals and supporting documents associated with required county, state or federal permits including county health department wastewater disposal permits or percolation approvals and potable water system permits, county soil erosion control and storm water management permits, county road commission driveway location permits, and state wetland permits.
  - b. An accurate, readable, drawing of scale not less than 1" = 50', constituting a plot plan, which presents:
    - 1) Name, address, and telephone number of the applicant (and owner if different).
    - 2) A scaled property line survey drawing showing lot lines, dimensions, bearings, lot area, legal description, an arrow pointing north, and the delineation of existing structures, driveways, and parking areas. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Ordinance, such as in the case of a lot less than 5,000 sq. ft. and/or where a structure is proposed within ten (10) feet of a lot line.
    - 3) A scaled property drawing delineating locations of proposed buildings and other structures and height, dimensions, and footprint of each.
    - 4) Distances of buildings and structures from lot lines.
    - 5) Configuration of the driveway and parking areas.
    - 6) A description of proposed use(s) of the building(s), land and structures.
    - 7) Existing public and private rights-of-ways and easements.
    - 8) Existing and/or proposed location of septic drain field and potable water well.
    - 9) In the case of a corner lot, the designated side and rear yard.
    - 10) Any other information deemed necessary to determine Ordinance compliance and provide for the enforcement of the Ordinance, such as wetland permits, soil and erosion control permits, and health department permits including permits for the addition of habitable space to an existing dwelling.
2. Application Review: The Zoning Administrator shall review a zoning permit application and determine its conformity with the provisions of this Ordinance.
3. Action on Application: After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to requirements and standards contained in this Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within fifteen (15) days of the receipt of a complete application including copies of all required county, state and federal applications and permits. A plot plan shall be approved if it contains the information required by and is in compliance with this Ordinance.
4. Approved Plot Plans: At least two (2) copies of an approved application, with any conditions contained within, shall be maintained as part of the Township records. A third copy shall be returned to the applicant. Each copy of the approved plans shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from this Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the application and delivered to the applicant.
5. Plot Plan Changes: The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this subsection (B).

## **Section 2.5 Zoning Permit Withholding, Revocation and Expiration**

**A. Withholding Permit:** A designated approving body, including in the case of a variance approval by the Zoning Board of Appeals, may withhold approval of an application pending verification that an applicant has received required county, state, or federal permits. Similarly, such body may condition its approval of the requested application on the receipt of such permits.

**B. Revocation:** A body that grants approval of a permit or application under this Ordinance may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation in the application. The Zoning Administrator may issue a stop work order to halt all construction activities and/or use of the premises pending a revocation decision. A stop work order shall be issued by certified mail to the lot owner and posted on the subject lot in a conspicuous location.

### **C. Expiration of Permit:**

1. **Permit Expiration Period:** A zoning permit, including the approved plot plan or site plan upon which the permit is based and including in the case of a Special Land Use, shall expire after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector.
  - a. Where a zoning permit does not provide for an immediate building or structure, such as in the case of a platted subdivision or site condominium, such permit shall become null and void after one (1) year from the date of granting such permit unless the clearing, preliminary grading, and survey staking of roads shall have been completed within such time. Such permit shall become null and void after two (2) years from the date of granting such permit unless the construction of utilities and roads has been completed to a minimum fifty percent (50%) based on the linear number of feet completed except that the final wearing or top course of road surfaces need not be installed.
2. **Extension of Permit Expiration Period:** The body that approved a zoning permit may waive or extend the period of time in which the permit is to expire, for multiple periods with each period not to exceed one (1) year, if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction and even though the permit and plot/site plan may not comply with the most current standards of this Ordinance due to amendments since the issuance of the permit. In the case of a multi-phased project, the expiration of a zoning permit for a specific phase shall similarly result in the expiration of all zoning permits previously granted for subsequent phases.
  - a. In the case where the original zoning permit is to expire more than three (3) years following the initial issuance of the permit, no extension shall be granted unless the body that approved the permit finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the plot/site plan, and the owner or developer is maintaining a good faith intention to proceed with construction.
3. **Reapplication:** Should a zoning permit expire and not be extended, such use, building and/or activity shall not be initiated or continued except upon reapplication, subject to the provisions of all ordinances in effect at the time of reapplication. Upon expiration of the zoning permit, failure to terminate the use for which the permit was issued is declared to be a nuisance per se and a violation of this Ordinance.

## **Section 2.6 Building Permit / Occupancy Permit Required**

**A. Building Permit:** No grading, excavation, or construction shall be initiated prior to the issuance of a Zoning Permit and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit.

**B. Occupancy Permit:** No structure or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the Construction Code.

## **Section 2.7 Site Inspections**

**A. Inspections Authorized:** The Zoning Administrator shall have the authority to make inspections of premises, upon request at reasonable times, for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. No person shall interfere with the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator may seek an administrative search warrant in the event a property owner refuses access to a property in order to make an inspection. The Township may contract with other entities for assistance in inspections and determining the extent to which site modifications were completed in conformance with a Zoning Permit and this Ordinance, including road construction, grading and storm water systems. Such inspection fees shall be paid prior to the issuance of a zoning permit.

1. Rejection of an Application: If an applicant refuses access to the Zoning Administrator to property that is the subject of a current application, the Zoning Administrator may return the application as incomplete.

**B. Required Inspections:**

1. Zoning Administrator / Building Foundation Staking: No construction shall be continued beyond the staking of proposed foundation walls until the Zoning Administrator has approved in writing such staking, upon finding that the staked foundation walls are in compliance with the approved plot plan or site plan.
2. Building Inspector / Construction Code: No construction shall be continued beyond any point where, prior to such construction, a site inspection is required by the Building Inspector according to the Michigan Construction Code including inspections required after footings and foundation forms are in place prior to the pouring of concrete, and inspections required prior to the covering of structural members.

**Section 2.8 Performance Guarantee**

**A. Authority, Purpose, and Timing:** To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the designated approving body for an application may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township and covering the estimated cost of improvements, be deposited with the Township Treasurer to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the zoning permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the zoning permit. This section shall not be applicable to single family and two-family dwellings or improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the Land Division Act, Public Act 288 of 1967, as amended.

**B. Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect natural resources or the health, safety, and welfare of residents of the Township and future users or inhabitants of the proposed project area including roads, lighting, utilities, sidewalks, screening and drainage.

**C. Return of Performance Guarantee:** For the return of a performance guarantee or portion thereof, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. The Zoning Administrator shall inspect the improvements and transmit a recommendation to the Township Board with a statement of the reasons for any recommended denial of the return of the performance guarantee or portion thereof. The Township Board shall approve, partially approve, or deny the return of the performance guarantee request and shall notify the applicant in writing of the action of the Township Board within forty-five (45) days after receipt of the notice from the applicant of the completion of such improvements. Where approval or partial approval is granted, the Township Treasurer shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed.

1. Lack of Full Completion: Should installation of improvements fail to meet full completion based on the approved permit application, the Township may complete the necessary improvements itself or by contract to an independent contractor and assess all costs of completing the improvements against the performance guarantee. Any balance remaining shall be returned to the applicant.

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## **Section 2.9 Timely Action on Applications**

**A. General Intent:** All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved.

**B. Specific Guidelines:** The following time provisions shall apply unless provided otherwise by this Ordinance or special circumstances arise such as delays associated with the acquisition of county, state or federal permits or the submittal of an incomplete application. The prescribed review periods under (2) and (4) below require that an application must be received by the Zoning Administrator at least thirty (30) days prior to the meeting when the reviewing body would normally begin deliberation on such application and, if submitted within a lesser time, the reviewing body may delay initiating deliberations until its next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.

1. Applications Requiring Zoning Administrator Action: A complete application for a zoning permit for a single-family dwelling or two-family dwelling, or an accessory structure or use thereto, shall be acted upon by the Zoning Administrator within fifteen (15) days of the submittal of a complete application.
2. Applications Requiring Planning Commission Action: Action on an application by the Planning Commission, as in the case of making a recommendation to the Township Board regarding a special land use application or amendment petition, shall occur within ninety (90) days of the applicant's submittal of a complete application. Where a public hearing is required to be held, this time frame shall be extended by thirty (30) days.
3. Applications Requiring Township Board Action: Where this Ordinance requires the Township Board to act on an application, as in the case of a site plan application or rezoning petition, the Township Board shall take action on the application within ninety (90) days of the applicant's submittal of a complete application. Where the Township Board must delay action until receipt of a recommendation from the Planning Commission, the Township Board shall take action on the application within ninety (90) days of such recommendation.
4. Applications Requiring Zoning Board of Appeals Action: Where the Zoning Board of Appeals is required by this Ordinance to act upon a request for a variance, ordinance interpretation, administrative appeal, or other request as provided by this Ordinance, the Zoning Board of Appeals shall take action on the request within sixty (60) days of the applicant's submittal of a complete application.
5. Time Provisions for Public Hearing Notices: See Section 2.11.

## **Section 2.10 Application Fees**

**A. Application Fees Required:** Fees for the administration and review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of permits required under this Ordinance shall be deposited with the Zoning Administrator in advance of processing any application. The amount of such fees shall be established by the Township Board and may be revised from time to time. Such fees shall be limited to covering actual costs incurred by the Township including costs associated with conducting meetings and inspections, public notices, postage, photocopying, staff time, mileage, and professional assistance.

**B. Professional Review and Fee:** For any application for a zoning permit, variance, or other approval under this Ordinance, the Township Board or other reviewing body may also require the payment of a professional review fee when professional assistance is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee and if actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to final action on such application. The applicant shall receive a copy of any professional review report.

## **Section 2.11 Public Hearing Notices**

**A. Hearing Notice Content:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time, and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

**B. Recipients and Means of Notice:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. To the general public, by publication of the notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Jefferson Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property.
  - b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure and such person shall be requested to post the notice at the primary entrance to the structure.
4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, which registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail. Such notifications need only be provided in the case of text amendments or zoning map amendments to this Ordinance.

**C. Timing of Notice and Determination of Notice Given:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, administrative appeals and ordinance interpretations. The notice under subsection (B) shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

## **Section 2.12 Violations, Penalties and Remedies**

**A. Violations are a Nuisance Per Se:**

1. Any activity or use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
2. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or other approval granted hereunder, or any lawful order or determination of the Township Board, Planning Commission, Zoning Board of Appeals, Building Inspector, Zoning Administrator, Zoning Enforcement Officer or any authorized deputy sheriff, issued pursuant to this Ordinance, shall be in violation of this Ordinance and is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
3. For the purpose of this Section 2.10, "any person" shall include any person, firm, corporation, or agent, or any employee, servant, lessee, licensee, contractor, or subcontractor of the same.

**B. Violations Are Municipal Civil Infractions / Penalties:**

1. A violation of this Ordinance is a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine determined in accordance with the Jefferson Township Civil Infractions Ordinance.
2. In addition to the above fines, the violator shall pay costs that may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.
3. Each day a violation occurs or continues shall constitute a separate offense. The imposition of any fees and costs shall not exempt the offender from compliance with this Ordinance.
  - a. The owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may each be found guilty of a separate offense as a principal and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.

**C. Procedures:**

1. Violation Notification: Whenever the Zoning Administrator determines that a violation of this Ordinance or a permit or other approval issued under this Ordinance has occurred or is occurring and if the violation does not constitute an immediate danger to public safety or the property of others if not corrected, the Zoning Administrator shall give violation notification to the owner of the property or the person doing the construction or using the land or structures, notifying him/her of the violation and requesting that the violation be corrected within a specified period not exceeding thirty (30) days, as determined practical by the Zoning Administrator. This violation notification is not a "municipal ordinance violation notice" as defined in MCL 600.8707 and does not direct a person to pay fines and costs, if any. This violation notification is authorized by this Article and intended to secure compliance with this Ordinance without imposition of fines or municipal infraction violation costs.
  - a. Such violation notification shall be directed to one (1) or more owners of, or one (1) or more parties in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.
2. Municipal Civil Infraction: If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator, or where the Zoning Administrator determines that the violation constitutes an immediate danger to public safety or the property of others if not corrected, a citation for a municipal civil infraction shall be issued according to the Jefferson Township Civil Infractions Ordinance. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Supervisor or Township Board may initiate injunctive action in Circuit Court or any other court having jurisdiction.

**D. Stop Work Order:** At any time under subsection (C), the Zoning Administrator may issue a stop work order and all work on and use of the property shall be immediately stopped. A stop work order shall be issued by certified mail to the lot owner and posted on the subject lot in a conspicuous location, and shall state the conditions under which work on or use of the property may be resumed. Any person who shall continue any use of or work on the structure or premises after having been served with a stop work order, except such work as is directed by the Zoning Administrator to remove violations or unsafe conditions, shall be liable for penalties set forth in subsection (C).

**E. Lien:** If any fines, costs, assessments, damages and/or expenses remain unpaid or unsatisfied after the time permitted for such payment or satisfaction, the Township may impose and record a lien upon the real property involved, to the extent permitted by law, and may enforce the lien to the extent and in the same manner as is provided by law for the enforcement of unpaid ad valorem real property taxes, including the inclusion of the monetary amount of such lien upon the ad valorem property tax roll, and the collection thereof in the same manner as ad valorem real property taxes are collected.

**F. Other Remedies:** In addition to issuance of a municipal civil infraction citation, the Township may also commence and enforce an action in a court of competent jurisdiction seeking injunctive, declaratory or other equitable relief to enforce or interpret any provision of this Ordinance, to require abatement of a violation and to seek such other relief as may be provided by law.

**End of Article 2**



## Article 3

# ZONING DISTRICTS, REGULATIONS, and MAP

### **Section 3.1 Establishment of Districts**

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names and shall have boundaries as delineated on the Official Zoning Map.

#### Agricultural Districts

A-1      Agricultural District

#### Residential Districts

RR      Rural Residential District  
R-1      Low Density Residential District  
R-2      High Density Residential District  
R-3      High Density Lakefront Residential District  
R-MF      Multiple Family Residential District  
R-MHC      Manufactured Housing Community District

#### Commercial Districts

C-1      General Commercial District  
C-2      Local Commercial District

#### Industrial Districts

I-1      Light Industrial District

#### Other Districts

PUD      Planned Unit Development District  
LSESOD      Large Solar Energy System Overlay District

### **Section 3.2 Zoning District Map**

**A. Official Zoning Map:** The boundaries of the respective Districts enumerated in Section 3.1 are defined and established as depicted on the Official Zoning Map entitled JEFFERSON TOWNSHIP ZONING MAP, which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

**B. Map Certification and Changes:** This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Jefferson Township Zoning Ordinance adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.

**C. Final Authority:** The Official Zoning Map shall be located at the official office of the Township and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and from time to time.

### **Section 3.3 Purposes of Zoning Districts**

See Table 3-1.

### **Section 3.4 Interpretation of District Boundaries**

**A.** Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Zoning Board of Appeals shall apply the following standards in arriving at a decision on such matters:

1. Boundaries indicated as approximately following roads or highways shall be construed as following the center lines of said roads or highways.

2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
4. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
5. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, canals, or other water courses shall be construed to follow such centerlines.
6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the land in question shall be construed as being located in the more restrictive district. The "more restrictive district" shall be the district that places greater restrictions on development based on such factors as the scope and intensity of authorized uses, setbacks, lot coverage, and related development standards.

### **Section 3.5 Permitted Uses in Zoning Districts**

**A. Compliance with Zoning Regulations:** Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, and every enlargement of, or addition to an existing use, building and structure, occurring after the effective date of this Ordinance, shall be subject to all regulations of this Ordinance that are applicable in the Zoning District in which such use, building, or structure shall be located. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.

**B. Uses Permitted in Each Zoning District:** Tables 3-2 and 3-3 identify the principal land uses permitted in each of the districts enumerated in Section 3.1. No land use shall be established on a lot except in conformance with Tables 3-2 and 3-3 or as may be provided elsewhere in this Ordinance. In order to ensure all possible benefits and protection for the zoning districts in this Ordinance, the Tables delineate whether a land use permitted in a particular District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the district has been established and are subject to plot plan approval (Section 2.4) or site plan approval (Article 14) except where provided otherwise.
2. Special Land Uses: Special land uses are uses and structures that have been generally accepted as reasonably compatible with the purpose of the District and the "uses permitted by right" in the District, but could present potential injurious effects upon such primary uses and structures or are otherwise unique in character and therefore require special consideration in relation to the welfare of adjacent properties and/or to the Township as a whole. All such uses shall be subject to a public hearing and site plan approval. See Article 15, Procedures for Special Land Uses.

**C. Accessory Uses:** Unless otherwise specified in this Ordinance, accessory uses that are clearly incidental to and customarily associated with the principal use of the property are permitted in all districts and shall conform to all applicable standards of this Ordinance, including Section 20.10 (Accessory Uses, Buildings and Structures). Examples of such accessory uses include household gardening in association with a dwelling, the repair of vehicles in association with a vehicle dealership, a storage building in association with a retail sales facility, and a parking lot serving an office building on the same lot. Except in the case of an approved home occupation or as may be expressly authorized elsewhere by this Ordinance, no retail sales or the repair or servicing of items for commercial gain or other remuneration shall be construed as an accessory use to the principal residential use of a lot.

**D. Prohibited Uses:**

1. Use Not Listed is Prohibited: Any use of land not specifically permitted is prohibited, including any use of land not specifically identified in Tables 3-2 and 3-3. The Planning Commission may be petitioned to initiate an amendment to the Ordinance to authorize an otherwise prohibited use and standards that will apply for that use. If the Township Board adopts such an amendment according to Article 17, then an application can be submitted for that use.
2. Non-Compliance with Local, County, State or Federal Law: No use shall be authorized or permitted that is not in compliance with all local, county, state and federal laws, rules, and regulations.

### **Section 3.6 Site Development Requirements of Zoning Districts**

**A.** All land uses shall comply with the site development requirements of the district in which it is located, as delineated in Table 3-4, in addition to all other applicable site development provisions of this Ordinance including:

- |   |   |
|---|---|
| 1. Article 8: Signs.                          | 5. Article 12: Access and Private Roads.                                    |
| 2. Article 9: Off-Street Parking and Loading. | 6. Article 13: Additional Standards and Regulations for Specific Land Uses. |
| 3. Article 10: Landscaping and Screening.     | 7. Article 20: Supplemental Provisions.                                     |
| 4. Article 11: Environmental Standards.       |   |

**B.** No part of a setback area, yard, or other open space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.

**C.** No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including area and lot width. Nothing in the subsection (C) shall be construed as prohibiting the combining of nonconforming lots or portions of nonconforming lots where all resulting lots are more conforming than prior to such combining.

**D.** No portion of one lot shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform to all of the requirements established herein. Nothing in the subsection (D) shall be construed as prohibiting the combining of nonconforming lots or portions of nonconforming lots where all resulting lots are more conforming than prior to such combining.

**E.** 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, 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, the provisions of such law or ordinance shall govern.

### **Section 3.7 Special District Provisions**

#### **A. Manufactured Housing Community District (R-MHC)**

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article 14 of this Ordinance, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Manufactured Housing Commission pursuant to the authority vested in the Manufactured Housing Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Licensing and Regulatory Affairs and all other agencies pursuant to the Manufactured Housing Commission Act.

#### **B. Large Solar Energy System Overlay District (LSESOD)**

1. The only uses permitted by right in the Large Solar Energy System Overlay District are those uses permitted by right in the underlying A-1 district under which the Overlay District is established.
2. The only use authorized as a special land use in the Large Solar Energy System Overlay District is a Large Solar Energy System (Large SES).
3. See Section 13.19 for application and site development requirements and standards for Small, Medium, and Large SES.
4. The boundaries of the Large Solar Energy System Overlay District shall be limited to only those portions of Sections 2, 3, 4, and 5 that received prior approval for construction of the Gemstone Solar, LLC project as depicted on the approved construction/site plan package comprised of 29 sheets revised through August 16, 2022, and prepared principally by PVinsight Inc. and the Timmons Group.

**Table 3-1**  
**PURPOSES of ZONING DISTRICTS**

Table 3-1 identifies the principal purposes of the Districts of this Ordinance.

DISTRICTS	PURPOSE
<b><u>ALL DISTRICTS (except where provided otherwise)</u></b>	
<b>All Districts</b>	<ol style="list-style-type: none"> <li>1) Uses shall protect environmental resources including wetlands, woodlands, and water courses.</li> <li>2) Districts shall be located in coordination with the Jefferson Township Master Plan.</li> <li>3) Uses shall minimize negative impacts on surrounding land uses.</li> <li>4) Commercial, industrial, and other non-residential uses are to complement the community's character through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces, and lighting.</li> <li>5) Uses shall facilitate safe and efficient vehicular and non-motorized travel.</li> <li>6) Uses shall be served by adequate facilities and services including sewage disposal, potable water, fire protection, and roads.</li> </ol>
<b><u>AGRICULTURAL DISTRICTS</u></b>	
<b>A-1 Agricultural</b>	<ol style="list-style-type: none"> <li>1) Provide opportunities for and encourage agriculture.</li> <li>2) Retain land areas that are well suited for production of plants and animals useful to humans, due to soil, topographic and other conditions, or which support nearby agricultural operations such as wetlands and woodland stands.</li> <li>3) Provide opportunities for low density residential lifestyles of an overall rural character.</li> <li>4) See also the "All Districts" purpose statement above.</li> </ol>
<b><u>RESIDENTIAL DISTRICTS</u></b>	
<b>RR Rural Residential</b> <b>R-1 Low Density Residential</b> <b>R-2 High Density Residential</b> <b>R-3 High Density Lake Residential</b>	<ol style="list-style-type: none"> <li>1) Provide opportunities for single and/or two-family residences of incrementally decreasing lot sizes and increasing density, to accommodate varying rural and more suburban and urban residential development patterns and lifestyles.</li> <li>2) Meet the varied housing needs of current and future residents.</li> <li>3) In the case of the R-3 District, provide opportunities for lakefront residential development that preserves the unique character of shoreline areas.</li> <li>4) Ensure a healthy residential environment including adequate opportunities for open space, light, air circulation, emergency access, and access to necessary public services.</li> <li>5) See also the "All Districts" purpose statement above.</li> </ol>
<b>R-MF Multiple Family</b>	<ol style="list-style-type: none"> <li>1) Provide opportunities for apartment, townhouse, and similar multiple family developments to meet the varied housing needs of current and future residents.</li> <li>2) See also the "All Districts" purpose statement above.</li> </ol>
<b>R-MHC Manufactured Housing Community</b>	<ol style="list-style-type: none"> <li>1) Provide opportunities for manufactured housing communities to meet the varied housing needs of current and future residents.</li> <li>2) See also the "All Districts" purpose statement above.</li> </ol>

Table 3-1 Continued Next Page. See End of Table for Footnotes.

**Table 3-1 (continued)**  
**PURPOSES of ZONING DISTRICTS**

DISTRICTS	PURPOSE
<b><u>COMMERCIAL DISTRICTS</u></b>	
<p><b>C-1</b> <b>General Commercial</b></p> <p><b>C-2</b> <b>Local Commercial</b></p>	<ol style="list-style-type: none"> <li>1) In the case of the C-1 District, provide opportunities for commercial uses that address the local day-to-day retail, office and service needs of Township residents, visitors and persons traveling in the immediate area of the Township, as well of commercial uses that draw from a more regional market, commonly occupy comparatively large land areas, and/or rely on comparatively large buildings.</li> <li>2) In the case of the C-2 District, provide opportunities for commercial uses that primarily address the local day-to-day retail, office and service needs of Township residents, visitors and persons traveling in the immediate area of the Township.</li> <li>3) Accommodate and encourage the planned unified and integrated grouping of commercial uses on a single lot and in coordination with surrounding lots.</li> <li>4) Facilitate safe, convenient, and efficient vehicular circulation and pedestrian and other non-motorized modes of travel within the development, including linkages to neighboring commercial uses.</li> <li>5) Facilitate development is of a character that compliments the intended character of the Township through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces, and lighting.</li> <li>6) See also the "All Districts" purpose statement above.</li> </ol>
<b><u>INDUSTRIAL DISTRICTS</u></b>	
<p><b>I-1</b> <b>Light Industrial</b></p>	<ol style="list-style-type: none"> <li>1) Provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity, including comparatively small building sizes, limited demands on public services, and the absence of objectionable external affects.</li> <li>2) Encourage site development and design that compliments the intended character of the Township through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces, and lighting.</li> <li>3) See also the "All Districts" purpose statement above.</li> </ol>
<b><u>OTHER DISTRICTS</u></b>	
<p><b>PUD</b> <b>Planned Unit Development</b></p>	<p>See Section 4.1, Planned Unit Development (PUD) District.</p>
<p><b>LSESOD</b> <b>Large Solar Energy System Overlay District</b></p>	<ol style="list-style-type: none"> <li>1) Accommodate utility-scale solar energy systems in a manner that maximizes efficient energy production and transmission of energy to the utility grid, maximizes compatibility between such systems and surrounding land uses, and limit the consumption of natural resources and farmland for such systems, all in coordination with a reasonable demonstrated need for renewable energy in the Township.</li> <li>2) Regulate the siting, design, construction, operation, monitoring, modification, and removal of utility-scale solar energy systems to protect the public health, safety, and welfare, to ensure compatibility of land uses in the vicinity of such systems, and to encourage the preservation of the Township's farmland resources, agricultural heritage, and rural character.</li> <li>3) Until a clear demonstrated need is established for the Township to identify additional areas considered appropriate for utility-scale solar energy systems, according to a comprehensive assessment of pertinent factors for the siting of such systems, limit the boundaries of the LSESOD to certain portions of Sections 2,, 3, 4, and 5, as further specified in Section 3.7.</li> </ol>

**End of Table 3-1**

**Table 3-2**  
**PERMITTED PRINCIPAL USES in AGRICULTURAL and RESIDENTIAL DISTRICTS<sup>1</sup>**  
See Footnotes at End of Table.

**BR = Use Permitted By Right    S= Special Land Use<sup>1</sup>    – = Prohibited Use**

PRINCIPAL USES <sup>1</sup>		ZONING DISTRICTS						
		A-1	RR	R-1	R-2	R-3	R-MF	R-MHC
	<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character</b>							
1	Agriculture.	BR	–	–	–	–	–	–
2	Hunt clubs.	BR	–	–	–	–	–	–
3	Areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.	BR	BR	BR	BR	BR	BR	BR
4	Extraction operations.	S	S	S	S	S	S	S
5	Marinas.	S	S	S	S	S	S	S
6	Recreation facilities dedicated principally to outdoor non-motorized recreation such as parks, sports fields, golf courses and country clubs, and campgrounds, but excluding shooting ranges.	S	S	S	S	S	–	–
7	Recreation facilities dedicated principally to outdoor motorized recreation including racetracks and remote-control aircraft fields.	S	–	–	–	–	–	–
8	Sport shooting range, outdoor.	S	–	–	–	–	–	–
	<b>Uses of a Primarily Residential Character</b>							
1	Assisted living facilities, nursing homes, convalescent homes, and hospice care facilities.	S	S	S	S	–	S	–
2	Child day care home - family home; child foster care home - family home; and adult foster care home - family home.	BR	BR	BR	BR	BR	–	–
3	Child day care home - group home; child foster care home - group home; and adult foster care home - group home.	S	S	S	S	S	S	–
4	Manufactured housing communities.	–	–	–	–	–	–	BR
5	Multiple family dwellings including condominium ownership.	–	–	–	–	–	BR	–
6	Open space preservation communities, subject to the district's restrictions on dwelling types.	BR	BR	BR	BR	BR	–	–
7	Single-family dwellings not in a manufactured housing community, including within platted subdivisions and site condominiums.	BR	BR	BR	BR	BR	–	–
8	Two-family dwellings not in a manufactured housing community including within platted subdivisions and site condominiums.	–	–	BR	BR	–	–	–
	<b>Uses of a Primarily Commercial, Business or Industrial Character</b>							
1	Agricultural service establishment.	S	–	–	–	–	–	–
2	Airport.	S	–	–	–	–	–	–
3	Ambulance station.	S	S	–	–	–	–	–
4	Banquet halls and theaters of a residential, agricultural or lodge-like architectural character, including barn structures.	S	–	–	–	–	–	–
5	Bed and breakfast.	S	S	–	–	S	–	–
6	Composting center.	S	–	–	–	–	–	–
7	Conference center.	S	–	–	–	–	–	–
8	Concrete plants.	S	–	–	–	–	–	–
9	Contractor's yard.	S	–	–	–	–	–	–
10	Day care center.	S	S	S	–	–	S	S
11	Equestrian center.	S	–	–	–	–	–	–
12	Kennel.	S	–	–	–	–	–	–
13	Landscaping services.	S	–	–	–	–	–	–
14	Mobile home sales, including as an accessory use to a manufactured housing community.	–	–	–	–	–	–	S
15	Radio and television communication towers.	S	–	–	–	–	–	–

Table 3-2 Continued Next Page. See End of Table for Footnotes.

**Table 3-2 (Continued)**  
**PERMITTED PRINCIPAL USES in AGRICULTURAL and RESIDENTIAL DISTRICTS<sup>1</sup>**  
See Footnotes at End of Table.

**BR = Use Permitted By Right    S= Special Land Use<sup>1</sup>    – = Prohibited Use**

PRINCIPAL USES <sup>1</sup>		ZONING DISTRICTS						
		A-1	RR	R-1	R-2	R-3	R-MF	R-MHC
	<b>Uses of a Primarily Commercial, Business or Industrial Character (continued)</b>							
16	Recreation facilities of a commercial indoor or outdoor character including theaters, concert halls, bowling alleys, arcades, skating rinks, and campgrounds, but excluding shooting ranges and motorized-based recreation such as racetracks.	–	–	–	–	S	–	–
17	Recycling center.	S	–	–	–	–	–	–
18	Sale and rental of new and used cars, boats, mobile homes, agricultural machinery, and other vehicles and equipment of similar size, items intended for tow, and the maintenance, repair and service of such items.	S	–	–	–	–	–	–
19	Retail and wholesale sales of trees, shrubs, flowers, other plant materials, and landscape supplies such as mulch, soil, stones, and gardening implements.	S	–	–	–	–	–	–
20	Vehicle towing services including the temporary storage of a towed vehicle.	S	–	–	–	–	–	–
21	Veterinarian clinic.	S	–	–	–	–	–	–
22	Wireless communication facility, Class One. <sup>2</sup>	BR	BR	BR	BR	BR	BR	BR
23	Wireless communication facility, Class Two. <sup>2</sup>	S	–	–	–	–	–	–
	<b>Other Uses Not Listed Above</b>							
1	Clubs.	S	S	S	–	–	–	–
2	Private cemeteries.	S	S	S	–	–	–	–
3	Public facilities owned by Jefferson Township such as township offices, fire stations, police offices and jails, cemeteries, and parks.	BR	BR	BR	BR	BR	BR	BR
4	Public and semi-public facilities owned by other than Jefferson Township and not otherwise addressed in this Table, including schools, churches, libraries, museums, and other similar institutions.	S	S	S	S	S	S	S
5	Solar Energy Systems (SES), Large. <sup>3</sup>	S <sup>3</sup>	– <sup>3</sup>	– <sup>3</sup>	– <sup>3</sup>	– <sup>3</sup>	– <sup>3</sup>	– <sup>3</sup>
6	Utility substations for gas and/or electric services.	S	S	S	S	S	S	S
7	Wind Energy Conversion Systems (WES), Large. <sup>4</sup>	S <sup>4</sup>	– <sup>4</sup>	– <sup>4</sup>	– <sup>4</sup>	– <sup>4</sup>	– <sup>4</sup>	– <sup>4</sup>

**Table 3-2 Footnotes:**

- Irrespective of the particular labeling of a cell in this table, the following are classified as a Special Land Use:
  - Any use that serves alcohol for consumption on the lot of sale.
  - The provision of services or products to customers within their vehicle, and which are commonly described as drive-in or drive-through service.
- A Class One wireless communication facility is typically comprised of the addition of antennae onto an existing tower or support structure, and/or increasing the height of an existing tower or support structure. A Class Two wireless communication facility is typically comprised of the erection of a new tower or support structure. See Section 13.28 for a more definitive description of each.
- Large SES are permitted in the A-1 District only, and only after the rezoning of the subject parcel(s) to establish the Large SES Overlay District above such A-1 District parcel(s), and a Large SES permit application is subsequently approved. Small and Medium SES are authorized accessory structures in all districts. See Section 13.23 regarding applicable Small, Medium, and Large SES regulations.
- Wind Energy Conversion Systems (WECS), Small, are authorized accessory structures in all districts. See Section 13.27 regarding applicable regulations.

*End of Table 3-2*

**Table 3-3**  
**PERMITTED PRINCIPAL USES in COMMERCIAL and INDUSTRIAL DISTRICTS<sup>1</sup>**

See Footnotes at End of Table

**BR = Use Permitted By Right    S= Special Land Use<sup>1</sup>    – = Prohibited Use**

PRINCIPAL USES		ZONING DISTRICTS		
		C-1	C-2	I-1
<b>Uses of a Primarily Agricultural or Natural Resource Based Character<sup>1</sup></b>				
1	Agriculture.	–	–	BR
2	Extraction operations.	S	S	S
<b>Uses of a Primarily Residential Character</b>				
1	Dwellings when located principally on a second and/or third story above a business.	BR	BR	–
2	Assisted living facilities, nursing homes, convalescent homes, and hospice care facilities.	S	–	–
<b>Uses of a Primarily Commercial Character<sup>1</sup></b>				
1	Agricultural service establishment.	S	–	BR
2	Ambulance station.	S	BR	BR
3	Banquet hall.	S	–	–
4	Bed and breakfast.	–	S	–
5	Building material sales yard, including lumber yards and incidental millwork, and storage facilities for building materials including sand, stone, lumber, and contractor's equipment.	S	–	BR
6	Contractor's yard.	–	–	BR
7	Day care center.	S	S	–
8	Funeral homes and mortuaries, including a dwelling occupied by the facility owner or manager.	S	S	–
9	Health clubs and spas.	BR	BR	–
10	Hospitals for persons and animals, and hospice care facilities.	BR	S	–
11	Hotels and motels including conference centers.	S	–	–
12	Kennels and pet day care.	S	S	–
13	Landscaping services.	S	–	BR
14	Laundry and dry-cleaning customer outlets and similar local retail cleaning services.	BR	BR	–
15	Lumber yards and accessory milling services.	S	S	BR
16	Medical clinic.	BR	BR	–
17	Mini-storage.	BR	–	BR
18	Newspaper offices including production facilities.	BR	BR	BR
19	Offices and showrooms of plumbers, electricians, decorators, and similar trades where not more than 25% of the building floor area occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products.	BR	BR	BR
20	Offices and showrooms of plumbers, electricians, decorators, and similar trades where more than 25% of the building floor area occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products.	S	–	BR
21	Offices which perform professional services on the premises including but not limited to accountants, doctors, lawyers, insurers, financial institutions, consultants, architects, real estate, artist offices and galleries, and similar office uses.	BR	BR	–
22	Offices of an executive, administrative, clerical, and similar character, in which the principal function of the office does not entail on-site visits by customers.	BR	BR	–
23	Personal service establishments such as the repair of shoes, upholstery; and small appliances; tailoring; hair salons; tattoo services; photographic studios; laundry and dry cleaners; plumbing and electrical services; printing and reproduction; pet grooming; and similar services.	BR	BR	–
24	Radio and television broadcasting facilities including towers.	BR	–	BR
25	Recycling collection stations.	S	–	BR
26	Recreation facilities of a commercial indoor or outdoor character including theaters, concert halls, bowling alleys, arcades, skating rinks, shooting ranges, and similar uses.	S	S	S
27	Repair of vehicles, lawn mowers, and similarly sized equipment and appliances.	S	S	–
28	Restaurants, excluding drive-in, drive-through, and food-truck restaurants.	BR	S	BR
29	Restaurants comprised in whole or part of drive-in, drive-through and food-truck restaurants.	S	S	–

Table 3-3 Continued Next Page. See End of Table for Footnotes.



**Table 3-3 (Continued)**  
**PERMITTED PRINCIPAL USES in COMMERCIAL and INDUSTRIAL DISTRICTS<sup>1</sup>**

See Footnotes at End of Table.

**BR = Use Permitted By Right    S= Special Land Use<sup>1</sup>    – = Prohibited Use**

PRINCIPAL USES		ZONING DISTRICTS		
		C-1	C-2	I-1
30	Retail and wholesale sales of trees, shrubs, flowers, other plant materials, and landscape supplies such as mulch, soil, stones, and gardening implements, but excluding sexually oriented businesses.	BR	BR	–
31	Retail and wholesale sales of trees, shrubs, flowers, and other plant material, operated as a principally outdoor facility.	S	S	S
32	Sale and rental of new and used cars, boats, mobile homes, agricultural machinery, and other vehicles and equipment of similar size, items intended for tow, and the maintenance, repair and service of such items.	S	S	S
33	Sexually oriented business.	S	–	–
34	Tavern.	S	S	–
35	Tavern.	S	S	–
36	Vehicle / car wash facility.	S	S	–
37	Vehicle service station.	S	S	S
38	Vehicle towing services including the temporary storage of a towed vehicle.	S	–	–
39	Veterinarian clinics and animal hospitals.	BR	BR	–
40	Wholesale merchandising	BR	–	BR
41	Wireless communication facilities, Class One <sup>2</sup>	BR <sup>2</sup>	BR <sup>2</sup>	BR <sup>2</sup>
42	Wireless communication facilities, Class Two <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>
<b>Uses of a Primarily Industrial Character<sup>1</sup></b>				
1	Grinding and milling.	–	–	BR
2	Junkyards.	–	–	S
3	Laundry and dry cleaning customer outlets and similar local retail cleaning services.	BR	BR	–
4	Manufacture and assembly of electrical appliances, electronic instruments, and devices, including the manufacture of small parts such as computer components.	–	–	BR
5	Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. "Previously prepared materials" are materials processed, manufactured, or created at another location and transported to the lot in this District for assembly into new products.	–	–	BR
6	Manufacturing, compounding, processing, treatment, fabrication, polishing, buffing, or packaging of comparatively small size products such as drugs, perfumes, pharmaceuticals, toiletries, ceramics, clothing, jewelry, instruments, optical goods, and hardware, but excluding food products.	–	–	BR
7	Manufacturing, compounding, assembling or treatment of articles or merchandise not otherwise addressed in this Table including the manufacture of food products, heavy equipment, vehicles, ships, chemicals, steel, and metal alloys, and the mixing of raw materials on-site to create new articles.	–	–	S
8	Metal fabrication.	–	–	BR
9	Monument and art stone production and sales.	S	–	BR
10	Plastic molding and extrusion.	–	–	BR
11	Printing and publishing.	–	–	BR
12	Recycling center.	–	–	BR
13	Sport shooting range, indoor.	S	–	S
14	Testing laboratories including production and processing.	–	–	BR
15	Tool and die manufacturing.	–	–	BR
16	Warehousing, bulk storage, transfer establishments, and truck terminals.	–	–	BR
17	Wholesale laundry/dry cleaning facilities not accessible to the general public.	–	–	BR

Table 3-3 Continued Next Page. See End of Table for Footnotes.

**Table 3-3 (Continued)**  
**PERMITTED PRINCIPAL USES in COMMERCIAL and INDUSTRIAL DISTRICTS<sup>1</sup>**

See Footnotes at End of Table.

**BR = Use Permitted By Right    S= Special Land Use<sup>1</sup>    – = Prohibited Use**

PRINCIPAL USES		ZONING DISTRICTS		
		C-1	C-2	I-1
	Other Uses Not Listed Above <sup>1</sup>			
1	Clubs.	S	S	–
2	Public facilities owned by Jefferson Township including, but not limited to, township offices, fire stations, police facilities, cemeteries, and parks.	BR	BR	BR
3	Public facilities owned by other than Jefferson Township not otherwise addressed in this Table.	S	S	–
4	Schools, churches, libraries, museums and other institutions and semi-public facilities not otherwise addressed in this Table.	S	S	–
5	Utility substations for gas and electric services.	S	S	S

**Footnotes for Table 3-3**

- Irrespective of the labeling of a cell in this table, the following are classified as a Special Land Use (S):
  - Within the C-1 District, any use that exceeds a single building of 40,000 sq. ft. in gross floor area or 40,000 sq. ft. in gross floor area among all buildings on the lot, excluding buildings used in association with the agricultural or residential use of the lot.
  - Within the C-2 and I-1 Districts, any use that exceeds a single building of 20,000 sq. ft. in gross floor area or 20,000 sq. ft. in gross floor area among all buildings on the lot, excluding buildings used in association with the agricultural or residential use of the lot.
  - Any use that serves alcohol for consumption on the lot of sale.
  - The provision of services or products to customers within their vehicle, and which are commonly described as drive-in or drive-through service.
  - Outdoor areas associated with a restaurant that are used or intended to be used for eating, drinking, sporting activities and/or other gathering of persons, when such outdoor area exceeds eight hundred (800) square feet in area or where more than thirty (30) persons are permitted to occupy such area.
- A Class One wireless communication facility is typically comprised of the addition of antennae onto an existing tower or support structure, and/or increasing the height of an existing tower or support structure. A Class Two wireless communication facility is typically comprised of the erection of a new tower or support structure. See Section 13.27 for a more definitive description of each.

*End of Table 3-3*

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**Table 3-4<sup>1</sup>**  
**Site Development Requirements<sup>1</sup>**

All principal land uses and principal buildings shall comply with the site development requirements of Table 3-4 unless otherwise specified by this Ordinance. See Footnote (1).

See **Section 20.10** regarding development standards for accessory buildings and structures.

Zoning District	Minimum Lot Area	Minimum Lot Width (LW) and Frontage (FR)	Maximum Building Height	Maximum Building Coverage	Minimum Yard Setback		
					Front	Each Side	Rear
<b>A-1</b> <b>Agricultural Residential</b>	60,000 sq. ft.	LW: 200 ft. <sup>3</sup> FR: 66 ft. <sup>3</sup>	35 ft. <sup>4</sup> but not to exceed 3 stories	No Restrictions <sup>5</sup>	60 ft. <sup>6</sup>	30 ft. <sup>7</sup>	50 ft.
<b>RR</b> <b>Rural Residential</b>	40,000 sq. ft. <sup>2</sup>	LW: 200 ft. <sup>3</sup> FR: 66 ft. <sup>3</sup>	35 ft. <sup>4</sup> but not to exceed 3 stories	No Restrictions <sup>5</sup>	60 ft. <sup>6</sup>	15 ft. <sup>7</sup>	30 ft.
<b>R-1</b> <b>Low Density Residential</b>	18,000 sq. ft. except 15,000 sq. ft. with sewer <sup>2</sup>	LW: 100 ft. <sup>3</sup> FR: 66 ft. <sup>3</sup>	35 ft. <sup>4</sup> but not to exceed 3 stories	No Restrictions <sup>5</sup>	35 ft. <sup>6</sup>	15 ft. <sup>7</sup>	25 ft.
<b>R-2</b> <b>High Density Residential</b>	18,000 sq. ft. except 8,000 sq. ft. with sewer <sup>2</sup>	LW: 75 ft. <sup>3</sup> FR: 66 ft. <sup>3</sup>	35 ft. <sup>4</sup> but not to exceed 3 stories	No Restrictions <sup>5</sup>	30 ft. <sup>6</sup>	10 ft. <sup>7</sup>	25 ft.
<b>R-3</b> <b>High Density Lake Residential</b>	25,000 sq. ft. except 8,000 sq. ft. with sewer <sup>2</sup>	LW: 75 ft. <sup>3</sup> FR: 66 ft. <sup>3</sup>	35 ft. <sup>4</sup> but not to exceed 3 stories	No Restrictions <sup>5</sup>	30 ft. <sup>6</sup>	10 ft. <sup>7</sup>	25 ft.
<b>R-MF</b> <b>Multiple Family Residential</b>	1.0 acres <sup>2</sup>	LW: 150 ft. <sup>3</sup> FR: 66 ft. <sup>3</sup>	35 ft. <sup>4</sup> but not to exceed 3 stories	40% <sup>5</sup>	30 ft. <sup>6</sup>	25 ft. <sup>7</sup>	25 ft.
<b>R-MHC</b> <b>Manufactured Housing Community</b>	See Section 3.7						
<b>C-1</b> <b>General Commercial</b>	1.0 acres <sup>2</sup>	LW: 200 ft. <sup>3</sup> FR: 200 ft. <sup>3</sup>	35 ft. <sup>4</sup> but not to exceed 3 stories	50%	35 ft. <sup>6</sup>	25 ft. <sup>7</sup>	25 ft. <sup>8</sup>
<b>C-2</b> <b>Local Commercial</b>	20,000 sq. ft. <sup>2</sup>	LW: 100 ft. <sup>3</sup> FR: 200 ft. <sup>3</sup>	35 ft. <sup>4</sup> but not to exceed 3 stories	50%	35 ft. <sup>6</sup>	25 ft. <sup>7</sup>	25 ft. <sup>8</sup>
<b>I-1</b> <b>Light Industrial</b>	40,000 sq. ft. <sup>2</sup>	LW: 150 ft. <sup>3</sup> FR: 150 ft. <sup>3</sup>	40 ft. <sup>4</sup>	50%	40 ft. <sup>6</sup>	25 ft. <sup>7</sup>	20 ft. <sup>8</sup>

### Footnotes for Table 3-4 – Site Development Requirements

1. **Other Standards and Regulations:** See also Article 8 - Signs, Article 9 - Off-Street Parking and Loading, Article 10 - Landscaping and Screening, Article 11 - Environmental Protection, Article 12 - Access and Private Roads, Article 13 - Standards and Regulations for Specific Land Uses, Article 20 - Supplemental Provisions (including provisions addressing accessory buildings and structures), and other Articles as applicable.
2. **Minimum Lot Area:** See Section 6.2 regarding existing lots with deficient lot area, constituting “nonconforming lots.”
3. **Lot Width / Configuration of Lots:** All lots shall conform to the following configuration requirements:
  - a) Depth/Width Ratio: The depth of a lot shall not exceed four (4) times its width except in the case where the lot is greater than ten (10) acres in area.
  - b) Lot Width and Frontage:
    - 1) The minimum lot width standards of Table 3-4 shall be measured at the required front yard setback. See Article 21 regarding definitions pertaining to lot width, yards, and setbacks.
    - 2) Lesser lot widths and frontages than those of Table 3-4 may be approved where the front lot line abuts a curvilinear road segment, such as a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in overall width or area, or otherwise result in irregular or impractical configurations. However, such reduction shall not result in a lot width less than fifty (50) feet at the required front yard setback line and where such lot includes road frontage, such frontage shall be a minimum of forty (40) feet in continuous length.
    - 3) See Article 12 regarding lot access requirements including by road frontage and/or easement.
4. **Height Exceptions:** See Section 20.9 regarding exceptions from the height standards of Table 3-4.
5. **Maximum Building Coverage:** In the case of a nonconforming lot due to deficient lot area, the allowable maximum building coverage shall be increased the same percentage (%) as the extent to which the area of the lot is deficient. By example, in the case of a nonconforming one-acre lot in the A-R District, which is 50% less than the required two-acre lot area, the maximum permitted building coverage shall be 50% greater than the normal 10% limitation, being 15%.
6. **Front Yard Setback Measurements:**
  - a) Measurement: Front yard setback shall be measured from the front lot line, typically being the road right-of-way line from which the lot gains access. In the case of a lakefront lot, the front lot line shall be the ordinary high water mark. See Article 21 (Definitions) for definitions pertaining to lot lines, yards, and setbacks, including in association with “flag lots”.
  - b) Corner Lot: For a corner lot, the minimum required front yard setback shall apply to both yards abutting a road right-of-way, except that the setback for the yard along the right-of-way that functions most similarly to a side yard based on the configuration and orientation of the building may be reduced the minimum amount necessary to ensure a thirty (30) foot buildable lot width at the required front yard setback. However, in no case shall such setback be less than thirty (30) feet.
  - c) Exceptions: See Section 20.8 regarding exceptions from the front yard setback standards of Table 3-4.
7. **Side Yard Setbacks**
  - a) Exceptions: See Section 20.8 regarding exceptions from the side yard setback standards of Table 3-4.
8. **Rear Yard Setbacks**
  - a) Lakefront Lot: In the case of a lakefront lot, the rear lot line shall typically be the road right-of-way line from which the lot gains access. See Article 21 (Definitions) for definitions pertaining to lot lines, yards, and setbacks, including in association with lakefront lots and “flag lots”.
  - b) Exceptions: See Section 20.8 regarding exceptions from the rear yard setback standards of Table 3-4.

**End of Article 3**

## **Article 4**

# **PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

### **Section 4.1 Purpose**

The provisions of this Article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments (PUDs), pursuant to the Michigan Zoning Enabling Act. It is the intent of the Article to authorize the use of PUD regulations to permit flexibility in the regulation of land development to encourage beneficial innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities. The provisions of this Article are not intended as a device for ignoring this Ordinance or the planning upon which it is based. To this end, the provisions of this Article are intended to result in land use and development substantially consistent with the planned development pattern for the Township according to the Jefferson Township Master Plan, with modifications and departures from Ordinance requirements made in accordance with standards provided in this Article to insure appropriate, fair, and consistent decision making.

### **Section 4.2 PUD Is a Separate District**

A PUD is permitted as a separate zoning district and only when determined to be in compliance with the provisions of this Article. The approval of a PUD shall require an amendment of the Official Zoning Map constituting a part of this Ordinance so as to designate the property "PUD," and the PUD shall be subject to the approved PUD application including the approved site plan.

### **Section 4.3 Minimum Eligibility Criteria**

- A. The following minimum eligibility criteria shall be met in order for PUD approval:
1. Recognizable and Substantial Benefit: The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely under the regulations of other Districts.
  2. Availability and Capacity of Public Services: The proposed type and intensity of use shall not result in an unreasonable burden on the availability and use of existing public services, facilities, and utilities.
  3. Compatibility with the Master Plan: The proposed development shall be in accordance with the goals and policies of the Jefferson Township Master Plan.
  4. Compatibility with the PUD Intent: The proposed development shall be consistent with the intent and spirit of Section 4.1.
  5. Economic Impact: The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
  6. Unified Control of Property: The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval.

### **Section 4.4 Use and Design Standards**

#### **A. Permitted Uses and Mix of Uses:**

1. Scope of Uses: Any land use authorized in this Ordinance is permitted in a PUD as a principal or accessory use provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the Jefferson Township Master Plan.
2. Non-Residential Uses in a Residential PUD: Where the Master Plan provides for primarily residential development patterns, commercial and other nonresidential uses may be permitted as part of the PUD in such area provided that the residential component shall be predominant. The determination of the predominance of the residential component shall take into account the extent to which the non-residential use serves residents in the PUD compared to others who will travel to the site, the amount of traffic generated by the non-residential use compared to the residential component, the operational hours of the non-residential use, the proportional land area allocated to the non-residential use, and the building floor area allocated to the non-residential use.

**B. General Site Development Standards and Waivers:** The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to lot area and dimensions, density, lot coverage, setbacks, parking, loading and unloading, landscaping and screening, road widths, and similar requirements, except that the Township Board may waive such standards where such modifications will result in a more beneficial development than would not be possible without the modifications.

1. Unless a waiver is granted by the Township Board, standards pertaining to lot area and dimensions, density, lot coverage, and setbacks shall comply with those standards of the district that most closely characterizes the dominant character of the PUD development as determined by the Township Board.
2. Unless a waiver is granted by the Township Board, mixed uses shall comply with the regulations applicable for each individual use, including the standards contained in Article 13, Additional Standards for Specific Land Uses. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
3. The waiving of development standards may be authorized only upon a finding by the Township Board that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a waiver is sought.

#### **Section 4.5 Approval Standards**

**A.** Each application for a PUD, including the site plan, shall conform to all applicable provisions of this Ordinance unless specific waivers have been granted by the Township Board, and the following:

1. Site Plan Approval Standards, Section 14.4.
2. General Approval Standards for Special Land Uses, Section 15.6.

#### **Section 4.6 Procedure for Review and Approval**

**A. Optional Preapplication Conference:** Prior to the submission of a preliminary site plan for PUD approval, the applicant may request a preapplication conference as provided by Section 14.3. Statements made in the course of a preapplication conference shall not be binding commitments.

**B. Preliminary Site Plan: Application, Public Hearing, and Action:**

1. A minimum of two (2) copies of a preliminary site plan and an unalterable digital copy compatible with Township computer software, such as an unalterable "PDF" file, shall be submitted to the Zoning Administrator along with five (5) copies of a completed zoning permit application form for the proposed PUD. Additional site plan and application form copies may be required by the Zoning Administrator upon determination that the additional copies are necessary. The Zoning Administrator shall forward copies to the Planning Commission, Township Board, and other entities from which the Township desires review comments such as but not necessarily limited to Township departments and staff, consultants, County Drain Commissioner, County Health Department, County Road Commission, and Michigan Department of Transportation. The preliminary site plan shall comply with the requirements of Section 14.3(B) and include a detailed text description of the proposed development and all Ordinance standards for which the applicant is seeking a waiver.
2. The Planning Commission shall review the preliminary site plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review of the preliminary site plan submittal, the Planning Commission shall act on the preliminary site plan as if it were an application for rezoning, and in doing so, shall follow the provisions of Article 17.
3. Following the public hearing provided under Article 17 and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the PUD application and the preliminary site plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 14.4 and 15.6. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the rezoning petition and accompanying preliminary site plan. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision. The report shall document the extent to which the Planning Commission supports the waivers being requested by the applicant and any concerns regarding the same.
4. The Township Board shall take final action to approve, deny, or approve with conditions the preliminary PUD application and site plan. In reviewing the preliminary PUD application and site plan, the Township Board shall consider the applicable requirements of this Article and Ordinance including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its



conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision. The effect of Township Board approval of the preliminary PUD application and site plan shall be:

- a. To authorize the fundamental PUD character and layout embodied in the preliminary site plan, including any conditions applied to the approval, prior to the preparation of a final site plan.
- b. To authorize a change on the Zoning Map to classify the subject property as "PUD," to be accomplished by the Township Board's adoption of an amendment ordinance.

### **C. Final Plan and Permit Issuance**

1. Within eighteen (18) months following receipt of preliminary approval, the applicant shall submit to the Zoning Administrator a minimum of two (2) copies of a final site plan, or phase one of a final site plan, and an unalterable digital file compatible with Township computer software, such as an unalterable "PDF", in conformance with Section 14.3(C) and including a detailed text description of the proposed development and all Ordinance standards subject to a proposed waiver. Additional site plan copies may be required by the Zoning Administrator upon determination that the additional copies are necessary. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Township Board extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred having bearing on the original action of the Township Board, found by the Township Board to be valid.
2. The Zoning Administrator shall record the date of the receipt of the final site plan and transmit copies to the Planning Commission, Township Board and other entities from which the Township desires review comments such as but not necessarily limited to Township departments and staff, consultants, County Drain Commissioner, County Road Commission, County Health Department, and Michigan Department of Transportation, as deemed applicable.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any conditions relating to an affirmative decision. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the final application materials including the final site plan. The Township Board shall take final action to approve, deny, or approve with conditions the final application materials including the final site plan. In reviewing the final materials, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.
4. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements shall be carried out in accordance with the approved PUD unless a site plan revision is approved by the Township Board upon request or approval of the applicant or applicant's transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final approval.
  - a. An approved final site plan shall become null and void three (3) years from the date of its approval unless the project for which site plan approval has been granted has been completed within such time period. The Township Board may extend such approval time for multiple periods of no greater than one (1) year per period.
  - b. No extension shall be granted under subsection (a) unless the Township Board finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the site plan. Where new standards or regulations have been made part of this Ordinance since the date of the site plan approval, the Township Board may waive compliance with such new standards and regulations for the remaining portion of the project to be completed upon a finding that conformance to the new standards would unreasonably burden the completion of the project and continued compliance with the standards on which the site plan was originally approved shall not undermine the public health, safety and welfare including the project's impact on surrounding land uses.

#### **Section 4.7 Phasing of Mixed Uses**

**A. Residential PUDs:** In developments that are to be predominantly residential in character but are to include nonresidential components, the Township Board may require a phasing plan to ensure that a specified number or percentage of the proposed residential units are constructed prior to or concurrently with nonresidential components, and such phasing plan may include other requirements to ensure appropriate phasing.

**B. Non-Residential PUDs:** In developments that are not to be predominantly residential in character, the Township Board may require a phasing plan to ensure that certain uses or components of the PUD be constructed prior to or concurrently with other uses or components to ensure the intended dominant character of the PUD.

**End of Article 4**

## **Article 5**

### **Reserved for Future Use**

**End of Article 5**

## **Article 6**

# **NONCONFORMING LOTS, USES and STRUCTURES**

### **Section 6.1 Purpose**

It is recognized that there exists lots, structures and uses within the Districts of this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance or subsequent amendment. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension, or other alteration which in any way increases its nonconformity, except as otherwise provided by this Article.

### **Section 6.2 Illegal Nonconformities**

Nonconforming lots, uses and structures existing on the effective date of this Ordinance or amendment thereto, that were established without the lawfully required procedures and approvals at such time of establishment, shall be declared illegal nonconformities and are not entitled to the status and rights accorded legally established nonconformities by this Article.

### **Section 6.3 District Changes**

Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District, the provisions of this Article shall also apply to any existing lots, uses and structures that become nonconforming as a result of the boundary change.

### **Section 6.4 Nonconforming Lots**

**A. Use of Nonconforming Lots:** Notwithstanding limitations imposed by other provisions of this Ordinance, any use and customary accessory structures may be erected on any single lot in existence on or before the date of adoption or amendment of this Ordinance, where such use is an authorized “use permitted by right” in said District according to Tables 3-2 and 3-3 of Article 3, even though such lot fails to meet the requirements for area, width, and/or frontage that are applicable in the District. The following additional provisions shall apply:

1. **Compliance with Standards:** All yard dimensions, setbacks and other requirements not involving area, width, and/or frontage, shall conform to the regulations for the district in which such lot is located unless a variance is obtained from the Zoning Board of Appeals according to Article 16. This subsection (1) shall not be construed to authorize new instances of noncompliance with lot area, width and/or frontage standards for lots created after the date of adoption or amendment of this Ordinance.
2. **Adjacent Nonconforming Lots:** Except as provided by subsection (a), if two (2) or more lots or combinations of lots and portions of lots, share continuous frontage and share a common side lot line or portion thereof, and are in single ownership of record at the time of passage or amendment of this Ordinance as recorded in the County Register of Deeds, and if all or part of the lots do not meet the requirements established for area, width, and/or frontage, the lands involved shall be considered to be an undivided lot for the purposes of this Ordinance. No portion of said lot shall be used or divided in a manner that diminishes compliance with the area, width, and frontage requirements of this Ordinance.
  - a. Nothing in subsection (2) shall prohibit the combining of lots that are nonconforming due to deficient area, width and/or frontage, and then the re-dividing of such combined lots provided there is compliance with the following:
    - 1) Each resulting lot from such re-division meets a minimum of eighty percent (80%) of the respective district’s minimum area, width, and frontage requirements.
    - 2) The combined lots are in single ownership of record at the time of passage or amendment of this Ordinance as recorded in the County Register of Deeds.
    - 3) The combined lots share continuous frontage and share a common side lot line or portion thereof.

## **Section 6.5 Nonconforming Uses**

**A. Limitations:** Where, on the date of adoption or amendment of this Ordinance, a lawful use 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 limitations:

1. Enlargement/Expansion: No nonconforming use shall be enlarged or increased in area or bulk or in the number of structures and buildings, or moved or extended to occupy a greater area of land, than as existed on the date of adoption or amendment of this Ordinance.
  - a. Exception for Single and Two-Family Dwellings: Subsection (1) shall not prohibit a single-family or two-family dwelling constituting a nonconforming use from being expanded, increased or enlarged, provided the first story floor area of the modified dwelling shall not exceed one hundred fifty percent (150%) of the previous dwelling's first story floor area as existing at the time of adoption of this Ordinance or amendment thereto, and provided such modifications comply with the applicable standards of the District in which it is located including setback and height.
  - b. Exception for Interior of Building: Subsection (1) shall not prohibit the extension of a nonconforming use throughout any portion of a building in which it is located where such portion was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, provided there is compliance with all other requirements of this Ordinance including parking and loading/unloading requirements.
2. Change of Tenancy/Ownership: A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use, except as may be authorized according to subsection (1).
3. Re-Establishment of Nonconforming Use: A lot occupied by a nonconforming use of land or structure, or combination thereof, which is subsequently occupied by a conforming use, shall thereafter conform to the regulations for the district in which such use is located and a nonconforming use may not thereafter be resumed or otherwise established on the lot.
4. Cessation/Destruction: If a nonconforming use of any building, structure, land or premises or part thereof ceases for any reason for a period of more than 365 days, or where the use is destroyed to an extent of more than 50% of its replacement value, the subsequent use of the property shall thereafter conform to the regulations of this Ordinance for the respective District. In identifying the extent of destruction and the cost to replace the damaged or razed structure, the Zoning Administrator may seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion. The minimum conditions that shall be considered in determining the cessation of a nonconforming use shall include disconnection of utilities, the property has fallen into a state of disrepair, the removal of signage associated with the use, and the removal of equipment necessary for such use.
  - a. Exception for Single and Two-Family Dwellings: The restrictions of subsection (4) shall not apply in the case of a single-family or two-family dwelling constituting a nonconforming use. Such a dwelling constituting a nonconforming use may, upon destruction or razing, be reestablished on the same lot provided such replacement dwelling complies with the applicable setback and height standards of the District in which it is located, the erection of the replacement structure is initiated within one (1) year of the previous structure's destruction or razing, the first story floor area of the replacement dwelling shall not exceed one hundred twenty-five percent (125%) of the previous dwelling's first story floor area as existing at the time of adoption of this Ordinance or amendment thereto, and the replacement structure is completed to an extent equal to fifty percent (50%) or more of its construction cost within two (2) years of such destruction.
5. Substitution: No nonconforming use may be changed to another nonconforming use except upon approval of the Township Board, after receiving a recommendation from the Planning Commission, upon finding that such change in use will be as or more conforming to the intent of the district in which it is located than the existing nonconforming use, and will be more compatible with surrounding conditions. In making such a determination, factors to be considered shall include the anticipated change in intensity of use including vehicular and pedestrian traffic, hours of operation, anticipated noise levels, and other aspects of the proposed use. Such change in use shall be subject to plot plan or site plan approval according to Section 14.2, as applicable.
6. Nonconforming Use and Structure in Combination: In the case where nonconforming status applies to a use and structure in combination, removal, or destruction of the structure to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, all subsequent uses and structures on the land shall conform to the respective District regulations.

## **Section 6.6 Nonconforming Structures**

**A. Limitations:** Where a lawful structure exists on the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, setbacks, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following limitations:

1. **Enlargement/Alteration:** No nonconforming structure may be enlarged or altered so as to increase its nonconformity such as in the case of an increase in the height of a roof that currently exceeds the permitted height, an increase in the cubic area of a building that encroaches into a required setback, and an increase in the number of stories encroaching into a required setback.
2. **Destruction:** Should a nonconforming structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the site development standards for the respective District. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator may seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion.
  - a. **Single and Two-Family Dwelling Exception:** The limitations of this subsection (2) shall not apply in the case of single and two-family dwellings, excluding accessory structures thereto, when all of the following conditions are met:
    - 1) The walls of the replacement dwelling shall not extend beyond the foundation of the previous structure but in no case shall the replacement dwelling be set back from a lot line less than fifty percent (50%) of the district's setback standards.
    - 2) The replacement structure is no more nonconforming in any aspect than the previous structure.
    - 3) A building permit for the erection of the replacement dwelling is issued within one (1) year of the previous structure's destruction, and the replacement structure is completed to an extent equal to fifty percent (50%) or more of its construction cost within two (2) years of such destruction.
3. **Relocation:** Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. **Minor Repairs:** A nonconforming structure may undergo ordinary repairs and maintenance, including the repair and refurbishing of wall exteriors, fixtures, wiring or plumbing, provided there is compliance with subsections (a) and (b). Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.
  - a. The nonconformity existing at the time of Ordinance adoption or amendment shall not be increased, including the cubic area of any nonconforming portion of such structure.
  - b. No structural alterations shall be undertaken, as in the case of the relocation of load-bearing walls.

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**End of Article 6**



**Article 7**  
**(RESERVED for FUTURE USE)**

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**End of Article 7**

## Article 8 SIGNS

### **Section 8.1 Purpose**

The purpose of this Article is to provide a framework for the display of signs to accommodate the legitimate identification, advertising, and informational needs of all land uses and to ensure free speech rights guaranteed by the First Amendment to the U.S. Constitution, including the expression of personal, religious, political, and ideological views. It is the purpose of this Article to provide such signage needs and opportunities in a manner that is balanced with the desired stability and enhancement of residential and non-residential areas including property values, the safety of the Township's road corridors, and the Township's prevailing desired visual character. It is recognized that unrestricted or unregulated signage does not support the desired character of the Township nor benefit either private enterprise or the community-at-large. Unregulated signage encourages vehicular and pedestrian traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values, and undermines the desired visual character of the Township including its business centers and residential neighborhoods, and its economic development initiatives. This Article recognizes that certain activities and uses of land are temporary in nature and though temporary, have reasonable signage needs, and this Article is intended to permit temporary signage consistent with the regulatory framework described above.

### **Section 8.2 Definitions**

- A. Awning/Canopy Sign:** A sign part of or otherwise affixed to a sheet of canvas, plastic or other non-rigid material stretched on a frame so as to be roof-like in function for coverage of the ground area below and/or for architectural purposes. An awning/canopy sign may be in a permanently extended position or may be retractable.
- B. Business Center:** A grouping of two or more businesses on one (1) or more lots and in one (1) or more buildings, which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses.
- C. EMC or Electronic Message Center (EMC) Sign:** A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. An EMC sign may be a free-standing sign or wall sign as defined herein.
- D. Flag or Flag Sign:** A sign comprised of flexible cloth, plastic, or other similar material, no greater in one (1) dimension than two (2) times the opposite dimension, attached to a pole or other support and which falls upon itself in the absence of wind.
- E. Freestanding Sign:** A sign that is erected upon or supported by the ground, including ground signs as defined herein and signs supported by one or more poles, columns, or similar supports.
- F. Ground Sign:** A self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted, posted, or otherwise affixed. A ground sign may also consist of a base-mounted cylindrical structure upon which a message is affixed, and a sign that is supported by one (1) or more posts that are less than two (2) feet in height.
- G. Illumination/Illuminate:** The act of highlighting the visual presence and/or impact of a sign by the use of artificially created light, such as through electrical devices.
1. "Internal illumination" refers to the incorporation of the light source behind the sign face intended to be highlighted and enclosed within the framing of the sign. For the purpose of this Article, an EMC sign shall be construed to be an internally illuminated sign.
  2. "External illumination" refers to the placement of the light source in front, above, below and/or to the side of the sign face intended to be highlighted. External illumination is not enclosed within the framing of the sign but may be attached to the sign.
- H. Marquee Sign:** A sign affixed to a permanent rigid roof-like structure that extends from a building for coverage of the ground or entrance area below, and/or for architectural purposes, and which is not supported by columns, posts, or other similar features.
- I. Off-Premises Advertising Sign:** A sign authorized pursuant to the Highway Advertising Act, P.A. 106 of 1972, as amended, which identifies goods, services, facilities, events, or attractions that are available or provided at a location other than the lot on which such sign is located, and may be commonly referred to as a "billboard."

**J. Permanent Sign:** A sign designed and/or intended to last indefinitely in the same location, structurally attached to the ground, or a wall or other structure, in such manner that the sign cannot be easily removed and/or relocated. A permanent sign shall be construed to be the same permanent sign despite modifications to the message of such sign.

**K. Projecting Sign:** A sign, other than a wall sign, that projects more than eighteen (18) inches from the face of the building or structure upon which it is located, irrespective of the direction from which the sign is intended to be viewed.

**L. Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, designed for the purpose of directing or attracting attention to, advertising, identifying, expressing, or making known something. Unless otherwise indicated, the definition of “sign” includes interior and exterior signs that are visible from any public street, sidewalk, alley, park, or public or private property.

1. **Exception:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, that do not exceed four (4) sq. ft. in area, and designed for the purpose of directing or attracting attention to, advertising, identifying, expressing or making known something, shall not be construed as a sign except under the following conditions:
  - a. This exception shall not apply in the case where such words, lettering, parts of letters, figures, or other representations, or combinations thereof, are placed on multiple structures or other supports that are each no greater than four (4) sq. ft. in area but exceed four (4) sq. ft. in total cumulative area and are intended to be read or viewed together for a single or unified message or purpose, and such arrangements shall constitute a sign.
  - b. This exception shall not apply if such words, lettering, parts of letters, figures, or other representations, or combinations thereof, are erected within 20 feet of a public road right-of-way and intended to be viewed from such right-of-way, and such arrangements shall constitute a sign.

**M. Temporary Sign:** A sign designed to be moved periodically or displayed for a limited and comparatively short period of time only, without a foundation, footing or similar permanent underground, wall or structure anchoring system, such as in the case of a “grand opening” sign, a sign announcing an upcoming community event, and signs mounted on wheeled trailers. A temporary sign shall be construed to be the same temporary sign despite modifications to the location or message of such sign during the period the sign is displayed.

**N. Wall Sign:** A sign that is attached directly to a building wall that is flat against or generally parallel to the building wall including signs painted on a building wall, window signs, and signs on a marquee, canopy or awning-type structure. A wall sign shall not be construed to include a sign attached to or otherwise part of a roof, a sign attached to a wall but which extends above the lowest portion of a roof, or a “projecting sign” as defined herein.

**O. Window Sign:** A sign that is attached to the interior or exterior of any window. Permanent window signs that are not affixed directly to a window or are positioned within twelve (12) inches of a window so that they are visible from the outside, shall be considered wall signs.

## **Section 8.3 Application and Permit Requirements**

### **A. Permits and Review**

1. **Required Permit and Review:** All signs shall require a zoning permit prior to placement, erection, replacement, or alteration unless exempted by subsection (2). If site plan review is required for a proposed project that a proposed sign is to be part of, the proposed signage shall be reviewed as part of the site plan review procedure for the entire project, pursuant to Article 14, and a separate sign application shall not be necessary. If the proposed signage is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the sign application to ensure all applicable ordinance standards have been met prior to issuing a permit for the sign. No sign application shall be accepted or acted upon prior to the payment of all permit application fees.
2. **Signs Exempt from Permit/Review:** The following signs are exempt from the provisions of subsection (1) but shall conform to all other regulations and standards of this Article including areas, heights, and setbacks.
  - a. Signs erected by a governmental entity in a public right-of-way.
  - b. Window signs.

- c. Temporary signs authorized under Section 8.7.
- d. The maintenance or replacement of sign information including painting, cleaning, and light bulb replacement, but excluding any structural or frame modifications.
- e. Freestanding signs less than six (6) sq. ft. in area and five (5) feet in height, and wall signs less than six (6) sq. ft. in area.

**B. Application Information:** Application for a zoning permit for a sign shall include the following minimum information, which may be submitted as part of a larger development application:

1. Name, address, and telephone number of the applicant and landowner, and address of the lot on which the sign is to be erected.
2. A copy of the approved or proposed site plan for the lot on which the sign is to be placed.
3. Construction specifications including dimensions, materials, height, ground clearance if applicable, total display area, method of attachment to the wall or ground, and in the case of an EMC sign, the manufacturer's sign brightness specifications according to nit level.
4. Proposed specific location of the sign on the building and, in the case of a ground sign, its location on the lot and in relation to nearby buildings, structures, and property lines, and setbacks from lot lines, rights-of-way, and access drives.
5. The height, width, and elevational view of the building if the proposed sign is a wall sign.
6. Lot area and frontage.
7. Elevational view of the sign including proposed sign copy.
8. Information concerning proposed illumination and electrical plan.
9. Certification by the manufacturer that the sign complies with the Michigan Construction Code.
10. Written consent of the owner or lessee of the premises upon which the sign is to be erected, if different than the applicant.
11. Other information as may be required to ensure compliance with all applicable laws and regulations.

## **Section 8.4 Design and Construction Standards**

### **A. Materials, Construction and Maintenance:**

1. Code Compliance and Maintenance: All signs shall be constructed and maintained in a manner consistent with building code provisions including wind and vibrational forces and shall be maintained in good structural condition at all times, free of hazards to the general public. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. All signs shall be kept neatly painted, stained, sealed, or preserved including all metal parts and supports. Signs shall be maintained free of peeling material, fading, rust, rot, insect infestation or other conditions reflective of a state of disrepair.
2. Unified Construction: A sign shall be integrally designed so that its elements are of a unified character and not comprised of an assemblage of different sign types and materials. In the case where two (2) opposing sign faces are of differing shapes and/or sizes, resulting in the back of one (1) face not being fully obscured by the opposing face of the sign, the exposed backing shall be of a finished material and designed and constructed to appear as an integral part of the entire sign and of a similar character.
3. Supporting Framework: All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.
4. Wall Signs: Wall signs shall not extend more than fifteen (15) inches from the wall to which they are attached, and in the case of a wall sign that extends more than three (3) inches from the wall surface to which it is attached, there shall be provided a minimum of eight (8) feet of clearance from the bottom of the sign to the ground below.

### **B. Illumination.**

1. Authorized Lighting:
  - a. Signs may be illuminated unless specified otherwise and may be internally or externally illuminated unless specified otherwise.
  - b. No illumination of signs shall occur except during periods when the use is open to the public, or otherwise under active use. This restriction shall not prohibit security lighting in compliance with Section 11.7.
  - c. Lighting shall comply with the National Electrical Code.
2. Moving Illumination: No sign shall include flashing, blinking, intermittent, moving, or variable intensity illumination except as authorized in association with an electronic message center (EMC) sign.
3. Illumination Level.
  - a. No sign illumination, direct or reflected, shall increase the light level on an adjacent lot beyond the

level when such sign is not illuminated.

- b. No sign shall be of an illumination level, whether direct or reflected illumination, which creates an uncomfortable visual sensation or interference with the normal view of features in the proximity of the sign as viewed from a public right-of-way or adjacent lot, such illumination typically causing a person to squint or shield one's eyes when viewing the sign. Use of glaring undiffused lights or bulbs is prohibited. Sign illumination shall not distract motorists, create a traffic hazard, or be a nuisance to users of other properties.
4. Source and Projection of Illumination: The source of sign illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the lot on which the sign is located. All externally lit signs shall be illuminated by lights affixed to the sign and only directed downward or from the side onto the sign face.
  - a. This subsection shall not apply to neon lights and exposed bulbs, including marquees signs, provided such lights and bulbs shall not exceed fifteen (15) watts.
5. EMC Signs: See Section 8.9 regarding illumination for EMC signs.

#### **C. Measurements**

1. Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a parallelogram, rectangle, triangle, circle, cylinder, cone, or combination thereof, including any framing.
  - a. Where a sign has two (2) or more similarly shaped faces placed back-to-back, and at no point are less than twenty-four (24) inches apart from one another, the area of the sign shall be the area of one (1) face. Where a sign has two (2) or more similarly shaped faces placed back-to-back and are greater than twenty-four (24) inches apart from one another at any point, the area of the sign shall be the combined area of each face.
  - b. Where a sign has two (2) faces placed back-to-back, and at no point are less than twenty-four (24) inches apart from one another, but the faces are of differing sizes, the sign area shall be that of the larger sign.
  - c. In the case of a sign with three or more faces, the area of the sign shall be the area of all faces combined.
  - d. For signs that are designed as a three dimensioned substantially curved geometric form such as a sphere, cone, or cylinder, the area shall be computed as one-half the total surface of the geometric form.
2. Sign Setbacks:
  - a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the nearest parts of the two signs as viewed from above in plan or bird's eye view.
  - b. The distance between a sign and a property line, parking lot or building, shall be measured along a straight horizontal line that represents the shortest distance between the property line or outer edge of the parking lot or building, and the leading edge of the sign as viewed from above in plan or bird's eye view.
3. Sign Height: The height of a sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign face. The height of a sign placed upon a berm or other artificially raised ground area shall be measured from the base elevation of the berm or artificially raised ground area.

### **Section 8.5 Nonconforming Signs**

**A. General/Article 6:** Nonconforming signs shall be subject to the provisions of Article 6 except as otherwise provided by the following:

1. Destruction: A nonconforming sign that is destroyed to an extent greater than fifty percent (50%) of the sign's replacement cost, exclusive of the foundation, shall not be reconstructed.
2. Maintenance: Normal sign maintenance is permitted including painting of chipped or faded signs, replacement of faded or damaged surface panels, and repair or replacement of electrical wiring or electrical devices.
3. Change of Copy: Information and graphics displayed on a nonconforming sign may be changed provided that the change does not create any greater nonconformity or otherwise alter the sign's framing and structural features.

## **Section 8.6 Prohibited Signs:**

**A. Signs Prohibited:** The following signs are prohibited, whether temporary or permanent, except where expressly authorized elsewhere in this Article.

1. Signs that, due to location, design, color, or lighting, encourage confusion among drivers due to unauthorized traffic signs, signals or devices, or signs that make use of the words "stop", "look", "danger" or any word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse drivers or pedestrians.
2. Signs that obstruct free and clear vision of traffic signs and signals, road name signs, or approaching, intersecting or merging traffic.
3. Signs greater than thirty-two (32) sq. ft. in area, affixed to a parked vehicle or device intended for tow, where such vehicle or tow item is being used principally for advertising purposes due to its parked location rather than for transportation purposes.
4. Signs that obstruct ingress or egress from a required door, window, or other required point of access.
5. Signs that represent a public hazard due to the manner of construction including connection to the ground or a structure, lack of maintenance and/or repair, potential for electric shock, or any other reason.
6. Signs placed in, upon, or over any public right-of-way, alley, or other public place, except upon approval of the governmental entity having jurisdiction over such right-of-way or place.
7. Signs that revolve or have any visible moving parts, revolving parts, or visible mechanical movement of any type, or signs that have other apparent visible movement irrespective of the cause of the movement. Strobe lights are prohibited.
  - a. Banners, pennants, festoons, spinners and streamers, and similar devices, which move due to wind or mechanical devices and that are intended to draw attention to a location are considered moving signs and are prohibited except as otherwise authorized in association with a temporary sign according to Section 8.7. This limitation shall not be construed to prohibit EMC signs or signs that rely on light-emitting diodes (LEDs) provided such signs are in compliance with Section 8.9.
8. Signs that have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit character including any sign elements portraying "specified anatomical areas" or "specified sexual activities" as defined in Section 13.22.
9. Signs erected or modified prior to obtaining all necessary approvals and permits for such erection.
10. All other signs not expressly authorized by this Ordinance.

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## **Section 8.7 Permitted Temporary Signs**

**A. Authorization:** In addition to all other signs authorized by this Article, temporary signs are permitted according to the requirements and limitations of this Section. Signs permitted by this Section shall not be applied toward the permissible sign areas or permissible number of signs authorized by other sections of this Article.

**B. Standards:** Temporary signs shall comply with the following standards.

1. **Illumination:** A temporary sign shall not be illuminated within an Agricultural or Residential District and shall not be illuminated from 11:00 p.m. to 7:00 a.m. in all other districts unless otherwise provided in this Section.
2. **Number:** No more than two (2) temporary signs shall be erected on a lot in an Agricultural or Residential District. No more than three (3) temporary signs shall be erected on a lot in Commercial and Industrial Districts.
3. **Height:** Temporary signs shall not exceed the height of four (4) feet except that in Commercial and Industrial Districts, one (1) of the permitted signs may be a maximum of eight (8) feet in height.
4. **Setbacks:** Temporary signs shall be set back from lot lines a minimum distance of twenty (20) feet in Agricultural or Residential Districts, and ten (10) feet in Commercial and Industrial Districts.
5. **Area:** No temporary sign shall exceed sixteen twelve (12) sq. ft. in Agricultural or Residential Districts and eighteen (18) sq. ft. in Commercial and Industrial Districts.

**C. Exceptions for Temporary Activities:** In addition to the temporary signs authorized by subsection (B), additional temporary signs shall be permitted under the following conditions.

1. **Construction Sites:** One (1) temporary sign is permitted on a lot on which a building is being erected or altered and for which all necessary zoning and building permits have been granted, provided such sign shall not exceed sixteen (16) sq. ft. in area and eight (8) feet in height. Such sign shall be erected no earlier than thirty (30) days prior to the commencement of construction and shall be removed no later than seven (7) days after a certificate of occupancy is issued or eighteen months, whichever occurs first.
2. **Real Estate:**
  - a. In the case of the sale or lease of a lot, building, building space, or residence, one temporary sign shall be permitted for each three hundred (300) feet of road frontage, provided such sign shall not exceed twelve (12) sq. ft. in area and six (6) feet in height.
  - b. A platted subdivision, site condominium, multiple family development, manufactured housing community, or other unified residential or non-residential development consisting of at least five (5) dwelling units or tenant spaces, or at least three (3) buildings used for commercial, industrial or institutional purposes, is permitted one (1) temporary sign, provided such sign shall not exceed twenty (20) sq. ft. in area and six (6) feet in height. Such sign shall be removed no later than two (2) years after initial erection or after the sale of ninety percent (90%) of all lots, units, tenant spaces or buildings within said development, whichever occurs first.
4. **Roadside Stands:** One (1) temporary sign may be erected provided such sign shall be not exceed sixteen (16) sq. ft. in area and six (6) feet in height and shall be displayed only during the seasonal period when the purchase of products is available.
5. **New Use:** In the case of the proposed use of a lot for other than a one-family or two-family dwelling purposes, and prior to the erection of a permanent sign, a temporary sign may be erected for a period not exceeding 60 days and shall be removed within fifteen (15) days after the use becomes operational, whichever occurs first. Such sign shall comply with the standards of Table 8.8-1, as if the temporary sign is a permanent sign.
6. **Wind-Blown and Inflatable Devices:** Wind-blown devices and inflatable devices such as balloons, pennants, spinners, and streamers are permitted in a Commercial District only, and for a period not to exceed five (5) days during any calendar month. No inflatable devise shall exceed six (6) feet in height.



## Section 8.8 Permitted Permanent Signs

Table 8.8-1 identifies authorized permanent signs in each district according to the limitations specified in the Table regarding sign type, number, area, height, and setbacks. Nothing in this Table shall be construed as authorizing a sign, sign area, sign height or sign setback that is otherwise regulated by other Sections of this Article. The signs authorized by this Section are permitted in addition to other signs authorized by the Article, and the signs permitted by this Section shall not be applied toward the permissible sign areas and permissible number of signs authorized by other Sections of this Ordinance. See Section 8.7 regarding temporary signs.

**Table 8.8-1**  
**See “Table 8.8-1 Special Provisions” on following page.**

**FS** = Free-Standing Sign    **WS** = Wall Sign

District	Authorized Signs And Number	Maximum Area of Signs	Maximum Sign Height	Minimum Sign Setback from Lot Lines
<b>Agricultural Districts</b> See “Table 8.8-1 Special Provisions” for Signs for Dwellings.	<p><b>FS:</b> 1 along each road frontage that includes public access to the lot.</p> <p><b>WS:</b> 1 per road frontage except 1 additional sign is permitted for buildings in excess of 150' in length.</p>	<p><b>FS:</b> 24 sq. ft. except that in the case of a lot with frontage on two separate roads that each permit lot access, the second sign shall not exceed 18 sq. ft.</p> <p><b>WS:</b> 5% of the vertical area of the building façade to which the signage is attached, for all combined wall signage, but not to exceed 32 sq. ft. per sign.</p>	<p><b>FS:</b> 5'.</p> <p><b>WS:</b> Top of wall to which it is attached, but no higher than 20'.</p>	<p><b>FS:</b> 15', except 30' from an adjacent side or rear yard if such yard is in an Agricultural or Residential District.</p>
<b>Residential Districts</b> See “Table 8.8-1 Special Provisions” for Signs for Dwellings.	<p><b>FS:</b> 1 per road frontage that includes public access to the lot.</p> <p><b>WS:</b> 1 per road frontage except 1 additional sign is permitted for a building in excess of 150' in length.</p>	<p><b>FS:</b> 24 sq. ft. per sign except that in the case of a lot with frontage on two separate roads that each permit lot access, the second sign shall not exceed 12 sq. ft.</p> <p><b>WS:</b> 5% of the vertical area of the building façade to which the signage is attached, for all combined wall signage, but not to exceed 32 sq. ft. per sign.</p>	<p><b>FS:</b> 5'.</p> <p><b>WS:</b> Top of wall to which it is attached, but no higher than 20'.</p>	<p><b>FS:</b> 15', except 30' from an adjacent side or rear yard if such yard is in an Agricultural or Residential District.</p>
<b>Commercial and Industrial Districts</b> See “Table 8.8-1 Special Provisions” For Signs For Dwellings.	<p><b>FS:</b> 1 per road frontage that includes public access to the lot.</p> <p><b>WS:</b> No restrictions on number of signs.</p>	<p><b>FS:</b> 1 sq. ft. per 1' of building length, measured as straight line between building corners, but no single sign shall exceed 48 sq. ft.</p> <p><b>WS:</b> 10% of the vertical area of the building façade to which the signage is attached, for all combined wall signage, but not to exceed 100 sq. ft. per sign.</p>	<p><b>FS:</b> 12'.</p> <p><b>WS:</b> Top of wall to which it is attached, but no higher than 25'.</p>	<p><b>FS:</b> 15', except 50' from an adjacent yard if such yard is in an Agricultural or Residential District.</p>

See “Table 8.8-1 Special Provisions” on following page.

### Table 8.8-1 Special Provisions

#### A. Business Centers

1. Freestanding Signs: A business center shall be permitted one (1) free-standing sign according to the height, area, and setback standards of Table 8.8-1. In the case of a business center that exceeds three hundred (300) linear feet of building along a single road, one (1) additional such sign is permitted.
2. Ground Signs: In the case of a business center comprised of multiple buildings and served by an internal road network, one (1) ground sign shall be permitted for each building provided such sign is located in the immediate proximity of the building to which it pertains, does not exceed five (5) feet in height and twenty-four (24) sq. ft. in area, and complies with the setback standards of Table 8.8-1.
3. Wall Signs:
  - a. A business center shall be permitted one (1) wall sign according to the height and area standards of Table 8.8-1.
  - b. In addition to subsection (a), the business center shall be permitted wall signage for each business or tenant space. The total area of all wall signs for all business and tenant spaces shall not exceed ten percent (10%) of the vertical area of the building façade to which the signage is attached, but no single sign shall exceed fifty (50) sq. ft.

**B. Dwellings:** Permanent signs on a lot on which the principal use is one (1) or more dwelling units shall comply with the following:

1. Single and Two-Family Dwellings: One (1) wall and one (1) freestanding sign may be erected for each dwelling unit, each sign not to exceed five (5) sq. ft. in area.
2. Multiple Family Dwelling: One (1) wall and one (1) freestanding sign may be erected for each building comprising a multiple family dwelling development. Such sign shall not exceed six (6) feet in height and twenty-four (24) ft. in area and shall comply with the setback standards of Table 8.8-1.

**C. Driveway/Entrance/Directional Signs:** The following permanent signs are permitted, excluding on lots used for single and two-family dwelling purposes:

1. One (1) sign is permitted near the area of an intersection of a public road and an access drive to a parking lot, not to exceed four (4) feet in height.
2. One (1) sign is permitted at an entrance to a residential or non-residential development consisting of a platted subdivision, condominium subdivision, multiple family development, manufactured housing community, or other unified development consisting of at least five (5) dwelling units or at least three (3) buildings used for commercial, industrial, or institutional purposes. Such sign shall not exceed thirty-two (32) sq. ft. in area and six (6) feet in height and shall comply with the setback standards of Table 8.8-1.
3. Nothing in this subsection (C) shall be construed as prohibiting or regulating signage painted or imprinted on the surface of an access way, parking lot or other surface over which vehicles are driven.

**D. Drive-In/Drive-Through Signs:** One (1) sign, with a maximum height of eight (8) feet is permitted per drive-through lane and/or drive-in station and shall be oriented to drivers within such lane or station. Such sign shall comply with the setback standards of Table 8.8-1 except that no such sign shall be located within thirty (30) feet of a road right-of-way. If such sign is legible from a road right-of-way, the area of such sign shall be included in the computation of total permanent wall or freestanding sign area for the lot, as applicable.

### Section 8.9 Electronic Message Center (EMC) Signs

**A. Authorization:** EMC signs are permitted in all districts, subject to the provisions of subsection (B).

**B. Standards:** EMC signs shall comply with the following:

1. One (1) EMC sign may be erected on a lot, irrespective of the number of road frontages along the lot.
2. Lighting:
  - a. An image and any portion of an image on an EMC sign shall stay constant for a minimum of fifteen (15) seconds, without any change in movement, light intensity, or color. Message scrolling and similar moving messages, including animation and animation-like imaging, are prohibited.
  - b. Any change or transition in display on an EMC sign shall not exceed one (1) second in duration.
  - c. An EMC sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. No EMC sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance determined by the square root of the sign's square foot area multiplied by 100. An example of such a determination in the case of a 12 sq. ft. sign is:  
$$\sqrt{\text{of the product of } (12 \times 100)} = 34.6 \text{ feet measuring distance}$$
  - d. The measure of light emitted from an internally illuminated sign at its surface shall not exceed 500

- nits from dusk to dawn and 2,000 nits during all other times of a day.
- e. An EMC sign shall not be operated in an Agricultural or Residential District between the hours of 7:00 p.m. and 7:00 a.m.

### **Section 8.10 Flags**

**A. Freestanding Sign/Permitted Number:** A flag that meets this Ordinance's definition of "structure" constitutes a permanent sign, are permitted in all districts, and are subject to the provisions of subsection (B).

**B. Standards:** Flags attached to a pole or similar support structure are not subject to Table 8.8-1, and shall comply with the following:

1. In Agricultural and Residential Districts, no more than one (1) flag shall be erected on a lot. Such flag shall not exceed sixteen (16) sq. ft. in area and twenty (20) feet in height and shall be set back from all lot lines a minimum of twenty (20) feet.
2. In districts other than Agricultural and Residential Districts, the following provisions shall apply:
  - a. One (1) flag shall be permitted, not to exceed thirty (30) sq. ft. in area and twenty-five (25) feet in height and shall be set back from all lot lines a minimum of thirty (30) feet.
  - b. No more than two (2) flags may be erected in addition to that which is permitted by subsection (a) provided each such flag shall not exceed fifteen (15) sq. ft. in area and twelve (12) feet in height, shall be set back from all lot lines a minimum of twenty (20) feet, and the number of such flags shall not exceed two. Fifty percent (50%) of the square footage of each such flag shall be applied toward the permissible total freestanding sign square foot area according to Table 8.8-1, but in no case shall more than two (2) such flags be erected.

### **Section 8.11 Signs Permitted According to the Highway Advertising Act**

Off-premises advertising signs are permitted only on an undeveloped lot in a Commercial or Industrial District where such lot has road frontage along M-60 and M-62, the dimension of which complies with Table 3-4 of Article 3, and is approved under and in compliance with the Highway Advertising Act, P.A. 106 of 1972, as amended.

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**End of Article 8**

## Article 9 OFF-STREET PARKING and LOADING

### **Section 9.1 Purpose**

It is the purpose of this Article to establish standards and requirements to ensure that appropriate parking and circulation shall be adequately provided and maintained on each lot in every District for the off-street parking of motor vehicles as may be necessary, including in association with employees and patrons, ingress, egress, and the receiving and distribution of goods. It is the purpose of this Article to prevent hazards and undue interferences among and between vehicles and pedestrians and protect the public health, safety, and welfare.

### **Section 9.2 General Requirements**

**A. Fractional Space:** When measurements determining required parking spaces result in a fractional space, fractions of one-half (1/2) shall be disregarded. Fractions over one-half (1/2) shall require one (1) parking space.

**B. Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. This determination shall be made during site plan review proceedings.

**C. Use of Off-Street Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, storage, selling or any other activity shall be conducted in an off-street parking area except as may be authorized as part of site plan approval proceedings or a temporary use approval granted under this Ordinance.

**D. Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

**E. Decrease in Parking Areas:** No off-street parking area that exists on the date of adoption of this Ordinance or which is provided subsequent thereto, for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article.

**F. Location:** All off-street parking areas shall be located on the same lot as the use they are intended to serve, but in no case shall such off-street parking areas be located more than five hundred (500) feet from the uses the parking areas are intended to serve except upon a finding by the site plan approving body that, within the context of the specific use and anticipated vehicle and pedestrian patterns, no practical alternative is available and a greater distance shall not encourage excessive traffic in nearby residential areas or otherwise undermine public safety for pedestrians or motorists.

**G. Joint Use of Parking Areas:** The joint use of parking facilities by two or more uses may be granted during site plan review proceedings whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements of this Article are met.

1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement shall be the sum of the individual requirements that will occur at the same time. . If space requirements for individual uses occur at generally similar times during a typical day, the total of such off-street parking facilities required for joint or collective use may be reduced by the site plan approving body below the sum total of the individual space requirements but such reduction shall not exceed ten percent (10%). If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements. Such reduction shall not exceed thirty (30%).
2. **Record of Agreement:** A proposed agreement between joint users, when the joint uses are located on separate lots, shall be filed with the application for a zoning permit and a copy shall be recorded with the County Register of Deeds upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the site plan approving body for termination of such agreement. No joint use shall be approved if vehicular access between the two lots requires the use of a public or private road.

**H. Barrier-Free Parking Spaces:** Barrier-free spaces shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division including the number of required spaces, minimum dimensions of spaces and access ramps, and required signage. Such spaces shall be placed in the most convenient locations to facilitate access to a building.

### **Section 9.3 Site Development Requirements for Off-Street Parking**

All off-street parking areas, except for single family and two-family dwellings, shall be designed, constructed, and maintained in accordance with the following standards and requirements.

**A. Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and parking of vehicles. Paved parking spaces shall be marked with striping.

**B. Driveways:** Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide except upon adequate documentation that a greater width is necessary, and all turning radii shall comfortably accommodate vehicle turning patterns.

**C. Surface:** Required off-street parking intended to accommodate four (4) or more spaces, including aisles and driveways, shall be paved with a minimum of two inch (2") thick bituminous asphalt or six inch (6") thick concrete, above a minimum of six inches (6") of compacted crushed gravel. The approving body may waive this requirement in the case of a lot in an Agricultural or Residential District upon its determination that such paving is not in character with the surrounding and intended land use pattern, the lack of paving will not cause a dust or noise nuisance to current and future residents, and the nature of the use generates comparatively low traffic volumes on a day-to-day basis.

**D. Drainage:** All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly manage storm water runoff. Off-street parking areas shall be drained so as to prevent increased rates of runoff onto abutting properties and public roads.

**E. Setbacks:**

1. Side and Rear Yard Setbacks: Off-street parking areas shall be set back a minimum distance equal to the minimum required building setback according to Table 3-4 of Article 3.
2. Front Yard Setbacks: Off-street parking areas shall be set back a minimum distance equal to the required front yard setback according to Table 3-4 of Article 3.
3. Building Setback: Off-street parking areas shall be designed and arranged to prohibit a parked vehicle from being closer than five (5) feet to a building, including any bumper overhang, except that in the case of a multiple family building, the minimum setback for a parking space shall be twelve (12) feet.

**F. Landscaping and Screening:** See Article 10.

**G. Clear Vision:** Off-street parking shall comply with Section 20.17.

**H. Parking Spaces and Maneuvering Lanes:**

1. Off-Street Parking: Each off-street parking space shall be provided with adequate maneuvering lanes for access. No parking space shall require a vehicle to back in or out directly from and/or onto a public road. The layout of off-street parking areas shall comply with the following minimum standards:

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0° (Parallel)	12 ft.	22 ft.	8.0 ft.	23 ft.
30° to 53°	13 ft.	22 ft.	9.0 ft.	20 ft.
54° to 74°	16 ft.	22 ft.	9.0 ft.	20 ft.
75° to 90°	15 ft.	22 ft.	9.0 ft.	20 ft.
Stacking Lane	12 ft.	NA.	12.0 ft.	20 ft.

## **Section 9.4 Parking Space Requirements**

### **A. Compliance with Required Number of Parking Spaces:**

1. **Required Spaces:** The minimum number of off-street parking spaces to be provided on each lot shall be as specified in this Section according to land use type. Where a lot is comprised of multiple uses, such as in the case of a motel with a restaurant or a building comprised of office and retail tenants, the total number of spaces to be provided shall be the sum of all of the individual uses except as may be otherwise provided by the Article.
2. **Waivers:** Where it can be demonstrated according to the discretion of the site plan approving body that the parking requirements of this Section would result in more parking spaces than are necessary for the parking needs of a particular use, the site plan approving body may approve a parking plan with fewer spaces than required by this Section according to the following requirements:
  - a. The site plan approving body may require a reserved parking area on the lot for possible future use, and the Township Board may subsequently require the applicant to construct additional parking spaces on the lot if the Township Board finds that the reduced number of spaces is not adequate to meet the parking needs of the use. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within six (6) months of such determination. The approved site plan shall clearly identify the location of this reserve area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve area.

### **B. Residential Uses:**

1. **One- and Two-Family Dwellings:** Two (2) spaces for each single-family dwelling unit.
2. **Multiple Family Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per ten (10) units for guest parking, and one (1) additional parking space shall be provided for each employee of the largest work shift.
3. **Assisted Living Facilities and Group Homes (adult foster care):** One (1) space for every three (3) residents of the home, and one (1) additional parking space shall be provided for each employee of the largest work shift.

**C. Commercial Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift including visiting and on-staff medical personnel.

1. **Housing, Lodging, and Care Facilities:**
  - a. **Bed and Breakfast:** One (1) space for each rental room.
  - b. **Day Care Centers, Child Care Center, Nursery School, School of Special Education:** One (1) parking space for each 350 sq. ft. of usable floor space or one (1) space for each five (5) enrolled persons, whichever is greater, and a drop-off area capable of accommodating six (6) vehicles.
  - c. **Hospital:** One (1) space for each three (3) beds.
  - d. **Motels and Hotels:** One (1) space for each sleeping unit.
  - e. **Medical Clinics:** Two (2) spaces for each examination or treatment room.
  - f. **Nursing Facility, Convalescent Home, and Home for the Aged:** One (1) space for each five (5) beds.
  - g. **Senior Independent Housing:** One (1) space per living unit.
2. **Recreation:**
  - a. **Par 3 Golf Courses:** Three (3) spaces for each hole.
  - b. **Par 4 or Greater Golf Courses:** Four (4) spaces for each hole.
  - c. **Miniature Golf Courses:** Two (2) spaces for each hole.
  - d. **Roller Skating Rinks and Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
  - e. **Bowling Alleys:** Three (3) spaces for each alley.
  - f. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Self-Defense Clubs:** One (1) space per three (3) patrons based on the occupancy load established by the State Fire Marshall.
3. **Retail Sales:**
  - a. **Automobile or Machinery Sales:** One (1) space for each 200 sq. ft. of showroom floor area. Spaces used for storage of vehicles or machinery for sale shall not be used to meet parking requirements.
  - b. **Clothing, Furniture, Appliance, Hardware, Automobile, and Machinery Sales.** One (1) space per six hundred (600) square feet of gross floor area.
  - c. **Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered

a parking space) and one (1) space for every two hundred (200) sq. ft. of useable floor area exclusive of stall areas. Parking spaces available for the fueling of vehicles may be applied to meeting up to fifty percent (50%) of the required one (1) space for every two hundred (200) sq. ft. of useable floor area. See subsection (h) regarding parking for retail sales areas.

- d. **Standard Restaurants, Taverns, and Bars:** One (1) space for every three (3) seats provided plus one (1) additional space for each fifty (50) sq. ft. of standing room available to customers.
  - e. **Restaurant, Drive-Through (with indoor eating facilities):** One (1) space for every three (3) seats and fifteen (15) sq. ft. of floor area devoted to placing orders plus sufficient area for six (6) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
  - f. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 sq. ft. of usable floor area plus sufficient area for six (6) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
  - g. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every twenty (20) sq. ft. of usable floor area, provided a minimum of five (5) spaces are provided.
  - h. **Supermarket, Convenience Store, Self-Service Food Store:** One (1) space for every three hundred (300) sq. ft. of useable floor area.
  - i. **Retail Stores and Facilities, (not otherwise specified above):** One (1) space for every two hundred (200) sq. ft. of useable floor area.
4. **Offices and Services:**
- a. **Banks and Financial Institutions:** One (1) parking space for every 250 sq. ft. of usable floor area plus sufficient area for five (5) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
  - b. **Barber Shops and Beauty Parlors:** Two (2) spaces for each chair and other treatment station.
  - c. **Vehicle Service/Repair:** Two (2) spaces for each service bay, but not less than six (6) spaces.
  - d. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for fifty percent (50%) of the manufacture's hourly rated capacity for the system in use shall be required. Additional one (1) space shall be provided for each two hundred (200) sq. ft. of useable floor area devoted to waiting customers.
  - e. **Car Wash, Self-Service:** Reserve parking required to accommodate up to four (4) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, based on an average vehicle length of twenty (20) feet.
  - f. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) sq. ft. of floor area of chapels and assembly rooms.
  - g. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
  - h. **Laundromat:** One (1) space for every three (3) washing or drying machines plus sufficient area for three (3) stacking spaces for drive-through window purposes.
  - i. **Mini-Storage:** Where an office is provided, three (3) spaces.
  - j. **Offices and Professional:** One (1) space for every two hundred (200) sq. ft. of gross floor area.
  - j. **Personal Service Establishments (not otherwise specified above):** One (1) space per four hundred (400) feet of gross floor area.
  - k. **Banquet Hall:** One (1) space for every four (4) seats provided plus one (1) additional space for each fifty (50) sq. ft. of standing room available to attendees.

**D. Industrial Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

- 1. **Industrial or Manufacturing Establishments:** One (1) space for every two thousand (2,000) sq. ft. of floor area.
- 2. **Warehouses, Wholesale Stores:** One (1) space for every one thousand (1,000) sq. ft. of floor area.

**E. Other Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

- 1. **Religious Institutions:** One (1) space for each three (3) seats or six (6) linear feet of pew or bench seating in the main unit of worship.
- 2. **Non-School Auditorium, Theater, Assembly Hall:** One (1) space for each four (4) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, whichever is greater.
- 3. **Private Civic Club or Lodge:** One (1) space for each three (3) members, based upon the load capacity as determined by the State Construction Code or State Fire Marshall.
- 4. **Elementary and Middle Schools:** One (1) space for each twenty (20) students plus one (1) space for



- every four (4) seats where the school contains an auditorium and/or stadium or gym.
5. **High Schools:** One (1) space for each ten (10) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
  6. **Libraries and Museums:** One (1) space for every five hundred (500) sq. ft. of gross floor area.
  7. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats or five (5) linear feet of bench seating, and one (1) additional space for one hundred (100) sq. ft. available to accommodate additional attendees not otherwise restricted to a fixed seating area.

## **Section 9.5 Loading and Unloading Space Requirements**

**A. Additional Space:** Loading space required under this Section shall be provided as area additional to off-street parking space required under Section 9.4.

**B. Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading services. Each space shall be a minimum of twelve (12) feet in width and twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, and be of such pavement design to accommodate the anticipated truck traffic. The site plan approval body may require a greater space length where necessitated by the anticipated type of truck traffic. The number of spaces shall be provided as follows:

<u>Gross Floor Area</u>	<u>Spaces Required</u>
Up to 5,000 sq. ft. of gross floor area:	1 space, if determined necessary during site plan review.
5,001 to 19,999 sq. ft. of gross floor area:	1 space.
20,000 to 119,999 sq. ft. of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft. of gross floor area, or fraction thereof, in excess of the first 20,000 sq. ft.
120,000 or more sq. ft. of gross floor area:	5 spaces, plus 1 space per each 40,000 sq. ft. of gross floor area, or fraction thereof, in excess of the first 120,000 sq. ft.

**C. Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering as well as adequate ingress and egress to and from the road or alley.

**D. Screening:** All loading and unloading areas that are adjacent to a different District or residentially used property, or face or are visible from a public road, shall be screened.

**E. Location:**

1. Designated loading-unloading spaces shall not be located in any front yard.
2. Loading-unloading spaces shall not be located in a required side or rear yard setback except where such yard is adjacent to a Commercial or Industrial District, but in no case shall such loading-unloading area be located within ten (10) feet of a lot line.
3. In no case shall loading-unloading spaces be located closer than fifty (50) feet to a lot used principally for residential purposes.

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**End of Article 9**

## Article 10 LANDSCAPING and SCREENING

### **Section 10.1 Purpose**

It is the purpose of this Article is to establish standards and requirements to assure adequate landscaping and screening so that land uses minimize noise, air, and visual pollution; enhance the appearance of off-street parking, other vehicular use areas and the township in general, in association with new development and modifications to existing landscapes; assure adequate buffering between differing uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole.

### **Section 10.2 Uses Subject to this Article**

The requirements of this Article shall apply to those uses for which site plan approval is required under Article 14, Site Plan Review, and any other use so specified in this Ordinance. This Article shall not apply to single-family and two-family dwellings.

### **Section 10.3 Landscape Plan Required**

**A.** A landscape plan is required to be submitted as part of a site plan according to Article 14. The plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Sections 10.4 and 10.5). The landscape plan shall include, but not necessarily be limited to, the clear delineation of the following:

1. Proposed location, spacing, size, common and botanical name, and growth habit of each plant type.
2. Identification of grass and other proposed ground cover, including common and botanical name.
3. Existing and proposed two-foot (2) topographic contours and construction details for berms.
4. Planting and staking details in text or drawing form to ensure proper installation of plants including construction details to resolve specific site conditions such as tree wells to preserve existing trees.
5. Identification of existing trees and vegetative cover to be preserved.
6. Proposed maintenance program for the continued care and health of plant material.

### **Section 10.4 Landscaping/Screening Buffer Areas**

**A. Side and Rear Yard Buffer Areas:** A landscaping/screening buffer area shall be established along all side and rear lot lines that are shared by a lot that is located in an Agricultural or Residential District. The buffer area shall not be used for off-street parking, storage or used in any other manner except for the purposes of a buffer.

1. Width: The buffer area shall extend from the respective lot line for a minimum width equal to the required building setback for the district according to Table 3-4 of Article 3.
2. Plant Material: The buffer area shall be planted and maintained with evergreen trees such as spruce, pines, or firs, and deciduous trees, and shrubs. While such plantings need not be evenly spaced within the buffer, the trees shall be provided at a rate of a minimum of one (1) evergreen tree per thirty (30) linear feet, one (1) deciduous tree per fifty (50) linear feet, and one (1) shrub per twenty (20) linear feet. Where a solid wall or fence is part of the buffer area, a minimum of fifty percent (50%) of the required plantings shall be located on the exterior side of such wall or fence.
3. Berm, Wall and/or Fence: The buffer area shall include a minimum five (5) foot high berm or solid wall or fence, or a combination thereof, where the Township Board determines that the plantings required by subsection (2) do not adequately mitigate negative impacts. In the case where a berm, wall and/or fence is required or otherwise provided, the site plan approving body may reduce the required plantings by no greater than fifty percent (50%).

**B. Front Yard Buffer Areas:** A landscaping/screening buffer area shall be established along all front lot lines. The buffer area shall not be used for off-street parking, storage or in any other manner except for the purposes of a buffer.

1. Width: The buffer area shall extend from the front lot line for a minimum distance equal to the required front yard setback according to Table 3-4 of Article 3.
2. Plant Material: The buffer area shall be landscaped with a minimum of one (1) deciduous or evergreen tree for each fifty (50) lineal feet, or portion thereof, of frontage adjoining the road right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover. Access ways through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

3. Corner Lot: In the case of a corner lot, the buffer requirements of this subsection (B) shall equally apply to both yards adjacent to a road.

### **Section 10.5 Parking Lot Landscaping and Screening**

Where a parking lot contains eight (8) or more parking spaces and is within view of an existing dwelling, public road, or Residential District, a berm, fence, wall and/or vegetative screen shall be installed to screen views to such portions of the parking area. At the time of installation, all berms and plant material, either individually or in combination, shall be a minimum height of four (4) feet and provide a minimum fifty percent (50%) screen around the entire parking lot perimeter within view of such dwelling, public road, or Residential District. Landscaped parking islands shall be provided at a rate of one (1) island per fifteen (15) vehicles, or portion thereof, to be accommodated in the parking lot.

### **Section 10.6 General Site Landscaping**

All unpaved areas within the developed portion of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, except where limited non-living landscape ground covers are approved as delineated on the site plan.

### **Section 10.7 Minimum Standards of Landscape Elements**

**A. Plant Material Quality and Composition:** Required plant material shall be living, free of insects and diseases, and hardy to the southwest Michigan climate. Plant species that are generally considered undesirable due to limited disease tolerance, low wood strength and/or high wood-splitting tendencies, such as boxelder, mulberry, poplar, silver maple and willows, are prohibited unless specifically authorized by the site plan approving body based on the manner in which the plant material is to be used or located. A mixture of plant material shall be required to protect against insect and disease infestation.

**B. Plant Material Size:** Unless specified otherwise in this Ordinance, required plant material shall comply with the following size standards:

1. Deciduous Shade Trees: Minimum of two and one-half (2.5) inches in caliper measured four (4) feet above grade at the time of planting.
2. Deciduous Ornamental Trees: Minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade, with a minimum height of four (4) feet above grade when planted.
3. Evergreen Trees: Minimum of six (6) feet in height and with a minimum spread of three (3) feet at the time of planting.
4. Shrubs: Two (2) feet in height at time of planting except that intentional low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.

**C. Berms:** Berms shall be constructed with slopes no steeper than one (1) foot of vertical rise for each three (3) feet of horizontal run (33 percent slope), with a minimum three (3) foot flat area on top.

**D. Fences, Walls, and Other Manufactured Landscape Elements:** All required or otherwise proposed fencing, walls and other manufactured landscape elements shall be constructed and maintained in a sound manner to assure long-term structural integrity and intended visual character. Site plans shall include all necessary construction details to illustrate compliance with this requirement.

### **Section 10.8 Installation, Maintenance and Completion**

#### **A. Installation and Timing**

1. General: All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures. Trees, shrubs, hedges, and vines shall be mulched to a minimum depth of four inches (4") at the time of planting.
2. Timing of Landscape Improvements: All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Zoning Administrator that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate.
3. Performance Guarantee for Delayed Plantings: If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with Section 2.8.

**B. Protection of New Landscaping:** Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.

**C. Protection of Existing Plant Material:** If an approved site plan identifies existing plant material to be preserved, to remain, or to otherwise be undisturbed, protective measures should be implemented such as the placement of fencing or stakes at the dripline around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

1. **Replacement of Damaged Plant Material:** In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed plant material, in accordance with the following schedule, unless otherwise approved by the Zoning Administrator based on consideration of the site and building configuration, available planting space, and other pertinent considerations:
  - a. A damaged tree with a caliper of six (6) inches or less, measured four (4) feet above grade, shall be replaced with two (2) trees with a minimum caliper of two and one-half inches (2.5") measured four (4) feet above grade.
  - b. A damaged tree with a caliper greater than six inches, measured four (4) feet above grade, shall be replaced with one (1) tree with a minimum caliper of two and one-half inches (2.5") measured four (4) feet above grade for each four inches (4") of caliper of fraction thereof of the damaged tree.

**D. Maintenance:** Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. Plant material shall be watered as necessary to ensure health and disease resistance. Unhealthy and dead material shall be replaced within one (1) month of notice by the Zoning Administrator unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. Constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired or replaced.

## **Section 10.9 Modifications of Landscape and Screening Provisions**

**A. Modifications Authorized:** The site plan approving body may modify the specific requirements of this Article according to subsection (B).

**B. Basis for Modifications:** Modifications may be granted where the site plan approving body finds that such modifications are in keeping with the intent of this Article and Ordinance in general. In determining whether a modification is appropriate, the site plan approving body shall consider whether the following conditions exist:

1. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective and/or unnecessary screen than an alternative proposal.
2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening or visual enhancement effect.
3. Proposed modifications to the lot impact only a small portion of the lot and landscape improvements to only limited portions of the lot are appropriate.
4. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the Ordinance.

**End of Article 10**

## Article 11 ENVIRONMENTAL HEALTH and RESOURCE PROTECTION

### **Section 11.1 Purpose**

The purpose of this Article is to promote a healthy environment as it relates to the Township's natural resources and sensitive ecosystems, the provision of adequate sewage disposal and potable water, and the management of land uses regarding other environmental impacts such as exterior lighting, glare, and vibrations.

### **Section 11.2 Natural Resources, General**

**A. Compliance with Local, County, State, and Federal Regulations:** All land uses and construction shall conform to this Ordinance and all local, county, state and federal rules and regulations including:

1. Michigan Department of Environmental Quality: Land uses shall comply with the requirements of the Michigan Department of Environmental Quality including those applying to airborne emissions, water quality protection including discharges to surface and ground water, the use of and disturbances to wetlands including dredging and filling, the use of and disturbances to flood plains including construction within, waste disposal, the loading, unloading, transport, storage, use and/or disposal of hazardous substances including fuels and other flammable liquids, the storage of hazardous materials including requirements for secondary containment.
2. County Health Department: Land uses shall comply with the requirements of the County Health Department including those applying to potable water and sewage disposal.
3. County Drain Commissioner: Land uses shall comply with County Drain Commissioner requirements including those applying to the provision and design of retention ponds and detention ponds.
4. Fire Safety: Land uses shall comply with fire safety rules and regulations including the State Construction Code, State Fire Marshal, and any local fire codes.

**B. Sensitive Lands:**

1. Avoidance of Sensitive Resources: Where a portion of a parcel is characterized by sensitive or fragile environmental features, including woodlands, wetlands, hydric soils, water courses or flood plains, new development on the lot shall only occur on those portions of the lot void of such features where reasonably feasible. New development shall comply with all county, state and federal laws, rules and permit and approval requirements. No building shall be erected, and no clearing or excavation for a building shall be undertaken, within fifty (50) feet of a wetland or water course except upon a finding by the Township that no reasonable alternative is available.
2. Evidence of Permits: Except where required to do so by state or federal law, the Township shall not approve any land use that requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permit.
3. Mitigation: The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

**C. Clearing of Topsoil, Grading, and Drainage:**

1. Removal of Topsoil: Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas, except where expressly authorized as part of an approved site plan. "Disturbed areas" shall mean any area of a lot that is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon. This subsection (1) shall not apply in the case of a single-family or two-family dwelling for which a zoning permit and building permit has been issued, provided the topsoil to be removed is limited to the immediate area of the proposed improvements according to such permits.
2. Filling: It shall be prohibited to place fill so as to increase the ground elevation on a lot by more than six (6) inches, within one (1) foot of a shared lot line, where the adjacent lot is developed such as in the case of the presence of a building, paved surfaces, and/or other similar development features.
3. Drainage/Flow Restrictions:
  - a. Temporary and permanent ground elevations surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure.
  - b. It shall be prohibited to increase the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream, or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.

### **Section 11.3 Natural Resources, Buffer Areas**

**A. Definitions:** For the purpose of this Section, words and phrases shall have the following meanings:

1. **Impervious Cover:** Any manmade paved, hardened or structural surface regardless of material including rooftops, buildings, streets, roads, decks, patios including those of a brick or stone material, swimming pools, and any concrete or asphalt, which prohibits the flow of water through such material by more than fifty percent (50%).
2. **Natural Feature:** A wetland or watercourse.
3. **Natural Feature Edge:** The ordinary high water mark, except that in the case where there exists a bank along the natural feature such as a stream or creek bank, where the bank exceeds a slope of ten percent (10%), the natural feature edge shall be considered the top of the bank or a line thirty (30) feet from the ordinary high water mark, whichever is less.
4. **Ordinary High Water Mark:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.
5. **Watercourse:** Any waterway including a river, stream, creek, lake, vernal pool, pond, or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.
6. **Wetlands:** Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support, wetland vegetation or aquatic life, and may be commonly referred to as a bog, swamp, or marsh.

**B. Natural Feature Setback Required:**

1. **Buildings and Structures Greater Than Three (3) Feet in Height:** A natural features setback of fifty (50) feet shall be maintained from the natural feature edge for all buildings, and any structures in excess of three (3) feet in height above the ground below, except as follows:
  - a. Where there exists one (1) or more dwellings located along such natural feature and where such one or more dwelling is within one hundred fifty (150) feet of a side lot line of the lot on which construction of a dwelling is proposed, the required setback shall be the average setback of such existing dwellings measured from the natural feature edge. However, in no case shall such natural feature setback be less than thirty-five (35) feet nor shall such setback be required to be greater than fifty (50) feet. Steps, and those portions of unroofed decks and porches with a floor surface eighteen (18) inches or less above the ground, shall not be considered in determining such average setback. Where only a portion of a dwelling is located within the one hundred fifty (150) foot measured distance, the setback of the entire dwelling shall be used for determining such average setback.
2. **Structures Three (3) Feet or Less in Height:** Unless otherwise specified in this Ordinance, a natural features setback of twenty-five (25) feet shall be maintained from the natural feature edge for all decks, patios, and any structures of three (3) feet or less in height above the ground below.
3. **Table 3-4:** Where the setback requirements of this subsection (B) are less than the standards of Table 3-4 of Article 3, the standards of Table 3-4 shall apply. Where the setback requirements of this subsection (B) are greater than the standards of Table 3-4, the standards of this subsection (B) shall apply.

**C. Use Restrictions within a Natural Feature Setback:** Within a natural feature setback, unless and only to the extent determined to be in the public interest by the designated approving body for the proposal, there shall be no clearing, grubbing or stripping; no removal of vegetation; no application of fertilizers or pesticides; no dredging, grading, excavation, removal or addition of soil or filling of land; no erection or addition of structures, buildings or any other construction including concrete or asphalt paving; and no installation of any impervious cover. In addition, no vegetation cutting or removal within the natural features setback shall occur prior to all approvals from the designated approving body(s) have been obtained.

1. **Determination of Public Interest:** In determining if proposed construction or operations in a natural resources setback are in the public interest, the benefit that would be expected to result from the proposal shall be balanced against the reasonably foreseeable detriments, taking into consideration the local, state and national concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a debatable question whether the proposal is clearly in the public interest, authorization for the construction and/or operation within the natural feature setback shall not be granted. The following criteria shall be applied in undertaking this balancing test:
  - a. The relative extent of the public and private need for the proposed activity.
  - b. The availability of feasible and prudent alternative locations and methods to accomplish the



expected benefits from the activity.

- c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides.
- d. The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities on the natural feature to be protected.
- e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife, and the public health.
- f. The degree of proposed encroachment into the natural features setback, and the proximity of the proposed construction and/or operation in relation to the general natural feature, taking into consideration the degree of slope, general topography in the area, soil type and the nature of the natural feature to be protected.

**D. Exemptions:** If and to the extent the Township is prohibited from regulating the proposed activity in or on the respective natural feature by its ordinances or the laws of county, state or federal government or the rules of county, state or federal agencies, regulation under this Section shall be exempted. In addition, the following activities shall be exempted from regulation under this Section provided such activities shall comply with all county, state or federal laws and the rules of county, state or federal agencies, and all necessary approvals and permits have been granted. It is not the intent to exempt regulation by other ordinances and laws applicable to the natural feature.

1. Installation of a fence.
2. Agriculture, landscaping, gardening, and maintenance of previously established lawn areas, and including the removal of dead and diseased trees.
3. Grading and filling necessary in order to conform to express requirements imposed by the Township.
4. Installation of docks for watercourse use provided the portion of such dock or access way extending through or across a wetland does not exceed ten (10) feet in width at any point.
5. Planting of non-invasive trees and other vegetation.
6. Work consisting of the repair or maintenance of any lawful use of land approved for such use, including repairs to and replacement of docks, decks, and paved areas, provided there is no change in the boundaries, edges and square footage of such features.
7. The clearing of up to thirty percent (30%) of the vegetation in the natural features setback to afford views and/or access to the natural feature, provided adequate measures are taken to prohibit the exposure of bare soil and soil erosion, such as the establishment of grasses or other vegetative cover.
8. Any lawful activity that is under construction and for which all necessary permits have been granted.

#### **Section 11.4 Storm Water Management**

**A. Applicability:** Uses subject to this Section shall be limited to those uses subject to site plan approval according to Article 14 of this Ordinance unless expressly provided otherwise by this Ordinance.

**B. General Standards:** Land use modifications shall be designed, constructed, and maintained to prevent flooding, protect water quality, reduce soil erosion, and maintain wildlife habitats. In meeting these requirements, the following standards shall apply to the greatest extent practical and feasible:

1. All storm water drainage and erosion control plans shall meet the rules and regulations of the County Drain Commissioner and any additional regulations as this or other ordinance may provide, including standards pertaining to discharge volumes and the design of retention and detention areas. Compliance with such standards shall, to the maximum extent feasible, utilize nonstructural control techniques including, but not limited to limitation of land disturbance and grading; maintenance of vegetated buffers and natural vegetation; minimization of impervious surfaces; use of terraces, contoured landscapes, runoff spreaders, and grass or rock-lined swales; and use of infiltration devices.
2. Storm water management systems shall be designed to prevent flooding and the degradation of water quality related to storm water runoff and soil erosion from proposed development for adjacent and downstream property owners.
3. Development and storm water management shall maintain natural drainage patterns and watercourses.
4. The conveyance of storm water shall rely on vegetated swales to the greatest extent feasible and practical.
5. Drainage systems shall be designed to be visually attractive including the integration of storm water conveyance systems and retention and detention ponds into the overall landscape concept. Ponds shall be designed to be naturally contoured, rather than of a square or rectangular design.
6. It shall be prohibited to increase the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream, or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.

7. When a landowner is required to provide on-site storm water retention or surface drainage to wetlands, or whenever other protective environmental measures including monitoring devices are required, such measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide satisfactory assurance to the Township whether by written agreement or otherwise, that the landowner will bear the responsibility for providing and maintaining such methods or facilities.
8. Wetlands may be used for storm water management provided all necessary approvals and permits are acquired from agencies having jurisdiction.

### **Section 11.5 Potable Water and Sewage Disposal**

Any building intended for human occupancy and used for dwelling, businesses, industrial, recreational, or institutional purposes shall not be erected, altered, used, or moved upon any premises unless said building shall be provided with a potable water supply and wastewater disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the County Health Department as well as those of other applicable local, county, state, or federal agencies. This Section shall not apply to buildings that are used solely for storage purposes.

### **Section 11.6 Vibration**

It is prohibited to operate any land use, including equipment and devices associated therewith, that creates vibrations that are typically discernible by human senses at the lot line of the source. "Typically discernible by human senses" means vibrational motion of such character to cause a normal person to be aware of the vibration by direct means such as sensation by touch or observation of moving objects.

### **Section 11.7 Glare and Heat**

Any operation which produces glare or heat shall be conducted within an enclosed building or other enclosure so as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of glare or heat is located, including as a result of the opening of doors to such building or enclosure. See Sec. 11.8 regarding the screening of vehicle headlight glare.

### **Section 11.8 Exterior Lighting**

#### **A. General:**

1. No Exterior lighting shall in any way impair the safe movement of traffic.
2. No exterior lighting including any reflected light or resulting glare shall create a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.
3. No exterior lighting shall be used to attract attention to a building or other facility. This restriction shall not prohibit the use of lighting that enhances the architectural or landscape features of the facility.
4. Exterior lighting of signs shall comply with Article 8.

**B. Non-Residential Uses:** Lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:

1. A wall, fence, vegetative and/or berm, at least four (4) feet in height, shall be erected to prevent headlight glare from shining onto adjacent residential property. Such headlight screening shall not impair safe vertical or horizontal sight distance for moving vehicles.
2. Exterior lighting shall be designed and installed so that the surface of the source of light shall be hooded or louvered to the greatest extent practical to ensure the following:
  - a. Emitted light shall be directed downward onto the lot upon which the light source is located.
  - b. Light sources shall not be visible from beyond lot lines and shall be so arranged to reflect light away from adjacent lots. Recessed lighting shall be utilized as may be necessary to ensure compliance.
  - c. No more than 0.3 foot candle power of light shall cross a lot line at ground level.
3. Subsections (1) and (2) above shall not apply to outdoor recreation and amusement areas, and similar outdoor use of light, provided the lighting is designed with baffling and glare guards to ensure that no more than 0.5 foot candle power of light shall cross a lot line at the ground surface in an Agricultural or Residential District, and such lighting is turned off during hours the facility is closed to the public.
4. Light fixtures shall not exceed a height of eighteen (18) feet measured from the ground to the light source.

### **End of Article 11**

## Article 12 ACCESS and PRIVATE ROADS

### **Section 12.1 Purpose**

The purpose of this Article is to provide regulations and standards that will facilitate safe, practical, and efficient traffic movement and vehicular access. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assure accessibility to property under emergency conditions. The regulations and standards of this Article apply to all lots in the Township unless specified otherwise and shall be applied in addition to the requirements of the County Road Commission and other provisions of this Ordinance.

### **Section 12.2 Lots to Have Access**

**A. Access Required:** All lots hereinafter created in the Township shall be afforded vehicular access by having frontage on one (1) or more of the following and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

1. A public road.
2. A private road approved pursuant to Section 12.4.
3. An easement that serves one (1) lot only and on which one (1) dwelling is present.

**B. Frontage:** The frontage required under subsection (A) shall be comprised of a lot line along a public or private road, or private driveway easement, which such lot line is part of the lot being afforded access and such frontage shall be a minimum of sixty-six (66) feet in continuous length.

**C. Exceptions:** This Section shall not apply to lots used exclusively for agricultural operations and on which no dwelling is present.

### **Section 12.3 Driveways**

**A. Approval Required:** All plans for structures to be erected, altered, moved, or reconstructed, and the use of a lot, shall include a plan for the proposed driveway access to the lot and which shall be part of the required plot plan or site plan. Said plan shall be approved by the Zoning Administrator, or the Township Board in the case of a site plan, prior to the issuance of a Zoning Permit. No driveway shall be approved except upon conformance with this Article and other applicable provisions of this Ordinance including review and action by the County Road Commission and Michigan Department of Transportation as may be applicable.

**B. Standards:** Driveways shall meet the following minimum standards. This subsection (B) shall not apply to lots used exclusively for agricultural operations and on which no dwelling is present.

1. **General:** The following standards and requirements shall apply to all driveways.
  - a. The location and design of driveways within or crossing a public right-of-way shall comply with the location and design standards of the County Road Commission or Michigan Department of Transportation according to the agency having jurisdiction, and no driveway shall be constructed prior to the receipt of all necessary approvals and permits from such agencies.
  - b. The location and design of driveways shall be in coordination with existing driveways, pedestrian crosswalks, and other circulation ways, turning lanes, and publicly approved traffic and circulation improvement plans, so as to enhance vehicle and pedestrian safety and convenience.
  - c. Within a road right-of-way, all driveways shall be at a ninety-degree (90°) angle to the road that it joins.
2. **Single-Family and Two-Family Dwellings:** The following standards and requirements shall apply to all driveways serving single-family dwellings and shall apply in addition to those of subsection (1).
  - a. The nearest edge of a driveway surface shall be no closer than fifty (50) feet to the intersection of any two (2) roads.
  - b. Driveways in excess of one hundred (100) feet in length shall be a minimum of twelve (12) feet in clear unobstructed width and be clear and unobstructed to a minimum height of fourteen (14) feet, for emergency vehicle access.
3. **Other Uses:** The following standards and requirements shall apply to commercial, industrial, public, multiple-family residential, and other uses excluding single-family dwellings, and shall apply in addition to those of subsection (1).

- a. The nearest edge of a driveway surface shall be no closer than one-hundred (100) feet to the intersection of any two (2) roads and no closer than one hundred (100) feet to a non-residential driveway on another lot, except upon a finding by the Township Board that lesser separation distances shall not undermine the public health, safety and welfare based on vehicle speeds, projected turning patterns and vehicle trips.
- b. The nearest edge of a driveway surface to another lot shall be no less than ten (10) feet except that this distance shall be equal to the minimum required building setback, according to Table 3-4 of Article 3, where the adjacent lot is in an Agricultural or Residential District.
- c. See Section 9.3 regarding off-street parking aisles and related standards.

## **Section 12.4 Private Roads**

**A. Private Roads Permitted:** Private roads are permitted provided such roads comply with the regulations and standards of this Ordinance and only after the issuance of a zoning permit for such construction.

**B. Application for Zoning Permit for Private Road:** Application for the construction of a private road shall require site plan approval according to Article 14 and the payment of all applicable application fees. Approval of such application shall result in the issuance of a zoning permit authorizing construction of such road. In the case of a private road that is to serve land divisions as authorized by Sections 108 and 109 of the Michigan Land Division Act, the private road proposal shall be made part of the land division application. In addition to the data required by Article 14 for site plan approval, the following information shall also be provided:

1. **Development Plan:** A general property development plan identifying the following:
  - a. Project description in map form, including the location of the proposed private road easement and location of proposed lots to gain access from said private road.
  - b. The legal description of the proposed private road easement.
  - c. Construction plans and drawings illustrating the proposed design and construction features of the proposed road and easement, including existing and proposed elevation contours within all areas to be disturbed or altered by construction. Proposed traffic control measures (including signs) and proposed road names shall also be indicated.
2. **Easement Agreement:** Road easement agreement to be signed by the applicant/owner(s) and recorded with the Township Clerk and County Register of Deeds, providing for:
  - a. Easements to the public for purposes of emergency and other public vehicles, and easements for utilities.
  - b. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
  - c. A provision that substantially conforms to the following:

"This lot has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this lot has egress and ingress over this easement only. Cass County and Jefferson Township have no responsibility for maintenance or upkeep of any improvement across this easement, except as may be provided by an established special assessment district. Maintenance is the responsibility of the owners of record. Private roads shall have a maintenance agreement signed and associated with every lot owner utilizing the private road. The private road shall be accessible to emergency vehicles. The United States mail service and the local school district are not required to traverse this private easement and may provide service only to the closest public road access."
3. **Maintenance Agreement:** Road maintenance agreement signed by applicant/owner(s) to be recorded with the County Register of Deeds providing for:
  - a. A method of initiating and financing such road in order to keep the road up to properly engineered specifications and free of snow or debris.
  - b. A workable method of apportioning the costs of maintenance and improvements to current and future owners.
  - c. A notice specifying that the proposed development may be subject to the establishment of a special assessment district by the Township Board, as provided by law, to ensure continued and adequate maintenance of the road in the event the necessary maintenance is not undertaken by the property owners that are served by such road, and that no public funds of the Township shall be used to build, repair, or maintain the private road except through such an assessment district.

**C. Design Standards:** Private roads shall be designed and constructed to ensure structural stability, longevity and public health, safety, and welfare, and shall comply with the following minimum standards:

1. Easement Width: A private road shall be within a private road easement of a minimum width of sixty-six (66) feet.
2. Cul-De-Sac / Dead-End Roads: Private roads that terminate at a dead-end or cul-de-sac shall have a minimum diameter of sixty (60) feet at such termination and shall adequately accommodate emergency vehicles.
3. Intersections with Other Roads: Private roads shall intersect with other private and public roads at a ninety-degree (90°) angle, and such intersections shall comply with the design and locational standards of the County Road Commission.

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**End of Article 12**

## Article 13

### Standards and Regulations for Specific Land Uses

#### **Section 13.1 Purpose and Applicability**

- A. Purpose:** The purpose of this Article is to establish standards and regulations in association with certain land uses to ensure such uses minimize negative impacts upon adjacent land uses and the Township as a whole, and encourage orderly development in coordination with surrounding conditions and in the development site itself. Where deemed beneficial to provide greater clarification of the purpose or character of regulations presented in this Article, some Sections are accompanied by a further defined “purpose” statement.
- B. Applicability:**
1. Unless otherwise specified, each use addressed in this Article shall be subject to all setback, lot area and other standards of the district in which the use is located according to Table 3-4 of Article 3.
  2. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including Table 3-4 of Article 3, the standard of this Article shall apply.
  3. Any requirements of this Article regarding application submittal data, plans, and drawings shall be in addition to the data requirements of Article 14, Site Plan Review.
  4. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with requirements of other ordinances.

#### **Section 13.2 Adult and Child Day Care Facility, Group Home**

- A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.
- B. Additional Standards and Requirements:**
1. A group home day care facility shall not be located closer than fifteen hundred (1,500) feet to any of the following facilities as measured along road frontage maintained by the County Road Commission:
    - a. Another group home day care facility licensed by the State of Michigan.
    - b. An adult foster care group home licensed by the State of Michigan.
    - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
    - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
  2. All outdoor play areas shall be enclosed with fencing, a minimum of five (5) feet high and shall comply with all administrative rules of PA 116 of 1973, as amended. No play area shall be located in the required front yard setback.
  3. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the dwelling. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
  4. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period. Operations between 10:00 p.m. and 6:00 a.m. shall be of a limited character only.
  5. No approval shall be granted prior to the applicant's receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

#### **Section 13.3 Agricultural Labor Housing**

- A. Definition:** For the purpose of this Section, “agricultural labor housing” shall be defined as housing that is occupied by bona fide employees of an agricultural operation on which such housing is located and such occupation is seasonal only.
- B. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except that agricultural labor housing shall be set back a minimum distance of two hundred (200) feet from a permanent dwelling on another lot existing at the time construction is initiated for such housing.

**C. Additional Standards and Requirements:**

1. Agricultural labor housing shall not be established on a lot except where such lot is in agricultural use and those residing in such housing are employed to provide labor on the same lot or other lots comprising the same agricultural operation.
2. Where a dwelling is present on the lot on which the agricultural labor housing is to be established, such agricultural labor housing shall not be located in the front yard.
3. A permit for agricultural labor housing shall terminate at such time as the occupants of such housing do not satisfy this Ordinance's definition for "agricultural labor housing."
4. Agricultural labor housing shall comply with Part 124 of Public Act 368 of 1978, as amended, and all rules promulgated thereunder.

**Section 13.4 Airports**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. An airport shall not be established on any parcel less than one-hundred eighty (180) acres in area and 1,500 feet in width.
2. No runway shall be located within seven-hundred fifty (750) feet of a lot line.
3. No runway or other airport operations area shall be established within one thousand (1,000) feet of an existing dwelling.

**B. Additional Standards and Requirements:**

1. The lot shall have frontage on at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951, or along a road under the jurisdiction of the Michigan Department of Transportation and take its access from such road.
2. See Sec. 13.19 regarding private landing strips.

**Section 13.5 Bed and Breakfast**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards and Requirements:**

1. No bed and breakfast use shall be permitted within a subdivision plat or site condominium or on any property where there exists another bed and breakfast within one thousand (1,000) feet, measured as a straight-line distance between the structures.
2. A bed and breakfast shall not be part of a two-family or multiple family dwelling, and the exterior appearance of the structure shall be of a single-family dwelling character.
3. Meals may be served to overnight guests only and shall be limited to breakfast only. No separate or additional kitchen facilities shall be provided for the guests.
4. The number of bedrooms available for use by guests shall not exceed six (6) and all rooms utilized for sleeping shall be part of the dwelling. All guest bedrooms shall be a minimum of one hundred twenty (120) sq. ft., with an additional thirty (30) sq. ft. for each bedroom occupant beyond the first two (2), and no bedroom shall be occupied by more than four (4) guests. No guest room shall be located in a basement or attic.
5. No receptions, private parties, or activities, for which a fee is paid, shall be permitted except as may be expressly authorized in association with the special land use approval of a bed and breakfast.
6. Lavatories and bathing facilities shall be available to all persons using the premises, at a minimum rate of one (1) bathroom for each three (3) bedrooms available to guests but no less than two (2) lavatories and bathing facilities shall be provided.
7. No parking shall be in a road right-of-way or within a required front yard. Parking stalls shall be arranged in an orderly fashion. All parking areas shall be screened according to Article 10.
8. The outdoor storage of solid waste shall not exceed fifty (50) sq. ft. and shall be fully screened by a fence or wall of a minimum height of five (5) feet.
9. The sale or offer for sale of goods is permitted provided such sales area does not exceed fifty (50) square feet in floor area.
10. The owner or operator of the facility shall reside within the same building as the guest rooms.
11. No guest shall stay at the bed and breakfast for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
12. All guest rooms shall comply with the State Construction Code and the rules and regulations of the County Health Department.



13. Each floor shall have a readily available fire extinguisher and each bedroom available to guests shall include a smoke detector, a fire escape plan clearly posted, and a clearly posted notification identifying the location of the nearest fire extinguisher.
14. The bed and breakfast application shall include a floor plan of the building including the identification of all bedrooms and bathroom facilities available to guests, kitchen and eating areas, and access doors to the interior area of the building.

### **Section 13.6 Convalescent, Nursing Homes, and Assisted Living Facilities**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The maximum building height standard of Table 3-4 may be exceeded provided all minimum yard setbacks are increased by two (2) feet for each one (1) foot that the building height standard is exceeded, but in no case shall a building exceed forty-five (45) feet in height.
2. In the case of single and two-family dwellings, such dwellings shall comply with the following minimum setbacks. In the case where lot lines are not present, setbacks shall be measured from where such lot lines would normally be expected under typical conditions.
  - a. Minimum front yard setback: twenty-five (25) feet.
  - b. Minimum rear yard setback: thirty-five (35) feet.
  - c. Minimum side yard setback: ten (10) feet.

**B. Additional Standards and Requirements:**

1. The lot shall have frontage on at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951 and take its access from such road.
2. A minimum of fifteen percent (15%) of the lot shall be set aside as open space and recreation and leisure areas. Of this minimum fifteen percent (15%) area, there shall be provided easily accessible and usable outdoor areas for walking, sitting, and general relaxation, in an amount equal to a minimum of one hundred (100) square feet per patient bed according to design capacity but in no case shall the outdoor usable area be less than ten thousand (10,000) square feet. No single required outdoor area shall be less than 1,000 square feet in area.
3. Retail sales and support services are permitted provided such sales and services are clearly accessory in character and are located or otherwise designed to discourage use by persons other than patients and residents of the facility and visitors of such facility.
4. Adequate measures shall be made for clear and convenient access to all major entrances for emergency medical services.
5. In the case where the facility includes one (1) or more multiple family dwellings, such buildings shall also comply with Sec. 13.16.

### **Section 13.7 Day Care Centers**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards and Requirements:**

1. A child drop-off area shall be provided outside of any road right-of-way or easement.
2. A day care center shall provide a minimum of one hundred (100) sq. ft. of outdoor play area per child cared for, but shall not be less than 1,000 sq. ft.
3. Day care center buildings authorized in Agricultural and Residential Districts shall be of an overall residential character including exterior construction materials and general architecture. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the area.
4. No outdoor play area shall be located in a front yard.
5. No approval shall be granted prior to the applicant's receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

### **Section 13.8 Equestrian Centers**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. An equestrian center that is to be used for horse shows or horse competitions, at which more than fifty (50) persons are to be permitted to observe, shall be located on a lot not less than ten (10) acres in area and three hundred thirty (330) feet in width.
2. No public viewing areas, such as bleachers or designated assembly and viewing areas in association with special events such as shows, exhibitions, and contests, shall be permitted within one hundred (100) feet of a lot line.

**B. Additional Standards and Requirements:**

1. A vegetative strip of at least fifty (50) feet wide shall be maintained around all surface waters.
2. The facility shall be constructed and maintained so that manure, dust, and drainage shall not create a nuisance or hazard to adjoining uses.
3. The facility shall include a designated emergency vehicle access lane to all exhibition buildings and arenas.
4. There shall be no sound amplification devices in association with outdoor areas unless expressly approved with restrictions on sound levels, the frequency of events necessitating sound amplification, and acceptable hours, as deemed appropriate by the Township Board based on surrounding and other relevant conditions.

### **Section 13.9 Event Barns**

**A. Definitions:** For the purpose of this Section, the following terms and phrases shall have the corresponding definitions.

1. Attendees: Those persons attending an event including persons delivering attendees to the event but who may not remain for the event themselves. "Attendees" shall not include persons providing support services for an event, such as catering services and parking area attendants.
2. Event: A planned occasion at an event barn.
3. Event Barn: One (1) or more existing or new traditional barn architecture agricultural buildings, of a predominantly wood or wood-like character, that is used by individuals or groups, for a rental fee or other form of remuneration, to accommodate private functions such as meetings, banquets, weddings, gatherings associated with anniversaries, birthday parties, and reunions, and other similar gatherings and celebrations. Such a use may include designated outdoor areas on the same lot as the agricultural buildings for event barn activities, kitchen facilities for the preparation or catering of food, and the serving of alcoholic beverages for on-premises consumption only during scheduled events, and shall not be open to the general public.

**B. Supplemental Application Information:** In addition to the information required by Articles 14 and 15 for a special land use application and accompanying site plan, the following additional information shall be included with an event barn application:

1. The permitted maximum capacity of all buildings to comprise the event barn, according to the building code or Fire Marshall and the basis for such calculations.
2. Proposed location of temporary toilet facilities as may be needed.
3. The planned frequency of events and the maximum number of attendees to be accommodated at any single event.
4. Months or seasons of operation if not a year-round facility.
5. Any proposed outdoor lighting and any existing outdoor lighting that is to be used in association with the event barn.
6. Clarification of all portions of the lot to be part of the event barn including parking areas, outdoor gathering and activity areas, and outdoor toilet facilities.
7. The extent of food preparation facilities that are to be part of the event barn, any permits required by the county health department, and the applicable county health department rules and other requirements, by rule and/or statute section references.
8. The intended availability of alcoholic beverages in association with events, the party to be responsible for the provision of such beverages, any permits required by the Michigan Liquor Control Commission, and the applicable Michigan Liquor Control Commission rules and other requirements, by rule and/or statute section references. "

**C. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area for an event barn shall be five (5) acres and the minimum lot width shall be three hundred (300) feet.

**D. Additional Standards and Requirements:**

1. The lot shall have frontage on at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951, or along a road under the jurisdiction of the Michigan Department of Transportation and take its access from such highway or road.
2. There shall be no sound amplification devices in association with outdoor areas used during an event.
3. An event barn shall not provide for or otherwise permit overnight sleeping of event attendees.
4. Exterior lighting to be used in association with events shall comply with Section 11.8, except in no case shall such lighting, whether proposed or existing, exceed fifteen (15) feet in height above the ground below.
5. The following time restrictions shall apply:
  - a. No event shall continue past 11:00 p.m. This limitation shall not apply to set-up and take-down activities associated with an event and the arrival and departure of attendees.
  - b. No temporary toilet facilities shall be maintained within view of a public road or adjacent lot except during the twenty-four (24) hour period prior to an event during which they are to be used and the twenty-four (24) hour period after the event.
6. Outdoor Areas:
  - a. All outdoor use areas shall be set back a minimum of one hundred (100) feet from lot lines including temporary restroom facilities, parking, eating areas, entertainment areas, and other places where event attendees may gather, but in no case shall any such areas be located within three hundred fifty (350) feet of an existing dwelling on another lot not otherwise owned by the applicant.
  - b. Access drives shall be set back a minimum distance of one hundred (100) feet from side and rear lot lines.
  - c. The Township Board may lessen the setback restrictions of this subsection (6) in the case where the proximity between lot lines and existing building(s) to house indoor events is limited and the specified setback distances would result in considerable practical difficulties maintaining a logical relationship between such buildings and outdoor use areas, provided the Township Board finds adequate measures are to be in place to mitigate negative impacts upon surrounding properties and the visual character of nearby public road corridors.
  - d. Event barn activities and gatherings shall be held principally within the event barn building. Any proposed outdoor activities and gatherings shall be made part of the application and described in detail. Outdoor activities and gatherings shall be permitted only as expressly authorized by the Township Board.
7. Access and parking shall be provided as follows:
  - a. Parking areas shall be of a grass and/or gravel surface, except that a maximum of fifty (50) spaces may be of a paved surface. The Township Board may waive this limitation upon finding that the additional paved parking area will be adequately screened from neighboring properties and public roads.
  - b. The minimum number of parking spaces to be provided for the event barn shall be equal to seventy-five percent (75%) of the approved maximum capacity of the event barn, in addition to any additional spaces required for employees, catering services and other support service providers.
  - c. All parking areas shall be clearly defined by gravel, mowed lawn, sand, roped boundaries, or other visible markings.
  - d. No parking shall occur within seventy-five (75) feet of a public road right-of-way. "No-parking" signs shall be posted as necessary to ensure compliance with this requirement.
  - e. Access drives shall be set back a minimum distance of seventy-five (75) feet from side and rear lot lines.
  - f. The facility shall include a designated emergency vehicle access lane to all activity areas.
8. The application shall specify the proposed frequency of events, the maximum number of attendees to be permitted at events, the location and purpose of any designated outdoor gathering areas, and related aspects of the operation of the facility.

## **Section 13.10 Extraction Operations**

**A. Additional Materials to be Submitted:** In addition to the information required by Article 14 for site plan review, the following information shall be provided:

1. Location of all buildings within two hundred (200) feet of any activity proposed for the site.
2. Detailed proposal as to method of operation, type of machinery or equipment will be used including crushing and other processing, estimated duration of the operation, the manner of extraction including the extent to which explosives are to be used, and all haul roads and truck entrance locations to be used.
3. Detailed description of the material to be extracted, the anticipated average amount of material to be extracted each year, the total estimated area to be devoted to extraction, the planned progression of extraction across the site and corresponding time frames, the location of each principal phase, number of acres included in each phase, and the estimated length of time to complete extraction of each phase.
4. Soil borings representative of the principal areas of the site, demonstrating the presence of suitable material for extraction and of suitable amounts
5. Proposed plans for fencing.
6. Depth to and directional flow of groundwater, and analysis data documenting the extent to which the extraction operation may undermine surface and ground water conditions of nearby properties such as in the case of lowering water levels of surface water bodies and ground water resources from which wells rely.
7. Proposed side slopes and depths for all extraction areas including interim and final slopes.
8. Detailed storm water management plans that delineate how runoff is to be removed from extraction areas including the delineation of proposed interim and finished grading and revegetation, directional flow of swales and other drainage courses, settling ponds and retention/detention ponds, points of discharge of runoff, the avoidance of stagnant ponding, and measures to minimize erosion and sedimentation of existing on-site and off-site water bodies.
9. The proposed location of any buildings; settling ponds; storage areas; stockpiling areas including for topsoil, sand, gravel, and debris; and processing equipment including sorting and crushing as appropriate; as proposed for each principal phase of the extraction operation.
10. A detailed reclamation plan that complies with the following:
  - a. Describes in detail the intended reclamation use of the site upon completion of extraction activities, the spatial arrangement of proposed reclamation uses, and existing and final grading including topographic contours at no greater than five (5) foot intervals, for final above and below surface water elevations.
  - b. Depiction of finished, stabilized, side slopes, and provisions for revegetation and stabilization.
  - c. The inclusion of a landscape plan, including an inventory of plant/tree species to be used, sizes, and locations, and the manner in which vegetation shall be restored upon the site including appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. The landscape plan shall provide that a layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with an approved grading plan and intended reclamation use. Tree and shrub plantings shall be indigenous to the southwest Michigan region.
  - d. Final slopes no greater than a 3:1 (horizontal:vertical) ratio.
  - e. No noxious, flammable, or toxic backfill and grading materials shall be used.
  - f. The removal of all rubbish, debris, structures, buildings, and equipment within 365 days of the termination of extraction operations.
  - g. The inclusion of a reclamation schedule that provides, in part, that reclamation shall be carried out progressively so as to ensure that no active extraction area exceeds ten (10) acres in area unless expressly authorized otherwise upon a finding that no practical alternatives exist and the public health, safety and welfare shall be ensured.
  - h. Liability insurance provider and extent of coverage.

**B. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be ten (10) acres.
2. Notwithstanding any other minimum setbacks required by this Ordinance, all extraction activities, including alteration of existing topographic conditions, fixed and temporary buildings and equipment, washing and stockpiling of materials, truck parking and truck storage areas, shall be set back a minimum distance of one hundred (100) feet from any road right-of-way, two hundred (200) feet from all other lot lines, and five hundred (500) feet from a residence on another lot existing at the time an

application is approved. The Township Board may permit a maximum fifty percent (50%) reduction in one or more of these setback standards upon finding that there are topographic, vegetative, or other conditions that warrant such reduction.

**C. Additional Standards and Requirements:**

1. Rumble strips of a minimum of one hundred fifty (150) feet in length shall be provided along exit drives to discourage the tracking of material onto nearby roads. Public roads within one thousand (1,000) feet of an exit from the extraction site shall be kept clear on a daily basis of mud, dirt and debris from vehicles exiting the site. Vehicles shall be sprayed down to prohibit earthen material from being deposited on public roads as may be necessary.
2. Measures shall be employed as necessary to prohibit windborne dust, sand, or other materials from leaving the extraction site, including the seeding of exposed earth, use of berms and vegetative screens, and the application of chemicals to non-vegetated areas provided such chemicals are biodegradable and non-toxic.
3. No topsoil shall be removed from the extraction site except as may be delineated on an approved site plan or otherwise authorized as part of an approval of the extraction operation.
4. Extraction areas shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
5. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible. The applicant shall make an adequate financial guarantee with the County Road Commission to address any additional road maintenance and/or improvements necessitated by extraction operation truck traffic.
6. Extraction operations including processing, loading and transport operations, shall commence no earlier than 6:00 a.m. and cease no later than 8:00 p.m., on weekdays and Saturdays. No extraction operations shall occur on Sundays. A modification of these limitations may be made by the Township Board upon a finding that specific conditions are present or are to be established that support more lenient limitations on hours and days of operation.
7. Screening shall be provided along all boundaries of the site that lack natural screening conditions through existing contours or evergreen tree growth. Such barriers shall consist of one or both of the following:
  - a. Earth berms of a minimum twenty (20) feet in width shall be constructed to a height of six (6) feet above the elevation of the centerline of the adjacent public road or six (6) feet above the general level of terrain along interior property lines, whichever is higher. Such berms shall have slopes that do not exceed one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees, or shrubs.
  - b. Double-row plantings of evergreen trees or shrubbery, not less than six (6) feet in height at the time of planting and which are expected to grow to not less than ten (10) feet in height at maturity, and sufficiently spaced to provide effective screening when six (6) feet in height.
8. Noise and vibration shall be managed so as to minimize impacts on nearby properties, including by the utilization of modern equipment designed to accomplish such purposes and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations that are not necessary in the operation of such equipment.
9. Air pollution in the form of dust shall be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust conditions injurious or substantially annoying to nearby property owners. All operational areas shall be treated as necessary to prohibit nuisance dust conditions on nearby properties.
10. All areas that are subject to current extraction operations, or past extraction operations but which have yet to be reclaimed or otherwise exhibit slopes in excess of 3:1 (horizontal to vertical), shall be fenced to a minimum height of six (6) feet. Any gates made part of such fencing shall be secured at all times when the site is unattended by the operator. Such fencing shall include signs no less than three (3) square feet in area and spaced no greater than one hundred (100) feet apart, with the following or similar notice: "Warning – Danger, Excavation in Progress."
11. The site shall be rehabilitated progressively as extraction areas are worked or abandoned so that they shall be in a condition of being entirely lacking in hazards and be inconspicuous and blended with the general surrounding ground form.
  - a. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the extraction activity will damage the reclaimed areas. Extraction areas shall be reclaimed pursuant to the approved reclamation plan.

- b. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, topsoil shall be applied to a minimum depth of four (4") inches sufficient to support vegetation.
  - c. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
  - d. The excavator shall be required to post an acceptable performance guarantee pursuant to Section 2.6 of this Ordinance to address the reclamation costs for each five (5) acres of land to be disturbed or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance guarantee has been posted for that area of the site.
  - e. No more than twenty (20) acres of the extraction site shall be subject to the removal of material from the ground at any single time. An additional maximum ten (10) acres may be stripped of topsoil, in coordination with the extraction phasing plan. No more than a total cumulative area of forty (40) acres shall be subject to topsoil stripping, extraction of material, processing, or any other extraction-related operation.
- 12. Any expansion of an extraction operation beyond that area covered by a valid zoning permit shall be subject to the special land use provisions of Article 15.
  - 13. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the approved reclamation plan.
  - 14. Documentation shall be provided every two (2) years in January as to the extent of extraction operations during the past year including areas under current extraction, areas under reclamation, and areas where reclamation has been completed. Such documentation shall be supplemented with vertical aerial photography at a scale no greater than 1" equals 100', illustrating work completed during the past year and previous years. A topography survey with no greater than two (2) foot contour intervals shall be provided, illustrating current topographic conditions in all areas disturbed since extraction operations were originally initiated. Aerial photos and topographic surveys shall be dated no more than forty-five (45) days prior to the yearly documentation submittal.
  - 15. No extraction operations of any kind shall be initiated prior to the submittal of executed insurance documents and such documents shall be maintained in full force throughout the duration of the permit granted for the extraction operation. Insurance shall be provided by an entity licensed in Michigan to provide such insurance. Insurance shall be carried in amounts no less than one million dollars (\$1,000,000) for personal injury and not less than one million dollars (\$1,000,000) for injury and damage to more than one (1) person's property arising out of a single occurrence. This insurance shall cover injury or damage occurring upon the site of the extraction operation as well as upon injuries and damage occurring upon surrounding property as the result of conditions or activities conducted upon the extraction site. The applicant shall include Jefferson Township in the coverage for claims that might be brought against the Township as related to the extraction operation and permits issued for the extraction operation.

**D. Abandonment/Termination of Use:**

- 1. An operator shall submit written notice to the Zoning Administrator of the planned abandonment of an extraction operation.
- 2. When extraction operations have ceased for more than one hundred eighty (180) days or when, by examination of the premises or other means, the Zoning Administrator determines that the extraction operation has been abandoned, the Zoning Administrator shall give the owner written notice of the intent to declare the extraction operation abandoned. Within thirty (30) days following receipt of such notice, the owner shall have an opportunity to submit evidence that the use of the extraction operation, or portion thereof, has not been abandoned.
- 3. The Township Board shall then render a decision as to the extent to which extraction operations may continue or the operation shall be declared as abandoned. Upon a declaration of abandonment, the owner shall complete all provisions of the approved reclamation plan not otherwise completed to date, including the removal of all plant structures, foundations, buildings, stockpiles and equipment, within six (6) months of such declaration, except upon a finding by the Township Board that there exist special or unique conditions that support a different time frame for completion.
- 4. Where an extraction operation has been declared abandoned, a new application and permit shall be necessary before additional extraction activities may occur.

**E. No Very Serious Consequence:** When reviewing and taking action on a special land use application for an extraction operation, and in addition to reviewing such application according to the general special land use approval standards of Section 15.6, such application shall also be reviewed to determine whether adequate documentation has been submitted demonstrating that “no very serious consequences” will result by the approval of such application. The determination of “no very serious consequence” may be based on any of the following factors as may be applicable:

1. The relationship of extraction and associated activities with existing land uses.
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
5. The impact on other identifiable health, safety, and welfare interests in the Township.
6. The overall public interest in the extraction of the specific natural resources on the property.

**F. Performance Guarantee.**

- 1) Prior to the issuance of a zoning permit for an extraction operation, the applicant shall post a performance guarantee in a form acceptable to the Township, equal to one hundred percent (100%) of the total estimated decommissioning and reclamation costs. The applicant shall submit a report on the estimated proportional and total cost of reclamation to return affected land back to its physical condition prior to extraction operations. The report shall be prepared by a licensed professional engineer, shall be of sufficient detail to establish the basis for proportional and total costs, and shall be correlated with the approved reclamation plan required under subsection (A)(10).
  - a) Said performance guarantee shall be posted and maintained with a bonding company licensed in the State of Michigan or Federal or State chartered lending institution chosen by the owner(s) or operators and acceptable to the Township.
  - b) Decommissioning and reclamation costs shall be re-evaluated and the value of the guarantee shall be adjusted accordingly every five (5) years.
  - c) An applicant shall maintain the approved performance guarantee for the duration of the extraction operations, until decommissioning and removal is complete. The performance guarantee documents shall prohibit the applicant from terminating or withholding renewal of the performance guarantee except upon written approval from the Township Clerk. The termination or non-renewal of a performance guarantee without the Township's approval shall be a violation of this Ordinance and the Township may revoke approval of the extraction operation, require its removal, and/or exercise any other authority permitted by law.
  - d) The performance guarantee provisions of Section 2.8 shall apply except where otherwise modified by this subsection.

**Section 13.11 Hospitals**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. One (1) story buildings shall be set back from all lot lines as provided by Table 3-4 except in no case shall the setback be less than forty (40) feet. Buildings comprising two (2) stories shall be set back from all lot lines a minimum distance of one hundred (100) feet from all lot lines. All stories above a second story shall be set back twenty (20) additional feet from all lot lines.
2. Operational areas such as power plant buildings, ambulance delivery entrances, and laundry facilities, shall be set back a minimum distance of three hundred (300) feet from any lot in an Agricultural or Residential District unless the approving body finds that such a distance is not necessary to minimize the visual, noise and/or emissions features of such facilities.

**B. Additional Standards and Requirements:**

1. The lot shall have frontage on M-60, M-62 or a paved primary road as classified by the County Road Commission according to PA 51 of 1951 and take its principal access from such highway or road.
2. Ambulance delivery areas shall be screened by a minimum six (6) foot high masonry wall.

## **Section 13.12 Junkyards**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The lot shall have a minimum area of five (5) acres and a minimum width of three-hundred thirty (330) feet.

**B. Additional Standards and Requirements:**

1. A solid fence or wall enclosure at least six (6) feet in height, but no greater than eight (8) feet in height, shall be provided around all sides of the area used to store, dismantle, or otherwise work on junk. Such fence or wall shall comply with the setback requirements of Table 3-4 but in no case shall be less than fifty (50) feet. The fence shall be of sound construction, painted or otherwise finished neatly and inconspicuously. All activities shall be confined to within the enclosed area including storage or stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the enclosure.
2. There shall be no storing, dismantling, or other work on junk within five hundred (500) feet of a church, school, public building, park, cemetery, Residential District, or lot used for residential purposes.
3. No junkyard shall be used for the dumping or disposal of household, commercial, or industrial garbage and trash.
4. Outdoor burning is prohibited.
5. Between the hours of 5:00 p.m. and 8:00 a.m., all processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
6. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust, and shall be maintained free of debris and refuse.
7. The operation shall be licensed by the Michigan Secretary of State.
8. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
9. No inoperable vehicle shall be maintained on the site for more than three (3) days except where all fluids and other hazardous materials in such vehicle, including but not limited to batteries, fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state, and federal regulations. The leaking of such materials onto the ground is prohibited.
10. All junk material shall be fully removed from the site prior to the termination of said use.
11. The lot shall have frontage on at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951 and take its access from such road.
12. A management office within a building shall be maintained on the lot and occupied at all times that the facility is operational or otherwise accessible by the public.
13. An application for a junkyard shall specify the type of salvage material to be received and/or collected, methods of separation and/or recycling, the destination of waste or recycled materials, and a site maintenance program.
14. A detailed reclamation plan shall be submitted as part of a junkyard application that shall describe in detail finished site conditions upon the completion of reclamation efforts following the termination of junkyard operations, including the removal of all rubbish, debris, and equipment; the revegetation of outdoor use areas and the manner in which vegetation shall be restored upon the site including appropriate seeding of grasses to establish a permanent vegetative cover on the land surface; the removal of all contaminants in the soil and elsewhere on the site including within structures; and the grading of the site to prohibit ponding water.

**C. Performance Guarantee.**

- 1) Prior to the issuance of a zoning permit for a junkyard, the applicant shall post a performance guarantee in a form acceptable to the Township, equal to one hundred percent (100%) of the total estimated reclamation costs. The applicant shall submit a report on the estimated proportional and total cost of reclamation to return affected land back to its physical condition prior to junkyard operations. The report shall be prepared by a licensed professional engineer, shall be of sufficient detail to establish the basis for proportional and total costs, and shall be correlated with the approved reclamation plan.
  - a) Said performance guarantee shall be posted and maintained with a bonding company licensed in the State of Michigan or Federal or State chartered lending institution chosen by the owner(s) or operators and acceptable to the Township.



- b) Reclamation costs shall be re-evaluated and the value of the guarantee shall be adjusted accordingly every five (5) years.
- c) An applicant shall maintain the approved performance guarantee for the duration of junkyard operations, until decommissioning and removal is complete. The performance guarantee documents shall prohibit the applicant from terminating or withholding renewal of the performance guarantee except upon written approval from the Township Clerk. The termination or non-renewal of a performance guarantee without the Township's approval shall be a violation of this Ordinance and the Township may revoke approval of the junkyard, require its removal, and/or exercise any other authority permitted by law.
- d) The performance guarantee provisions of Section 2.8 shall apply except where otherwise modified by this subsection.

### **Section 13.13 Kennels**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

- 1. A kennel shall not be established on any lot less than five (5) acres in area and three hundred (300) feet in width.
- 2. Buildings where animals are kept, and outdoor runs, play areas and exercise areas, shall not be located closer than one hundred (100) feet to any lot line.

**B. Additional Standards and Requirements:**

- 1. Buildings where animals are kept, and outdoor runs, play areas and exercise areas, shall not be located in a front yard.
- 2. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies and the spread of disease, odor, and dust. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against odors, fleas, and the spread of disease and dust. Odors shall not be detectable from beyond the lot lines.
- 3. All animals must be currently licensed as provided by law and maintained in a healthful and careful manner, and all kennel operations shall comply with all applicable county, township, state, and federal regulations.
- 4. Kennel buildings used to house animals shall have concrete floors throughout and shall be fully enclosed, heated, ventilated, and insulated in such a manner that animal noises are minimized.
- 5. Kennels are to be served by floor drains that connect to a sanitary sewer system approved by the County Health Department.
- 6. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.

### **Section 13.14 Mini/Self Storage Facilities**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards and Requirements:**

- 1. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
- 2. No retail, wholesale, fabrication, manufacturing, office, or service activities may be conducted from storage units.
- 3. All storage shall be within the enclosed building except that outdoor storage may occur where expressly permitted according to an approved site plan. No outdoor storage shall occur within a front yard.

### **Section 13.15 Motels and Hotels**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards and Requirements:**

- 1. Each unit shall contain at least a furnished bedroom and bathroom.
- 2. Motels and hotels shall provide customary services such as maid service, linen service, and telephone and/or desk service.

3. A hotel or motel may include accessory services including meeting rooms and restaurants provided such uses comply with the provisions of this Ordinance including adequate off-street parking in addition to the motel itself, and such uses are made part of the zoning permit application for which approval is granted.
4. An operator's or caretaker's residence may be established within or outside of the principal lodging building.

### **Section 13.16 Multiple Family Developments**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum front yard setback shall be fifty (50) feet.
2. The minimum side and rear yard setback shall be thirty (30) feet.
3. The maximum height of a building shall not exceed two (2) stories and thirty-five (35) feet. The site plan approving body may approve a maximum building height of three (3) stories and thirty-five (35) feet upon its finding that such building heights will enhance the preservation of special natural resources on the lot and/or there are existing or proposed site features that shall ensure the compatibility of the buildings with the surrounding area.

**B. Additional Standards and Requirements:**

1. The minimum distance between any two buildings on the lot shall be equal to fifty (50) feet except that the minimum distance between any two buildings on the lot that are generally arranged end-to-end shall be the height of the taller building but no less than thirty (30) feet.
2. No building shall exceed two hundred fifty (250) feet in length except upon a finding by the site plan approving body that architectural features and/or other site conditions support the building's scale with the surrounding area.
3. There shall be provided easily accessible and usable open space in an amount of fifteen percent (15%) or more of the site area or one hundred (100) square feet per dwelling unit, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided. No single designated open space shall be less than 1,000 square feet in area if it is to be applied toward meeting the minimum required open space.
4. Buildings shall be a minimum twenty-five (25) feet from the edge of a parking lot and access drives not otherwise comprising a road right-of-way.
5. In no case shall a residential building be more than one hundred fifty (150) feet from the parking lot from which it is served.
6. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including business and administrative offices, laundry facilities and auxiliary storage for tenants, and community buildings.
7. All access drives shall have a minimum pavement width of thirteen (13) feet for one-way streets and twenty-four (24) feet for two-way streets.
8. The minimum floor area for multiple family dwelling units shall be as follows:
  - a. Efficiencies: 400 sq. ft. of heated living area.
  - b. One-bedroom units: 550 sq. ft. of heated living area.
  - c. Two-bedroom units: 750 sq. ft. of heated living area.
  - d. Three or more-bedroom units: 950 sq. ft. of heated living area, plus 150 sq. ft. of heated living area for each additional bedroom in excess of the third bedroom.

### **Section 13.17 Open Air Businesses (On-Site Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Sales)**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards and Requirements:**

1. A building of more than two hundred (200) sq. ft. in area shall be provided, which shall function in association with the business and include potable water and sewage disposal facilities in compliance with the County Health Department.
2. All outdoor sales, storage and display areas shall comply with the minimum setback standards for the building on the premises.

3. The lot shall have frontage on at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951 and take its access from such road.
4. In the case of vehicle sales or service, the following shall apply:
  - a. All repair, assembly, disassembly, or maintenance of vehicles shall occur within a closed building except minor maintenance including tire and wiper replacement but excluding oil changes.
  - b. All vehicle display and storage areas shall be asphalt or concrete paved except where the approving body determines such paving is not necessary due to the prohibition of public access to such areas, the limited use of such areas on a day-to-day basis, or other reasons the approving body finds applicable.

### **Section 13.18 Open Space Preservation Communities**

**A. Purpose:** It is the purpose of Open Space Communities (OSPC) to provide opportunities for residential development which, because of the more flexible standards available to OSPCs under this Section and according to Section 506 of the Michigan Zoning Enabling Act, more effectively encourage the preservation of open spaces and natural resources including woodlands, wetlands and sensitive environmental areas, and the Township's rural character. The regulations of this Section intend to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the district within which the OSPC is to be located, so that the remainder of the site can be preserved as open space.

#### **B. Additional Standards and Requirements:**

1. Uses: Uses within an OSPC shall be limited to those dwelling types authorized by the district in which the OSPC is located and customary accessory uses to dwellings, in addition to the open space as required by this Section.
2. Number of Lots/Dwellings: The number of dwellings and lots authorized in an OSPC shall be the number attainable by the Conventional Plan according to subsection (C)(2) below plus an additional twenty-five percent (25%).
3. Minimum Lot Area and Width
  - a. Lot Area: The minimum lot area for a dwelling shall be that which is necessary for acquisition of all required public health permits and approvals including potable water and on-site sewage disposal where such public utilities are not available. Where such public utilities are provided, the minimum lot area shall be no less than thirty-five percent (35%) of the normally required lot area of the respective District.
  - b. Lot width: Minimum lot widths for dwellings shall be of such dimension so that no lot has a depth greater than four (4) times its width, but in no case shall a lot be less than fifty (50) feet in width.
4. Setbacks
  - a. The following front, side and rear yard setbacks shall apply except that no building be located within seventy-five (75) feet of the perimeter lot line of the OSPC parcel. Where the approving body finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering within the context of surrounding development patterns, the above referenced setback may be reduced by no greater than fifty percent (50%).
    - 1) Front yard: twenty-five (25) feet.
    - 2) Side yard: ten (10) feet.
    - 3) Rear yard: twenty (20) feet.
  - b. In addition to subsection (a) above, a minimum (75) foot setback shall be maintained along lakes, ponds, rivers, streams, and wetlands, except that this setback shall not prohibit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's resources within the setback.
5. Guarantee of Open Space: An OSPC shall include permanently dedicated open space. Such required open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, acceptable to the approving body. Further subdivision of open space land or its use for other than conservation, agricultural uses, or preservation in an undeveloped state, is prohibited. The applicant shall guarantee to the satisfaction of the approving body that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal.
  - a. For the purposes of this Section, "undeveloped state" shall be construed to mean a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear

park. For the purposes of this Section, "greenway" shall be construed to mean a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

- b. The open space conveyance shall:
  - 1) Indicate the proposed allowable use(s) of the dedicated open space.
  - 2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space and establish a funding mechanism to ensure the same.
  - 3) Provide for maintenance to be undertaken by the Township, in the event that the dedicated open space is inadequately maintained or is determined by the Township Board to be a public nuisance, with the assessment of costs upon the property owners.
6. Open Space Preservation Area, Character, and Priorities
  - a. A minimum of fifty percent (50%) of the OSPC parcel shall be designated as permanent open space. In no case shall the required open space area be characterized by year-round submerged land such as ponds, lakes, and year-round submerged wetlands. In addition, no more than fifty percent (50%) of the required open space area shall be characterized by wetlands not otherwise submerged year-round.
  - b. Open space shall be located on the parcel to meet the following objectives:
    - 1) To preserve water courses and bodies, MDNRE-regulated wetlands, floodplains, and mature woodlands. Other on-site natural resources shall also be considered in the location of open spaces and overall design of the project including farmland, tree lines, wetlands not regulated by the MDNRE, and panoramic rural views.
    - 2) To promote the effective preservation of the existing character along the exterior public road frontages that the OSPC abuts.
    - 3) To ensure the open space area is of a unified character comprised predominantly of large contiguous areas, except where special conditions may exist that support a more fragmented configuration of open space.
7. Fire Protection: Fire protection measures shall be provided in all OSPCs that include a potable water system, and in OSPCs that are generally characterized by lots of approximately twenty thousand (20,000) sq. ft. or less in size and are more than three (3) miles from the nearest municipal fire department. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.
8. Vehicular and Pedestrian Access and Circulation
  - a. All dwellings within an OSPC shall gain access from an interior road within the OSPC.
  - b. A non-motorized circulation system may be required along one or both sides of the roads of the OSPC and/or through other portions of the OSPC, to ensure safe non-motorized travel. The circulation system shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Non-motorized circulation networks shall encourage ease of access from residences to the designated open space areas.
  - c. Access points or paths shall be provided to afford pedestrian access to designated open space and common areas. These access points shall link the open space to the road system, sidewalks, or the remainder of the development.
  - d. All public roads shall conform to the requirements and standards of the County Road Commission. All private roads shall conform to the requirements and standards of this Ordinance.

**C. Special Application and Approval Requirements:** OSPCs are subject to site plan approval according to Article 14 (Site Plan Review) in addition to the following:

1. Unified Control: The application shall demonstrate that the proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
2. Conventional Plan: At the time the applicant submits a site plan for the OSPC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the conventional development standards of the district in which it is located including the normally required minimum lot area and width. This plan shall identify the total number of lots and dwellings reasonably attainable. The approving body shall make the final determination as to the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSPC proposal.

- a. The conventional plan referenced in subsection (2) above need not be an engineered set of construction drawings but shall be of such detail and clarity to demonstrate conformity with all state, county and township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and general road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals), and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered if it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (2) above.
3. Recording of Approval Action/Permit Issuance: The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final approval, and declaring that all improvements will be carried out in accordance with the approved OSPC plan unless a change is approved by Township Board. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Zoning Administrator. Upon receipt of the recorded documents, the Zoning Administrator shall issue a zoning permit for the OSPC.

### **Section 13.19 Private Landing Strips**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Runways, hangars, maintenance buildings, and any other structures associated with the landing strip shall be located a minimum of one-hundred fifty (150) feet from all lot lines.

**B. Additional Standards and Requirements:**

1. Runways shall be twelve hundred (1,200) feet in land length and fifty (50) feet in width, with a clear approach in each direction of 10:1 (horizontal to vertical) for a distance of 10,000 feet, except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of "ultra-light" aircraft.
2. Approval of landing strips shall not be made prior to the receipt of the Federal Aviation Authority's review of the proposed landing strip.

### **Section 13.20 Recreation Facilities, Outdoor**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Principal and accessory buildings shall be set back at least one hundred (100) feet from all lot lines, unless otherwise specified herein.
2. See subsections (B) – (E) for additional exceptions applicable to specific facility types.

**B. Additional Standards and Requirements Applicable to All Outdoor Recreation Facilities:**

1. Accessory uses including retail and other commercial facilities such as food and beverage facilities and equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility unless the accessory facility is listed as a permitted use in the district in which the facility is located. No accessory use shall be established prior to the principal recreational use and no accessory use shall continue to operate after the principal recreational use that it is accessory to is abandoned or otherwise ceases in operation.
2. In the case where the facility is to generate a daily average of more than one hundred (100) vehicles arriving and/or departing the facility, the facility shall have frontage along and have direct access to a paved road.
3. Applications for outdoor recreation facilities shall include documentation demonstrating adequate liability insurance.
4. All outdoor facilities shall be maintained free of litter. Applications shall identify trash and litter control measures including the size and location of trash receptacles. No trash receptacle of greater than three (3) cubic feet in area shall be located within two hundred (200) feet of a lot used for residential purposes.
5. No temporary toilets shall be located within two hundred (200) feet of a lot used for residential purposes.
6. All fixed spectator seating such as stands and bleachers shall be setback a minimum of one hundred

(100) feet from all lot lines.

7. All outdoor storage, service and maintenance areas shall be screened according to the side and rear yard landscaping/screening buffer requirements of Article 10.
8. Fencing of a minimum six (6) feet in height shall be provided to discourage trespass conditions onto adjacent residential lots, as may be determined necessary. There shall be provided a fence or wall of a minimum height of seven (7) feet around racetracks and drive-in theaters to prohibit viewing of the event from beyond the lot.
9. Sound levels shall not exceed the following decibel (dBA) levels, measured along shared lot lines, according to the use adjacent to such shared lot line. Sound levels shall be measured with output meters approved by the U.S. Bureau of Standards. Irrespective of the specified maximum decibel levels, no loudspeaker or pager systems shall be audible along a shared lot line with a residential use.

Maximum Decibels (dBA)	Adjacent Land Use
70	Industrial
65	Commercial
55	Residential and Agricultural

10. All outdoor lighting shall comply with Section 11.8.
11. Unless specified otherwise in this Section, hours during which the facility is open to the public or members shall be limited to 7:00 a.m. to 6:30 p.m. except where the Township Board determines more stringent or flexible hours may be appropriate based on surrounding land uses or other pertinent factors.
12. Facilities shall comply with all rules and regulations of the Michigan Department of Environmental Quality Michigan Department of Natural Resources and County Health Department, including provisions pertaining to potable water, shower facilities, and restrooms.

**C. Additional Standards and Requirements Applicable to Campgrounds:**

1. The minimum lot area shall be ten (10) acres and shall have a minimum width of five hundred (500) feet.
2. Buildings, structures, areas designated for camping, and areas devoted to the storage or parking of vehicles not otherwise part of camp sites, shall be located a minimum of one hundred (100) feet from all property lines.
3. Each campsite shall be a minimum of fifteen hundred (1,500) square feet in size for campsites designed to serve motor homes, trailers, and similar vehicles or towed items. Campsites designed for tent camping shall be a minimum of six hundred (600) square feet in size.
4. Utilities serving the campground shall have sufficient capacity to serve the campground when in full use. Each campsite shall either be provided with individual water and sewer hookups approved by the County Health Department or shall have convenient access to approved service buildings.
5. Campgrounds shall be for seasonal recreation use only, except that one (1) permanent dwelling may be established to serve only as the residence for a year-round manager or caretaker.
7. Each campsite shall be clearly identified by stakes or markers.
8. Each campsite shall have a picnic table and if fires are permitted, a designated place for such fires.
9. A common use area shall be provided at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
10. Access roads shall be a minimum of twenty-two (22) feet in width and any dead-ended access drives shall be provided a minimum forty (40) foot diameter turn around.
11. There shall be no camping or parking activities within thirty (30) feet of the center line of an access road.
12. The temporary or permanent storage of tents, campers and other recreational vehicles is prohibited except where delineated on the approved site plan.
13. A single residence may be established on the same lot as the campground provided it is occupied only by a caretaker or other similar employee of the facility.

**D. Additional Standards and Requirements Applicable to Golf Courses, Country Clubs and Driving Ranges:**

1. All principal and accessory buildings, and outdoor swimming pools and surrounding deck areas, shall be setback a minimum of one hundred fifty (150) feet from any lot in an Agricultural or Residential District. This setback may be reduced no more than fifty percent (50%) by the Township Board upon finding that there are adequate topographic or other conditions that effectively minimize the potential for negative impacts upon adjacent properties.

2. Minimum lot size shall be forty (40) acres and no more than fifteen percent (15%) of the lot shall be occupied by buildings.
3. Golf courses and country clubs shall have direct access onto a paved public road.
4. No driving station shall be located within seventy-five (75) feet of any lot line. Where necessary, buffering conditions shall be in place to minimize the impact or safety threats upon adjacent land uses.
5. Fairways and driving ranges shall have sufficient width and shall be oriented and set back in such a manner to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) yards, unless the golf course designer can demonstrate that, because of the location of trees, sand traps, berms, etc., a narrower fairway will not compromise safety. Fairways shall be designed so that existing or future dwelling units are located a minimum of two hundred (200) feet from the center of the fairway.
6. Golf course and driving range boundaries shall be adequately marked to minimize unintended trespass and/or injury. Fencing may be required where the site plan approving body determines a more effective measure of protection is necessary.
7. A minimum fifty (50) foot buffer zone between turf areas and natural water bodies, watercourses or wetlands shall be maintained. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall consist of natural vegetation and shall not be chemically treated.
8. At least one (1) shelter building with a minimum of two (2) toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the County Health Department and local building codes.
9. A hydrogeological study shall be completed and submitted to document the anticipated impact of the golf course on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The study shall be performed by an engineer licensed in Michigan or a hydrologist certified by the American Institute of Hydrology.
10. Detailed plans for hazardous materials storage shall be provided. Buildings in which hazardous materials are stored shall be designed to contain spills, shall not have floor drains that discharge into a septic system or other pathway to the groundwater, shall be lockable, and shall be kept locked. An inventory manifest of stored hazardous materials must be posted at the entrance of the storage building and filed with the Township Clerk and local fire department. Plans for emergency containment and clean-up shall also be provided.
11. The design of buildings shall be of an overall residential or lodge character and exterior materials shall be primarily wood, siding, stone and/or brick.
12. A single residence may be established on the same lot as the golf course provided it is occupied only by a caretaker or other similar employee of the facility and is contained within the principal building on the lot.

### **Section 13.21 Sport Shooting Ranges**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows.

1. The minimum lot area for an outdoor sport shooting range shall be ten (10) acres.
2. Principal and accessory buildings shall be set back at least one hundred (100) feet from all lot lines, unless otherwise specified herein.

### **B. Additional Standards and Requirements:**

1. Compliance with Applicable Laws and Rules: A sport shooting range shall comply with all applicable federal and state laws, county, and local ordinances and guidelines, including but not limited to, the National Rifle Association (NRA) Range Source Book (current edition), the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF) registration requirements, local health department and building code requirements, local ordinance requirements, and the generally accepted operation practices adopted by the Michigan Department of Environment, Great Lakes, and Energy (MDEGLE). Under no circumstances may a sport shooting range facility operate before providing written proof of inspection and compliance to the Township Clerk by the NRA and/or MDEGLE, the local health department, and the Township building inspector. The Township Board, Planning Commission, Zoning Administrator or Building Inspector may require an engineer licensed in the state of Michigan to approve and inspect the range to ensure compliance with the MDEGLE, and /or NRA standards.

2. Inspection Costs: The cost for any inspection, including the cost for an engineer under subsection (1), shall be paid by the applicant. No permit shall be issued and no sport shooting range shall begin operations until all fees and costs of inspection have been paid in full.
3. Supervision: The sport shooting range shall be under the owner's or an authorized representative's supervision during operational hours and other times when patrons are present at the site, with the owner or representative being present and available on-site at all times during operational hours.
4. Sound Levels: Sound levels shall be consistent with local noise ordinances, generally accepted operation practices set forth in the NRA Range Source Book (current edition) and any applicable generally accepted operation practices adopted by the MDEGLE.
5. Nuisance: A sport shooting range shall not create a nuisance that interferes with others' rights to safety and enjoyment of their own property. The applicant and all owners of the subject shooting facility shall sign an Agreement to indemnify and hold the Township harmless in the event that the Township is brought into any dispute or a lawsuit relating to a nuisance violation after issuance of a permit under this Section.
6. State Inspection: An MDEGLE law enforcement officer or his or her designee shall be provided access to perform inspections at their discretion to ensure that the facility's management plan and all safety measures are being followed and that the facility is safe for use.
7. Liability Insurance: The owner of the shooting facility shall have a comprehensive commercial liability insurance policy for not less than one million dollars (\$1,000,000) per occurrence, naming the Township as an additional insured. Proof of Insurance shall be filed with the Township Clerk annually. The policy required by this subsection shall be in full force and effect before the facility shall be allowed to operate and at all times thereafter.
8. Storage: All firearms and projectiles shall be stored in such a manner to prohibit access to such items by unauthorized persons.
9. Annual Inspection: A sport shooting range shall be subject to an annual review by the Township, at which time Township officials may request an inspection of the property to ensure compliance.

**C. Indoor Sport Shooting Range:** In addition to compliance with subsection (A) and (B), indoor sport shooting ranges shall comply with the following standards and requirements.

1. Safety:
  - a. The range shall be designed so projectiles cannot penetrate the walls, floor or ceiling, and ricochets or back splatter cannot harm range users.
  - b. Lead exposure shall follow EPA and OSHA guidelines including proper ventilation.
  - c. Walls and partitions shall be designed to stop all projectiles fired in the range by containing or redirecting bullets to a backstop.
2. Sound: Floors, walls, backstops, and ceilings shall contain indoor sound dampening and be made of a material that meets acceptable engineering standards.

**D. Outdoor Sport Shooting Range:** In addition to compliance with subsection (A) and (B), outdoor sport shooting ranges shall comply with the following standards and requirements.

1. Setbacks From Dwellings: Target areas shall be a minimum of 1,000 feet from existing dwellings downrange. Indoor archery may be permitted as an ancillary use to the outdoor facilities.
2. Firearm Discharge Setback: No firearm discharge area shall be located within one thousand (1,000) feet of a school, hospital, child care facility, residential subdivision, residential condominium, residential PUD, or church, or within five hundred (500) feet from a Residential District. Minimum setbacks for firearm discharge and archery targets from all lot lines shall be a minimum of two hundred (200) feet. Minimum setbacks may be increased if recommended for safety purposes by the NRA Handbook or as may be required by the Township Board.
  - a. Where a shooting range is comprised of multiple lots, such two hundred (200) foot setback shall not be required along shared lot lines provided all such lots are under same ownership and remain in same ownership throughout the duration of the permit, and the permit issued for the shooting range applies to all such lots.
3. Backstops: Adequate backstops shall be placed immediately behind targets. Firing into upward sloping land and land with natural backstops comprised of hills shall be accommodated where feasible and practical.
4. Berms: Berms of not less than eight (8) feet in height shall be placed downrange from the target area and in other areas as may be determined necessary by the Township Board.



5. **Fencing:** Fencing and gates shall be a minimum of six (6) feet high and shall be provided around the entire perimeter of an range. Durable weatherproof signage shall be maintained and posted at a minimum of one hundred (100) foot intervals and not less than two (2) square feet in size, with a minimum of two (2) inch lettering, containing the following: DANGER SHOOTING RANGE.
6. **Monitoring:** There shall be provided daily twenty-four (24) hour video alarm monitoring of and in any facility where firearms are stored.
7. **Hours of Operation:** Outdoor shooting shall be permitted only between 9:00 a.m. and sunset or at 9 p.m., whichever is earlier. Outdoor shooting after sunset shall be permitted one (1) weekend per calendar quarter, limited to Friday and Saturday, and shall end no later than 10 p.m.
8. **Exterior Lighting:** Exterior lighting shall be directed downward and shall not result in increased light levels along adjoining property lines or otherwise result in glare or other nuisance conditions. Exterior lighting shall comply with Section 11.8 of this Ordinance.
9. **Exploding Targets:** The use of exploding targets is prohibited except in the case where the Township Board expressly approves such targets as part of a permit approval. The Township Board may attach conditions on such approval regarding setbacks, hours, frequency, quantity of explosive material per target, or any other consideration.

**E. Supplemental Information Required:** In addition to the informational requirements of Article 14 for a site plan, the following supplemental information shall be provided.

1. A detailed list of proposed firearms to be used.
2. Detailed delineation of target and shooting areas.
3. Detailed lead management plan and lead pollution plan.
4. A written management plan addressing the following items, to be maintained, administered, and enforced. The plan shall address rules and regulations to ensure compliance with such plan.
  - a. Firearm handling rules including rules pertaining to the handling of firearms on-site in a safe manner.
  - b. General range rules including range commands, designated range officer, and downrange safety measures.
  - c. Specific range rules based on type of facility including the types of firearms permitted at the facility, list of detailed activities permitted on-site, and caliber restrictions.
  - d. Administrative rules and regulations addressing:
    - 1) Persons authorized to use the facilities such as club members, general public and law enforcement.
    - 2) Measures to identify authorized personnel.
    - 3) Person(s) responsible for enforcement of rules and penalties.
    - 4) Type of targets and backstops to be used.
    - 5) Barrier-free accessibility as required by law.
    - 6) Hours of facility operation, in conformance with the restrictions of this Section.
    - 7) Detailed list of shooting activities that are prohibited.
    - 8) Prohibition of alcohol and controlled substances.
    - 9) Restrictions by age of facility users and safety procedures that are to be in place for minors.
    - 10) The manner in which firearms be transported into the facility.
    - 11) Procedures to be in place to protect patrons and employees from health hazards such as but not limited to lead contamination including lead contamination monitoring and disposal methods.
    - 12) Prohibition of the sale of food.
    - 13) Contact numbers for 24-hour communication with the facility manager.

## **Section 13.22 Sexually Oriented Businesses**

**A. Purpose:** There is convincing documented evidence that sexually oriented businesses, because of their very nature, can facilitate and support undesirable and detrimental patterns of activity in their vicinity. These impacts are incompatible with activities and uses in residential areas, near educational, recreational, and religious facilities, and among local businesses and their immediate neighborhood. Such impacts can be exacerbated when such businesses locate in close proximity to each other or near establishments serving alcoholic beverages. Impacts contribute to blight and downgrading the quality of life in the adjacent area. The Township desires to prevent adverse effects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods, and deter the spread of blight. It is not the intent of this Ordinance, including this Section, to suppress any activity protected by the First Amendment

of the United States Constitution or the Michigan Constitution, but to enact content neutral provisions that address the adverse effects of sexually oriented businesses. It is the purpose of this Section to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare. It is not the intent of this Section to condone or legitimize the distribution of sexually oriented materials.

**B. Definitions:** For the purposes of this Section, the following terms, phrases, and definitions shall apply:

1. Adult Bookstore: A commercial establishment that, as a principal business purpose, offers for sale or rental or for any form of consideration any one or more of the items set forth in subsection (a) or (b). The sale of such materials shall be deemed to constitute a "principal business purpose" if it comprises ten percent (10%) or more of sales volume or occupies ten percent (10%) or more of the display area or visible inventory within the establishment.
  - a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture video or other video reproductions, slides, or other visual representations or media, which depict or describe specified anatomical areas or specified sexual activity.
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
2. Adult Live Entertainment Center: A nightclub, bar, restaurant, or similar commercial establishment that features one (1) or more of the following:
  - a. Persons who appear in the state of nudity.
  - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
  - c. Films, motion pictures, video reproductions, slides, and other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
3. Adult Motel: A hotel or motel or similar commercial establishment that provides or permits one (1) or more of the following:
  - a. Accommodations to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, videos, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
  - b. Sleeping rooms for rent for a period of time that is less than twelve (12) hours.
  - c. The sub-renting of a sleeping room for a period of time that is less than twelve (12) hours by the tenant or occupant of the room.
4. Adult Motion Picture Theater: A commercial establishment that shows films, motion pictures, videos, slides, or other photographic reproductions or visual media, which depicts or describes specified anatomical areas or specified sexual activities, including commercial establishments that offer individual viewing booths. This phrase shall not apply to a motel or hotel, as defined in this Ordinance, which offers for a fee the viewing of movies within a customer's room including movies that depict specified anatomical areas or specified sexual activity.
5. Adult Sexual Paraphernalia Store: An establishment having, as part of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.
6. Adult Theater: A theater, concert hall auditorium, or similar commercial establishment that features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or specified sexual activities.
7. Escort: A person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
8. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
9. Manager's Station: A designated area from which a premises is managed or supervised.
10. Massage Parlor: Any establishment having a fixed place of business where massages are administered for a fee or other consideration including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing homes, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet two (2) or more of the following criteria:
  - a. Proof of graduation from a school of massage licensed by the State of Michigan.

- b. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus, three (3) references from professional massage therapists who are members of a massage association referred to in this section.
  - c. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or other recognized massage association with equivalent professional membership standards.
  - d. A current occupational license from another state.
11. **Nude Model Studio:** Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include the following:
- a. An educational institution funded, chartered, or recognized by the State of Michigan.
  - b. Any modeling session for a local, nonprofit organization that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two (2) dimensional or three (3) dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.
12. **Open Dance Hall:** An establishment where open dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.
13. **Public Nudity or State of Nudity:** Knowingly or intentionally displaying in a public place, or in any other place for payment or promise of payment by any person, including, but not limited to payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
- a. A woman's breast feeding of an infant irrespective of whether the nipple is covered during or incidental to the feeding.
  - b. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.
14. **Sexual Encounter Center:** A business or commercial enterprise, except that which is part of the practice of and under the supervision and control of a physician, psychologist or psychiatrist licensed to practice in Michigan, that, as one of its principal business purposes, offers for any form of consideration one (1) or more of the following:
- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
  - b. Activities between male and female and/or persons of the same sex when one (1) or more of the persons are in a state of nudity.
15. **Sexually Oriented Business:** A business or commercial enterprise engaging in or consisting of an adult bookstore, adult live entertainment center, adult motel, adult motion picture theater, adult sexual paraphernalia store, adult theater, escort, escort agency, massage parlor, nude model studio, open dance hall, or sexual encounter center.
16. **Specified Anatomical Areas:** Any of the following:
- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola.
  - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
17. **Specified Sexual Activities:** Any of the following:
- a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
  - b. Sex acts, actual or simulated, including intercourse, masturbation, oral copulation, or sodomy.
  - c. Masturbation, actual or simulated.
  - d. Human genitals in a state of sexual stimulation or arousal.
  - e. Excretory functions as part of or in connection with any of the activities set forth in (a) – (d) above.

**C. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**D. Additional Standards and Requirements:**

- 1. No exterior portion of the sexually oriented business, including signage, shall have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexual or explicit manner except to the extent otherwise permitted by the provisions of this ordinance.
- 2. All doors providing access into or from the interior of an adult entertainment shall be doors that serve the adult entertainment use only and provide direct access to the outdoors such as in the case of a parking lot or other common outdoor area. No adult entertainment use shall be accessed from an indoor common area such as in the case of an enclosed mall or similar access arrangement. These limitations

shall not prohibit an adult entertainment use from being part of a building devoted to multiple tenants or uses provided direct access to the adult entertainment use is from the outdoors only and such access serves the adult entertainment use only.

3. Separation Requirements

- a. No sexually oriented business shall be located within seven hundred fifty (750) feet of any of the following:
    - 1) A church, synagogue, or regular place of worship.
    - 2) A public or private elementary or secondary school.
    - 3) A Residential District.
    - 4) A dwelling irrespective of the district.
    - 5) A public park.
    - 6) A licensed day-care center or preschool.
  - b. No sexually oriented business shall be located within one thousand (1,000) feet of any other sexually oriented business.
  - c. For the purposes of subsection (3)(a) and (b) above, measurement shall be made as a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a public park, church, synagogue, regular place of worship, public or private elementary or secondary school or preschool, or licensed day care center, or to the nearest boundary of a Residential District or dwelling. However, the distance between any two (2) sexually oriented business uses shall be made from the closest exterior wall of the structure in which each business is located and in no case shall a sexually oriented business be located in the same building, structure, or portion thereof, containing another sexually oriented business.
  - d. A sexually oriented business lawfully operating as a conforming use shall not be rendered a non-conforming use by the subsequent location of a use within the separation requirements of subsection (3)(a) and (c) above.
4. Signs of a minimum 24" by 36" size shall be posted on both the exterior and interior walls of the entrances of the business, in a location that is clearly visible to those entering and exiting the business. In addition, such signs shall be posted in at least two (2) conspicuous places, easily viewed by persons occupying the premises. Such signs shall have lettering that is at least two (2) inches in height, with the following printed statements:
- a. Persons under the age of eighteen (18) years are not permitted to enter the premises.
  - b. No alcoholic beverages of any type are permitted within the premises unless specifically authorized by a permit issued under this Ordinance and pursuant to a license duly issued by the Michigan Liquor Control Commission.
5. No merchandise or activities of the establishment shall be visible from any point outside the establishment.
6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
7. A sexually oriented business that offers live entertainment shall provide all of the following:
- a. A dressing room for performers with direct access between said dressing area and the performance area or stage, so that the performer may enter the performance area without entering the area from which patrons view the performance. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons, and such dressing area shall contain hot and cold running water and toilet facilities.
  - b. All performances shall occur on a stage elevated at least eighteen inches (18") over the immediate floor level and removed at least six feet (6) from the nearest employee or patron.
8. A manager's station shall be provided.
- a. At least one (1) employee shall be on duty and situated in a manager's station at all times that any patron is present inside the premises.
  - b. The manager's station shall be clearly identifiable, shall be no greater than fifty (50) sq. ft. in area, and shall be raised a minimum of eighteen (18) inches above the floor elevation to which the public has access.
9. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manger's stations of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. Said unobstructed view from manager's stations shall remain unobstructed by any doors, walls, merchandise or display racks, or other materials at all times. No

patron shall be permitted to access any area of the premises which has been designated on the approved site plan as an area in which patrons shall not be permitted.

10. Rest rooms shall not contain any video reproduction equipment.

**E. Additional Application Requirements:** In addition to complying with the submittal requirements of Article 14, Site Plan Review, and Article 15, Special Land Uses, application for a sexually oriented business shall include the following additional information:

1. A diagram of the premises specifying the location of manager's stations.
2. The location of all overhead lighting fixtures and illumination levels (in foot candles) at floor level throughout the premises.
3. Any portion of the premises in which patrons are not permitted.

### **Section 13.23 Solar Energy Systems**

**A. Definitions:** The following terms, phrases and definitions shall apply for the purpose of this Article.

1. **Solar Energy System (SES):** A system consisting of a device or combination of devices, structures, or parts thereof, that collect, transfer, or transform solar radiant energy into thermal, chemical or electrical energy, excluding systems that substantially rely on mirrors or similar technologies to focus solar radiant energy onto a considerably smaller area, and sometimes referred to as "concentrated solar power" systems or "CSP" systems.
2. **Small Solar Energy System (Small SES):** A solar energy system that relies on roof mounted and/or ground mounted collection systems that occupy no more than two thousand (2,000) sq. ft. of roof area or, separately, land area, including access aisles between solar panels. A Small SES typically serves a single residential unit, agricultural operation, business, or other singular facility, located on the same lot as the Small SES.
3. **Medium Solar Energy System (Medium SES):** A solar energy system that relies on roof mounted and/or ground mounted collection systems that occupy more than two thousand (2,000) sq. ft. but not more than ten thousand (10,000) sq. ft. of roof area or, separately, land area, including access aisles between solar panels. A Medium SES commonly serves multiple dwellings, businesses and/or other facilities, all on a single lot on which the system is located and may serve users on other lots.
4. **Large Solar Energy System (Large SES):** A solar energy system that relies on roof mounted and/or ground mounted collection systems that occupy more than ten thousand (10,000) sq. ft. of roof area or, separately, land area, including access aisles between solar panels, and/or is used principally to provide service to customers not located on the same lot as the Large SES, irrespective of the cumulative area of the panels. A Large SES may serve multiple uses or buildings on the same lot as the SES, but more commonly functions to generate electricity for transmission to electrical utility providers.
5. **Self-Contained Solar Energy Systems:** Solar energy systems that do not exceed four (4) square feet in total solar collector panel area and intended to provide energy to operate a device to which such panel is attached such as in the case of a panel powering an exterior light or an attic fan, and panels affixed to a device commonly pushed into the ground to illuminate walkways, landscaping, or architectural features.
6. **Solar Collection Panels:** Panels and/or tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.
7. **Ground Mounted Solar Energy System:** A solar energy system that is attached directly to the ground by means of support poles, bracket systems, and similar support mechanisms.
8. **Roof Mounted Solar Energy System:** A solar energy system attached to or mounted on a roof or exterior wall of a principal or accessory building but excluding building integrated photovoltaic (BIPV) systems.

**B. Compliance with Table 3-4:** Solar energy systems shall comply with the standards of Table 3-4 of Article 3 except as provided otherwise by this Section.

#### **C. Small Solar Energy Systems (Small SES)**

1. **Small SES Authorization, Review and Approval Procedures:** A Small SES is an authorized accessory use/structure in all districts. Small SES shall be subject to Zoning Administrator approval. An application for a Small SES shall include all information required by Section 2.4(B) including the delineation of all SES structures and facilities, and all structures on adjacent properties within fifty (50) feet of a shared lot line.
2. **Small SES General Provisions:** Small SES collection panels shall be placed such that concentrated

solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this requirement. When deemed necessary, the Zoning Administrator may require a report from a qualified person with documented training, certification and/or licensing in the generation of glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads.

3. Small SES Roof-Mounted Systems

- a. No system part of a Small SES roof-mounted system shall extend more than four (4) feet above the roof surface directly below such system part, but in no case shall the total height of the SES, measured to the ground below, exceed the building height restriction of the district in which it is located.

4. Small SES Ground-Mounted Systems

- a. Small SES ground-mounted collection panel systems and associated equipment are prohibited in a front yard and shall be set back a minimum of fifteen (15) feet from all side and rear lot lines.
- b. Small SES ground-mounted collection panel systems and associated equipment shall not exceed fifteen (15) feet in height as measured from the ground below.
- c. If a ground mounted Small SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within thirty (30) days of notification by the Zoning Administrator, or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.
  - 1) The Zoning Administrator may permit a repair period greater than thirty (30) days if the Zoning Administrator determines a longer period is necessary due to conditions not within the control of the applicant

**D. Medium Solar Energy Systems (Medium SES)**

1. Medium SES Authorization, Review and Approval Procedures: A Medium SES is permitted as an accessory use only, and only in the A-1, C-1, C-2, and I-1 Districts. A Medium SES shall be subject to site plan approval according to Article 14.

2. Medium SES General Provisions

- a. Medium SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit a report prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this section.
- b. Appropriate warning signs and emergency contact information shall be placed on any electrical equipment and at every facility entrance.
- c. All electrical wiring, including substations, shall be located and maintained underground except where technical or physical constraints make it impractical. This requirement shall not apply to transmission equipment connecting a project substation to the local transmission grid.
- d. Construction shall comply with the National Electric Safety Code and the County Building Code. In the event of a conflict between the codes, the NESC shall prevail.
- e. All SES components shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("EIL"), or other similar certification organization if the similar certification organization is approved by the Township.

3. Medium SES Roof-Mounted Systems: No part of a Medium SES roof-mounted system shall extend more than six (6) feet above the roof surface directly below such system part but in no case shall the total height of the SES, measured to the ground below, exceed the building height restriction of the district in which it is located.

4. Medium SES Ground-Mounted Systems

- a. Yard and Setback Restrictions
  - 1) Within the C-1, C-2 and I-1 Districts, ground-mounted collection panel systems and associated equipment are prohibited in a front yard and shall be set back a minimum of fifteen (15) feet from all side and rear lot lines. The setback shall be increased to forty (40) feet along those segments of a shared lot line where the adjacent lot is in an Agricultural or Residential District.
  - 2) Within the A-1 District, ground-mounted collection panel systems and associated equipment are permitted in front, side and/or rear yards provided such systems and equipment shall be set back a minimum of fifteen (15) feet from side and rear lot lines and one hundred (100) feet from

a front lot line. The side and rear yard setback shall be increased to ~~forty (40) feet~~ sixty (60) feet along those segments of a shared lot line where the adjacent lot is in an Agricultural or Residential District.

- b. Ground-mounted solar collection panels shall not exceed eighteen (18) feet in height.
- c. In the case of ground mounted solar panels located on a lot that is adjacent to a lot in an Agricultural or Residential District, including on the opposite side of a public road, screening shall be provided along such shared lot lines. The screening shall consist of evergreen trees of a minimum of six (6) feet in height at the time of planting and with a projected growth rate of a minimum of six (6) inches per year and to a minimum projected height of twenty (20) feet, and spaced no greater than twelve (12) feet apart measured on-center. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size. All plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease within one (1) year of written notification by the Zoning Administrator.
  - 1) In the case where a dwelling is present within seventy-five (75) feet of a shared lot line, a second row of tree plantings shall be provided and placed no greater than twelve (12) feet from the first row as measured on-center, with the second row of trees positioned in a staggered formation to the first row so as to have trees spaced at no greater than six (6) feet on-center as viewed from the shared lot line.
  - 2) Required screening need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line.
  - 3) The Township Board may decrease the number of required plantings, required plant spacing and/or planting height requirements, by a maximum fifty percent (50%) where specific conditions warrant such modifications such as, by example, the adjacent property is vacant and not likely to be developed within the next three (3) years based on nearby development trends during the preceding three (3) years, where natural features are present that serve to assist in the screening of the panels such as topographic or vegetative conditions, or where existing structures will assist in the screening of the panels. In no case shall required screening along a public road right-of-way be reduced.
  - 4) The site plan shall specify the proposed plant material according to location, common name, botanical name, growth habit, and minimum planting size. The landscape plan shall present the measures to be employed to maintain and promote natural vegetation while minimizing the proliferation of weeds during and following SES construction.
- d. Ground-mounted Medium SES shall comply with the Small SES requirements regarding cessation of operations, abandonment and/or disrepair.
- e. Fencing that may be installed as part of a ground-mounted Medium SES shall be exempt from the fence height restrictions of this Ordinance including Section 20.11, subject to site plan review, but in no case shall such fencing exceed seven (7) feet in height. Where fencing in excess of five (5) feet in height is to be erected, a minimum of fifty percent (50%) of the required tree plantings shall be on the exterior side of the fencing. Where fencing is to restrict the free flow of air by more than ten percent (10%) opacity of the fence, the Township Board may require additional vegetative screening measures to minimize the visual impact of such fencing. If fencing is proposed, fencing details shall be submitted as part of the required site plan.

#### **E. Large Solar Energy Systems (Large SES)**

- 1. Large SES Authorization, Review and Approval Procedures: Large SES are permitted as a special land use only, and only in those districts so specified in Table 3-4 of Article 3. Large SES shall comply with special land use application, review and approval provisions of Article 15 of this Ordinance including site plan review. See subsection (H) of this Section regarding additional required application information.
- 2. Large SES General Provisions: Large SES shall comply with subsection (D)(2) for Medium SES.
- 3. Large SES Roof-Mounted Systems: A roof-mounted Large SES may exceed the maximum height standard for the structure to which it is attached according to the District in which it is to be located, but no portion of the system shall extend more than five (5) feet above the roof surface to which it is attached directly below.
- 4. Large SES Ground-Mounted Systems: Large SES shall comply with subsection (D)(4) for Medium SES except as otherwise provided below.
  - a. **Setbacks:** Ground-mounted panels shall be set back a minimum of one hundred (100) feet from lot lines except that in no case shall solar panels be located within two hundred (200) feet of a dwelling. Substations shall be set back a minimum distance of two hundred (200) feet from lot lines and shall

- be set back further as may be necessary to comply with subsection (4)(g).
- b. Height: Ground-mounted panels shall not exceed twelve (12) feet in height as measured from the ground below to the top of the panel when in its most vertical operating position.
  - c. Exterior Lighting: No SES exterior lighting shall be established except upon satisfactory evidence that such lighting is necessary for the proper operation or security of the facility including wall-mounted fixtures, and such lighting is delineated on an approved site plan. No light shall adversely affect adjacent lots or public rights-of-way. Lighting shall be shielded from adjoining lots and shall permit downward illumination only. Lighting shall not exceed eight (8) feet in height from the ground except upon satisfactory evidence that a greater height is necessary, no reasonable alternatives are available, and the greater height shall not create nuisance conditions.
  - d. Security Fencing: Security fencing shall enclose all SES equipment, structures, and buildings, and shall be a minimum of seven (7) feet in height and no greater than ten (10) feet inclusive of any barbed or similar security measure.
  - e. Clearing/Topsoil: Land clearing of vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the SES facility. No topsoil shall be removed from any lot part of the SES construction phase and during the operational life of the facility.
  - f. Noise/Sound: A Large SES shall not produce sound levels that exceed 45 dB(A) between 10:00 p.m. and 7:00 a.m., and 55 dB(A) between 7:00 a.m. and 10:00 p.m., as measured along a shared lot line between the SES parcel and neighboring parcel not part of the SES facility. Measurement of sound level shall be in decibels (dB) and made using a sound level meter set at a height of five (5) feet along the lot line. All measurements shall be made using a sound level meter that meets the most current requirements of the American National Standards Institute "Type 2 or Type 1 Sound Level Meters," and which has been set for fast meter response and the A-weighting network (dB(A)).
  - g. Abandonment: Any part of a Large SES that ceases to produce energy on a continuous basis for twelve (12) consecutive months shall be considered abandoned unless the owner of the SES provides substantial evidence to the Township Board of the intent to maintain and reinstate the operation of the malfunctioning part. In such case, at no less than every six (6) months after the twelve (12) months of malfunction, an updated assessment of the condition shall be provided to the Township Board until such time that the malfunctioning components are in operation or the Township Board determines insufficient actions are being taken to correct the condition and a determination of abandonment is established.
    - 1) Upon determination of abandonment by the Township Board, the Zoning Administrator shall direct the SES owner to remove the SES or abandoned portion thereof and restore the site to its condition prior to development of the SES. Such removal and restoration shall be completed within one (1) year of notice by the Zoning Administrator. If the SES owner fails to comply, the Township may remove the SES, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized to recover the costs required to remove the SES and restore the site to a nonhazardous predevelopment condition.
  - i. Performance Guarantee Requirements
    - 1) Prior to the issuance of a Large SES permit, the applicant shall engage a licensed professional engineer to estimate the total cost of decommissioning the SES and reclamation efforts to return the affected land back to its physical condition prior to SES construction. The applicant shall pay for the costs of obtaining such an estimate. Said estimate shall be submitted to the Township Board for review.
    - 2) Prior to the issuance of a Large SES permit, the owner(s) and/or operator of the SES shall post a performance guarantee, in a form acceptable to the Township, equal to one hundred percent (100%) of the total estimated decommissioning and reclamation costs. Decommissioning and reclamation costs shall be re-evaluated and the value of the guarantee shall be adjusted accordingly every three (3) years.
    - 3) The performance guarantee shall be posted and maintained with a bonding company licensed in the State of Michigan or Federal or State chartered lending institution chosen by the owner(s) or operators and acceptable to the Township Board.
    - 4) An applicant shall maintain the approved performance guarantee for the duration of the SES facility, until decommissioning and removal is complete. The performance guarantee documents shall prohibit the applicant from terminating or withholding renewal of the guarantee except upon approval from the Township Board. The termination or non-renewal of a performance guarantee without the Township's approval shall be a violation of this Ordinance and the Township may revoke approval of the SES, require its removal, or exercise any other authority permitted by law.



- 5) The performance guarantee provisions of Section 2.6 shall apply except where otherwise modified by this subsection.

**F. Self-Contained SES:** Self-Contained SES are permitted in all districts and may be erected without the issuance of a zoning permit, subject to the restrictions of this Section.

1. Heights: Self-contained solar energy systems shall not exceed four (4) feet in height above the structure to which it is attached. In the case of roof-mounted self-contained SES, no system part of the SES shall extend more than four (4) feet above the roof surface directly below such system part, but in no case shall the total height of the SES, measured to the ground below, exceed the building height restriction of the district in which it is located.

**G. Exempt SES:** The following are exempt from the regulations of this Section.

1. Roof-mounted SES that function as shingles or are otherwise shingle-like in general character.

**H. Large Solar Energy Systems – Additional Submittal Requirements:** In the case of an application for a Large SES, the following information shall be provided in addition to the information required by Article 14 for site plan review and Article 15 for special land use applications.

1. Project Description and Rationale: The type, size, rated power output, performance, safety, and noise characteristics of the system, including the name and address of the equipment manufacturer(s), and model(s). Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions, and how the SES will connect to the power grid.
2. Proof of Liability Insurance: Proof of liability insurance including the levels of coverage per incident and cumulatively.
3. Lease Agreements: Copies of those portions of executed lease agreements for participating parcels that document the landowners granting authority to establish the SES.
4. Locations, Dimensions, and Height: Location, dimensions, and height of all existing and proposed solar arrays, buildings, structures, electrical lines and transmission lines, security fencing, and all above-ground structures and utilities. The illustration of existing features shall extend to at least one hundred (100) feet beyond the lot lines of a parcel subject to the application.
5. Access Drives: Delineation of access drives within the project including dimensions, construction specifications, grades, and approvals from the County Road Commission for the location of access way intersections with public roads.
6. Setbacks: Proposed setbacks from the proposed solar arrays to other proposed structures and existing structures within one hundred (100) feet beyond the lot lines of a parcel subject to the application.
7. Lighting: Indicate the extent of exterior lighting to be installed including locations, heights, fixture specifications, light levels along property lines, and the frequency of lights to be illuminated.
8. Contact Information: The contact information for the designated office to address public inquiries in a timely manner throughout the life of the facility.
9. Operator's Agreement: The operator's agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency proceedings and general safety documentation.
10. Traffic Analysis: An assessment of anticipated traffic to the SES during construction phases and once the SES is operational, including the anticipated daily vehicles by frequency and type during and after construction.
11. Glare Assessment: A report prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this Section.
12. Visual Impacts Assessment: Illustrations of the visual impact using photos or renditions of the project with consideration given to the tree plantings and setback requirements. The illustrations shall include scaled pictures of the location of the proposed solar arrays, buildings, structures, electrical lines and transmission lines, security fencing, and all above ground structures and utilities on the properties subject to the application.
13. Public Safety/Security Plan: A description of the public health and safety risks the SES may present and measures to address such risks including lightning protection measures, emergency and standard shutdown procedures, an emergency response plan prepared in consultation with local emergency services that includes all means of shutting down the SES facility and the manner that such measures shall be clearly portrayed, and any security measures that may be employed to manage access to the facility by the general public.
14. Transportation Plan: A description or travel plan of the routes to be used by construction and delivery

vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads caused by construction of the SES that is found to be acceptable by the County Road Commission.

15. Maintenance Plan: Description of how the SES shall be maintained and kept in a safe working condition including daily, weekly, and monthly procedures. The plan shall identify the means by which native vegetation will be employed to prohibit erosion and the proliferation of weeds and other nuisance vegetation, and how the native vegetation will be maintained. The maintenance plan shall address measures to be employed to minimize dust generation including during and after construction and in association with unpaved access roads.
16. Decommissioning and Reclamation Plan: A decommissioning and reclamation plan that addresses the removal of the SES and the restoration of the site to its same condition as it existed prior to SES construction. The plan shall address and provide for the following minimum elements:
  - a. The anticipated life of the project.
  - b. The complete removal of all components comprising the SES including equipment, conduit, structures, fencing, and solar panels and foundations, to a depth of a minimum of four (4) feet below grade, and including a description of the removal process for each of the elements comprising the SES.
  - c. The complete removal of all SES access roads and regrading of such areas to their pre-construction condition, unless the property owner requests, in writing, a desire to maintain an access road and the Township Board finds the road's continuation is acceptable. Nothing in this subsection shall be construed as an expectation that the Township shall take ownership of any access road or that such access road shall be considered a public road.
  - d. The establishment of grass or other approved ground cover unless the property owner specifies in writing that agricultural crops are to be planted over restored areas of the site within six (6) months of the removal of the SES components.
  - f. The estimated decommissioning costs exclusive of the value of any salvaged materials, in current dollars, including the basis for the cost assigned to each element of the decommissioning plan including the components referenced in subsection (b).
17. Environmental Impact Report: A report that documents the extent of adverse effects on area avian, bat and other wildlife and wildlife habitats including wetlands and nesting, migratory and feeding patterns, and shall identify all proposed mitigation measures to minimize potential impacts. The report shall be a separately bound document prepared by a certified wildlife biologist and the report shall document such certification and pertinent expertise of all persons contributing to the report and the procedures followed for documenting nesting, migratory and feeding patterns. The report shall include documentation regarding the proposal's compliance with the federal Endangered Species Act of 1973 and the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
  - a. Part 31 Water Resources Protection (MCL 324.3101 et seq.).
  - b. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.).
  - c. Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.).
  - d. Part 303 Wetlands (MCL 324.3030 1 et seq.).
  - e. Part 365 Michigan Endangered Species Protection (MCL. 324.36501 et seq.).

### **Section 13.24 Vehicle / Car Wash Establishment**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards and Requirements:**

1. All washing activities shall be carried on within an enclosed building or under a covered structure with side walls separating individual washing bays. These restrictions shall not apply to vehicles of such size that they cannot be accommodated within such building or structure such as in the case of semi-trucks and recreational vehicles.
2. Outdoor vacuuming activities shall be set back a minimum of one hundred (100) feet from an Agricultural or Residential District. Self-service bays shall be located a minimum of fifty (50) feet from an Agricultural or Residential District.
3. Maneuvering lanes and stacking lanes shall be provided to ensure sufficient room to avoid waiting cars encroaching into a road right-of-way. In the case of self-service washing bays, a minimum of two (2)

stacking spaces shall be provided for accessing each bay and one (1) space shall be provided upon exiting each bay.

4. Each bay shall be graded and drained to collect run-off originating in the bay.
5. Trash containers shall be provided and emptied as necessary to prohibit litter.

### **Section 13.25 Vehicle Repair Shops and Service Stations**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Buildings shall be setback a minimum distance of fifty (50) feet from the front lot line and thirty (30) feet from side and rear lot lines, except the side and rear yard setback shall be increased to fifty (50) feet where the adjacent lot is in an agricultural or Residential District.
2. Fuel pumps, pump canopies, and above and below ground storage of fuel and other flammable materials shall be setback a minimum distance of thirty (30) feet from all lot lines except the setback shall be increased to fifty (50) feet where the adjacent lot is in an Agricultural or Residential District. Setbacks for canopies shall be measured from the edge of the canopy.

**B. Additional Standards and Requirements:**

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure, excluding air and water hoses, and all storage of vehicle parts and dismantled vehicles, and repair work, shall occur in such structure.
2. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than ten (10) days and shall be maintained on the lot only for the purpose of repair or transfer. Such vehicles shall be parked or stored in a building, or behind a fully screened area in a side or rear yard and with no less than a six (6) foot high fence or wall.
3. Outdoor storage of fenders, mechanical or engine parts, tires and other vehicle parts or materials shall be screened to as not to be visible from adjacent lots and roads.
4. All lighting mounted to the underside of a canopy shall be fully recessed.
5. The application shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used, and the measures to be used for proper handling, storage, and disposal of such materials as required by state rules and regulations.
6. The sale of vehicles is prohibited except as may be approved by the Township and properly licensed by the state.
7. All areas subject to vehicle use shall be of a paved asphalt or concrete surface, excluding storage areas that shall be of a hard compacted surface or shall be similarly paved. The location and design of storage areas shall ensure convenient emergency vehicle access.
8. Driveways and ingress/egress areas shall be subject to County Road Commission or Michigan Department of Transportation approval, as applicable.

### **Section 13.26 Veterinarian Clinics**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a Residential District, or to any adjacent building used by the general public, and shall not be located in any required setback area.

**B. Additional Standards and Requirements:**

1. Uses permitted include medical treatment, retail sales of animal care products, and boarding of animals under care. No boarding other than for animals receiving medical treatment shall be permitted, except where approval has been granted for a kennel.
2. No animals shall be permitted in outdoor exercise or run areas between the hours of 9:00 p.m. and 7:00 a.m.
3. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

## **Section 13.27 Wind Energy Conversion Systems (WECS)**

**A. Definitions:** For the purpose of this Section, the following terms and phrases shall have the following meanings.

1. Ambient Sound Pressure Level: The sound pressure level exceeded 90% of the time prior to the installation of a Commercial WES, which may be a result of traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. Ambient sound pressure levels may also be commonly referred to as background noise levels.
2. ANSI: American National Standards Institute.
3. Commercial Wind Energy System (Commercial WES): A wind energy system (WES) whose main purpose is to supply electricity to off-site customers including to or for an electrical utility provider. A Commercial WES shall be construed as a principal use of the parcel(s) on which it is located.
4. dB(A): Sound pressure level measured in decibels according to the "A" weighted scale defined by ANSI.
5. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. MET (Meteorological) Tower: The structure and equipment used to determine the placement or potential placement of a Commercial WES, containing instrumentation such as anemometers designed to provide wind data.
7. Non-Participating Parcel: A parcel that does not participate in a lease, easement, or other agreement for the purpose of using the parcel or portion thereof for the placement of a MET Tower or Commercial WES.
8. Participating Parcel: A parcel that participates in a lease, easement, or other agreement for the purpose of using the parcel for the placement of a MET Tower or Commercial WES or is otherwise part of the Commercial WES proposal. A participating parcel may not include structures or equipment associated with the Commercial WES.
9. Private Wind Energy System (Private WES): A wind energy system whose main purpose is to supply electricity to principally serve the energy needs of the parcel on which the Private WES is located. A Private WES shall be construed as an accessory structure to the principal use of the parcel on which it is located.
10. Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
11. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a Commercial WES casting shadows on the ground and stationary objects.
12. WES: Wind energy system.
13. Wind Energy System (WES): An energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, tower, wiring, and related electrical and accessory equipment.
14. Wind Turbine: A device that converts wind energy into electricity through the use of a generator, and includes the base, blade, foundation, generator, nacelle, rotor, support tower, transformer, and turbine.

**B. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as provided otherwise by this Section.

**C. Additional Standards:**

1. Minimum Lot Area and Width: The minimum lot area and width for each parcel part of a WES shall comply with Table 3-4 of Article 3 and shall be as necessary to meet required setbacks and any other standards of this Ordinance, but in no case shall a Commercial WES be comprised of a parcel less than fifteen (15) acres in area and eight hundred (800) feet in width. Where no equipment or structures are to be placed on a participating parcel of a Commercial WES, the minimum parcel area and width shall be five (5) acres and three hundred (300) feet.
2. Height: All WES facility heights shall comply with the requirements of the Federal Aviation Authority and county, state and federal regulations including the Michigan Tall Structures Act and Airport Zoning Act, provided that wind turbine heights shall not exceed the following:
  - a. Private WES: Ninety (90) feet as measured from the ground level at the base of the tower to the uppermost vertical extension of any blade.
  - b. Commercial WES: Four hundred fifty (450) feet as measured from the ground level at the base of the tower to the uppermost vertical extension of any blade.

3. Setbacks and Separation Distances

- a. No part of a WES shall be located in or above any required front, side, or rear yard setback according to Table 3-4 of Article 3, provided that no wind turbine setback shall be required in the case where the turbine is mounted on a roof or similar support structure, the turbine does not increase the height of such structure by more than fifteen (15) feet, and the structure to which the turbine is attached complies with all required setbacks. Such turbine may exceed the maximum permitted height of the structure to which it is attached.
- b. No wind turbine shall be located closer to another wind turbine than the minimum separation distance recommended by the manufacturer or the wind energy industry as may be published from time to time, whichever is less.
- c. In addition to subsections (a) and (b), all wind turbines shall comply with the following setbacks. References to turbine height shall be as measured from the ground level at the base of the supporting tower to the uppermost vertical extension of any blade.
  - 1) The minimum setback from a road right-of-way shall be equal to the turbine height.
  - 2) The minimum setback from a nonparticipating parcel's lot line shall be equal to three (3) times the turbine height except that in the case of a Private WES, the minimum setback shall be equal to the turbine height.
  - 3) A minimum setback of fifteen hundred (1,500) feet shall be maintained from the following, as measured from the nearest edge of the wind turbine base:
    - a) The shoreline of a water course that has a continuous flow of water throughout the year and is at least fifteen (15) feet in surface width for at least seventy-five percent (75%) of its length within the required setback area.
    - b) Any wetland identified on the U.S. Fish & Wildlife Service's National Wetland Inventory or other state-produced wetland inventory, which is greater than ten (10) acres in area.
    - c) A lake, pond or similar water body that has a water surface area greater than ten (10) acres in area throughout the year.

4. Unloading and Storage Setbacks: Areas devoted to the unloading and storage of materials and equipment to be used during Commercial WES construction shall be set back from property lines a minimum distance of one hundred (100) feet.

5. Ground Clearance: No turbine blade shall approach closer than forty (40) feet to any ground surface, structure, or tree on the same lot except where the turbine is attached to a roof or other structure that prohibits vehicular and pedestrian movement below the turbine blades.

6. Safety Measures:

- a. All access doors to turbine towers and electrical equipment shall be lockable, and no climbing device shall be made part of a wind turbine except within the interior of the tower from such lockable door or where not located within twelve (12) feet of the ground when placed on the exterior of the tower. In the case of a Commercial WES, a fence of a minimum ten (10) foot height shall be erected at the base of each turbine that fully encloses the tower base and includes "danger" signage.
- b. Signage shall be located at the base of the turbine tower that provides appropriate danger warnings and emergency contact information.
- c. All electrical equipment shall include applicable warning signs.
- d. All electrical wiring shall comply with all applicable safety and stray voltage standards including any connections to an off-site electrical network.
- e. All electrical distribution lines from the Commercial WES to an off-site electrical network shall be located and maintained underground on the property where the Commercial WES will be located.
- f. A WES shall include a system to prevent uncontrolled rotation at excess wind speeds unless the manufacturer certifies that such a system is not necessary.
- g. Commercial WES turbines shall be equipped with technology that automatically de-ices turbine blades.
- h. All waste products during construction and WES operations, including lubricants and cooling fluids, shall be collected, stored, and disposed in a safe manner and in compliance with township, county, state and federal rules and regulations.

7. Shadow Flicker: A Commercial WES shall be sited in such a manner to minimize shadow flicker from the blades on any public road and prohibit shadow flicker on any portion of a non-participating parcel at the time the application is considered. The maximum permitted shadow flicker on a public road shall not exceed thirty (30) minutes per day. The applicant for a Commercial WES shall submit a shadow report illustrating or otherwise delineating the projected shadow pattern of the Commercial WES on June 21, September 21, and December 21, specific to the Jefferson Township area, including the source and basis for such projections.

8. Construction Codes/Requirements
  - a. A WES shall comply with the electrical and building codes of the Township and all other regulations and requirements of county, state and federal agencies including those of the Federal Aviation Administration, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures.
  - b. A WES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations.
  - c. A WES shall meet the manufacture's specifications for erection and anchoring the wind turbine including foundation specifications, and shall exceed such specifications where local, state, or federal regulations require so.
9. Noise Levels: A WES shall not produce noise levels that exceed fifty-five (55)- decibels on the dB(A) scale, measured along the property lines on which it is located, and no Commercial WES shall produce noise levels that exceed forty-five (45) decibels on the dB(A) scale measured at the exterior of a dwelling on a non-participating parcel. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 55 d(B)(A), the noise level restriction shall be the ambient dB(A) plus 5 dB(A). Within sixty (60) days of the operation of a Commercial WES, the applicant shall submit sound pressure level measurements recorded by a third party who is a qualified professional, according to the procedures in the most current version of American National Standardization Institute S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of American National Standardization Institute S1.4 specifications for a Type II sound meter.
  - a. Proof of compliance with audible sound standards shall be submitted to the Township for review within one hundred-eighty (180) days of the date the Commercial WES project becomes operational. Sound shall be measured by a third-party, qualified sound professional. The analysis shall be completed by the applicant from a sample of locations along the perimeter of adjacent non-participating parcels to demonstrate compliance with the requirements of this Section.
10. Appearance and Lighting
  - a. Wind turbines shall be mounted on tubular towers and shall be of such color and finish to minimize visual intrusion and improve compatibility with surrounding conditions, subject to any applicable standards of the Federal Aviation Authority, except that a Private WES wind turbine may be of lattice construction provided the turbine height is no greater than sixty (60) feet. Any additional buildings or structures shall, to the extent reasonably practical, use materials, colors, textures, screening, and landscaping to enhance the compatibility of the system with surrounding conditions.
  - b. Wind turbines shall not be artificially lighted except to the extent required by the Federal Aviation Authority or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. Strobe lights are prohibited except as may be required by the Federal Aviation Authority and shall be shielded from the ground. Lighting shall be radar-activated if permitted by the Federal Aviation Authority.
  - c. No wind turbines shall be used for displaying any advertising except that each wind turbine shall have one (1) or more signs of no greater than six (6) square feet each that shall provide operational information including, but not necessarily limited to, a warning of high voltage and a specification of the manufacturer's name, company/utility operator, and emergency number(s).
11. Communications Interference: No Commercial WES shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the Commercial WES. No Commercial WES shall be installed in any location within the line of sight of an existing microwave communications link where operation of the Commercial WES is likely to produce electromagnetic interference in the link's operation.
12. Vibrations and Wind: A Commercial WES shall not produce vibrations or wind currents humanly perceptible on a non-participating parcel.
13. Maintenance and Abandonment: All WES shall be maintained and kept in a safe working condition. A Commercial WES owner shall annually certify in writing to the Township Clerk that all turbines are operating under normal conditions and any non-operational turbines at the time of the annual review report shall be identified along with the anticipated operational date or date of removal. Maintenance

tasks for the year shall be documented in the certification. The annual certification shall be submitted no later than the date on which the Commercial WES becomes operational. A Commercial WES turbine that has not been operational for more than twelve (12) months shall be considered abandoned and, at the owner's expense, shall be removed within ninety (90) days of notification by the Zoning Administrator.

**D. Special Authorization and Approval Procedures for Private WES:**

1. Accessory Structure: A Private WES shall be construed as an accessory structure as defined in this Ordinance and are permissible in all districts.
2. Approval Procedures: A Private WES application is subject to Zoning Administrator approval. The application shall be accompanied by the same scope of information and drawings required for the principal use of the lot including the delineation of all WES structures and equipment, construction specifications, and any additional information necessary to demonstrate conformance with the requirements of this Section. The Zoning Administrator shall approve such application upon finding that the application complies with the requirements of this Section and Ordinance.

**E. Special Authorization and Approval Procedures for Commercial WES:** A Commercial WES constitutes a special land use irrespective of whether the Commercial WES functions as an accessory or principal use. A Commercial WES is authorized in only those districts so specified in Tables 3-2 and 3-3 of Article 3. An application for a Commercial WES shall be accompanied by all information as required by Article 14 (Site Plan Review) and Article 15 (Special Land Uses). In addition to the submittal requirements of Article 14, the following supplemental information shall be provided.

1. Locations and Heights: Locations and height of all buildings; wind turbines, substations, security fencing, and other structures, and above-ground utilities located within one thousand (1,000) feet of a participating parcel. In addition, the submittal shall specify the specific distances to such features from the nearest wind turbine along with the locations of all existing and proposed overhead and underground electrical transmission and distribution lines including wiring depths.
2. Lighting Plan: A lighting plan describing all lighting that will be utilized including any lighting that may be required by the Federal Aviation Authority. Such plan shall include but shall not be limited to the planned number and location of lights, light colors and whether any lights will be flashing.
3. Access Drives: Location of access drives and their dimensions and construction profiles.
4. Security Measures: Planned security measures to prevent unauthorized trespass and access.
5. Facility Operations: Description of facility operations including anticipated regular and unscheduled maintenance, frequency, and number of personnel to be present at the facility once the facility is fully operational, and the manner in which the site will be returned to its original condition upon termination of its use as a Commercial WES.
6. Wind Speeds: Evidence documenting that wind speeds are sufficient to support the viability of the proposed Commercial WES.
7. Transportation Routes and Road Repair: A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment, or other deliveries. Unless waived by the Cass County Road Commission, the entity responsible for overseeing the construction of an approved Commercial WES shall enter into an agreement with the Road Commission for the repair of damages to public roads under the Road Commission's jurisdiction, as a result of construction operations, and such proposed agreement shall be made part of the application. The entity responsible for overseeing the construction of an approved Commercial WES shall enter into an agreement with Jefferson Township for the repair of damages to private roads as a result of construction operations, and such proposed agreement shall be made part of the application.
8. Shadow Flicker Analysis: The applicant shall conduct an analysis of the alternating changes in light intensity caused by the moving blades of a Commercial WES casting shadows on the ground and stationary objects, commonly referred to as "shadow flicker." The analysis shall identify the locations of shadow flicker that may be caused by the Commercial WES and the expected durations of the flicker at these locations where located on adjacent properties, from sunrise to sunset over the course of the year. The analysis shall identify areas where shadow flicker may affect such properties including persons in structures or on roads, measures that shall be taken to eliminate or mitigate flicker in such circumstances, and the source and basis for such flicker projections.
9. Environmental Impact: The application shall include a report that demonstrates that the proposal shall not have a significant adverse effect on area avian, bat and other wildlife and wildlife habitats including wetlands and nesting, migratory and feeding patterns, and shall identify all proposed mitigation measures to minimize potential impacts. The report shall also address the extent to which the Commercial WES conforms to the "Interim Guidance on Avoiding and Minimizing Wildlife Impacts from

Wind Turbines” as prepared by the U.S. Fish and Wildlife Service, as may be updated from time to time. The report shall be a separately bound document prepared by a certified wildlife biologist and the report shall document such certification and pertinent expertise of all persons contributing to the report and the procedures followed for documenting nesting, migratory and feeding patterns.

- a. The above-referenced report shall include documentation regarding the proposal’s compliance with the federal Endangered Species Act of 1973 and the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
  - 1) Part 31 Water Resources Protection (MCL 324.3101 et seq.),
  - 2) Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.),
  - 3) Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.),
  - 4) Part 303 Wetlands (MCL 324.3030 1 et seq.),
  - 5) Part 365 Michigan Endangered Species Protection (MCL. 324.36501 et seq.),
10. Sound Pressure Study: The applicant shall submit modeling and analysis that identifies anticipated sound pressure levels along the property lines of adjacent non-participating parcels and any mitigation measures to ensure compliance with subsection (C)(9). Modeling and analysis shall conform to International Electrotechnical Commission 61400 and International Organization for Standardization 9613.
11. Communication Interferences Certification: The applicant shall submit documentation that the Commercial WES shall not produce interference with signal transmission or reception in association with radio, television, or wireless phone or other personal communication systems.
12. Installation Instructions: A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the Commercial WES including tower base and footings including engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.
13. Proof of Liability Insurance: The applicant shall submit proof of liability insurance including the levels of coverage per incident and cumulatively.
14. Lease Agreements: The applicant shall submit copies of those portions of executed lease agreements for participating parcels that document the landowners granting authority to erect a test tower or establish a Commercial WES. Financial information may be redacted.
15. Performance Guarantee Requirements
  - a. Prior to the issuance of a Commercial WES permit, the applicant shall engage a licensed professional engineer to estimate the total cost of decommissioning the WES and reclamation efforts to return affected land back to its physical condition prior to construction. Said estimates shall be submitted to the Township for review.
  - b. Prior to the issuance of a Commercial WES permit, the owner(s) and/or operator of the WES shall post a performance guarantee, in a form acceptable to the Township, equal to one hundred percent (100%) of the total estimated decommissioning and reclamation costs. Decommissioning and reclamation costs shall be re-evaluated and the value of the bond shall be adjusted accordingly every five (5) years.
  - c. Said performance guarantee shall be posted and maintained with a bonding company licensed in the State of Michigan or Federal or State chartered lending institution chosen by the owner(s) or operators and acceptable to the Township.
  - d. An applicant shall maintain the approved performance guarantee for the duration of the Commercial WES, until decommissioning, removal, and reclamation is complete as determined by the Township Board. The performance guarantee documents shall prohibit the applicant from terminating or withholding renewal of the performance guarantee except upon written approval from the Township Clerk. The termination or non-renewal of a performance guarantee without the Township’s approval shall be a violation of this Ordinance and the Township may revoke approval of the WES, require its removal, and/or exercise any other authority permitted by law.
  - e. The performance guarantee provisions of Section 2.8 shall apply except where otherwise modified by this subsection.
16. Decommissioning/Reclamation.

A Commercial WES application shall include a decommissioning and reclamation plan that shall address, at a minimum, the anticipated life of the project, the manner in which all structures and equipment shall be disassembled and removed from the participating parcels, and the manner in which the participating parcel shall be returned to its pre-existing state including revegetation. The decommissioning/reclamation plan shall provide that all parts of the Commercial WES shall be removed



from the subject property, including electrical components, structure foundation, and other associated components, to a depth not less than fifteen (15) feet below the ground surface. Any materials left more than ten (10) feet below the ground surface shall be documented as part of a certified survey and recorded with the County Register of Deeds.

17. Register of Deeds Filings. No construction shall be initiated for any portion of a Commercial WES prior to the applicant filing with the Cass County Register of Deeds, for each participating parcel, the lease agreements, and easements to which the respective participating parcel is subject.
18. Professional Review Fees: The provisions of Section 2.10 of this Ordinance shall apply except that the Township may require the applicant to replenish the professional review fee account at any time to ensure a sufficient balance. If the Township instructs the applicant to replenish the account and the applicant fails to do so within fourteen (14) days after receiving notice, then the Township shall not proceed further in processing or deliberating on the application until the Township has received the necessary balance.

## **F. MET Towers**

### **1. Authorization and Application Requirements**

- a. A MET tower for a prospective WES shall be construed as an accessory structure and is permissible in all districts in which WES are authorized. The Zoning Administrator shall be the approving body for such a tower application.
- b. An application for a MET tower for a prospective WES shall include the same scope of information required for an accessory structure according to this Ordinance in addition to the following.
  - 1) Description of the proposed type, number and total height of the MET towers to be constructed including the manufacturer and model, product specifications regarding sound pressure levels (measured in decibels dB(A), total rated generating capacity, dimensions, rotor diameter, description of ancillary facilities including tower design, color and wiring, Material Safety Data Sheets, the extent of topographic alterations for construction including the limits of clearing and grading, and tower setbacks from existing structures, lot lines, utility lines and any other structures on the parcel, and in the case of a MET tower for a prospective Commercial WES, such features within four-hundred (400) feet on adjacent parcels.
- c. The approval of an application for a MET tower shall not be construed as a likely approval of a subsequent application for a WES on the same parcel.

### **2. Design Standards and Operational Requirements**

- a. MET towers shall be a neutral, non-reflective, non-obtrusive color, which shall be maintained throughout the life of the product. Acceptable colors include white and gray.
- b. MET towers shall not be artificially lighted except to comply with FAA or other federal, state, or local requirements, or to the extent necessary for the reasonable safety and security thereof as determined by the Zoning Administrator. Any lighting shall be implemented at the lowest intensity allowable under law, including but not limited to FAA regulations, and must be shielded to reduce glare and visibility from the ground.
- c. Advertising, and banners, streamers, flags, and other similar items are prohibited from being attached to MET towers.
- d. Guy wires may be utilized in association with a MET tower provided guy wire anchors are set back from all lot lines a minimum distance of fifty (50) feet.
- e. A MET tower in association with a prospective Private WES shall not exceed ninety (90) feet in total height. A MET tower in association with a prospective Commercial WES shall not exceed four hundred (400) feet in total height.
- f. A MET tower shall be set back a minimum distance equal to the total height of the tower as measured horizontally from the nearest moving part, from lot lines, public road rights-of-way, overhead utility lines, and other public infrastructure related items that may be present on the lot. A MET tower shall be set back a minimum distance equal to one hundred fifty percent (150%) of the total height of the tower from a dwelling on an adjacent lot.
- g. No MET tower shall be in place for more than two (2) years.
- h. A MET tower shall possess protection measures from lightning strikes.
- i. A MET tower shall comply with all state, federal, and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration (FAA), the Michigan Airport Zoning Act and the Michigan Tall Structures Act, both prior to and after installation. No MET tower shall be located on any lot in such a manner as to interfere with the safe take off, approach and landing of aircraft at any non-publicly owned airport as defined by the Michigan Airport Zoning Act as amended.

## **Section 13.28 Wireless Communication Facilities**

**A. Definitions:** For the purposes of this Section, the following phrases shall have the following meanings:

1. Collocate/Colocation: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.
2. Equipment compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
3. Wireless communications equipment: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
4. Wireless communications support structure: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
5. Wireless Communication Facility: All structures and accessory facilities, and improvements thereto, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, equipment compounds, wireless communications equipment, and wireless communications support structures. Not included in this definition are citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority.
6. Class One Wireless Communication Facility: Any wireless communication facility and modifications thereto that meet all of the following requirements:
  - a. No construction or other improvements provide for the erection of a new wireless communications support structure but may provide for an increase in height of an existing tower as provided by subsection (d)(1) below.
  - b. All proposed wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  - c. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the Township.
  - d. The proposed collocation of equipment shall not do any of the following:
    - 1) Increase the overall height of the wireless communications support structure by more than 20 (twenty) feet or 10% (ten percent) of its original height, whichever is greater.
    - 2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
    - 3) Increase the area of the existing equipment compound to greater than 2,500 square feet.
    - 4) Be in violation of the terms and conditions of any previous final approval of the support structure or equipment compound by the then-designated approving body.
7. Class Two Wireless Communication Facility: The erection of a new wireless communications support structure, or any modification of an existing wireless communication facility that is not classified as Class One Wireless Communication Facility.

**B. Application, Review and Approval for Class One Wireless Communication Facility:** A Class One Wireless Communication Facility constitutes a use permitted by right in any district, subject to site plan approval according to Article 14.

1. Application Review Time Frame and Fees
  - a. After a Class One wireless communication facility application is filed with the Township, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or the passing of fourteen (14) business days after the Zoning Administrator receives the application, whichever occurs first.
  - b. If, before the expiration of the fourteen (14) day period under subsection (a) above, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (a) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by

electronic notification. A fee required to accompany any application shall not exceed actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

- c. The Township Board shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Township Board fails to timely approve or deny the application, the application shall be considered approved and the Township Board shall be considered to have made any determination required for approval.

**C. Application, Review and Approval for Class Two Wireless Communication Facility:** A Class Two Wireless Communication Facility constitutes a special land use and shall be subject to this Ordinance's provisions addressing the same including compliance with Article 14 (Site Plan Review), Article 15 (Special Land Uses), and the following provisions. See Tables 3-3 and 3-4 of Article 3 regarding in which districts a Class Two wireless communication facility is authorized.

1. Application Review Time Frame and Fees: The provisions of subsection (B)(1) above shall apply to Class Two applications for wireless communication equipment except that the Township Board shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete.
2. Additional Application Requirements: In addition to submitting the information required for all special land use applications, including a site plan pursuant to Article 14, each applicant for a Class Two wireless communication facility shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer of applicable expertise registered in the State of Michigan.
  - a. An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the Township and one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, the distance from the proposed tower, the owner(s)/operator(s) of the existing tower(s), and any additional information that is relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
  - b. Elevation drawings of the proposed tower and any other structures.
  - c. The distance between the proposed tower to dwellings within a one-half (1/2) mile radius, and the distance to Residential districts and platted and similar neighborhood developments.
  - d. Method of fencing and finished color and, if applicable, the method of camouflage.
  - e. A written statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
  - f. Identification of the entities providing the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, long distance providers, and/or the public switched telephone network (backhaul routes) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
  - g. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services of the proposed new tower.
  - h. Soils data and engineering implications for footing/foundation specifications.
  - i. A certification by a professional engineer of applicable expertise licensed in Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.

**D. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The lot on which a tower is located shall comply with the minimum lot area requirement of Table 3-4. A smaller portion of said lot may be leased for tower purposes and such leased area need not comply with the area requirements of Table 3-4.
2. Class Two towers and antennas shall be set back from lot lines a minimum distance equal to the tower's height, including antennas, measured from the leading edge of the tower's base to the respective lot line, except as follows:
  - a. In the case where the adjacent lot is occupied by a dwelling, the minimum setback from the dwelling shall be one hundred fifty percent (150%) of the tower's height.
  - b. Where the adjacent lot is within a Commercial or Industrial District, the minimum setback shall be one-half the height of the tower but not less than one hundred (100) feet, measured from the shared lot line.
3. No tower shall exceed one hundred ninety five (195) feet in height, measured from the base of the tower to the highest point of the tower including antennae, except if in the opinion of the approving body, the applicant has sufficiently demonstrated that a proposed communication tower in excess of one hundred

ninety five (195) feet is necessary to adequately provide service to areas currently under served. All towers and antenna shall comply with the height restrictions of any airport management plan filed with and approved by the Michigan Aeronautics Commission.

**E. Additional Standards and Requirements:**

1. Separation Distance Between Towers: No Class Two wireless communication facility, in excess of one-hundred (100) feet in height, shall be established within one (1) mile of another such facility except upon a finding by the approving body that a lesser distance is necessary to adequately serve an area currently under served and no practical alternative is available.
2. Fencing and Lighting
  - a. The base of a tower shall be fenced with a minimum six (6) foot high fence with anti-climbing measures.
  - b. Towers and antenna shall not be artificially lighted unless required by the Federal Aviation Administration or Federal Communications Commission. If lighting is required, the lighting plan shall cause the least disturbance to surrounding uses. Strobe lighting is prohibiting.
3. Tower Construction
  - a. Towers shall be of monopole construction and constructed of non-corrosive materials. Guy wires are prohibited.
  - b. Towers shall be of a white, light gray, silver or other similar color that blends with the background sky and shall be constructed of or treated with corrosive resistant material.
  - c. Towers and antennas including support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with the most current regulations of the Federal Aviation Authority, Federal Communications Commission, Michigan Construction Code, and all other codes and agencies having jurisdiction, and shall be maintained in compliance.
  - d. All new communication towers shall be designed and constructed so as to accommodate collocation of a minimum of three (3) wireless communication facilities.
  - e. The base of the tower shall not exceed five hundred (500) sq. ft. in area.
  - f. No tower shall be constructed, by design or location, so as to interfere with communication reception in nearby areas.
4. Landscaping and Signage
  - a. Signage shall be limited to emergency information only except as may be required by law.
  - b. Trees shall be established, if not already present, that effectively screen the view of the tower facility from nearby residential properties, and shall provide for coniferous plantings spaced at no greater than twenty (20) feet apart and located within forty (40) feet of the perimeter of the tower facility and within any leased land area comprising the tower facility.
5. Presence of Personnel: No persons shall be located on a communication tower site except for the occasional presence of personnel associated with periodic maintenance or emergency conditions.
6. General Design: The design of buildings and structures shall, to the greatest extent practical, use materials, colors, textures, and screening that will encourage their compatibility with surrounding buildings. Where an antenna is installed on a structure other than a tower, the antenna and supporting equipment shall be of a color to make the antenna and equipment as visually unobtrusive as reasonably practical. Accessory structures shall not exceed six hundred (600) sq. ft. of gross floor area.
7. Collocation
  - a. Requirement for Collocation: A permit for the construction and use of a Class Two communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
  - b. Feasibility of Collocation: Collocation shall be deemed to be feasible and practical for purposes of this subsection (7) except where satisfactory evidence is submitted demonstrating that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna. Such evidence may consist of any of the following:
    - 1) No existing towers or structures are located within the geographic area that meets applicants engineering requirements.
    - 2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
    - 3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
    - 4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- 5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - 6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - 7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
8. Removal
- a. Any tower that is not operated for a continuous period of 365 days shall be considered abandoned, and the owner of such tower shall remove the same and the site shall be restored to the condition it existed prior to the placement of the tower within ninety (90) days of receipt of notice from the zoning administrator for such removal. In the case where there are multiple users of a single tower, removal of the tower shall not be required until all users cease use of the tower for a continuous period of 365 days.
  - b. If the required removal of a facility has not been completed within ninety (90) days of the condition specified in subsection (a) above, the facility may be removed with reliance on the security posted at the time application was made for establishing the facility.
9. Nonconforming Towers/Antenna: Nonconforming towers and antennas shall be subject to the provisions of Article 6, Nonconforming Lots, Uses, and Structures, except that a nonconforming tower or antenna that is damaged or destroyed may be rebuilt provided the new tower is of the same type, height, and location of the original tower, and the tower facility is of no greater intensity than the original facility. This provision shall apply provided all building permits for the new tower are acquired within one (1) year of the damage date. If such permits are not acquired within this time frame or said permits expire, the tower or antenna shall be deemed abandoned and subject to the removal provisions of subsection (8) above.

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**End of Article 13**

## Article 14 SITE PLAN REVIEW

### **Section 14.1 Purpose**

It is the purpose of this Article to specify standards, application and data requirements, and the review process that shall be followed in the preparation and review of site plans as required by this Ordinance. These requirements are incorporated into the zoning permit application process to ensure that the appropriate bodies are afforded an opportunity to review and evaluate proposed uses and site development proposals and ensure conformance with all applicable provisions and standards of this Ordinance.

### **Section 14.2 Site Plan Approval Required**

**A. Uses Requiring Site Plan Approval:** Except as provided by subsection (1) below, site plan approval is required prior to the Zoning Administrator's issuance of a zoning permit for the establishment or alteration of any use, building or structure including multiple family developments, commercial and industrial uses, institutions, site condominiums, and platted subdivisions. For the purpose of this Section "the establishment or alteration of" shall be construed to also include "the initiation of," "the expansion of," and "the relocation of."

1. **Exceptions:**

- a. Agricultural buildings, single-family dwellings and two-family dwellings, and alterations and accessory structures and buildings thereto, including driveways, shall be subject to plot plan approval by the Zoning Administrator according to Section 2.4(B).
- b. Uses and structures expressly exempted elsewhere in this Ordinance.

### **Section 14.3 Review Procedures**

**A. Optional Preapplication Conference:** Prior to the submission of a site plan, a prospective applicant may request a meeting with the Chairperson of the Planning Commission and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the meeting shall be to inform township officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards, and requirements of the Township pertaining to the development being contemplated by the applicant. At the preapplication conference, the applicant may present a general sketch plan of the proposed site plan which provides an overview of the proposed project. Statements made in the course of a preapplication conference shall not be legally binding nor be interpreted as assuring a specific action on any subsequent site plan submittal.

**B. Optional Preliminary Site Plan:** Prior to preparing a detailed final site plan and seeking approval of such final site plan, the applicant may seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be reviewed and acted upon in the same manner as a final site plan, as delineated in subsections (C) – (F) below.

1. **Level of Detail:** A preliminary site plan shall be prepared according to the manner and information required for a final site plan pursuant to Section 14.3(B), except that the information presented may be more conceptual in character and detailed construction drawings to address specific site improvements are not necessary. However, the detail of the preliminary information shall adequately portray the arrangement and feasibility of critical components of the project such as, but not limited to, storm water management including runoff flow direction and preliminary location of detention/retention basins; general grading including existing and proposed topographic contours with contours at no greater than five (5) apart and proposed limits of clearing; vehicular circulation including general road alignments, access ways to parking areas and configuration of parking spaces and associated circulation; approximate lot areas and lot lines; solid waste storage areas; conceptual signage; and conceptual landscaping including vegetative screening along with proposed wall and fence locations.
2. **Approval Action:** A preliminary site plan shall be evaluated according to the level of information required at the preliminary plan level. A preliminary plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
3. **Approval Period:** Approval of the preliminary site plan is valid for a period of eighteen (18) months except where this Ordinance provides otherwise. If a complete final site plan has not been submitted during this period, the approval of the preliminary site plan shall be null and void. This time limit may be

extended by the Planning Commission upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the layout and/or design of the development. In the case of an expired preliminary site plan that is not granted an extension of time, such plan shall not undergo review or action except upon the applicant submitting a wholly new site plan submittal according to Section 14.3.

**C. Final Site Plan Submittal, Distribution and Data:** A minimum of five (5) copies of a final site plan and an unalterable digital copy compatible with Township computer software, such as an unalterable "PDF" file, shall be submitted to the Zoning Administrator along with five (5) copies of a completed zoning permit application form for the proposed development for which site plan approval is being sought. Upon receipt of the final site plan, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission and other agencies or individuals selected to review the site plan. Copies shall also be transmitted to the Township Board in the case of a site plan that is part of a special land use application. Additional site plan copies may be required by the Zoning Administrator upon determination that the additional copies are necessary.

1. Site Plan Preparation: A site plan shall be provided on a professional quality drawing of scale not less than 1" = 50' and shall clearly present the required information. All information depicted shall be designed by a professional engineer, land surveyor, architect, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual. The plan shall present all necessary information in a clear and comprehensible fashion and be of such clarity and detail to permit determination of its conformance to this Ordinance and the satisfactory construction of the project. Sheet size shall not exceed 24 inches by 36 inches. The following information shall be included on a site plan.
  - a. General Information: Each site plan sheet shall include the following general information in addition to the information required under subsection (C)(2) and (C)(3):
    - 1) The applicant's full name, address, and phone number.
    - 2) The name, address, and phone number of the person and firm responsible for the site plan sheet's preparation, and the name of the proposed development.
    - 3) Bar/graphic scale and north arrow.
    - 4) The most current revision date on each sheet.
  - b. Specific Site Information: A site plan shall include the specific site information required under subsection (2) and (3) below except where the Planning Commission determines that the waiving of specific submittal items, due to the particular character of proposed development or site or surrounding conditions, shall not undermine the effective evaluation of the extent to which the site plan complies with the standards of this Ordinance and protects the public health, safety and welfare. The Planning Commission or Township Board may subsequently void this waiver should deliberations by such respective bodies reveal the need for additional information.
2. Site Plan / Existing Conditions Information: The site plan shall identify the existing conditions on the subject property and shall portray the following minimum information:
  - a. Location map with north point, including all roads and road names within one-half (1/2) mile.
  - b. A property line survey prepared by a Michigan-licensed professional surveyor, correlated with a legal description, showing property line dimensions and bearings and net acreage (minus rights-of-way) and total acreage, to the nearest 1/100 acre.
  - c. Zoning classification of applicant's lot.
  - d. Distance from lot frontage corners to nearest driveways along both sides of such frontage.
  - e. Notation of any variances that have been granted.
  - f. Buildings and structures including dimensions, height, and setbacks from lot lines, with a designation as to which are to be retained, removed, or otherwise altered.
  - g. Roads, drives, and alleys including surface materials and surface and right-of-way widths.
  - h. Parking space and aisle dimensions and the total number of spaces.
  - i. Natural features including soil types and soil unit boundaries; topography at minimum two (2) foot contour intervals, referenced to a U.S.G.S. benchmark and extending a minimum distance of fifty (50) feet from all lot lines; lakes, ponds, continuous and intermittent drainage courses; floodplains; and wetlands including the source of wetland delineation information.
  - j. Non-motorized travel ways including trails, paths, and sidewalks, and the widths of each.
  - k. Utilities including stormwater and sanitary sewer, septic systems, potable water, electricity, communication, and gas service.
  - l. Location, width and purpose of all easements and rights-of-way including for utilities, access, and drainage.



3. Site Plan / Proposed Modifications: A site plan shall identify proposed modifications to the subject property including the following information as applicable to the particular proposal:
- a. Buildings and structures including location, height, outside dimensions, floor area of each and in total, floor plans and elevations, and required setbacks. Elevations shall indicate type and color of exterior materials, roof design, projections, canopies, awnings, overhangs, screen walls, and outdoor or roof-located mechanical equipment such as air conditioning units, heating units, and transformers.
  - b. Accessory structures including the location, dimensions, and construction details for signage; location and height of lighting; and location, dimensions and construction details for fences and walls.
  - c. Roads, drives and other access and circulation features including sidewalks and trails; driveway entrances; centerlines; surface materials; surface and right-of-way widths; inside radii of all curves including driveway curb returns; acceleration, deceleration, passing and fire lanes; typical cross-section of roads and driveways; loading and unloading areas; and parking lots including configurations, parking space and aisle dimensions, location of handicap parking spaces, total number of parking spaces, and the basis for calculating the required number of parking spaces including the number of employees during peak shifts. Proposed traffic control measures (signs) shall also be indicated.
  - d. Landscape plan prepared according to and identifying the information required by Article 10.
  - e. Accessory structures and use areas including outdoor storage, trash receptacle and transformer pad locations and method of screening, and exterior lighting locations and method of shielding lights from adjacent properties.
  - f. Proposed source and location of all public and private utilities including gas, electric, and telephone service; potable water and sewage disposal including sewer and water mains, septic field facilities, well sites, water service leads and hydrants; and the necessary easements that exist or are to be established for installation, repair, and maintenance of such utilities.
  - g. Proposed grading, storm drainage and storm water management plan including soil erosion and sedimentation control measures and spot elevations to adequately portray drainage patterns and final elevations and grades, and proposed topography at minimum one (1) foot contours. Such plan shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
  - h. Proposed location and specifications for any existing or proposed above or below ground storage facilities for any flammable, toxic or hazardous substances, as well as any containment structures or clear zones required by government authorities; a complete inventory of toxic or hazardous substances to be stored or used on the site, including the quantity of substances, substance names and characteristics; the proximity of such materials to ground water aquifers, wetlands, surface waters, existing and proposed wells, storm sewers, storm drains, and sanitary sewers; and a proposed storage and disposal plan for such materials including their transfer and/or transport.
  - i. Location and description of all easements and rights-of-way for utilities, access, and drainage.
  - j. Intended schedule for completing the project, including the timing of project phases.
  - k. A statement identifying all federal, state, and local permits required, if any.
  - l. In the case of a platted subdivision, condominium subdivision or similar unified development, the number, type and location of each type of residential and/or nonresidential unit on each lot; density calculations; garage and carport locations; road alignments, widths, names and intersection details; community building locations, dimensions, floor plans, and facade elevations; the location, size and purpose of open space and recreation areas including swimming pool deck and fencing details. If common area or community buildings are proposed, the site plan shall indicate the responsibilities of the subdivision or condominium association, property owners, or other entity, with regard to maintenance of the common areas or community property on a continuing basis.
  - m. Any additional information that may be determined necessary to enable township officials to determine compliance with the standards of this Ordinance.

**D. Planning Commission Review of Final Site Plan for Completeness:** Upon receipt of the application materials, the Planning Commission shall review the materials and determine their completeness. If determined to be insufficient in adequately portraying the required information, the Planning Commission shall delay further consideration of the application until such time that the application materials have been made satisfactory and shall notify the applicant in writing of the deficiencies.

**E. Planning Commission Action on Final Site Plan:** Upon receipt of a complete application, the Planning Commission shall review the final site plan application materials and determine their conformity with this Ordinance including the standards of Section 14.4. After conducting a review, the Planning Commission shall act on the final site plan and recommend to the Township Board denial, approval, or approval with conditions, according to the site plan's conformance to the requirements and standards contained in this Ordinance including the standards of Section 14.4. The Planning Commission shall recommend approval or approval with conditions if the site plan contains the information required by and is in compliance with this Ordinance, any conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions made part of an approval shall be stated in writing together with the reasons. See Sec. 20.2 regarding conditional approvals.

1. Revised Final Site Plan: The Planning Commission may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for a recommendation of approval are of such an extent or character that a fully revised set of documents is necessary before a recommendation of approval can be granted.
2. Special Land Use: In the case of a site plan that is part of a special land use application, the Planning Commission shall act on the site plan as if it is an integral part of the special land use application and shall not pass separate motions for each.

**F. Township Board Action on Final Site Plan:** Upon receipt of a recommendation from the Planning Commission, the Township Board shall review the final site plan application materials and determine their conformity with this Ordinance including the standards of Section 14.4. After conducting a review, the Township Board shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 14.4. A site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant. See Sec. 20.2 regarding conditional approvals.

1. Revised Final Site Plan: The Township Board may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for approval are of such an extent or character that a fully revised set of documents is necessary before an approval can be granted.
2. Special Land Use: In the case of a site plan that is part of a special land use application, the Township Board shall act on the site plan as if it is an integral part of the special land use application and shall not pass separate motions for each.

**G. Issuance of Zoning Permit / Building Permit Required:** Upon final approval or conditional approval of a site plan by the Township Board, the Zoning Administrator shall issue a zoning permit authorizing the use and construction subject to the approved application. Where a conditional approval expressly provides for the delay of the issuance of a zoning permit until a specific condition has first been met, the Zoning Administrator shall delay the issuance of the permit until the condition has been met.

1. Building Permit Required: Upon issuance of a zoning permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

**H. Approved Site Plans:** Three (3) copies of an approved site plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. Each of the three approved copies shall be dated and signed by the Zoning Administrator and Township Supervisor, with the date of approval specified. One (1) of these copies shall be returned to the applicant.

**I. As-Built Drawings:** The applicant shall submit to the Zoning Administrator three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a permit of occupancy by the Building Inspector. Such drawings shall identify all improvements made upon the site including the location of all above and below ground utility lines and pipes including by type, size, and location; the location of manholes and catch basins; the location of fire hydrants; above and below ground valves; the depth and volume of retention/detention basins and side slopes; and plan and profile views of roads and sanitary and storm sewer lines.

1. Identification of Drawings: As-built drawings shall be clearly titled as "As-Built Drawings" and shall include the name, address, and phone number of the preparer; the date of preparation and last revision;

a bar scale; a north arrow; and the seal of a professional engineer.

2. **Review of Drawings:** The Zoning Administrator shall review the as-built drawings to ensure their completeness and may refer the matter to the Township Engineer for confirmation. Incomplete or otherwise inadequate drawings shall be returned to the applicant with a written identification of deficiencies that must be corrected.

#### **Section 14.4 Site Plan Approval Standards**

**A. Specific Site Development Standards:** A preliminary and final site plan shall conform with the specific site development standards of this Ordinance including, but not limited to, requirements pertaining to lot area, lot width, setbacks, building heights, permitted uses, nonconformities, lighting, potable water, sewage disposal, and the provisions of Article 8-Signs, Article 9-Off-Street Parking and Loading, Article 10-Landscaping and Screening, Article 11-Environmental Protection, Article 12- Access, Article 13-Additional Standards and Regulations for Specific Land Uses, and Article 20-Supplemental Provisions.

**B. General Site Plan Approval Standards:** In addition to compliance with the standards of subsection (A), all site plans shall comply with the following general site plan approval standards:

1. **Site Organization:** All elements of the site plan shall be harmoniously and efficiently organized in relation to the size and character of the lot, the manner in which buildings and support facilities on the lot relate to one another both visually and physically, and the character of the proposal as viewed from nearby properties and roads.
2. **District Purpose:** The site plan shall be of a character that supports the purpose of the district in which the development is to be located, as described in the Purpose tables of Article 3.
3. **Surrounding Properties:** The site plan shall not impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in the district, including matters pertaining to visual impacts from lighting, signage, outdoor storage, and off-street parking. Landscaping measures shall be employed to enhance the development's character and encourage compatibility with existing and planned development and uses in the area. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space, shall be coordinated with adjacent properties.
4. **Environmental Character:** The site plan shall preserve the environmental character of the site insofar as practical by minimizing the removal or disturbances to on-site natural features such as trees, woodlands, soils, topography, water courses and wetlands, and shall comply with Article 11, Environmental Protection.
5. **Storm Water Management:** The site plan shall provide for the removal of storm water so as to minimize on-site flood conditions and assure the well-being of the users of the property, while not adversely affecting adjacent properties and public and natural drainage systems due to flooding, erosion, sedimentation, or other negative impacts. Storm water management plans shall rely on existing drainage patterns to the greatest extent practical and minimize topographic alterations, and incorporate the necessary measures to discourage soil erosion and sedimentation and the discharge of impurities into the groundwater and surface waters.
7. **Circulation:** The site plan shall provide vehicular and non-motorized circulation and parking in a manner that ensures visually clear, safe, convenient, and efficient travel in the site and at ingress and egress points. The circulation plan shall minimize congestion, conflicting turning patterns, negative impacts upon abutting properties, and the avoidance of unnecessary curb cuts and roads. New curb-cuts, drives and roads shall be coordinated with the existing and planned public circulation system and improvements thereto, and shall ensure adequate sight distances. All buildings shall be arranged as to permit emergency access by some practical means to all sides.
8. **Utilities:** The site plan shall provide for all necessary utilities and such utilities and easements shall be appropriately located to ensure ease of access and servicing and coordination with other site features. Underground facilities shall be provided to the greatest extent practical.
9. **Phasing:** Where a project is proposed for construction in phases, the site plan phasing shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of project and surrounding properties.
10. **Other:** Site plans shall conform to the Jefferson Township Master Plan, other applicable ordinances, and state and federal statutes.

#### **Section 14.5 Conformity to Approved Site Plans**

Property which is the subject of site plan approval shall be developed in compliance with the approved site plan and any approved changes thereto. If construction or use of the property does not conform to such approved plans, the approved zoning permit shall be subject to revocation pursuant to Section 2.5.

#### **Section 14.6 Changes to Approved Site Plan**

**A. Site Plan Changes:** No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures:

1. **Major Changes:** Major changes to an approved site plan shall be reviewed and acted upon according to Section 14.3. A "major change" shall be one (1) or more of the following:
  - a. A change in excess of five (5) feet in the location of vehicular circulation ways, parking areas, exterior building walls, freestanding signs, and outdoor storage areas or other outdoor use areas.
  - b. A change in the number of accesses to a street or alley or any other change impacting the basic circulation pattern and/or traffic flow.
  - c. An increase of more than four (4) parking spaces.
  - d. A change in a building floor plan that alters the essential character of the use or requires an increase of more than four (4) parking spaces.
  - e. An increase in the number of dwelling units, or the realignment of lot lines where such realignment exceeds three (3) feet at any single point.
  - f. The addition or expansion of a building or other structure by two hundred (200) sq. ft. or more.
  - g. The relocation of outdoor storage areas or other outdoor use areas.
  - h. The re-occupancy of a vacant building.
2. **Minor Changes:** Minor changes shall be subject to Zoning Administrator approval. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action on a minor change to the site plan approving body that originally approved the site plan, which may act on such change without deferring the matter to the Planning Commission for a recommendation.
  - a. Minor changes to an approved site plan shall include changes not otherwise identified as a major change in (A)(1) including changes to required landscaping and screening where the change will not alter the overall appearance and effectiveness of the required landscaping and screening, and changes to the location, elevation or grade of storm sewer, sanitary sewer, or other utilities where the Township Engineer has approved such changes.

#### **Section 14.7 Pre-Existing Site Plans Under Review**

All development subject to site plan approval shall comply with the regulations and standards of this Ordinance except in the case where a development plan has received preliminary site plan approval prior to the effective date of this Ordinance or amendment thereto. In such case, the final site plan shall be reviewed using the procedures and standards under the Ordinance in effect at the time of the preliminary plan approval, provided the final site plan is filed with the Zoning Administrator within one year of the effective date of this Ordinance or amendment thereto, contains all required information, and is accompanied by all required fees.

#### **Section 14.8 Expiration of Site Plan Approval**

Unless expressly authorized otherwise by this Ordinance, an approved site plan shall become null and void at the time the zoning permit issued for the approval site plan may become null and void according to Section 2.5. In the case of a multi-phased project, site plan approval for a second or subsequent phase shall become null and void when a zoning permit have not been issued within one (1) year of the intended initiation of such phase, according to the approved site plan.

#### **Section 14.9 Staff and Professional Assistance**

As part of site plan review and/or deliberations, the Planning Commission and Township Board may seek the assistance of Township staff and professionals with appropriate expertise including attorneys, planners, and engineers. Costs incurred for such services shall be paid by the applicant according to the schedule of fees adopted by the Township Board.

#### **End of Article 14**

## Article 15 SPECIAL LAND USES

### **Section 15.1 Purpose**

It is the purpose of this Article to specify the process that shall be followed in the review and approval of “Special Land Uses” as authorized by the Use Tables of Article 3 and elsewhere in this Ordinance, including the standards by which such applications shall be evaluated to ensure conformance with this Ordinance and encourage public health, safety and welfare.

### **Section 15.2 Review Procedure**

- A. Application:** An application for a zoning permit for a Special Land Use shall consist of:
1. An application form available from the Zoning Administrator, signed by the property owner(s) or legal representatives thereof such as in the case of a trust, and applicant(s).
  2. A site plan prepared according to Sec. 14.3.
  3. A detailed description of the proposed project, in narrative form and part of a document signed by the applicant. Such description shall address, at a minimum, the intended use of the property, typical day-to-day operational features of the proposed use, hours of operation, number of employees by shift, the extent to which there will be indoor or outdoor storage and the materials to be stored, the extent of hazardous materials to be present and for what purpose, the means of waste disposal, and anticipated traffic by volume and type including the extent to which truck traffic will be present in association with customers and deliveries.
- B. Public Hearing and Planning Commission / Township Board Action**
1. Application for a zoning permit for a Special Land Use shall follow the same general procedures as delineated for site plan review according to Section 14.3 except that upon finding that the application materials are complete according to Section 14.3(D), the Planning Commission shall hold a public hearing on such application before making a recommendation to the Township Board on the application according to Section 14.3(E). Notice of the hearing shall comply with Section 2.11.
  2. When evaluating the application, the Planning Commission and Township Board shall refer to the approval standards set forth in Section 15.6 in addition to the Section 14.4 standards for site plan approval. Action on the application by the Planning Commission and Township Board shall each be incorporated in a statement of findings and conclusions relative to the Special Land Use application that specifies the basis for the decision and any conditions of approval.
  3. An application for a Special Land Use shall be an application to determine the appropriateness of both the proposed use on the subject property and the manner in which the proposed use is to be arranged and function on the site as delineated in the required site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion of approval, conditional approval, or denial. See Section 20.2 regarding conditional approvals.
  4. An application for a Special Land Use shall not be considered as part of an application for an amendment to this Ordinance. A proposed amendment, including a rezoning, shall be processed and acted upon prior to any consideration of a Special Land Use application that is dependent on such amendment.

### **Section 15.3 Changes**

**A. Site Plan:** Changes to an approved site plan for a Special Land Use, which are classified as “minor” according to Section 14.6, shall be acted upon as provided in Section 14.6. In the case where such change constitutes a “major” change, such change shall be subject to the same review and approval provisions specified in Section 15.2.

**B. Use or Activity:** A change in the character of the use or activity from what the originally approved zoning permit authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2. Examples requiring a new application and review procedure include the establishment of another Special Land Use; the expansion or reduction of the land area comprising the original approved Special Land Use application; and the expansion or increase in intensity of the Special Land Use including the erection of additional buildings and the extension of authorized hours of operation.

### **Section 15.4 Appeals**

A person aggrieved in association with a Special Land Use decision may appeal the decision to the circuit court only. This limitation shall not prohibit an applicant from seeking a variance from a specific site development standard of this Ordinance according to Article 16.

### **Section 15.5 Reapplication**

No application for a zoning permit for a Special Land Use which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the previous denial, as determined by the Planning Commission. A reapplication shall require a new fee and the process shall follow the provisions of Section 15.2.

### **Section 15.6 Approval Standards**

**A. General Standards:** No Special Land Use application shall be approved except where the application complies with the following standards:

1. The application shall be consistent with the Jefferson Township Master Plan.
2. Shall be consistent with the purpose of the zoning district in which it is located.
3. The proposed facility shall be designed, constructed, operated, and maintained so as to be compatible with the existing and planned character of the general vicinity, taking into consideration such features as the bulk, placement, and materials of proposed structures, open space areas, lighting, and landscaping and screening of parking and storage areas, and hours of operation.
4. The proposed facility shall not be hazardous, disturbing, or detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the vicinity in general, taking into consideration such features as the location of driveways and traffic flow patterns including turning patterns; vehicular and pedestrian safety; the intensity and character of traffic and parking conditions; hours of operation; and the production of noise, glare, vibration, odors, or other external impacts.
5. The proposed facility shall be served adequately by essential public facilities and services such as roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools; and minimizes the impact of traffic generated by the proposed development on adjacent properties.
6. The proposed facility shall not require excessive additional public facilities and services requirements at public cost.
7. The proposed facility shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.

**B. Site Plan Approval Standards:** In addition to compliance with the above general standards in subsection (A), an application for a Special Land Uses shall comply with the site plan approval standards of Section 4.4.

### **Section 15.7 Expiration of Special Land Use Approval**

A zoning permit issued for a Special Land Use shall not expire except according to Section 2.5 and in the case where the Special Land Use has been abandoned or has been otherwise inactive for a period of more than five (5) years. The minimum conditions that shall be considered in determining abandonment shall include disconnection of utilities, the property has fallen into a state of disrepair, the removal of signage associated with the use, and the removal of equipment necessary for such use. Where such a permit has expired, the use shall not be reinitiated or operational except upon approval of a newly submitted application including site plan approval and a public hearing.

**End of Article 15**

## Article 16 ZONING BOARD of APPEALS (ZBA)

### **Section 16.1 Purpose**

The purpose of this Article is to establish a Zoning Board of Appeals (ZBA) pursuant to Public Act 110 of 2006, as amended, including its responsibilities, procedures, and standards of review, to ensure that the objectives of this Ordinance are fully and equitably achieved and relief provided when appropriate.

### **Section 16.2 Creation and Membership**

**A. Establishment and Appointment of Members:** The ZBA previously created under the Jefferson Township Zoning Ordinance adopted on May 13, 2002 shall continue to function under this Ordinance, and each member shall remain in office until such time that the member is not reappointed or otherwise no longer eligible to serve. The ZBA is retained in accordance with Public Act 110 of 2006 as amended. The ZBA shall consist of five (5) members appointed by the Township Board by majority vote. One (1) of the regular members shall be a member of the Planning Commission. One (1) regular or alternate member of the ZBA may be a member of the Township Board but shall not serve as the chairperson. The remaining regular members, and any alternate members as authorized by subsection (B), shall be selected from the electors of the Township residing within. The members selected shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board shall not serve as a member of the ZBA.

**B. Alternate Members:** The Township Board may appoint not more than two (2) alternate members to the ZBA. The alternate members shall be called on a rotating basis to sit as regular members of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings of the ZBA. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.

**C. Terms of Appointment:** ZBA members, including alternate members, shall be appointed for three (3) year terms except in the case of a Planning Commission and/or Township Board member serving on the ZBA, whose terms on the ZBA shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment. Members may be reappointed.

**D. Removal from Office / Conflict of Interest:** A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing by the Township Board. A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest constitutes malfeasance in office.

### **Section 16.3 Organization**

**A. Rules of Procedure and Officers:** The ZBA shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect from its members a chairperson, vice-chairperson, and secretary.

**B. Meetings and Quorum:** Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the regular membership of the ZBA shall comprise a quorum, which may include an alternate member(s) sitting in for a regular member(s). The ZBA shall not conduct official business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act, P.A. 267 of 1976 as amended.

**C. Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of witnesses.

**D. Records/Minutes:** The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record according to the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions, and shall be available to the public according to the Open Meetings Act.

**E. Legal Counsel:** The Township Attorney shall act as legal counsel for the ZBA.

## **Section 16.4 Jurisdiction**

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but shall have the power to act on those matters so specified in this Ordinance including Ordinance interpretations, variances, and the review of an order, requirement, decision, or determination made by an administrative official or body charged with the administration or enforcement of this Ordinance.

## **Section 16.5 Appeals for Administrative Reviews**

**A. Authority:** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official that made the decision subject to the appeal. The ZBA shall not have the authority to review decisions on special land use, amendment, and planned unit development applications.

**B. Standards:** The ZBA shall reverse or otherwise modify the action or decision being appealed only if it finds that the action or decision appealed meets one (1) or more of the following conditions:

1. Was arbitrary or capricious.
2. Was based upon an erroneous finding of a material fact.
3. Constituted an abuse of discretion.
4. Was based upon erroneous interpretation of the Zoning Ordinance or zoning law.
5. Required procedures were not followed.

**C. Procedures:**

1. Application Requirements: A written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. A minimum of seven (7) copies of the application shall be submitted along with any required application fees.
2. Stay: An appeal of an administrative decision shall stay all proceedings in furtherance of the decision appealed unless the officer or body that made the decision being appealed certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certification, a stay would cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the ZBA or by the circuit court, on application, on satisfactory demonstration of due cause.
3. Record of Facts / Transmission of Record: Upon receipt of an application for administrative review, the officer or body that made the decision being appealed shall transmit to the ZBA all papers constituting the record associated with the decision being appealed. In hearing and deciding administrative appeals, the ZBA's review shall be based upon the record of the administrative decision being appealed.
  - a. The ZBA shall not consider new information that had not been presented to the administrative official or body that made the decision subject to the appeal except where the ZBA first remands the matter back to the body that made the original administrative decision with an order to consider the new information and affirm or modify its original decision.
4. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.9 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (5) regarding participation at the hearing by a member of the ZBA who is also a member of the Planning Commission or the Township Board.
5. Decision: The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA and basis for such determination and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or otherwise modify the action subject to the appeal. A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the



Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

## **Section 16.6 Interpretations**

**A. Authority:** The ZBA shall hear and decide upon requests to interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning, including the determination of the precise location of the boundary lines between zoning districts, application of off-street parking requirements for a specific use, and whether a particular use is authorized in a particular district.

**B. Standards:** In deciding on an interpretation, the ZBA shall be guided by the following:

1. A zoning district boundary interpretation shall be guided by Section 3.4.
2. A text interpretation shall be consistent with the intent and purpose of the Ordinance and the specific Article in which the language in question is contained.
3. A text interpretation shall apply to the specific provision for which the interpretation is requested and shall not extend to matters beyond such specific provision.
4. All text interpretations shall take into account any relevant interpretations previously issued by the ZBA and any relevant past ordinance administration practices.
5. Prior to deciding a request for a text interpretation, the ZBA may confer with Township staff and consultants to gain insight into the provision subject to interpretation and any consequences which may result from differing decisions.

**C. Procedures:**

1. **Application Requirements:** A written application for an interpretation shall be completed and filed with the Zoning Administrator on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. A minimum of seven (7) copies of the completed application shall be submitted along with any application fees.
2. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.9 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. **Decision:** The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to make an interpretation.
  - a. A decision providing an interpretation may be accompanied by a ZBA recommendation to the Planning Commission for consideration of an amendment of the Ordinance to address what the ZBA may find is a problematic aspect of the Ordinance.

## **Section 16.7 Variances**

**A. Authority:** The ZBA shall have the power to authorize specific variances from specific site development standards of this Ordinance, such as lot area and width requirements, building height and setback requirements, lot width and depth standards, lot depth to width ratio requirements, off-street parking and loading space standards, and sign standards. The ZBA shall not have the power to authorize variances from requirements of this Ordinance pertaining to permitted uses in a District.

**B. Standards:** The ZBA shall have the power to authorize variances from specific site development requirements provided that all of the standards listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.

1. There are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, which do not generally apply to other property or uses in the same district and shall not be recurrent in nature. These difficulties shall not be deemed economic but shall be evaluated in terms of the use of the particular lot.
2. The practical difficulty or special condition or circumstance is not a result of the actions of the applicant.
3. The variance will relate only to property described in the variance application.
4. The variance will be in harmony with the purpose of this Ordinance and the intent of the district, including the protection of public health, safety, and welfare.
5. The variance will not cause a substantial adverse effect upon surrounding property including property

values and the development, use and enjoyment of such property.

6. Strict compliance with the site development requirement in question would unreasonably prevent the property from being used for a permitted purpose or would render conformity unnecessarily burdensome.
7. The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

#### **C. Procedures**

1. **Application Requirements:** Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, elevation drawing or similar drawing prepared by a registered land surveyor or professional licensed engineer that clearly illustrates property lines, property line bearings and dimensions, existing buildings and structures, and the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may choose to submit to demonstrate conformance with the standards of subsection (B). A minimum of seven (7) copies of the completed application shall be submitted along with any application fees.
2. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.9 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. **Decision:** The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance.
  - a. In granting a variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. In the case where the ZBA prescribes such conditions, the ZBA may require that a performance guarantee be furnished to ensure compliance with such conditions, according to Section 2.8. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Section 20.2 regarding conditional approvals.

**D. Expiration:** A variance shall become null and void unless the construction authorized by such variance has been commenced within one (1) year after the granting of the variance and that the applicant demonstrates a good faith effort to pursue completion of the project. The ZBA may extend this time restriction with one (1) extension of no more than one hundred eighty (180) days, upon finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance, and that the applicant is making a good faith effort to pursue completion of the project.

**E. Resubmittal:** No application for a variance that has been acted upon shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions having bearing on the basis for the original denial, in the discretion of the ZBA.

### **Section 16.8 Review by Circuit Court**

**A. Circuit Court Review:** The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof in the Circuit Court provided that application is made to the Court within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, or within twenty-one (21) days after the ZBA approves the minutes of its decision. The Circuit Court shall review the record and decision of the ZBA to ensure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the ZBA.

#### **End of Article 16**

## **Article 17**

# **ZONING MAP and TEXT AMENDMENTS**

### **Section 17.1 Purpose**

This Article establishes procedures for the review and action on amendment petitions. Ordinance amendments shall be processed according to Public Act 110 of 2006, as amended, and in doing so, the procedures of this Article shall be followed. It is intended that this Ordinance not be amended except to correct an error; to address changed or changing conditions including in a particular area in the Township; to institute new or modified measures or standards to ensure the public health, safety and welfare; to conform with the Master Plan and/or other Township ordinances; and to meet a public need for new or additional land uses in appropriate locations.

### **Section 17.2 Initiation of Amendments**

Petitions for amendments may be initiated by the Township Board or Planning Commission, by its own motion, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Township Board may approve an amendment to this Ordinance.

### **Section 17.3 Procedures**

**A. Application, Distribution and Data:** A minimum of five (5) copies of an amendment application form established for such purpose, and an unalterable digital copy compatible with Township computer software such as an unalterable "PDF" file, shall be submitted to the Zoning Administrator. The application shall include a detailed description of the proposed amendment including the name, address and phone number of the applicant and the desired change(s) and reason(s) for such change(s), along with any application fees. The Zoning Administrator shall record the date of their receipt. Upon finding that the application materials are satisfactorily complete, the Zoning Administrator shall transmit copies to the Planning Commission, Township Board, and other agencies or individuals that may be selected to review such petitions such as Township departments and staff, consultants, and the County Road Commission.

1. **Zoning Map Change:** When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land that is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
  - a. The applicant's name, address and phone number and interest in the property, and if the applicant is not the owner, the name, address, and phone number of the owner.
  - b. A legal description of the property, and a scaled map of the property correlated with the legal description and clearly showing north orientation; the property's location, rights-of-way, and easements within and adjacent to the property; and the delineation of adjacent land uses and adjacent zoning district classifications including on the opposite side of adjacent roads.
  - c. A description of the site's features including acreage and road frontage; adjacent road rights-of-way; easements including their location, purpose, and width; utility services to or adjacent to the property and their location; existing structures and buildings; topographic conditions; and the presence of wetlands, water bodies, and drainage courses.
  - d. The desired zoning district classification change and reasons for such change.
  - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

#### **B. Planning Commission Action**

1. **Public Hearing:** Upon reviewing the application materials and finding them to be satisfactorily complete, the Planning Commission shall establish a date for a public hearing on the application and hold such hearing. Notice of the hearing shall comply with Section 2.11. An application not properly filed or complete may be returned to the applicant with a written notice of deficiencies.
2. **Planning Commission Review for Text Amendments:** If the petition involves an amendment to the text of the Ordinance, the minimum matters to be considered shall include:
  - a. Is the amendment petition supported by documentation that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
  - b. Is the amendment petition supported by reference materials, publications, information gained at seminars or experiences of other communities, to more effectively address certain zoning issues?
  - c. Is the amendment petition supported by significant case law?
  - d. Will the amendment petition correct an inequitable situation created by this Ordinance rather than merely grant special privileges?
  - e. Is the amendment petition in accordance with the purpose of this Ordinance?

3. Planning Commission Review for Zoning Map Amendments: If the petition involves an amendment to the official zoning map, referred to as a rezoning, minimum matters to be considered shall include:
  - a. Are there conditions related to the petition that have changed that justify the zoning district change including trends in land development and/or public services and facilities in the vicinity?
  - b. What is the impact of the zoning district change on the ability of the Township and other governmental agencies to provide adequate public services and facilities that may be reasonably required in the future if the proposed zoning district change is adopted?
  - c. Will the district change substantially and adversely affect the value of the surrounding land?
  - d. Are the site's environmental features compatible with the uses permitted in the proposed district, and will development under the district change be likely to adversely affect environmental conditions?
  - e. Can the subject parcel comply with all requirements of the proposed zoning district?
  - f. Is the subject property able to be put to reasonable economic use under the current zoning district?
  - g. Is the proposed district consistent with the zoning classification of surrounding land?
  - h. Does the proposed district change generally comply with the Master Plan?
  - i. Is the proposed district change in accordance with the purpose of this Ordinance?
  - j. What are the precedents and the possible effects of such precedents that might result from the approval or denial of the petition?
4. Planning Commission Recommendation: The Planning Commission shall transmit a summary of comments received at the hearing to the Township Board, along with its recommended action on the petition, and shall transmit the proposed amendments and its recommended action to the County Planning Commission.

**C. Township Board Action:** After receiving the findings and recommendations of the Planning Commission, the Township Board at a regular meeting or at a special meeting called for that purpose, shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board and may direct the Planning Commission to hold a public hearing on any proposed changes identified by the Township Board. The Township Board may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board.

1. County Planning Commission Review: The Township Board shall not take action on a petition prior to receiving the advisory comments of the Cass County Planning Commission, except that if the Township Board has not received the County Planning Commission's comments within thirty (30) days of the submittal by the Township Planning Commission to the County Planning Commission, the Township Board need not delay taking action on the petition.
2. Additional Hearing: The Township Board may hold additional hearings if the Township Board considers it necessary. The Township Board shall grant an additional hearing to any interested property owner who has filed a written request to the Township Clerk in the form of a certified mail letter. A hearing under this subsection (2) is not subject to the notice requirements of Section 2.11 except that notice of the hearing shall be given to the interested property owner according to Section 2.11(A) and (C). The Township Board may require the property owner to justify the requested additional hearing.

**D. Publication of Notice of Ordinance Amendments:** Following adoption of amendments by ordinance by the Township Board, the amendment ordinance shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Promptly following adoption of such amendment ordinance, a copy of the notice of adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with the Township Clerk for the purpose of receiving such notices. The adoption notice shall provide a summary of the regulatory effect of the amendments including the geographic area affected, or the text of the amendment, and the amendment ordinance's effective date, and the place and time where a copy of the amendment ordinance may be purchased or inspected.

1. Effective Date: The effective date of an amendment ordinance shall be the expiration of eight (8) days after publication of the notice of adoption as provided in (D) except where the Township Board expressly provides for a greater number of days.

## **Section 17.4 Conditional Rezoning**

**A. Intent:** It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, as amended, by which a property owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

**B. Offer of Conditions and Application Process:** A property owner may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time in writing during the rezoning process. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

1. A property owner shall not be required to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect a property owner's rights under this ordinance.
2. The offer of conditions may be revised during the process that the rezoning application is being considered provided that any revisions are entered into voluntarily by the property owner. However, there shall be no withdraw of any conditions by the applicant unless such withdraw was subject to the Planning Commission's normally required public hearing on the rezoning application or a subsequent additional public hearing to address any proposed withdrawal. An additional public hearing shall be subject to the same notice requirements as the first hearing.

### **C. Limitations on Conditions**

1. No use or structure may be authorized in association with a conditional rezoning that is otherwise prohibited in the respective district or classified as a special land use.
2. No conditional rezoning shall serve as plot plan or site plan approval, and no construction shall be initiated following a conditional approval except upon the approval of a plot plan or site plan and the issuance of a zoning permit.
3. No conditional rezoning shall constitute an approval of a variance from the standards of this Ordinance. Development that relies on the issuance of one or more variances shall be subject to Zoning Board of Appeals action prior to the seeking of plot plan or site plan approval.

### **D. Planning Commission and Township Board Review and Action**

The Planning Commission and the Township Board shall review and act on the conditional rezoning according to Section 17.3. Approval of a conditional rezoning shall comply with subsection (E) below.

### **E. Approval**

1. Statement of Conditions. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the property owner and conforming to the provisions of this section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the rezoning. The Statement of Conditions shall:
  - a. Be in a form recordable with the Cass County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the property owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - b. Contain a legal description of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the property owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Cass County Register of Deeds.
  - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

2. Zoning Map. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
3. Filing with the Register of Deeds. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Cass County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
4. Effect of Approval. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new district as modified by any more restrictive provisions contained in the Statement of Conditions.

**F. Compliance with Conditions**

1. Failure to Comply. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. Permits. No permit or approval shall be granted under this ordinance for any use or development that is contrary to an applicable Statement of Conditions.

**G. Time Period for Establishing Development or Use:** The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within twelve (12) months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other districts or uses in the surrounding area or otherwise inconsistent with sound zoning policy.

**H. Reversion of Zoning:** If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (G) above, the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

**I. Subsequent Rezoning of Land:** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to subsection (H) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the property owner's written request, the Township Clerk shall record with the Cass County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

**J. Amendment of Conditions:** During the time period for commencement of an approved development or use specified pursuant to subsection (G) above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended only after a public hearing on such proposed amendments and according to the same procedures specified in this Section 17.5 for the original rezoning and Statement of Conditions.

**K. Township Right to Rezone:** Nothing in the Statement of Conditions or the provisions of this Section shall be deemed to prohibit the Township from rezoning all or a portion of land that is subject to a Statement of Conditions to another zoning classification provided there is conformance to the procedures of this Article.

**Section 17.5 Resubmittal**

No petition for an amendment that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions, found upon inspection by the Planning Commission to be valid.

**End of Article 17**

## **Article 18**

**(RESERVED FOR FUTURE USE)**

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**End of Article 18**



**Article 19**  
**Reserved for Future Use**

**End of Article 19**

## SUPPLEMENTAL PROVISIONS

### **Section 20.1 Purpose**

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all uses and all zoning districts unless otherwise indicated.

### **Section 20.2 Conditional Approvals**

**A. Conditions on Discretionary Decisions:** The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance, or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

**B. Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and 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 Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

**C. Record of Conditions and Changes:** Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

**D. Performance Guarantees:** Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 2.8.

### **Section 20.3 Moving Buildings**

No existing building or structure within or outside of the Township shall be relocated on any lot in the Township unless the building or structure meets all provisions of this Ordinance including minimum lot area and setback standards, and a zoning permit has been issued for such relocation. No occupancy permit shall be issued until such building or structure complies with the Michigan Construction Code.

### **Section 20.4 One Dwelling Unit / Principal Use per Lot**

**A. Dwellings:** No more than one (1) dwelling unit shall be established on a lot except as otherwise authorized by this Ordinance, such as in the case where Tables 3-2 or 3-3 of Article 3 authorize two-family or multiple family dwellings, or where a temporary dwelling may be authorized (Section 20.7, Temporary Dwellings).

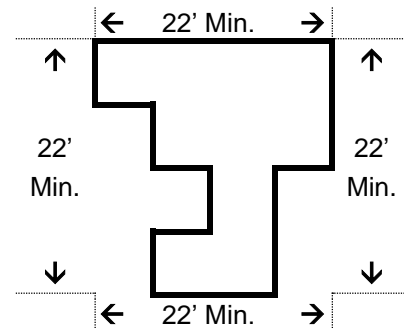
**B. Principal Uses:** No more than one (1) use classified as a principal use according to Tables 3-2 and 3-3 of Article 3 shall be established on a lot except in compliance with all procedural, use and site development requirements for each individual use, including compliance with Tables 3-2 and 3-3 regarding authorized uses in each district, Table 3-4 of Article 3 regarding site development requirements, and the procedural requirements for each use including plot plan review, site plan review and/or special land use review.

## **Section 20.5 Single Family Dwelling Standards**

A. All single-family dwellings and modifications thereto shall comply with the requirements of this Ordinance including the following standards, provided that the foregoing standards shall not apply to temporary dwellings authorized according to Section 20.7, and mobile homes located in a licensed manufactured housing community, except to the extent required by State and Federal law.

1. **Floor Area:** Except as provided by subsection (a), the dwelling shall have a minimum total floor area of four hundred fifty (450) sq. ft., measured from the exterior faces of exterior walls exclusive of an attached garage. In the case of a dwelling with two (2) or more stories, the minimum floor area of the first story shall be four hundred fifty (450) sq. ft.
  - a. The following exceptions shall apply:
    - 1) The minimum dwelling floor area in the R-1 District shall be one thousand (1,000) sq. ft.
    - 2) The minimum dwelling floor area in the R-3 District shall be eight hundred (800) sq. ft. where the dwelling is part of a platted or condominium subdivision.

2. **Dimensions:** The dwelling shall have a minimum straight-line dimension of twenty-two (22) feet across each of its front, side, and rear elevations. See figure illustrating minimum twenty-two (22') elevations.



3. **Roof Pitch:** A minimum of sixty percent (60%) of the roof area of the dwelling shall reflect a minimum roof pitch of 4:12 vertical rise to horizontal run, except that a 3:12 roof pitch shall be permitted for a steel roof.
3. **Roof Pitch:** A minimum of sixty percent (60%) of the roof area of the dwelling shall reflect a minimum roof pitch of 4:12 vertical rise to horizontal run, except that a 3:12 roof pitch shall be permitted for a steel roof.
4. **Roof Drainage:** The dwelling shall have a roof overhang of a minimum of six (6) inches on all sides, or alternatively include windowsills and roof drainage systems directing roof drainage to collection and discharge points.
5. **Exterior Doors:** The dwelling shall have exterior doors on a minimum of two (2) sides of the dwelling and shall have steps connected to exterior door areas or to porches connected to exterior door areas where the difference in elevation exceeds twelve (12) inches.
6. **Michigan Construction Code:** The dwelling and all modifications thereto shall comply in all respects with the Michigan Construction Code and any fire codes of the Township. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by such codes, such federal or state standard or regulation shall apply.
7. **Foundations and Mobile Home Construction Standards:** The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall extending from the foundation to the sill plate upon which floor joists are to rest and which wall is to have the same perimeter dimensions of the dwelling, except in the case of cantilever architecture. The wall shall be constructed of such materials and type as required by the building code for such dwelling.
  - a. In the case of a mobile home as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards". There shall be no exposed wheels, towing mechanism, undercarriage, or chassis.
  - b. In the case of a mobile home as defined herein, such dwelling shall meet the Manufactured Home Construction and Safety Standards Act of 1974 (as amended) or be certified by HUD to be approved for occupancy and to be placed on a new site. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standards for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture, is required, as identified in the Michigan Residential Code, Appendix E definitions.

8. Storage Area: The dwelling shall contain storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less, and shall be located in a basement part of the dwelling, in an attic area, in closet areas, or in a separate structure constructed of similar or better quality workmanship as the dwelling. Such required storage area shall be in addition to any interior storage area designed or used for the parking of vehicles.
9. Additions: Any additions or modifications to a dwelling shall be constructed of similar or better-quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
10. Sewage Disposal and Potable Water: The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the County Health Department.
11. Exterior Surface: The dwelling shall have a finished surface that is non-reflective or glare-producing. The finished surface shall be of weather-protecting materials such as brick, wood, vinyl, concrete, and similar protective materials commonly used by the housing industry and designed to resist deterioration and damage from weather conditions. Such surfacing shall be maintained to ensure an effective protective covering for the more interior parts of the dwelling's walls and roof and shall be promptly repaired upon deterioration or other damage.

## **Section 20.6 Temporary Dwellings – Occupancy and Storage**

**A. Authorization and General Provisions:** Temporary dwellings on a lot, for occupancy or storage, are prohibited except as authorized according to this Section.

**B. Basis:** Temporary dwellings on a lot, for occupancy, are permitted for the following purposes only:

1. During Repairs: A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on a lot while the existing permanent dwelling on the same lot is under repair due to damage by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy and for which repairs a zoning permit and building permit have been issued.
2. New Home Under Construction: A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on a lot while a permanent dwelling on the same lot is under new construction and for which zoning and building permits have been issued.
3. Care for Family Member: One (1) temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on a lot on which a lawful permanent dwelling is located, to facilitate the care of one (1) family member, where the family member is not capable of functioning independently due to physical or mental impairments. The Zoning Administrator may require medical documentation in support of the necessity for the assisted care. "Family member" shall be construed to be limited to the permanent dwelling occupant's spouse, father or mother, grandfather or grandmother, brother or sister, or son or daughter.

### **C. Application, Standards, Permits and Removal**

1. Application: Application for and authorization of a temporary dwelling according to this subsection (C) shall require the submittal of a zoning permit application available from the Zoning Administrator including a plot plan prepared according to Section 2.4(B) and a letter signed by the applicant setting forth the need for the temporary dwelling. In the case of temporary housing for the care of a family member, the application shall include official correspondence from the health care provider treating the family member needing care, documenting the necessity for supervising care of the family member.
2. Standards
  - a. The temporary dwelling shall not be placed in a front yard except upon a determination by the Zoning Administrator that there is no practical manner for placing the temporary dwelling anywhere but the front yard.
  - b. The temporary dwelling shall comply with the setback standards of the district for the permanent dwelling except upon a determination by the Zoning Administrator that compliance with setback requirements is not reasonably practical. In no case shall the Zoning Administrator reduce required setbacks by more than thirty percent (30%).
  - c. The temporary dwelling shall be connected to a county-approved on-site septic system or sewer system.
3. Permit Duration and Removal
  - a. The permit issued by the Zoning Administrator under subsection (B)(1) or (2) shall be for a period not exceeding one hundred eighty (180) days. The Zoning Administrator may renew a temporary dwelling permit no more than once and for a period not to exceed one hundred eighty (180) days, upon the applicant adequately demonstrating that construction delays have been beyond the

control of the applicant and that construction completion is continuing in an earnest manner.

- b. The permit issued by the Zoning Administrator under subsection (B)(3) shall be for a period not exceeding one (1) year. The Zoning Administrator may renew the temporary dwelling permit on a yearly basis, upon the applicant adequately demonstrating that the family member continues to require assisted care. The Zoning Administrator may require medical documentation in support of the necessity for continued care.
- c. A temporary dwelling shall be removed from the lot no later than the termination date of the permit or within ninety (90) days of the issuance of a certificate of occupancy for the permanent dwelling, whichever occurs first, or within a longer time period determined appropriate by the Zoning Administrator but not to exceed one (1) year. A performance guarantee may be required at the time a permit is issued to ensure the temporary dwelling is removed upon the termination of the permit.

**D. Occupancy of Recreational Vehicle on Occupied Lot for Temporary Visitation:** Recreational vehicles may be used as temporary dwellings on a lot on which an occupied permanent dwelling is present, for temporary visitation purposes, and are not subject to yard or setback restrictions. Such recreational vehicle shall not be present on the lot for more than fourteen (14) days in any sixty (60) consecutive day period.

**E. Storage of Recreational Vehicle on Occupied Lot:** Unoccupied recreational vehicles may be maintained on a lot on which an occupied permanent dwelling is present, provided such vehicle is owned by an occupant of the permanent dwelling and is licensed and/or registered as may be required by the state. Such vehicles stored greater than one hundred eighty (180) days shall be subject to yard and setback restrictions.

**F. Storage and Occupancy of Recreational Vehicle on Vacant Lot:** A recreational vehicle may be stored on a vacant lot and/or used as a temporary dwelling on such vacant lot for reasons not delineated in subsection (B), subject to the following limitations and requirements:

1. Districts: The lot shall be located in the A-1 or RR District only.
2. Lot Area: The lot shall be a minimum of sixty thousand (60,000) sq. ft. in area.
3. Setbacks: The recreational vehicle shall comply with the setback requirements for permanent dwellings according to the district in which it is located.

## **Section 20.7 Essential Services**

Essential services as defined in this Ordinance shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. This exception shall not apply to administrative buildings, communication towers, public utility storage yards, substations, water storage tanks, and similar above-ground facilities and uses associated with such essential services that are outside of a public road right-of-way and shall be subject to all requirements of this Ordinance.

## **Section 20.8 Permitted Setback Encroachments**

### **A. Residential Decks and Similar Outdoor Structures:**

1. Decks and Similar Outdoor Structures: Decks and similar outdoor structures used for gathering, lounging, dining, or similar use, attached to a building, shall comply with the setback standards for such building according to Table 3-4 of Article 3, except that such structures need only be set back a minimum of five (5) feet from a side or rear yard setback where such structure complies with the following:
  - a. The structure is unroofed and any fencing, walls or other structural devices intended to screen such structure shall comply with the height restrictions of Section 20.11.
  - b. The walking surface of the structure is no greater than two (2) feet above the ground surface below.
2. Balconies/Terraces: Unroofed balconies and terraces and similar outdoor structures used for gathering, lounging, dining, and/or similar use, extending from a second or higher story, shall not extend more than five (5) feet into a required side or rear setback, and three (3) feet into a required front yard setback, according to Table 3-4 of Article 3.

**B. Architectural Features:** Architectural features such as chimneys, bay windows, outdoor stairways, fire escapes, raised entry areas, and roof extensions and awnings over unenclosed building entry areas, may extend into a required yard setback a maximum of five (5) feet provided the cumulative length of all such encroaching features does not exceed twenty percent (20%) of the length of the side of the building generally oriented to the respective lot line and in the case of a chimney, bay window or raised entry area, such feature is no greater than six (6) ft. in length. See subsection (A) regarding decks and similar outdoor features.

## **Section 20.9 Permitted Height Exceptions**

**A. Agricultural Buildings and Structures.** Agricultural buildings and structures are exempt from the height limitations of Table 3-4 provided the building or structure is setback from all lot lines an additional one (1) foot for each two (2) feet that the building or structure exceeds fifty (50) feet, provided the exemption shall conform to all rules and regulations of the Federal Communications Commission and Civil Aeronautics Administration.

**B. Other Exceptions.** The following height exemptions apply except where otherwise regulated by this Ordinance, provided no portion of the building or structure exceeding the district's height limitation may be used for human occupancy, the exemption shall conform to all rules and regulations of the Federal Communications Commission and Civil Aeronautics Administration, and the site plan approving body finds the exemption shall not undermine the character, use and enjoyment of nearby properties:

1. Ornamental Features: Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, and ornamental towers; parapet walls not part of a residential structure and no greater than three (3) feet in height; and similar features; provided such features occupy no more than ten percent (10%) of the structure's gross roof area.
2. Necessary Appurtenances: Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water towers, elevator and stairwell structures, and ventilators, but not to exceed one hundred (100) feet in height above the ground surface below in Commercial and Industrial Districts and not to exceed fifty (50) feet in height above the ground surface below in all other districts.
3. Public Utilities: Structures associated with public utilities.
4. Towers: Electrical transmission towers, television and radio reception and transmission antennas and towers, wireless communication facilities, and similar facilities.

## **Section 20.10 Accessory Buildings and Structures**

### **A. Scope:**

1. Applicability: Accessory buildings and structures shall be subject to the regulations of this Section except where expressly regulated otherwise by this Ordinance.
2. Compliance with Definitions: No provisions of this Section shall be interpreted as authorizing accessory buildings, structures or uses that do not conform to the definitions of Article 21 pertaining to the same.
3. Clarification of "Accessory Building": For the purposes of this Section, a building shall be considered an accessory building if such building is not structurally attached to the principal building by either shared wall construction of a minimum five (5) feet in length or by a fully and structurally enclosed corridor.
4. Accessory Uses: See Section 3.5(C) regarding accessory uses.
5. Fences and Walls: This Section shall not apply to fences and walls. See Section 20.11.

**B. Permit Required:** No accessory building or structure shall be erected prior to the issuance of a Zoning Permit, provided however that a permit is not required in the case of a building or structure that occupies a ground area no greater than two hundred (200) sq. ft. and is not of a permanent character, such as in the case of the absence of footings, a foundation, or similar structural attachment to the ground or other structure, but such building or structure shall comply with all requirements of this Ordinance including height and setback standards. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan (Section 2.4(B)) or site plan (Article 14).

### **C. Placement and Setbacks:**

1. Front Yard: No accessory building or structure shall be located in a front yard except in the case of a residentially used lot in an A-1 or RR District, subject to the following requirements:
  - a. The lot is a minimum of ten (10) acres in area.
  - b. The accessory building shall be positioned so as not be in front of the dwelling's front elevation, as viewed from the lot's road frontage at a point perpendicular to the middle of the dwelling's front elevation. The "front elevation" shall be construed as the entire length of the building's façade generally oriented toward the front lot line.
  - c. The accessory building shall be set back from the front lot line a minimum distance of one hundred fifty (150) feet.
  - d. The accessory building shall not exceed thirteen hundred (1,300) sq. ft. in area.
2. Side and Rear Yard Setbacks:
  - a. Accessory buildings and structures serving a non-residential use shall comply with the required side and rear yard setbacks delineated in Table 3-4 of Article 3.
  - b. Accessory buildings and structures serving a principal residential use are permitted in side and rear yards only and shall be subject to a minimum five (5) foot setback from lot lines.
3. Separation Distances: An accessory building shall not be located within ten (10) feet of another building

except as may be permitted by the State Construction Code according to properly rated fire walls, but in no case shall the separation distance be less than three (3) feet.

4. Utilities: An accessory building or structure shall not be located so as to interfere with the proper functioning and maintenance of utilities including existing and proposed back-up septic drain fields.

**D. Height:** Accessory buildings and structures in all districts shall comply with the maximum height standards of the district according to Table 3-4 of Article 3 except that within a Residential District, maximum height restrictions shall be as provided in the table below unless otherwise exempted by Section 20.9.

District→	A-1	RR	R-1	R-2 and R-3	R-MF
Maximum Height→	35'	25'	20'	18'	30'

**E. Number, Area, and Lot Coverage:** The provisions of this subsection (E) apply to Agricultural and Residential Districts only unless otherwise specified, and shall not apply to accessory buildings used principally for agricultural purposes.

1. Maximum Number
  - a. No more than two (2) accessory buildings and/or roofed structures shall be established on a lot except in the case where the lot is five (5) acres or greater in area, in which case one (1) additional building and/or covered structure may be established for each whole five (5) acres comprising the lot, up to a maximum of a total of four (4) such buildings and/or covered structures.
  - b. Subsection (a) shall not apply to accessory buildings and/or roofed structures of no greater than two hundred (200) sq. ft. in floor or ground area, up to a maximum of two (2) such structures.
2. Maximum Total Area of All Accessory Buildings:
  - a. The maximum total square foot area of all accessory buildings on a lot shall not exceed nine hundred sixty (960) sq. ft. in the R-1, R-2, and R-3 Districts. In the case of a lot in a Commercial or Industrial District, used principally for single-family or two-family dwelling purposes, the maximum total square foot area of all accessory buildings on such lot shall not exceed twelve hundred (1,200) sq. ft.
  - b. No accessory building shall be erected that results in noncompliance with the lot coverage standards of the district in which it is located, according to Table 3-4 of Article 3.

**F. Habitation of Accessory Buildings or Structures:** No accessory building or structure shall be used or occupied as a dwelling except as may be authorized elsewhere in this Ordinance including Section 20.6, Temporary Dwellings, and Section 20.11, Accessory Dwelling Units.

**G. Prior to a Principal Structure:** The construction of buildings and structures that customarily function as accessory to a principal structure or use such as, by example, a detached garage for a dwelling, is prohibited in all districts prior to the simultaneous issuance of building permits from the Building Inspector for both the principal and accessory building and structure. Nothing in this subsection (G) shall be construed as prohibiting a temporary dwelling authorized pursuant to Section 20.6, Temporary Dwellings.

**H. Items Prohibited as Accessory Buildings and Structures:** The following are prohibited as an accessory building or structure:

1. Mobile homes, irrespective of how the home may be used including for storage purposes, except as authorized by Section 20.6, Temporary Dwellings.
2. Tractor trailers, cargo crates or canisters, designed for hauling by motor vehicle, and similar vehicles and vehicle parts, converted or otherwise, except as authorized according to subsection (J).
3. Any building or structure or other aspect of a lot that does not conform to the definitions of Article 21 pertaining to accessory building and structure.

**I. Materials/Construction:** Accessory buildings and roofed structures shall comply with the following standards irrespective of the size of such buildings and structures.

1. Exterior: An accessory building or roofed structure serving a residential use shall incorporate exterior materials commonly employed by the residential construction industry and which shall withstand local wind and other weather conditions, and which shall not be subject to rust, rot, or other degradation. In no case shall the exterior of an accessory building consist of exposed untreated wood, plywood or particle board, or wood scraps. No exterior surfaces shall be comprised of insulation or other materials not designed for and commonly considered as an exterior surface by the residential construction industry.
2. Workmanship: All accessory buildings and structures shall be of the same or better construction workmanship as the principal building on the premises.



## **J. Cargo Containers**

1. Cargo Containers Defined: For the purpose of this subsection, a “cargo container” shall be defined as any portable, reusable container generally referred to as a sea cargo container or cargo container and primarily designed or used for transporting freight by commercial transportation. When used for any purpose other than transporting freight, a cargo container shall constitute an accessory building.
2. Agricultural and Residential Districts: Cargo containers are prohibited in Agricultural and Residential Districts except according to the following restrictions:
  - a. The lot shall be a minimum of five (5) acres in area and the container shall comply with all building setbacks.
  - b. The container shall be used for storage purposes only, accessory to the principal use of the lot.
  - c. The container exterior shall be of a color or color combination similar to that of the principal building.
  - d. The square footage of the cargo container shall be considered in the determination of compliance with subsection (E).
  - e. In the case where the principal use of the lot is residential, the container need not comply with subsection (I) provided the container shall be located only where it shall not be visible from any public or private road, and the container shall not exceed four hundred (400) square feet.

**K. Accessory Dwelling Units**: See Section 20.11 regarding accessory dwelling units.

## **Section 20.11 Accessory Dwelling Units (ADU)**

**A. Authorization**: ADUs are permitted subject to this Section. No ADU shall be established prior to the issuance of a zoning permit for the ADU. The Zoning Administrator shall be the approving body for all ADUs.

**B. Requirements and Standards**: No ADU shall result in the building housing the ADU to be in noncompliance with the requirements of this Ordinance including the standards of Table 3-4 of Article 3. The following additional standards and requirements shall apply to all ADUs except where provided otherwise:

1. Principal Dwelling Required: An ADU shall be established only on a lot on which a principal dwelling exists. The splitting of a lot that results in an ADU on a different lot than the principal dwelling to which it is accessory is prohibited.
2. Ownership, Occupancy and Bedrooms:
  - a. An ADU shall be established only on a lot owned by the occupant of the principal dwelling though upon construction of the ADU, the lot owner shall reside in the principal dwelling or the ADU.
  - b. A maximum of two (2) persons shall reside in an ADU.
  - c. An ADU shall have no more than one (1) bedroom.
  - d. An ADU shall not be rented by or otherwise be made available to any one (1) or more persons for periods less than thirty (30) days.
3. Relationship to Principal Dwelling: An ADU shall be located in the building containing the principal dwelling except that an ADU may be established above a detached garage serving the principal dwelling.
4. Number and Mailing Address: No lot shall have more than one (1) ADU on such lot and the lot shall maintain one (1) mailing address that shall service the ADU and principal dwelling.
5. Design Character: An ADU, and modifications to the principal dwelling to accommodate an ADU, shall be of similar or better workmanship as the principal dwelling, shall not detract from the appearance of the lot as a place of one (1) residence, and shall be aesthetically compatible in appearance with other single-family dwellings in the immediate area based on architectural design and exterior materials.
6. Floor Area: An ADU shall not exceed six hundred (600) sq. ft. in gross floor area except that an ADU in an Agricultural District shall not exceed eight hundred (800) sq. ft. in gross floor area, but in no case shall the ADU's gross floor area exceed fifty (50%) of the gross floor area of the principal dwelling excluding the principal dwelling's basement.
7. Driveway and Parking: An ADU and principal dwelling shall be served by the same driveway and an ADU shall be provided one (1) parking space in addition to the minimum two (2) spaces required for the principal dwelling.
8. Utilities: An ADU shall be connected to potable water and sanitary facilities approved by the County Health Department. Utility service to an ADU shall rely on the same metering and service panel as those that serve the principal dwelling except as may be otherwise required by the building inspector according to the State Construction Code. Separate utility billings for an ADU by the utility provider are prohibited.

## **Section 20.12 Fences and Walls**

**A. General Provisions:** All fences and walls shall comply with the following irrespective of the purpose of the fence or wall or the manner in which it is used:

1. **Setbacks:** Fences and walls shall not be subject to setback requirements except as may be required elsewhere in this Ordinance.
2. **Materials:** Fences and walls shall be constructed of materials designed and intended for such purposes or otherwise common within the fencing/wall construction industry. In no case shall a fence or wall be constructed of rotting lumber, pallets, glare-producing materials, rubbish, trash, tires, vehicle or vehicle component parts, tree stumps or limbs, or any materials that encourage habitats for pests or vermin.
3. **Finished Side Orientation:** The finished side of a fence or wall shall face the abutting lot.
4. **Maintenance:** All fences and walls shall be maintained in good exterior and structural condition.
5. **Clear Vision:** No fence or wall shall be erected along or near a road in such a manner as to obstruct safe, free, and clear vision of oncoming traffic or vehicles attempting to access such road or negotiate movement through an intersection. See Section 20.17 regarding clear vision zones.
6. **Double-Frontage Lots:** In the case of a double-frontage lot, the front yard height restrictions of this Section shall apply to both yards having such frontage except that a fence not to exceed six (6) feet in height, setback a minimum of thirty (30) feet from a front lot line, may be erected in one (1) of the front yards abutting road frontage.

**B. Agriculture:** Fences and walls accessory to agriculture as defined in Article 21 shall be subject to the following restrictions:

1. **Containment of Animals Required:** Livestock shall not be permitted to roam free and shall be contained on the lot of the agricultural operation at all times.
2. **Type and Height:** Containment of farm animals may be by a fence and/or wall. Any portion of such fence or wall in excess of four (4) feet in height as measured from the ground below shall be of unified open construction so as to permit the free flow of air through a minimum of ninety percent (90%) of the fence, but shall not exceed eight (8) feet in height except for the containment of wildlife subject to the approval of the Michigan Department of Environment, Great Lakes and Environment.
3. **Barbed and Electrified Devices:** Fences and walls intended solely for the purpose of the containment of farm animals may include barbed wire or electrified devices.
4. **Zoning Permit Not Required:** Fences and walls for the containment of animals shall not require a zoning permit.
5. **General Provisions:** See also subsection (A).

**C. Residential Uses:** Fences and walls accessory to single-family and two-family residences shall comply with the following:

1. **Height:** The following height restrictions shall apply. Where the fence or wall is located on a berm, the berm height shall be included in the measurement of the fence/wall height.
  - a. No fence or wall exceeding four (4') in height, measured from the ground below, shall be erected in a front yard.
  - b. No fence or wall exceeding six feet (6') in height, measured from the ground below, shall be erected in any side or rear yard.
2. **Barbed and Electrified Devices:** Fences and walls with barbs, spikes, nails, or other sharp or electrified devices are prohibited.
3. **Zoning Permit Required:** No fence or wall shall be erected prior to the issuance of a zoning permit.
4. **General Provisions:** See also subsection (A).

**D. Commercial, Industrial, Public, Institutional and Multiple Family:** The location, height and character of all fences and walls proposed as part of the commercial, industrial, public, institutional, and/or multiple family use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 14, shall be reviewed according to the site plan review provisions of Article 14. In addition, the following shall apply:

1. **Heights:** Fence and wall heights shall comply with the same standards applicable to residential uses except where the site plan approving body determines modifications to such height standards are warranted due to surrounding conditions, security issues, or other pertinent factors.
2. **Specifications:** Site plan documents shall include construction details and specifications for fences and walls including specifications for posts, footings, the manner of securing fencing to posts, height specifications, and related construction information.
3. **Zoning Permit Required:** No fence or wall shall be erected prior to the issuance of a zoning permit.

**E. Exceptions:**

1. Public Welfare: The designated site plan approving body may permit and/or require fence or wall heights greater than otherwise provided in this Section upon finding that such a greater height shall have a substantial impact in more effectively protecting the public safety and/or welfare.
2. Construction Fences: This Section shall not apply to temporary construction fences in association with construction for which a building permit has been issued.
3. Snow Fences: This Section shall not apply to seasonal snow fences provided such fences shall not exceed four (4) feet in height and shall not be erected prior to November 1 and shall be removed no later than April 1.

**Section 20.13 Home Occupations**

**A. Definitions:** For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:

1. Home Occupation: An occupation, profession or other activity resulting in some form of monetary compensation or benefit, conducted on the same lot as an occupied dwelling and by an occupant of the dwelling, accessory to and incidental to the principal residential use of the lot. Agriculture, as defined in this Ordinance, shall not be construed to be a home occupation.
  - a. Class 1 Home Occupation: A home occupation that is conducted entirely within the dwelling, including an attached garage.
  - b. Class 2 Home Occupation: A home occupation that is conducted wholly or in part in an accessory building.

**B. Authorization:** The operating or conducting of a home occupation is permitted according to this Section.

1. Class 1 Home Occupation: A Class 1 Home Occupation is permitted in all districts as an accessory use to the principal residential use of a lot. A zoning permit is not required for the establishment of such a home occupation but such occupation shall comply with the standards of subsection (C).
2. Class 2 Home Occupation: A Class 2 Home Occupation is classified as a special land use and permitted in all Districts and shall be subject to the provisions of Article 15 and the standards of subsection (C) below. A permit issued for such home occupation shall clearly delineate any conditions upon which such approval is granted. In addition to the information required by Article 15, an application for a Class 2 home occupation shall include a detailed description of the character of the home occupation such as service or product offered; the number of full-time and part-time employees of the business and the frequency at which such employees will be present on the residential lot; the type and frequency of vehicular traffic to be generated by the home occupation; hours of operation; the location of all parking, delivery and storage areas; any proposed landscaping/screening in association with any outdoor area, including parking and storage areas, to minimize negative impacts on nearby properties.

**C. Standards:** Class 1 and 2 home occupations shall comply with the following standards:

1. Management. A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.
2. Secondary and Incidental. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence and shall not result in a change to the essential residential character of the premises including both the dwelling and yard areas.
  - a. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted by Article 8.
  - b. A Class 1 home occupation shall not occupy more than twenty-five percent (25%) of the useable floor area of the dwelling.
3. Nuisance Conditions: The home occupation shall not produce any noise, odors, vibration, vapors, fumes, or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
4. Waste and Hazardous Materials: The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature. Refuse generated by a home occupation shall be disposed of in a safe and timely manner.
5. Utilities. No Class 1 or Class 2 home occupation shall result in a demand for utilities beyond what might be reasonably expected by a dwelling, including electricity, potable water and sewage disposal.

6. Traffic and Parking.
  - a. Traffic in association with a home occupation shall not result in more than ten (10) pedestrian and/or vehicular arrivals during the daily course of business, including those by customers, salespersons, delivery persons, or other business visitors.
  - b. A minimum of one (1) and maximum of three (3) off-street parking spaces shall be provided for home occupation purposes. The parking spaces shall be clearly visible to vehicle drivers and comply with the dimensional requirements of Article 9. This subsection (b) shall not apply upon the Township's determination that the home occupation shall not result in customer or service provider parking on a typical daily basis.
7. Setbacks: An accessory building housing a Class 2 home occupation shall comply with the minimum setback standards for principal buildings as delineated in Table 3-4 of Article 3.
8. Outdoor Operations and Storage: No portion of a Class 1 home occupation shall be located outdoors including the storage of equipment and materials. No portion of a Class 2 home occupation shall be located outdoors except as may be expressly authorized in a side or rear yard as part of an approved site plan that identifies such outdoor area and the effective screening of such area.

## **Section 20.14 Keeping of Animals as Accessory Residential Use**

**A. Definitions:** For the purpose of this Section, the following phrases shall have the following definitions:

1. Vicious animal: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
2. Household Pets: Animals commonly maintained in a residence including dogs, cats, fish, birds, hamsters, and similar animals.
3. Large Livestock: Horses, ponies, cattle, and other livestock that can be reasonably expected to grow to a weight greater than (300) pounds upon reaching maturity.
4. Small Livestock: Rabbits, chickens, fowl, mink, sable, fox, sheep, goats, and other livestock that can be reasonably expected to grow to a weight of less than three hundred (300) pounds upon reaching maturity.

**B. Keeping of Vicious or Wild Animals:** No vicious or wild animal shall be kept permanently or temporarily in any District except as may be approved by the state through the issuance of a permit or similar official approval, or as may be within an approved facility accredited by the Association of Zoos and Aquariums.

**C. Keeping of Household Pets:** The keeping of household pets as an accessory use in association with any residentially used lot is permitted provided such activities do not constitute a kennel as defined in this Ordinance.

**D. Keeping of Livestock:** The keeping of livestock as an accessory use to the residential use of a lot shall be permitted in the A-1 and RR Districts only, but in no case shall there be keeping of livestock in a platted subdivision or site condominium. This subsection (D) shall not apply to agriculture as defined in Article 21.

1. Minimum Lot Area:
  - a. The keeping of small livestock shall occur only on a lot of two (2) acres or greater.
  - b. The keeping of one (1) large livestock shall require a minimum lot area of three (3) acres. An additional two and one half (2.5) acres of lot area shall be required for each additional large livestock. Newly born large livestock may be maintained on said lot for up to one (1) year irrespective of whether such keeping of newly born livestock would increase the permitted number of animals beyond the animal density limitations of this subsection.
2. Regulations Applicable to All Livestock Maintained as a Residential Accessory Use:
  - a. Livestock shall be managed by the occupants of the premises, be properly contained to minimize nuisance conditions, and ensure public health, safety, and welfare, and shall be maintained in a healthy condition.
  - b. The retention or storage of animal waste shall be managed so as not to create a nuisance, and in no case shall the storage of animal waste occur within one hundred fifty (150) feet of a lot line.
  - c. No living quarters shall be located in any stable.
  - d. The facility shall be constructed and maintained so that dust and drainage from a stable or other animal containment area shall not create a nuisance or hazard to adjoining property or uses.
  - e. Buildings used to house large livestock shall be setback a minimum of fifty (50) feet from side and rear lot lines.

## **Section 20.15 Farm Markets / Roadside Stands**

**A. Definition:** For the purpose of this Section, the following definition shall apply:

1. **Farm Market:** A place or an area where transactions between a farm market operator and customers take place on a seasonal or year-round basis, where at least 50 percent of the products marketed and offered for sale at the farm market including processed products, measured as an average over the farm market's marketing season or up to a five-year timeframe, are produced on and by a farm which is under the same ownership as the farm market itself. A farm market need not be located on the farm where the products for sale are produced, but the farm market site shall be under same ownership or lease as such farm and located in a District that authorizes agriculture. A farm market need not necessarily include a physical structure and may be commonly referred to as a roadside stand. The Farm Market GAAMPS prepared by the Michigan Commission of Agriculture and Rural Development shall be used as guidelines where a question may arise as to whether a particular activity or use constitutes a farm market under this definition.

**B. Authorization:** Farm markets are permitted in the A-1 and RR Districts only, subject to the provisions of this Section. Nothing in this Section shall be construed to prohibit a "farm market" as defined in the most current Generally Accepted Agricultural Management Practices (GAAMPs) as published by the Michigan Agriculture Commission, provided such farm market is in compliance with such GAAMPs.

**C. Standards:**

1. Farm markets shall comply with the most current Generally Accepted Agricultural Management Practices as published by the Michigan Agriculture Commission, including limitations on the range of products sold.
2. All display, sales and parking areas shall comply with the setback standards of Table 3-4.
3. No parking shall be permitted in a public right of way. An area shall be provided for the orderly accommodation of a minimum of three (3) parking spaces.
4. The sales area shall not result in traffic hazards.
5. Suitable containers for rubbish shall be placed on the premises for public use, and the sales area shall be kept free of litter.

**D. Exemption:** The standards of this Section regarding setbacks and parking shall not apply to farm markets that have a product display area no greater than sixty-four (64) square feet in area.

## **Section 20.16 Outdoor Residential Swimming Pools**

**A. Definition:** See the definition of "swimming pool" in Article 21 for water containment devices that do not constitute a "swimming pool" and are not subject to this Section.

**B. Permit/Application:** No outdoor swimming pool on a residentially used lot shall be erected prior to the issuance of a zoning permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a zoning permit shall be made to the Zoning Administrator on a form for such purpose and shall be accompanied by a plot plan according to Section 2.4(B), which identifies the location of the pool, pool decks, adjacent buildings, fencing, and gates. Where the outdoor pool is part of a principal use subject to site plan approval according to Article 14, the outdoor pool shall be subject to the review and approval provisions of Article 14.

**C. Standards**

1. No swimming pool shall be located in a front yard.
2. The interior wall surface of a pool shall be setback a minimum of ten (10) feet from lot lines.
3. No swimming pool shall be located under electrical wires and similar utility devices.
4. All swimming pools shall be designed, constructed, and maintained in compliance with state and county building codes and the rules and regulations of county and state health departments, including cleanliness, fencing, gates, and other safety measures.

## **Section 20.17 Condominiums**

**A. Intent:** The intent of this Section is to provide regulatory standards for condominiums similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat condominiums different than similar projects developed under another form of ownership.

**B. Applicability of District Regulations:** A condominium project, including single family detached units, two-family units, and multiple family developments, shall comply with all standards of the district within which it is located including use, setback, height, lot coverage, lot area, and lot width requirements, and all other provisions of this Ordinance. A condominium lot in a site condominium project is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the use, setback, height, lot coverage, lot area, and lot width requirements of the district in which it is located and all other provisions of this Ordinance.

**C. Review and Approval Procedures:**

1. **Zoning Permit Required:** No grading or any other form of construction shall be initiated for a condominium prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the condominium, not expressly approved as part of the final site plan, shall require an additional zoning permit prior to erection.
2. **Site Plan Approval Required:** The issuance of a zoning permit shall require the submittal and approval of a site plan pursuant to Article 14, Site Plan Review, and master deed and bylaw documents.
  - a. In addition to the site plan information required by Article 14, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. **Master Deed/Bylaws Approval Required:** The applicant shall include as part of the zoning permit application a copy of the proposed master deed and bylaws. These documents shall be reviewed by the Township Attorney, Township Engineer, and other professionals as may be deemed beneficial, for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform to Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan that are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
4. **Issuance of Zoning Permit:** Upon approval of a final site plan, by-laws and master deed, the applicant shall furnish the Zoning Administrator a recorded copy of the final bylaws and master deed, and a copy of the approved site plan. Upon the satisfactory submittal of these documents, the Zoning Administrator shall issue a zoning permit.
5. **Changes:** Any changes to an approved condominium including changes in the by-laws, master deed, or site plan, such as changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Township Board prior to such change.

**D. Building Permit:** No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.

**E. Public Utilities:** The condominium shall provide for the conveyance of easements to the appropriate agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains, and other installations of a similar character for the purpose of providing all public utility services.

**F. Roads:** All roads within a condominium shall be designed and constructed in conformance with the standards of the County Road Commission unless private road approval has been granted under this Ordinance.

**G. As-Built Plan and Occupancy:** Submission of as-built plans of a condominium is required. The Township Board may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is posted pursuant to Section 2.8.

**H. Monuments:** All condominium lots that are building sites shall be marked with monuments as if such lots were within a platted subdivision, and such monuments shall comply with the requirements of Public Act 288 of 1967, as amended, the Land Division Act.

## **Section 20.18 Clear Vision Zone**

**A. Intersecting Roads:** No fence, wall, hedge, screen, sign, structure, vegetation, vehicle or other obstruction shall be located on a lot so as to impede vision between the height of two (2) and ten (10) foot above road grade within the triangular area formed at the intersection of any two (2) road right-of-way lines, as measured by a straight line drawn between said right-of-way lines at a distance along each line at thirty (30') feet from their point of intersection.

**B. Intersecting Driveways:** In the case of a driveway used for other than single-family or two-family dwelling purpose, including a driveway or curb-cut that leads to an off-street parking area, which intersects with a public road, the limitations of subsection (A) shall apply to such intersection area.

**C. Exception:** The restrictions of this Section shall not apply in the case of a fence that is transparent across a minimum of eighty percent (80%) of its face unless otherwise determined by the approving body that the particular fence and its location would unreasonably undermine public safety.

## **Section 20.19 Outdoor Furnaces**

**A. Outdoor Furnace Defined:** For the purpose of this Section and Ordinance, "outdoor furnace" shall be defined as an accessory structure intended not to be located within a building occupied by humans or domestic animals, which is designed for heating spaces or liquids within such occupied buildings and/or an outdoor swimming pool or spa, through the burning of wood or other plant related materials as regulated by this Section.

**B. Approval Procedure:** Outdoor furnaces are classified as an accessory structure and shall be subject to Zoning Administrator approval according to Section 2.4. The Zoning Administrator shall issue a zoning permit for such furnace upon finding that the application complies with the standards and regulations of this Section and Ordinance. No outdoor furnace shall be operated prior to receiving written approval from the Building Inspector.

**C. Standards:** An outdoor furnace shall be installed and used only in accordance with the following restrictions:

1. Districts, Lot Area, Yards, and Setbacks:
  - a) An outdoor furnace shall be located in an A-1 or RR District only.
  - b) An outdoor furnace shall not be located in a front yard.
  - c) An outdoor furnace shall be setback a minimum of one hundred fifty (150) feet from the any building not located on the same lot as the furnace.
2. Construction:
  - a) An outdoor furnace shall comply with all building codes of the Township and all other regulations and requirements of county, state and federal agencies including the Environmental Protection Agency.
  - b) An outdoor furnace shall meet the manufacture's specification for erection and operation and shall exceed such specifications where local codes, state or federal regulations require so, including the requirements of this Section.
  - c) An outdoor furnace shall be certified by Underwriters Laboratories, Inc. (UL).
3. Chimney Height: The outdoor furnace shall have a chimney that meets manufacturer's specifications for height but in no case shall a chimney height be less than fifteen (15) feet from the ground below.
4. Fuel: No outdoor furnace shall rely on any fuel except wood, wood pellets, corn, and agricultural seeds, provided such materials include no additives such as paints, varnishes, preservatives, resins, and glues. For clarification purposes, examples of prohibited fuels include rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses or waste; paint or painted materials; furniture; composite shingles; construction or demolition debris or other household or business waste; asphalt and products containing asphalt; plywood, composite wood or pressure treated wood; plastic including nylon, PVC, polystyrene and urethane foam, synthetic fabrics, plastic films and plastic containers; rubber including tires and synthetic rubber-like products; and newspaper, corrugated cardboard, container board, office paper and other similar materials.

## **Section 20.20 Flag Lots**

**A. Authorization/Conditions:** Flag lots are permitted subject to the following:

1. Frontage/Width: The land strip affording access to the more interior portions of the lot shall be a minimum of sixty-six (66) feet in width and shall include a minimum of sixty-six (66) feet of road frontage.
2. Separation: No flag lot shall be located within one hundred (100) feet of another flag lot as measured

along the road frontage between the land strips providing access to such lots.

3. Setbacks: The minimum front, side, and rear yard setback requirements of the district in which a flag lot is located shall be met on the portion of the lot excluding the access strip.

## **Section 20.21 Temporary Structures, Buildings and Uses**

**A. Authorization:** Temporary structures, buildings and uses are prohibited except as authorized by this Section, and as may be regulated elsewhere by this Ordinance including Section 20.7, Temporary Dwellings, and Section 20.22, Temporary Large Outdoor Gatherings. Examples of such temporary conditions include field offices and tool sheds associated with new construction projects, temporary real estate offices part of a multi-unit residential development, and outdoor circuses, carnivals, theatrical exhibitions, and musical festivals. Temporary school classrooms shall not be subject to this Section.

**B. Application:** Unless exempted by subsection (G), a completed application for the temporary condition shall be submitted to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary condition; a scaled drawing delineating the proposed location of all temporary facilities, their locational relationship to existing and proposed permanent buildings and uses, and required principal building setbacks; and measures to be employed to ensure the public health, safety and welfare including potable water and sewage disposal facilities, and traffic circulation. This requirement shall not be interpreted to require the submittal of a full site plan for the temporary condition, meeting the informational requirements of Article 14 unless the approving body finds such submittal information to be necessary.

**C. Review and Action:** The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses, except that the Township Board shall be the approving body for temporary conditions subject to Section 20.23, Large Outdoor Gatherings. The Zoning Administrator may also refer an application to the Township Board for action in the case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Township Board. The Township Board or Zoning Administrator may require the submittal of additional information to adequately evaluate the merits of the request. The Township Board or Zoning Administrator may refer an application to building, police and fire officials to solicit comments regarding public health, safety, and welfare concerns.

**D. Permit Duration:** No permit issued under this Section shall be authorized for a period exceeding ninety (90) days except in the case where the applicant demonstrates to the satisfaction of the Zoning Administrator that the nature of the temporary condition requires a longer duration, and the Zoning Administrator finds an extended time frame will not unreasonably undermine public health, safety and welfare, including compatibility with surrounding land uses and the use and enjoyment of such properties. However, unless exempted by subsection (G), no more than one (1) additional authorization period may be granted. The temporary condition shall be removed from the lot no later than the termination date of the permit or upon the temporary condition becoming no longer necessary, whichever occurs first.

**E. Performance Guarantee and Removal:** An issued permit shall specify the date by which the removal of the temporary condition shall occur, and the approving body shall require a performance guarantee according to Section 2.8, to ensure the timely removal of temporary buildings.

**F. General Approval Standards:** Temporary structures, buildings and uses shall comply with the site plan approval standards of Article 14, including setbacks, except where the approving body finds that specific standards need not apply due to the temporary nature of the condition and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare including compatibility with surrounding land uses and the use and enjoyment of such properties. The approving body may place conditions on an approved application according to Section 20.2.

1. Construction Code: All temporary buildings shall comply with the Construction Code as may be applicable.
2. Setbacks: All temporary facilities, including parking areas and buildings, shall comply with the setback standards of this Ordinance for buildings and off-street parking, except where the approving body finds that the waiving of such standards shall not undermine the public health, safety and welfare including compatibility with surrounding land uses and the use and enjoyment of such properties.
3. Site Organization: The temporary facilities shall be compatible with the size and shape of the lot, including proposed parking areas, be located in a functional and practical manner.
4. Surrounding Properties: The temporary facilities shall not unreasonably impede the normal and orderly development, improvement, or enjoyment of surrounding property including matters pertaining to visual impacts from lighting, outdoor storage, and off-street parking.
5. Environmental Character: The temporary facilities shall be located so as to not unnecessarily disturb



on-site natural features such as trees, woodlands, soils, topography, water courses and wetlands.

6. **Storm Water Management:** The temporary facilities shall be designed to facilitate the removal of storm water so as to minimize on-site flood conditions and assure the well-being of the users of the property, while not adversely affecting adjacent properties and public and natural drainage systems.
7. **Circulation:** The temporary facilities and any related parking areas shall ensure visually clear, safe, convenient, and efficient vehicular and non-vehicular travel in the site and at ingress and egress points. The circulation plan shall minimize congestion, conflicting turning patterns, negative impacts upon abutting properties, and the avoidance of unnecessary curb cuts and roads. All buildings shall be arranged as to permit emergency access by some practical means to all sides.
8. **Utilities:** The temporary facilities shall be afforded the necessary public services to ensure public health, safety and welfare including potable water and sewage disposal.

**G. Additional Requirements for Specific Temporary Conditions:** The following additional requirements and conditions shall apply:

1. **New Construction:** In the case of new construction unrelated to a single-family or two-family dwelling, temporary structures and buildings may be maintained on the lot under construction no more than one (1) year and shall be removed from the lot no later than the termination date of the permit or upon the temporary condition becoming no longer necessary, whichever comes first.
2. **Garage Sales:** In the case of the sale of items belonging to members of the household residing on the lot where the sale is being conducted, and which is commonly referred to as a yard sale or garage sale, the maximum number of such sales events, irrespective of length of duration, shall not exceed four (4) during any calendar year and each sales event shall not exceed four (4) consecutive calendar days in duration. A permit shall not be required for garage sales. All signs advertising a garage sale shall be removed within twenty-four (24) days of the conclusion of the sales event.

## **Section 20.22 Temporary Large Outdoor Gatherings**

**A. Authorization:** Temporary uses that are designed for or otherwise result in the gathering of more than one-hundred fifty (150) people at any one (1) time during any continuous two (2) hour period as part of an outdoor event are prohibited except as authorized by this Section, upon approval of an application for such temporary condition. Such temporary uses may include, by example, circuses, carnivals, theatrical exhibitions, and musical events.

**B. Exemptions:** This Section shall not apply to the following.

1. **Family Events:** This Section shall not apply to events held as part of a family event. A "family event" shall be construed to be an event attended principally by persons related by blood, marriage, domicile arrangement and/or similar relationship, along with acquaintances of such family members, for the purpose of celebrating or acknowledging the family or a family member, where such event occurs on property owned by one (1) or more of the family members. Examples of family events include birthdays, weddings, reunions, funeral gatherings, and academic and religious graduations and ceremonies. "Family events" shall not be construed to include events to which the general public is invited or otherwise permitted to attend.
2. **Yard Sales, Estate Sales and Auctions:** This Section shall not apply to yard sales, estate sales, and auctions for the sale of personal property or other items and goods located on the lot of the auction, provided such personal property, items and/or goods are owned by one (1) or more persons occupying such lot but excluding the auctioning of items transferred to the lot for the principal purpose of sale including what are commonly referred to as "consignment auctions."
3. **Buildings for Assembly Purposes:** Activities conducted indoors and/or outdoors on a lot on which a building is present that is designed and approved for assembly use by the Township, such as churches, banquet facilities, libraries, schools, and recreation buildings.

**C. Application:** An applicant shall submit a completed application for a temporary large gathering to the Zoning Administrator on a form established for that purpose. The application shall include the following:

1. **Description:** A detailed description of the proposed temporary gathering including the following:
  - a. Proposed tents, structures and other modifications to the site and the size and location of each.
  - b. Proposed parking areas, access points to and from the property, and traffic control measures to minimize safety hazards and congestion.
  - c. Proposed measures and locations for portable restrooms, solid waste storage and disposal, and litter control.
  - d. The nature of any entertainment to be provided and the location of such entertainment areas, and any sound amplification devices including a list of all sound producing and amplification equipment

with an indication as to amplification capacity, number of units to be used, location and placement of such units, and their method of operation.

- e. The location of emergency services and facilities that may be part of the event operations.
  - f. Measures to be employed to ensure the public health, safety and welfare including potable water and sewage disposal facilities, vehicle ingress and egress, on-site traffic circulation, and emergency services such as fire protection and medical/ambulance services.
2. Drawings: A clearly legible scaled drawing delineating the proposed location of all temporary buildings, structures, tents, parking areas, access points into the lot and intended interior circulation patterns, and similar features, and their distance to existing buildings on adjacent lots. This requirement shall not be interpreted to require the submittal of a full site plan for the temporary condition, meeting the requirements of Article 14.
  3. Evidence Of Ownership or Permission: The application shall identify all persons and entities having ownership interest in the lot on which the gathering is to be held, and their signatures in support of the application, along with the applicant's name and signature if not having an ownership interest.

**D. Review and Action:** The Township Board shall be the approving body for temporary large gatherings. The Township Board may refer an application to the Planning Commission, building officials, and emergency services officials including police and fire officials, to solicit comments regarding public health, safety, and welfare concerns. Applications shall be acted upon in the order of the date and time when a complete application is received. The Township Board may conduct a public hearing as it may determine appropriate, in which case the noticing requirements of Section 2.11 shall apply.

**E. Permit Duration, Performance Guarantee and Removal, Additional Costs, and Indemnification:**

1. Duration: No permit issued under this Section shall be authorized for a period exceeding seventy-two (72) hours except in the case where the applicant demonstrates to the satisfaction of the Township Board that the nature of the temporary gathering requires a longer duration and the Township Board finds an extended time frame will not unreasonably undermine public health, safety and welfare. In the case of an approved application, the permit shall specify the date by which the termination and removal of the temporary use and associated facilities shall occur. The temporary facilities established in association with the large gathering shall be removed from the lot no later than as specified on the permit.
2. Performance Guarantee: Township Board may require a performance guarantee according to Section 2.8 to ensure the site is restored to its condition prior to such event.
3. Indemnification: A temporary large outdoor gathering shall not create a nuisance that interferes with others' rights to safety and enjoyment of their own property. The applicant and all owners of the subject property shall sign an Agreement to Indemnify and hold Jefferson Township harmless in the event that the Township is brought into any dispute or a lawsuit relating to a nuisance violation after issuance of a permit under this Section.
4. Liability: In addition to signing an Indemnification pursuant to subsection (E)(3) herein, the property owners, applicant, and all members or shareholders for any applicant that is a limited liability entity shall have a comprehensive commercial liability insurance policy for not less than one million dollars (\$1,000,000) per occurrence, naming Jefferson Township as an additional insured. Proof of Insurance shall be filed with the Township Clerk annually. The policy required by this subsection shall be in full force and effect before the facility shall be allowed to operate and at all times thereafter.
5. Additional Costs: Township costs for ensuring the public health, safety, and welfare, including police, fire, and other emergency services, and utility services, to the extent they exceed the normal operating costs of the Township, shall be the responsibility of the applicant. Payment for such additional services shall be made to the Township a minimum of seven (7) days prior to the event.

**F. Approval Standards:** Temporary large gatherings including support facilities shall comply with the site plan approval standards of Article 14 except where the Township Board finds that specific standards need not apply due to the temporary nature of the use and provided the Township Board determines the waiving of such standards shall not undermine the public health, safety and welfare including compatibility with surrounding land uses. In ensuring the public health, safety and welfare, the Township Board shall consider demands for and accommodations for public services including police, fire, and other emergency services, and utility services, and the adequacy of each.

1. Setbacks: Unless expressly approved otherwise by the Township Board upon finding that conditions are present that support exceptions, the area of the lot on which any temporary activities shall occur, including parking areas, performance stages, tents, restroom facilities, and lighting, shall be setback a minimum of seventy-five (75) feet from lot lines and shall not be located within two-hundred (200) feet of a dwelling on another lot. The Township Board may consider written permission by an adjacent lot owner

for reduced setbacks and modify such setbacks accordingly.

2. Tents, Buildings and Structures: All tents, buildings and structures erected or used for a temporary gathering shall comply with the following:
  - a. Shall be of such sizes and locations so as not to have a substantial negative impact on surrounding properties due to such matters as visibility, accessibility, traffic flow, parking, and other site issues.
  - b. Shall be installed, constructed, used, occupied, and maintained in compliance with the provisions of federal, state, and local rules and regulations.
  - c. Shall be removed at the conclusion of the temporary gathering or upon the expiration of the permit, whichever occurs first, or as otherwise specified on the permit.
3. Environmental Protection.
  - a. Operations shall meet federal, state, and local environmental health requirements, including those of the County Department of Public Health pertaining to adequate and safe supply of potable water; restroom facilities; food and beverage storage, handling and servicing; disposal of solid waste; and all other operations having bearing on environmental health.
  - b. The conducting of the temporary gathering shall conform to federal, state, and local rules and regulations regarding the protection of environmental resources including the soil erosion and sedimentation requirements of the County Drain Commissioner and the Michigan Department of Environmental Quality requirements regarding wetlands, stream crossings and water quality protection.
4. Lighting. If any activities of the temporary gathering are to occur after daylight hours, sufficient lighting shall be provided and in such manner so as to shield or eliminate direct and nuisance illumination beyond the boundaries of the lot used for the temporary gathering.
5. Parking and Traffic. There shall be provided one (1) or more parking areas of sufficient total area and which support safe and orderly circulation for the maximum number of people to attend the temporary gathering at any single time. Traffic control measures shall be provided to ensure safe and orderly vehicular and pedestrian circulation including on-site circulation and the flow of vehicular and pedestrian traffic onto public or private road rights-of-way.
6. Sound Producing and Amplifying Equipment. Sound producing and amplification equipment shall be operated so as to minimize nuisance conditions upon nearby properties. No sounds emanating from a lot used for the temporary gathering shall be a nuisance or disturbance to the peace and tranquility of the citizens of the Township. Amplified sound shall not occur between the hours of 11:00 p.m. and 7:00 a.m. unless expressly authorized by the Township Board.
7. Emergency Services. Adequate emergency services shall be provided as may be directed so by the County Sheriff and/or local fire authorities, including adequate facilities for communication with emergency service providers.
8. Cumulative Impacts: When evaluating an application, the Township Board may consider the cumulative effect of the proposed event in relation to other approved events including those approved but not yet conducted.
9. Frequency: During a calendar year, no lot shall be used more than four (4) times for conducting any temporary use and no two (2) events shall be conducted on the same lot less than sixty (60) days apart from one another.
10. Public Health, Safety and Welfare. The application demonstrates that within the context of the subject property and surrounding area, all operational aspects of the proposal are practical and clearly capable of being implemented as presented, and support the protection of public health, safety, and welfare, including parking, circulation, location of gathering areas and temporary and permanent structures, lighting, and noise levels.
11. Performance Bond: The approving body may require the owner and/or operator to post a performance bond with the Township in a form acceptable to the Township Treasurer and in an amount that will guarantee the restoration of any public property to a like condition as existed before the event. This may include, but is not limited to, costs associated with sign removal and litter/garbage collection and disposal. A bond may also be required to cover the costs for services provided by the Township or its designated agents to mitigate any health, safety and welfare issues caused by the temporary gathering, including emergency services, traffic and/or crowd control.

**End of Article 20**

## Article 21 DEFINITIONS

### **Section 21.1 Construction of Language**

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

**A.** Words used in the present tense include the future tense; and the singular includes the plural unless the context clearly indicates the contrary.

**B.** The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.

**C.** The word "building" includes the word "structure" and both include any part thereof.

**D.** The word "lot" includes the word "plot", "tract", or "parcel".

**E.** The term "shall" is always mandatory and not discretionary. The term "may" is permissive.

**F.** The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."

**G.** The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.

**H.** Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
2. "Or" indicates the connected items, conditions, provisions, or events may apply singly or in any combination.
3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

**I.** The "Township" is the Township of Jefferson in the County of Cass, State of Michigan. The "Township Board", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.

**J.** Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.

**K.** Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law, or rule.

### **Section 21.2 Definitions**

**Abutting:** The sharing of a lot line, or portion thereof, between the subject lot and another lot, easement, or other feature.

**Adjacent:** To abut.

**Accessory Building or Structure:** A building or structure customarily incidental and subordinate to the principal building and located on the same lot as the principal building except where this Ordinance expressly permits otherwise. An accessory building is not part of or attached to the principal building.

**Accessory Dwelling Unit (ADU):** A second dwelling unit on the same lot as an existing single-family dwelling, that is fully above the first floor of an attached or detached garage, where the physical character of such second dwelling unit is clearly subordinate to the existing single-family dwelling and the second dwelling unit functions in an accessory manner to the existing single-family dwelling. The existing dwelling on the lot is commonly referred to as the principal dwelling.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of the lot and located on the same lot as the principal use except where this Ordinance expressly permits otherwise.

**Adult Foster Care Home:** An establishment licensed under Public Act 218 of 1979, as amended, that provides to adults, for compensation, supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, including facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. A foster care facility does not include a home for the aged licensed under Article 17 of Public Act 368 of 1978, as amended, a nursing home licensed

under Public Act 139 of 1956, as amended, or adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

- a. **Family Home:** An adult foster care facility consisting of a private residence with the approved capacity to receive six (6) or fewer adults, the licensee for which shall be a member of the household and an occupant of the residence.
- b. **Group Home:** An adult foster care facility with the approved capacity to receive seven (7) but no more than twenty (20) adults.

**Agriculture:** The cultivating or use of land, including associated buildings and machinery, for the commercial production of farm products. "Agriculture" may be referred to as a "farm" and shall not be interpreted to include kennels, equestrian centers and similar activities that do not comprise the commercial production of farm products.

**Airport:** A facility for the landing, takeoff, shelter, supply, and repair of aircraft, licensed by the Michigan Department of Transportation, Bureau of Aeronautics and available to serve the general public.

**Alter/Alteration:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders; or any change which may be referred to herein as altered or reconstructed.

**Ambulance Station:** A facility dedicated to the storage of ambulance vehicles and their medical equipment and may include working and living space for ambulatory staff. An ambulance station may have minor facilities for maintaining ambulance vehicles such as for the change of oil and the charging of vehicle batteries.

**Animal Rescue/Rehabilitation Facility:** A lot on which four (4) or more dogs, or four (4) or more cats, or four (4) or more livestock, three (3) months of age or older, which are maintained for two (2) or more consecutive weeks for the purpose of rehabilitation and/or to spend their final years before death.

**Arcade:** Any business within which are located ten (10) or more amusement devices. For purposes of this Section, amusement devices shall mean any device, machine or apparatus operated by a patron which plays, exhibits, emits, produces, or displays, entertainment or amusement in the form of a game, motion picture, music, performances, or similar entertainment. The term does not include vending machines used to dispense items, kiddie rides, jukeboxes, bowling alleys, or pool tables, or establishments otherwise defined as sexually oriented businesses.

**Assisted Living Facilities:** Any facility licensed by the State of Michigan that provides residential services to adults in addition to any other services essential for sustaining the activities of daily living, and not otherwise constituting an adult foster care facility or nursing home as defined in this Ordinance. Such additional services may include, but need not be limited to, the provision of meals including congregate meals, transportation services, entertainment, nursing care, and day trips. An assisted living facility is different from a convalescent home in that an assisted living facility is principally focused on the provision of residential support services versus continuous medical care and/or rehabilitation services.

**Banquet Hall:** A facility that is used by individuals or groups, for a rental fee or other form of remuneration, to accommodate private functions such as meetings, weddings, gatherings associated with anniversaries, birthday parties, and reunions, and other similar gatherings and celebrations. A banquet hall may include kitchen facilities for the preparation or catering of food and may include the serving of alcoholic beverages for on-premises consumption during scheduled events only and shall not be open to the general public.

**Basement:** See "Story-Related Definitions."

**Bed and Breakfast:** A structure erected for or used for the purpose of renting bedrooms on a nightly basis, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only, and occupied by the owner, and which reflects a residential architectural theme to such an extent that the structure appears as a single family dwelling when viewed from adjacent roads and lots. A "bed and breakfast" may also be commonly referred to as a "tourist home."

**Bedroom:** A room in a dwelling unit for or intended to be used for sleeping purposes by human beings.

**Berm:** A mound of earth graded and shaped in such a fashion as to be used for visual and/or audible screening purposes, or for a visual landscape feature.

**Building:** Any structure having a roof supported by columns, walls, or any other supports, which is used for housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business or other activities. This definition includes but is not limited to dwellings, garages, and greenhouses. A building may be divided into two (2) or more separate areas for use by separate tenants, and similar arrangements.

**Building Code:** Codes adopted by the Township pursuant to the Michigan Construction Code and fully independent of the Zoning Ordinance, which establish minimum standards for construction such as, but not limited to, standards pertaining to foundations, footings, framing, roof loads, plumbing systems, electrical systems, and fire protection.

**Building Coverage:** The amount of a lot, stated in terms of a percentage of the lot area, which is covered by all buildings located thereon, and measured from the buildings' exterior wall faces. Where a roof extends more than three feet (3') from the building wall, the building's coverage shall be measured from the outer limits of the roof.

**Building Height:** In the case of a principal building, the vertical distance measured from the average finished grade along the front of the building where it abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. In the case of accessory building, the vertical distance measured from the average finished grade along the perimeter of the building to the highest point of the roof surface. See figure at end of this Article.

**Building Inspector:** An individual or entity retained by the Township to administer the Michigan Construction Code.

**Building Permit:** Written authority by the building inspector confirming that proposed construction is in compliance with the Michigan Construction Code.

**Campground:** A facility where sites are offered for use by the public, either free of charge or for a fee, for the establishment of seasonal temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable temporary housing designed to be carried or towed by a vehicle and placed for temporary living quarters. "Campground" shall not be construed to include any facility or portion of a facility where such temporary housing sites are purchased by users or are not otherwise owned by the facility owner, including but not necessarily limited to condominium ownership.

**Cemetery:** Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or household pets.

**Cemetery, Private:** A cemetery that is not owned by a city, village, township, county, or state, including commissions or other arms of such entities.

**Certificate of Occupancy:** A document issued by the building inspector certifying that the described property and/or construction on such property complies with the provisions of the Building Code and may be legally occupied.

**Child Day Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization or a facility operated by a religious organization where children are cared for comparatively short periods of time while persons responsible for the children are attending religious services.

**Child Day Care Home:** A private home in which the operator permanently resides as a member of the household in which minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

- a. Family Home: A child day care facility with the approved capacity to receive one (1) but less than seven (7) minor children.
- b. Group Home: A child day care facility with the approved capacity to receive more than six (6) but not more than twelve (12) minor children.

**Child Foster Care Home:** A private home in which minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 Public Act 288, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

- a. Family Home: A child foster care facility with the approved capacity to receive one (1) but not more than four (4) minor children.
- b. Group Home: An adult foster care facility with the approved capacity to receive more than four (4) but fewer than seven (7) minor children.

**Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. "Church" shall not be construed to mean an undertaker's chapel or funeral home.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture, or similar activities, but not operated for profit nor open to the general public, and does not provide merchandise, vending, or services customarily offered on a commercial basis except incidentally for the membership and purpose of such club.

**Condominium:** A project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Public Act 59 of 1978, as amended).

**Condominium Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

**Condominium, Site:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision, wherein in the condominium units function largely as lots within a platted subdivision.

**Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium project which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium project, as well as the nature, location and size of common elements. A site condominium may not necessarily have vertical or volumetric limits.

**Condominium Unit:** That portion of a condominium designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land as in the case of a site condominium, or space which either encloses or is enclosed by a building. A condominium unit in a site condominium shall be equivalent to the term "lot" for the purposes of determining compliance of the site condominium with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, setbacks, maximum lot coverage, and similar standards pertaining to lots.

**Conference Center:** A facility used for professional, educational, social, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only, and which limits kitchen facilities to a single building only and not within individual sleeping quarters. This term shall not apply to facilities utilized by the general public such as restaurants, hotels and motels.

**Contractor's Yard:** A site on which a construction contractor stores equipment, tools, vehicles, building materials, and/or other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both, and accessory office space.

**Convalescent Home:** A facility that houses persons who receive a wide range of health and support services including the provision of meals and nursing care and may be commonly referred to as a nursing home. A convalescent home is different from an assisted living facility in that a convalescent home is principally focused on the provision of medical care and/or rehabilitation to persons residing within.

**Deck:** An outdoor unroofed structure comprised of a constructed platform attached to a building and typically supported by posts, and has a surface elevation that is no greater than eighteen (18) inches higher than the average surrounding ground or other surrounding surface elevation.

**District:** See Section 3.1.

**Drive-In / Drive-Through Establishment:** A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. A vehicle wash facility shall not be construed as a drive-in/drive-through establishment.

**Driveway:** A means of access for vehicles from a public road or approved private road or alley, across a lot, to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the County Road Commission, and which is intended to principally serve the occupants of the lot. A driveway shall not be construed as a public or private road as defined in this Ordinance.

**Dwelling, Multiple Family:** A building containing three (3) or more dwelling units for three or more families living independently of each other but excluding a motel or hotel.

**Dwelling, Single Family:** A detached building or portion thereof designed and used exclusively by one family for living, cooking, and sleeping purposes.

**Dwelling, Two Family (Duplex):** A building containing two separate dwelling units.

**Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, sleeping and ingress/egress purposes. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the provisions of this Ordinance pertaining to dwellings. A recreational vehicle shall not be construed as a dwelling unit except as may be authorized pursuant to Section 20.6.



**Easement:** A legally recorded grant of one or more of the property rights of a property owner to the public or another person or entity.

**Equestrian Center:** A structure and/or land use designed for the conducting of horse shows, training exhibitions, horse auctions, or any other horse-based activity characterized by the gathering of spectators or observers.

**Erected:** Anything built, constructed, reconstructed, moved upon, or any physical operations upon a lot required for such activities. Excavations, fill, grading, drainage, and the like, shall be considered a part of "erection."

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including communication or other towers, buildings, substations, the storage of or shelters for service equipment, maintenance depots, and similar above ground facilities.

**Excavation:** Any breaking of ground, except common household gardening, agriculture, and ground care.

**Extraction Operation:** The removal of any earthen material, including topsoil, sand, gravel, stone, or any other earthen material, for the purpose of sale or use or disposition on another lot, including crushing, sorting, washing, and other activities directly relating to the extraction operation. Extraction operations shall not be construed to include excavation activities that are necessitated by and part of the construction of a building, parking lot, or other construction project on the same lot and for which all necessary permits have been granted.

**Family:**

- a. An individual or group of two (2) or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

**Farm:** See definition of "agriculture."

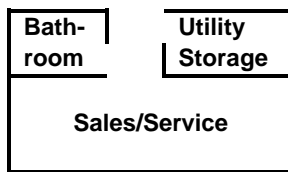
**Farm Product:** Those plants and animals produced by agriculture and includes, but is not limited to forages and sod crops; grains and feed crops; field crops; dairy and dairy products; poultry and poultry products, cervidae; livestock including breeding and grazing; equine, fish, and other aquacultural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

**Fence/Wall:** A comparatively narrow feature greater than two (2) feet in height above the ground below, intended to serve as an obscuring screen, physical barrier, and/or decorative landscape element, commonly constructed of wood, plastic, brick, stone, concrete, metal, iron, canvas or other fabric-like material hung or attached to a frame, or simulated materials to appear the same. "Fence" shall be construed to include what may be commonly referred to as a "wall" unless specified otherwise.

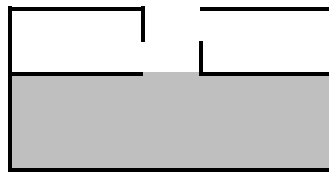
**Filling:** The depositing or dumping of any matter into or onto the ground.

**Floor Area, Gross:** Unless provided for elsewhere in this Ordinance, the sum of all horizontal areas of all floors of a building or buildings, measured from the exterior faces of exterior walls. See figures below.

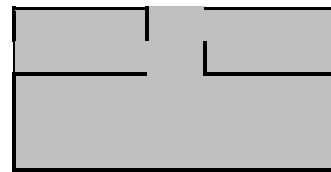
**Floor Area, Usable:** Unless provided for elsewhere in this Ordinance, and for the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls and includes the sum of the usable floor area for all floors unless expressly specified otherwise. In the case of a half-story, the useable floor area shall be considered to be only that portion having a ceiling height of five (5') feet or more. See following figures.



Floor Plan



Usable Floor Area



Gross Floor Area

**Forge:** An establishment for the heating of metal to the point when it can then be shaped.

**Frontage:** The total continuous length of the front lot line. See definition for “lot lines.”

**Garage:** An accessory building or an accessory portion of a principal building designed or used primarily for the parking and/or storage of motor vehicles, boats, motor homes, snowmobiles, and similar vehicles and equipment owned and used by the occupants of the building to which it is accessory.

**Half-Story:** See “Story-Related Definitions.”

**Home Occupation:** See Section 20.12.

**Hospital:** A human care institution that is licensed by the State of Michigan to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, staff offices, pharmaceutical services, and other support facilities and services.

**Hotel/Motel:** A building or group of buildings, whether detached or in connecting units, which is comprised of two (2) or more individual sleeping or dwelling units designed primarily for transient automobile travelers. The term “hotel” shall include buildings designated as motels, auto courts, tourist cabins and courts, motor courts, motor hotel, and similar lodging arrangements which are designed as integrated units of individual rooms under common ownership. A hotel shall not be construed as a multiple family dwelling. A hotel may include support services, including recreation facilities, where approved for such. A hotel may include kitchen facilities in the individual units where approved for such.

**Hunt Club:** An outdoor or indoor facility designed for and devoted to the shooting of firearms or archery equipment at anything other than inanimate objects, including what are commonly referred to as a hunting preserve.

**Junk Yard:** Any outdoor area or building used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of scrapped, worn out, abandoned or discarded materials, which may include but need not be limited to paper, rags, glass, cans, bottles, appliances and construction materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junkyard may also be referred to as a salvage yard and/or wrecking yard.

**Kennel:** A lot on which four (4) or more dogs or or four (4) or more cats, three (3) months of age or older, are kept for compensation, either permanently or temporarily, for the purposes of breeding, boarding, housing, leasing, sale, or transfer.

**Landscaping Services:** A lot used for office purposes, along with the storage of supplies and equipment, in association with the provision of landscape services to off-site locations. Landscape services may include lawn mowing and maintenance, snow removal, landscape design and installation, and the sale and delivery of landscape materials such as mulch, plants, seed, fertilizer, gravel, soil, pavers, and similar landscape supplies.

**Livestock:** Cattle, horses, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

**Lot:** A tract of land occupied, or intended to be occupied, by one or more buildings or uses, together with such yards and open spaces as are required under the provisions of this Ordinance, and which is described as a platted lot or portion thereof or a tract of land described by metes and bounds or a portion of such tract described by metes and bounds. A lot may or may not be specifically designated as such on public records. Within a site condominium, a condominium unit shall be synonymous with a lot for the purposes of compliance with this Ordinance. A “lot” shall be construed to include a “parcel” except where provided elsewhere by this Ordinance.

**Lot Area:** The area of the horizontal plane within the lot lines of a lot.

**Lot, Corner:** Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved road(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. See "Lot Types" figure at end of this Article.

**Lot Depth:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines.

**Lot, Flag:** A lot whose access to a public or private road is by a comparatively narrow land strip part of the balance of the lot and under the same ownership as the balance of the lot, that includes frontage along such road for a continuous distance of less than fifty percent (50%) of the required lot width dimensions of the respective district. A lot that gains access from an easement across another lot does not constitute a flag lot. See Figure and at end of this Article.

**Lot, Interior:** A lot with only one lot line along a road and not comprising a corner lot.

**Lot, Lakefront:** A lot adjacent to a body of water that holds water throughout a typical calendar year and the water surface area is five (5) acres or more throughout the year.

**Lot Lines:** The lines bounding a lot. See "Lot Lines and Yards" figure at end of this Article.

a. Lot Line, Front:

1. In the case of an interior lot, the front lot line shall be the line separating said lot from the road right-of-way or easement from which it gains access, excluding a lakefront lot.
2. In the case of a corner lot, the front lot line shall be the shorter of the two (2) lines separating said lot from the adjacent road rights-of-way or easements unless otherwise designated by an approved plat or condominium site plan.
3. In the case of a through lot, the front lot line shall be the line so designated on the plot plan or site plan, subject to approval of such plan.
4. In the case of a flag lot, the front lot line shall be the lot line most parallel to and nearest the road from which access is obtained. The front lot line shall not be construed to be the lot line adjacent to the road right-of-way.
5. In the case of a lakefront lot, the front lot line shall be the line comprising the ordinary high-water mark or, where a seawall is adjacent to the lake, the edge of the water along such seawall.

b. Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot, an imaginary line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

c. Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from another lot or lots is an "interior side lot line." See Figures at end of this Article.

**Lot, Through:** A lot having frontage on two (2) roads other than a corner lot. See "Lot Types" figure at end of this Article.

**Lot Width:** The straight-line horizontal distance between the side lot lines, measured where the required front yard setback line intersects with the side lot lines, unless regulated elsewhere by this Ordinance.

**Manufactured Home/Housing:** A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location and transported to a lot for placement and final construction including connection to utilities. Manufactured housing includes mobile homes and modular homes.

**Manufactured Housing Community:** Land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**Marina:** A constructed facility that extends along or into or over a lake or other water body, the primary purpose of which is to offer services to the public or private members of the facility for the docking of recreational watercraft, and may also offer accessory services such as the loading and unloading of watercraft into and out of the water, servicing and repair of watercraft, parking for persons using marina facilities, and the sale of boating supplies. The term marina shall not apply to a dock whose principal function is to serve the occupants of a dwelling on the same lot on which the dock is located.

**Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

**Master Plan:** The officially adopted policies of the Township addressing community growth, development, land use, and preservation, prepared pursuant to Public Act 33 of 2008, as amended, the Planning Enabling Act, and consisting of maps, charts, and written material.

**Medical Clinic:** An establishment where human patients, not lodged overnight, are admitted for examination and treatment by two (2) or more physicians, dentists, or similar professionals. A medical clinic may

incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients but shall not include facilities for overnight patient care or major surgery.

**Metal Fabrication:** The creation of metal equipment or other items from metallic raw materials by cutting; bending; assembling; burning; welding; or forming. Metal working that relies on forging or casting shall not be considered metal fabrication.

**Metal Fabrication:** The creation of metal equipment or other items by one or more of the following processes applied to metallic raw materials: cutting; bending; assembling; burning; welding; and forming. Metal working that relies on forging or casting shall not be considered metal fabrication.

**Mini Storage:** A building or group of buildings that contain individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares, and access to such stalls or lockers is not typically necessary on a daily basis.

**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. The term "mobile home" shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

**Modular Home:** A structure constructed nearly entirely within a factory, principally excluding its foundation or a basement, typically comprised of two or more modules or components that are then transported to a site where they are assembled on a permanent foundation to form a single-family dwelling unit and meeting all codes and regulations applicable to conventional on-site single-family home construction.

**Nonconforming Building or Structure:** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement, setbacks, or similar features for the district in which it is located.

**Nonconforming Lot:** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area, width and/or other dimensional requirements of the district in which it is located.

**Nonconforming Use:** A use of a building, structure, or land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the district in which it is located.

**Nuisance:** An offensive, annoying, unpleasant, or obnoxious thing or practice emanating from a lot and which is a cause or source of annoyance for the occupant of another lot, so as to cause substantial harm or discomfort to the occupant of such other lot. A nuisance may be caused by, for example, noise, dust, smoke, odor, glare, vibration, and storm water or other effluent discharge.

**Nursery:** An establishment for the sale of plant material such as trees, shrubs, and flowers, and may also include accessory sales of materials supportive of the planting and caring for plant material such as planting tools, fertilizers, mulch, soils, and similar products.

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

**Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her authorized representative.

**Parcel:** See definition of "lot."

**Parking Space:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act or a prior statute.

**Planned Unit Development:** A development project authorized according to Article 4 of this Ordinance that exhibits use and/or design features that are not normally permitted in by this Ordinance, to facilitate beneficial flexibility in the use and development of land. See Article 4.

**Plot Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan and is required for such uses as single-family dwellings and two-family dwellings. Plot plan approval is generally

delegated to the Zoning Administrator.

**Principal Building:** The main building on a lot in which the principal use exists or is served by.

**Principal Use:** The main use to which a lot is devoted and the main purpose for which the lot exists.

**Private Landing Strip:** A cleared and level area used by the owner or lessee of the premises for the operation and maintenance of personal aircraft only and recognized by a state authorized body.

**Public Facility:** Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), and owned by a public governmental entity, such as a city, village, township, county, or state, or public school board, and including commissions or other arms of such entities. Examples of public facilities include parks, cemeteries, museums, police and fire protection facilities, courts of justice, and government offices, owned by a public governmental entity.

**Public Utility:** Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; water, gas, steam, electricity, sewage disposal, communication, transportation, or water, but excluding wireless communication facilities.

**Recreational Vehicle:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or living quarters mounted on or drawn by another vehicle. A recreational vehicle may be commonly referred to as travel trailer, camper trailer, pop-up, motor home, and/or pickup camper.

**Recycling Center:** A facility where used materials are processed prior to shipment for use in the manufacturing of new products. A recycling center is distinct from a junkyard or a salvage yard. A facility that functions as an accessory use that enables the general public to drop off recyclable products such as bottles, cans, plastics, and newspapers, without the payment of a fee of any kind and which is commonly referred to as a "transfer station" for subsequent transport to another location, shall not be construed as a "recycling center."

**Recycling Collection Station:** A facility where recyclable materials are accepted from the public by donation, redemption, or purchase, for subsequent transfer to a recycling center. Recyclable materials are commonly limited to cans, bottles, newspapers and other paper and cardboard materials, second-hand goods, used motor oil, yard clippings, small appliances, and similar waste and end-materials from households and offices. A recycling collection station is distinct from a junkyard or a salvage yard. A facility that functions as an accessory use that enables the general public to drop off products for recycling, such as in the case of a recycling dumpster located at an office building, without the payment of a fee of any kind and which is commonly referred to as a "transfer station" for subsequent transport to another location, shall not be construed as a "recycling collection station."

**Restaurant:** A facility where food or beverages are prepared and offered for sale. A banquet hall and catering service shall not be construed as a restaurant. Restaurant types are further defined as follows:

Standard Restaurant: A restaurant whose principal method of operation includes one or more of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed, within a building.
- b. A cafeteria-type operation where food and beverage are consumed within a building.

Delivery Service Restaurant: A restaurant that includes as part of its operations the delivery of food service to the customer at another location.

Take-Out Restaurant: A restaurant that includes as part of its operations the serving of customers from a counter for consumption by the customer off-site.

Drive-Through Restaurant: A restaurant that includes as part of its operations the serving of customers in motor vehicles from a window.

Drive-In Restaurant: A restaurant that includes as part of its operations the serving of customers by a delivery service from the restaurant building to the customer in the customer's vehicle other than by a window, for consumption in the vehicle on the restaurant property.

Food Truck Restaurant: A restaurant comprised principally or in part, of a vehicle designed for the purpose of preparing and selling food and having its own motor power or an enclosed space mounted on or drawn by another vehicle.

**Restoration:** The reconstruction or replication of an existing building's original architectural features.

**Right-of-Way:** A public or private road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. A right-of-way is delineated by legally established lines or boundaries.

**Right-of-Way Line:** The legal line of demarcation between a right-of-way and abutting land.

**Road:** A thoroughfare that affords the principal means of access to abutting property. The term “road” also includes the term “street.”

**Road, Private:** A private way or means of vehicular access that is not dedicated for general public use, is owned by persons, an association, or other legal entity, and the maintenance for which is the responsibility of the owners.

**Road, Public:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Cass County Road Commission or Michigan Department of Transportation.

**Sawmill:** A facility of a permanent nature where harvested trees are cut, split, shaved, stripped, chipped or otherwise processed to produce wood products including the processing of harvested trees that may be transported to the sawmill facility, but excluding a temporary sawmill and the harvesting of trees for use on the same lot by the owner or resident of that lot.

**Setback:** The minimum distance by which any specified building, structure, or use must be separated from a lot line or other specified feature. In the case of a required building front, side or rear yard setback, the setback shall be measured from the respective lot line to the nearest foundation wall or other feature of the building projecting into the respective yard unless provided for elsewhere in this Ordinance, exclusive of eaves and downspouts.

**Sexually Oriented Business:** See Section 13.22 of Article 13 for definitions pertaining to sexually oriented businesses.

**Sign:** See Article 8 for sign definitions.

**Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments. See Article 14.

**Special Land Use:** Uses and structures which are generally accepted as reasonably compatible with the primary uses and structures permitted in a District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses are subject to a public hearing. See Article 15.

**Sport Shooting Range:** A facility designed and operated for the use of archery and/or the discharge and use of firearms for the purpose of practice or sport shooting, and which is used for commercial or club-like purposes. “Commercial purposes” shall be construed to mean a sport shooting range that is utilized, open, and/or available to members, a club, shareholders, the public, and/or paying invitees or guests. A sport shooting range shall not include target practice areas or designated archery areas on private property which are used solely by private landowners and their invitees for non-commercial purposes.

a. Indoor Sport Shooting Range: A sport shooting range within a permanent fully enclosed building.

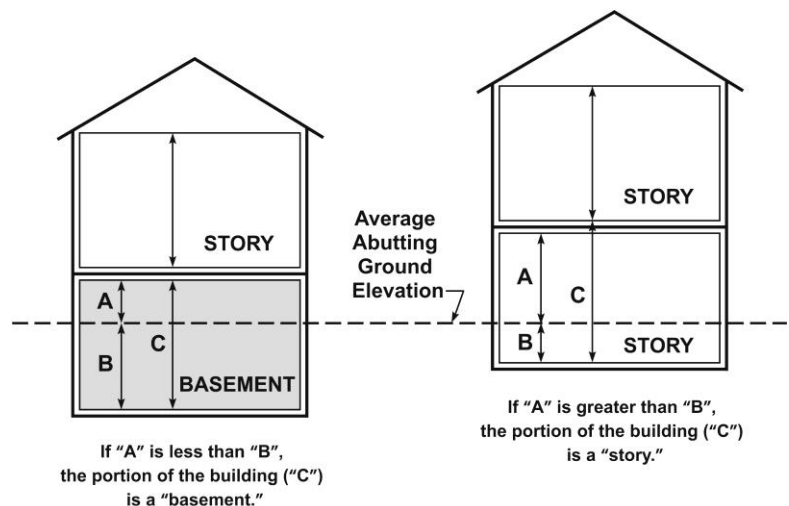
b. Outdoor Sport Shooting Range: A sport shooting range that is not located within a permanent, fully enclosed building.

**Stop Work Order:** An administrative order that directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**Story-Related Definitions:**

a. Basement: That portion of a building which is partly or wholly below the adjacent ground elevation, but so located that the vertical distance from the average outdoor abutting ground elevation is greater than the vertical distance from such average elevation to the ceiling. The average outdoor abutting ground elevation shall be determined by taking measurements at ten-foot (10') intervals along the entire perimeter wall length surrounding the floor. A basement shall not be construed as a story.

b. Half Story: The uppermost area located between a pitched roof and the uppermost full story, the usable floor area of which does not exceed one-half (1/2) of the floor



area of the uppermost full story, is a minimum of two hundred (200) sq. ft. in area, has a minimum ceiling height of seven (7) feet six (6) inches at some point, and has an exterior wall height from the half-story floor surface to the pitched roof surface of no greater than four (4) feet.

- c. **Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor or ceiling above it. A basement shall not be construed as a story.

**Street:** See "Road."

**Structure:** A structure is any one (1) or combination of the following:

- a. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, all dwellings of a permanent or temporary nature and irrespective of their manner of construction, independently supported decks, greenhouses, satellite dishes and free-standing signs. "Structure" shall not include features below the surface of the dwelling and poles supporting wires associated with telephone and electrical transmissions.
- b. Anything that exceeds two hundred (200) sq. ft. in floor area irrespective of the presence of permanent location on the ground or attachment to something having permanent location on the ground.

A structure shall not be construed to include the following except where otherwise provided in this Ordinance:

- a. Anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as "essential services."
- b. Poles supporting wires associated with telephone and electrical transmissions, irrespective of whether located outside of a public right-of-way.
- c. Vehicles and paved surfaces such as sidewalks, driveways, and roads.

**Swimming Pool:** A basin or water containment device for swimming and aquatic recreation, except that basins or water containment devices that hold water to a design depth of no greater than thirty-four (34) inches shall not be considered a swimming pool.

**Tavern:** An establishment licensed by the State of Michigan for the serving of alcoholic beverages for principal consumption on the premises, and which a minimum of thirty percent (30%) of the useable floor area of the establishment is available to patrons for the consumption of alcoholic beverages including a bar or counter area, standing areas adjacent to such bar or counter area, spectator areas in association with an entertainment stage; dance floor; and arcades.

**Tavern:** An establishment licensed by the State of Michigan for the serving of alcoholic beverages for principal consumption on the premises, and which a minimum of thirty percent (30%) of the useable floor area of the establishment is devoted to any one (1) or combination of any of the following: a bar or counter area where alcoholic beverages are served; standing area available to patrons for the consumption of alcoholic beverages adjacent to such bar or counter area; entertainment stages; dance floors; and arcades.

**Theater:** An indoor or outdoor facility dedicated to the showing or holding of dramatic, operatic, instrumental, dance and similar performances, and may rely on films, videos, television, and similar media formats. A theater may or may not be open to the general public and may or may not require a fee or other manner of payment. "Theater" shall not be construed to include "adult theater" as defined in Section 13.22 unless expressly referenced as to include "adult theater."

**Tool and Die Manufacturing:** The crafting of tools and tool holders that are used to cut, shape, and form metal and other materials, the construction of metal forms that are used to shape metal in stamping and forging operations, and the construction of metal molds for molding plastics, ceramics, and composite materials.

**Township Engineer:** The licensed staff engineer of the Township or a licensed engineer the Township may hire from time to time as needed.

**Truck Terminal:** A building or area in which freight brought by truck is assembled or stored for further routing or reshipment, or in which trailers are parked or stored during the interim between hauling runs, and may include accessory repair and maintenance services and other support facilities and services such as restroom and shower facilities.

**Use:** The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

**Variance:** A variance is a modification of the literal provisions of the Zoning Ordinance where such variance is not be contrary to the public interest and will mitigate an otherwise unique practical difficulty, and the issuance of which is based upon standards in this Ordinance. See Article 16.

**Vehicle/Car Wash:** A building, or portion thereof, designed and used for the washing of two (2) or more

vehicles irrespective of whether the washing process is automated or performed manually.

**Vehicle Repair Shop:** Buildings and premises for the principal purpose of major vehicle repairs that commonly require the maintaining of vehicles for more than twenty-four (24) hours including engine repair, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting, and may also provide minor vehicle repairs as described under “vehicle service station.”

**Vehicle Service Station:** A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles, and where minor automobile repairs may occur such as engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. A service station may also include floor area devoted to the sale of convenience items such as beverages, food products, and magazines, and similar convenience items, where such retail sales are authorized in the respective district.

**Veterinary Clinic:** An establishment which is licensed by the Michigan Department of Community Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories and offices.

**Wall:** See definition of “Fence.”

**Wireless Communication Facilities:** See Section 13.28 of Article 13 for terms and definitions pertaining to wireless communication facilities.

**Yard:** An open space, on the same lot as the structure, building or use requiring such setback, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as further defined herein. See definition for “lot lines” including as applied to corner lots and through lots. See “Lot Lines and Yards” figure at end of this Article:

- 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, typically being the road right-of-way line, and the nearest point of the principal building or other feature as may be specified. In the case of a lakefront lot, an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line, typically being the ordinary high-water mark, and the nearest point of the principal building or other feature as may be specified. See definition for “lot lines” as applied to corner lots, lakefront lots and through lots. A corner lot shall be construed to have two (2) front yards.
- 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 principal building or other feature as may be specified. In the case of a lakefront lot, an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line, typically being the road right-of-way line, and the nearest point of the principal building or other feature as may be specified. In the case of corner lots, there shall only be one (1) rear yard which shall be determined by the owner at the time of plot plan approval.
- c. **Side Yard:** An open space between the principal building or use 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 principal building or other feature as may be specified.

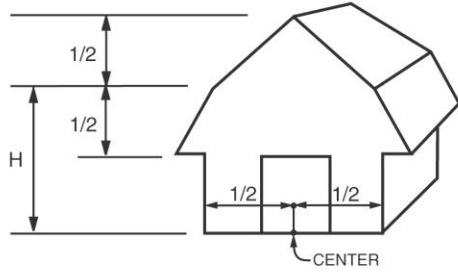
**Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

**Zoning District:** See Section 3.2.

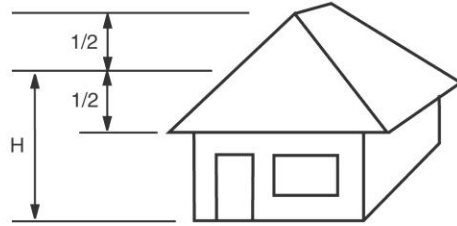
**Zoning Permit:** A permit signifying compliance with the provisions of this Ordinance and issued by the Zoning Administrator upon approval of the proposed land use or development plan by the designated approving body.



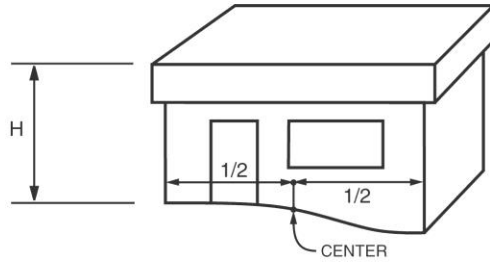
## BUILDING HEIGHT



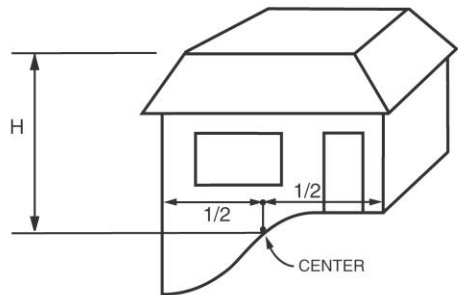
**GAMBEL ROOF**



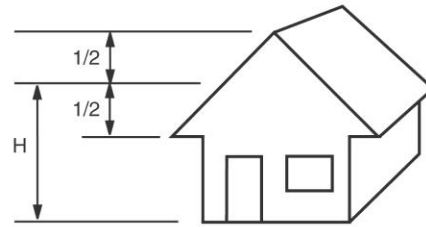
**HIP ROOF**



**FLAT ROOF**

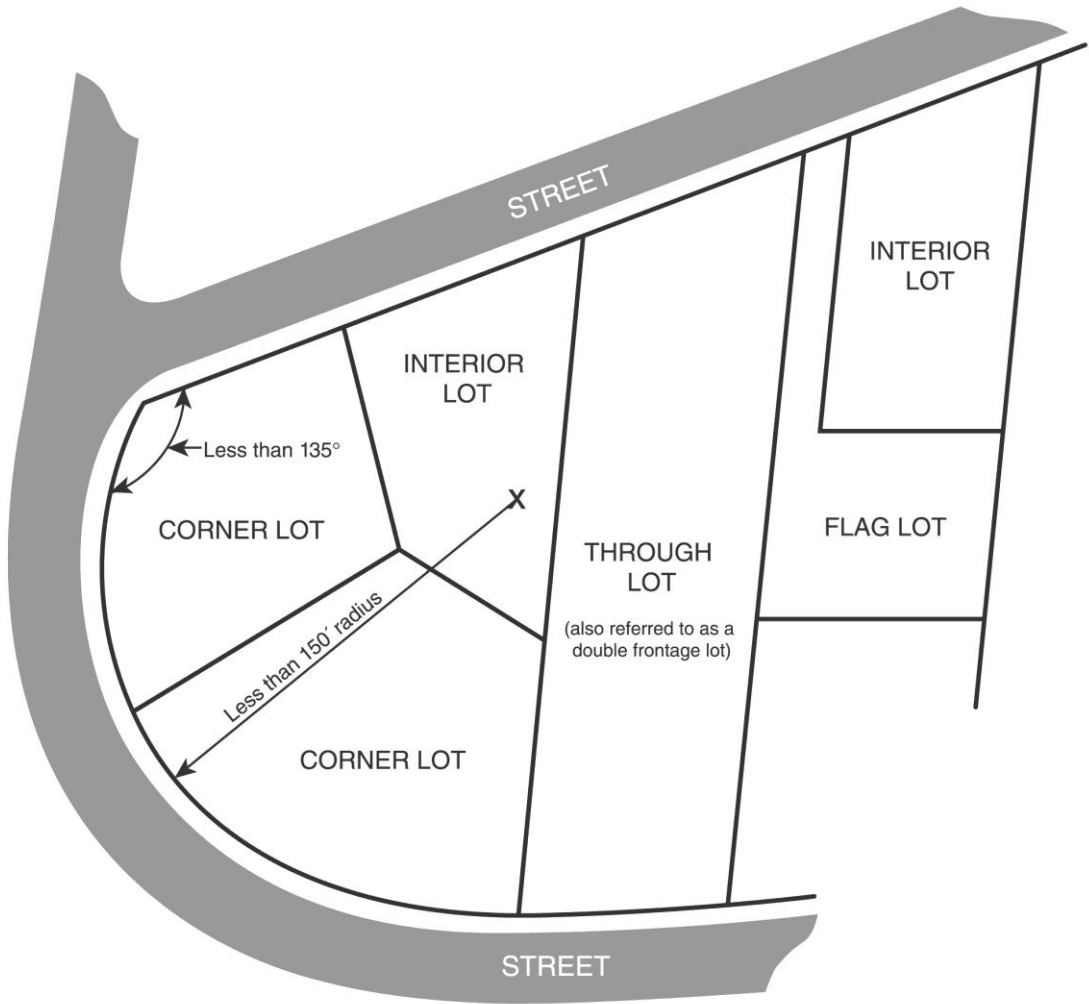


**MANSARD ROOF**

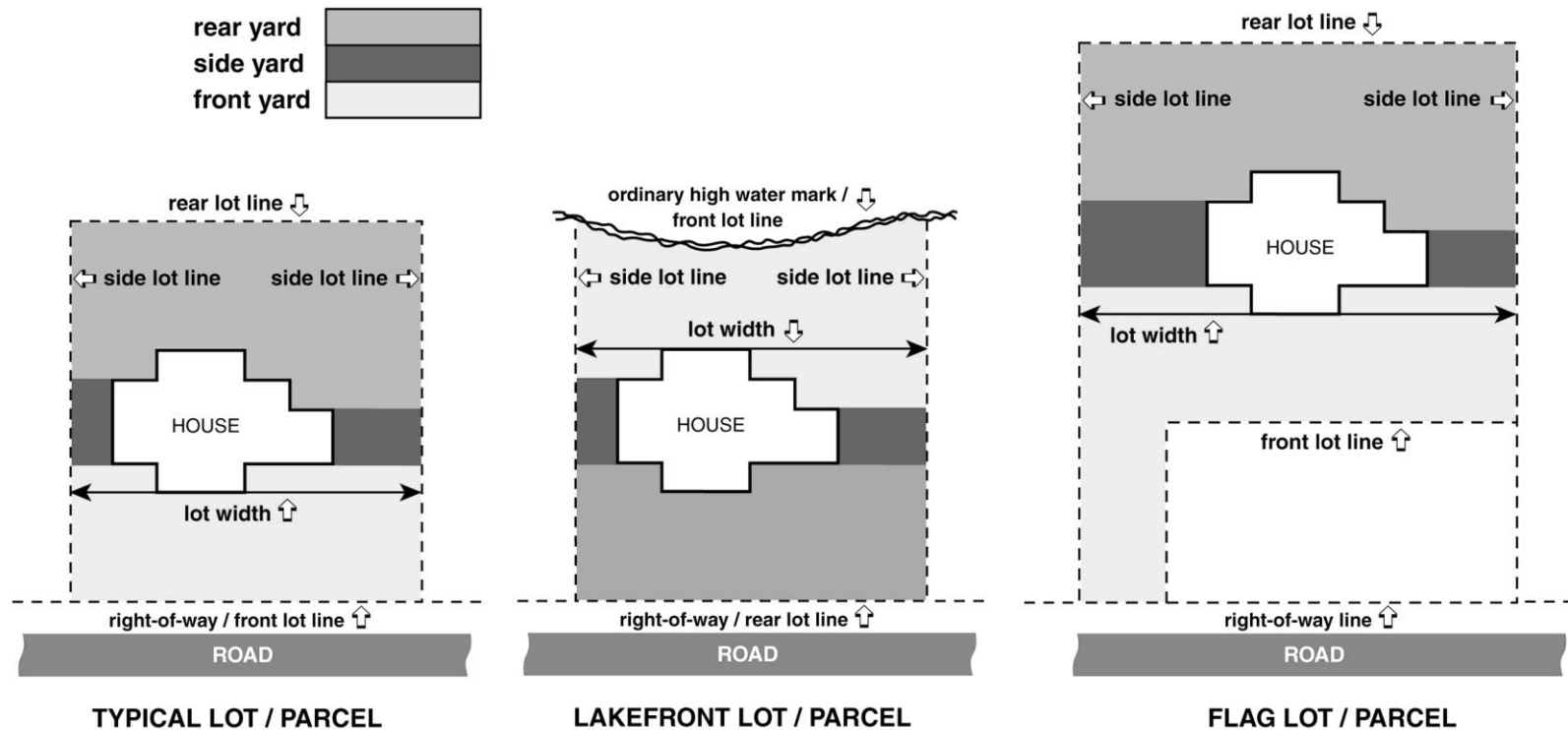


**GABLE ROOF**

**LOT TYPES**



## LOT LINES and YARDS



**End of Article 21**

## Article 22

# INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, and EFFECTIVE DATE

### **Section 22.1 Interpretation**

**A. Minimum Requirements:** In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

**B. Maintenance of Existing Law and Rules:** Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, subject to subsection (C) of this Section.

**C. Controlling Provisions:** Where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

### **Section 22.2 Severance Clause**

Sections of this Ordinance and amendments thereto shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid by court decree. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular lot, land, use, building or structure, such ruling shall not affect the application of said provision to any other lot, land, use, building or structure not specifically included in said ruling.

### **Section 22.3 Vested Right**

Nothing in this Ordinance shall 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 modification as may be necessary to the preservation or protection of public health, safety, and welfare, except as provided in Article 6, Nonconforming Lots, Uses and Structures.

### **Section 22.4 Repeal**

The Jefferson Township Zoning Ordinance adopted on May 13, 2002, and amendments thereto, is hereby repealed as of the effective date of this Ordinance. The repeal of such ordinance and its amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time it was enforced, prosecuted, or inflicted.

### **Section 22.5 Effective Date**

This Ordinance shall take effect seven (7) days following adoption and upon publication of a notice of adoption in accordance with the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Made and passed by the Township Board of the Township of Jefferson, Cass County, Michigan on \_\_\_\_\_ , 2024.

**End of Article 22**