TOWNSHIP OF ALGOMA

COUNTY OF KENT, MICHIGAN

ZONING

ORDINANCE

(Including amendments adopted through February 11, 2020)
THE TOWNSHIP OF ALGOMA ORDAINS:

AN ORDINANCE to establish zoning districts for the unincorporated portions of the Township of Algoma pursuant to the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006 to set forth regulations, minimum standards and procedures for the use, development and preservation of land and the size, location, nature and height of buildings and structures, within such districts, to establish provisions for the enforcement of this Ordinance and to prescribe penalties for the violation thereof.
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Amended March 12, 2019

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CHAPTER 1
TITLE, PURPOSE AND SCOPE

1.1 Short Title.

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

1.2 Purpose.

The purpose of this Ordinance is to promote the public health, safety and general welfare by establishing zoning districts throughout the Township, within which the use of land, buildings and structures is regulated in the public interest and in furtherance of the reasonable use of land within the Township. This Ordinance has also been adopted for the following additional purposes, among others:

(a) To encourage the use of land in accordance with its character and adaptability and in furtherance of future land use needs.

(b) To preserve and enhance the value of land and other property.

(c) To conserve natural resources and energy so as to meet the needs of the public for food, natural resources, recreation and other land uses.

(d) To ensure that uses of land shall be situated in appropriate locations and relationships, and to avoid the overcrowding of population.

(e) To lessen congestion on the public streets and to provide adequate light and air.

(f) To reduce hazards to life and property.

(g) To assist in providing for transportation, safe and adequate water supply, sanitary sewage disposal, recreation and other public requirements.

(h) To conserve expenditures for public improvements and services, so as to obtain the most advantageous uses of land, natural resources and other property interests.

(i) To assure the compatibility of land uses, buildings and structures within each district.

(j) To avoid or moderate problems or results that may limit or be detrimental to the sound development of land, buildings and structures.

(k) To implement the policies and recommendations of the Township Master Plan, when to do so would advance the public interest and foster reasonable land uses.
1.3 Scope and Interpretation.

(a) This Ordinance affects and regulates the use, development, preservation and occupancy of all land, buildings and structures in the Township. Where this Ordinance imposes greater limitations or restrictions than those imposed or required by the provisions of other ordinances, instruments of land conveyance, private restrictions or land use covenants or other laws or instruments purporting to affect land use, the provisions of this Ordinance shall control.

(b) The provisions of this Ordinance shall be interpreted and applied so as to constitute the minimum requirements necessary for promoting or advancing the public health, safety, security and general welfare.

1.4 Legal Basis.

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006.

1.5 Effect of Zoning Regulations.

No land or other premises shall be used, developed or occupied and no building or structure shall be used, erected, moved, extended or altered except in compliance with the provisions of this Ordinance.
CHAPTER 2
DEFINITIONS

2.1 Construction of Language. The following rules of construction apply to the text of this Ordinance:

(a) The particular shall control the general.

(b) In the case of any difference in meaning or implication between the text of this Ordinance and any caption of illustration, the text shall control.

(c) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

(d) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(e) A “building” or “structure” includes any part thereof.

(f) The word “person” includes any individual or corporation a partnership, an incorporated association, or any other similar entity.

(g) Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:

(1) “And” indicates that all connected items, conditions, provisions, or events shall apply.

(2) “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.

(3) “Either or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

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

2.2 Definitions – A

(a) Accessory Building. A subordinate structure detached from the principal building located on the same premises with a principal building and which is occupied by or devoted to an accessory use as an accessory building. An accessory building does not include a subordinate structure that is connected or attached to the principal building; provided, however, that an accessory building shall include a subordinate structure which is permanently attached or connected to the principal building by a fully enclosed and fully covered structure or other fully enclosed and covered architectural element that is not greater than 15 feet in length, between the principal building and the subordinate structure, and it at least one story in height.
(b) **Accessory Use.** A use naturally and normally incidental and subordinate to a principal use on the same premises.

(c) **Adult Day Care Center.** A facility, other than a private residence, in which one or more adults who are aged, mentally ill, developmentally disabled, physically handicapped or otherwise unable to care for themselves are received for care and supervision for periods of less than 24 hours per day. An adult day care center does not include any establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

(d) **Adult Day Care Home.** A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for periods of less than 24 hours per day, five or more days per week and for two or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 *et seq.*, as amended. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

(e) **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for periods of 24 hours per day, five or more days per week and for two or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 *et seq.*, as amended. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

(f) **Adult Foster Care Group Home.** An adult foster care facility licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 *et seq.*, as amended, in which the adult foster care group home licensee is a member of the household and an occupant of the residence. The home shall be a private residence providing adults with foster care for 24 hours a day, five or more days per week and for two or more consecutive weeks. A foster care group home with the approved capacity to receive at least seven but not more than 12 adults is a “small” group home. Group homes with the approved capacity to receive at least 13 but not more than 20 adults is a “large” group home.

(g) **Alteration of Building.** A change in the supporting members of a building, an addition, diminution, change in the use or conversion of a building or the removal of a building from one location to another.
2.3 Definitions – B

(a) **Basement.** A floor or level of a building having one or more of its exterior walls located wholly or partially below finished grade with grade being determined where the top of the ground rests against the building when construction is completed.

(b) **Bed and Breakfast Establishment.** A private residence that offers overnight accommodation to lodgers in the principal residence of the owner or operator of the establishment, and which serves breakfast as a part of the overnight accommodation.

(c) **Berm.** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

(c1) **Big-Box Store.** A very large retail or other store, usually with a physical layout that resembles a large square or box when viewed from above, and including more than 20,000 square feet of gross floor area. The store has a very large off-street parking area, offers a wide variety of merchandise for sale and may provide some services as well. It may offer its merchandise at discounted prices. A big-box store may also be referred to as a super store or super center. It is frequently a part of a national or regional retail merchandise company, with multiple store locations.

(d) **Billboard.** Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. A billboard shall be the principal use of the lot or parcel of land on which it is located. A billboard does not include any sign used for official notices issued by a court or public office or agency.

(e) **Buffer Strip.** An area of land, including landscaping, berms, walls and fences, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential, vacant or other parcel of land.

(f) **Building.** An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses. A building may or may not include or require a permanent location on the ground.

(g) **Building, Principal.** A building in which the main use of the premises is conducted.

(h) **Building Code.** The Township Building Code, also known as the Michigan Construction Code, including all regulations therein governing building design, construction and maintenance.

(i) **Building Envelope.** The area formed by the minimum front, side and rear building setback lines of a lot, within which the principal building must be located.
(j) **Building Height.** See “Height of Building”

(k) **Building Line.** A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from the right-of-way line.

(l) **Building Official.** The person designated by the Township Board to administer the provisions of the adopted building codes for the Township, and who oversees building, mechanical, electrical and plumbing inspections for buildings and structures subject to the provisions of the Township Building Codes.

(m) **Building Permit.** A permit issued by the building official authorizing the erection, construction, reconstruction, alteration, repair, conversion or maintenance of any building, structure or portion thereof.

### 2.4 Definitions – C

(a) **Campground.** Any privately- or governmentally-owned parcel of land accessible by motor vehicle and designed, maintained, intended or used for the purpose of supplying accommodations for overnight use by customers or visitors, including the placement and use of travel-trailers, campers, camper-trailers and other types of recreational vehicles normally used for overnight accommodations. Such areas are open to use by the public and may be operated free of charge or for profit.

(b) **Canoe Livery.** A location, together with associated buildings and other facilities, near or adjacent to a stream or river, and operated for the purpose of renting and otherwise providing canoes and similar watercraft for recreational travel on the river or stream, including off-street parking area.

(c) **Certificate of Occupancy.** A document signed by an authorized Township official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance and the Township Building Codes.

(d) **Child Care Center.** A facility, other than a private residence, receiving one or more pre-school or school age children for periods of less than 24 hours per day, for not less than two consecutive weeks (regardless of the numbers of hours of care per day), where the parents or guardians are not immediately available to the child, including facilities described as day care centers, day nurseries, nursery schools, parent cooperative pre-schools, play groups and drop-in centers (as licensed and registered under the Child Care Organizations Act, Act 116 of the Public Acts of 1973, MCL 722.111 et seq., as amended). Child care centers shall not include Sunday schools, vacation bible schools or religious instructional classes as defined in MCL 722.111(e).

(e) **Church.** An institution, place or building that is attended by persons for the purpose of participating in or convening religious services, meetings and other activities.
associated with the ministry or other religious objectives of the church. Church also includes other houses of worship commonly referred to by other terms, such as synagogue, mosque, temple, chapel or worship center.

(f) **Commercial Outdoor Recreation Facility.** A parcel of land of at least two acres in area (unless a smaller area is permitted), together with associated buildings and other facilities, maintained and operated for the purpose of providing, on a commercial basis, outdoor recreation activities and events, including but not limited to a ski area, miniature golf facility, golf driving range (but not including a golf course or country club), recreational vehicle park and other similar outdoor recreation facilities available to the general public.

(g) **Contractor Yard.** An area of land used for the purpose of parking and/or storing heavy equipment or other equipment used for earth moving, lawn maintenance and similar activities, in which such equipment is located either in a completely enclosed building or, if located out of doors, is fully enclosed by a solid fence or wall at least six feet in height or, if permitted, by natural or landscaped screening.

(h) **Convalescent Home or Nursing Home.** A nursing care facility licensed as a “nursing home” by the State Department of Public Health under Article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15(20101) et seq.), as amended. A “nursing home” as defined by this section shall include an extended care facility and a convalescent home.

(i) **Cul-De-Sac.** The vehicle turn-around area that constitutes the terminus of a street that has only one outlet to another street. A cul-de-sac lot is a lot that has frontage on such turn-around area.

### 2.5 Definitions – D

(a) **Drive-In or Drive-Through Facilities.** Any facility used to serve patrons while in their motor vehicles, either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

(b) **Dwelling.** Any building or portion thereof, including a mobile home or manufactured home, which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist homes or cabins, boarding houses, lodging houses or rooming homes.

(c) **Dwelling Unit.** One room or suite of two or more rooms designed for use or occupancy by one family for living and sleeping purposes with housekeeping facilities.

(d) **Dwelling, Multiple-Family.** A building, or portion thereof, containing three or more individual dwelling units.
(e) **Dwelling, Single Family.** A building, or portion thereof, containing only one dwelling unit.

(f) **Dwelling, Two-Family.** A building containing two attached dwelling units.

### Definitions – E

(a) **Elderly and Retirement Housing.** A building or buildings containing dwellings where the occupancy of the dwellings is restricted to persons of a specified age, and which is established, maintained and operated for the purpose of providing housing to persons who, by reason of age, have completed or are nearing the completion of their years of employment or other work or enterprise. Such housing does not include a nursing home or convalescent home.

(b) **Essential Services.** The erection, construction, alteration, maintenance and operation by public utilities or municipal utility departments of underground, surface or overhead electric and telephone lines, natural gas pipelines, water distribution mains, sanitary sewer system mains, storm water mains and associated poles, wires, lift stations, storm water drainage flow ways and also including associated conduits, cables, transformer boxes, traffic signals, fire hydrants and similar items of equipment which are necessary for the furnishing of adequate service by public utilities or municipal utility departments, where such utilities or utility departments are permitted by law or regulation to operate as a public utility under the law of the state (but essential public services shall also include cable television service established and operated by providers thereof when granted a franchise by the Township and when utilizing public street rights-of-way and other approved routes consented to by the Township); provided, however, that this definition does not include buildings, storage yards, storage tanks, gas regulator stations, electric substations or facilities or other structures or facilities not specified in this paragraph. Further, essential public services do not include services rendered by persons, companies or other entities that are not certified by the appropriate regulatory body as public utilities or that are not otherwise authorized by law to operate as a public utility, except for cable television providers which have been granted a franchise by the Township and which otherwise comply with the limitations on such providers as stated in this paragraph.

(c) **Excavation.** Any breaking of ground, except common household gardening and ground care, and except farming and other agricultural uses.

### Definitions – F

(a) **Family.** An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and authorized live-in employees of the principal occupants who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, nontransient 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, half-way house, lodge, coterie, organization, group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

(b) **Family Day Care Home.** A private home in which at least one but fewer than seven minor children are receiving care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

(c) **Farm.** All the contiguous neighboring or associated land operated as a single unit on which farming is carried on by the owner-operator, manager or tenant including employees thereof. A farm includes an establishment operated as a greenhouse, nursery, orchard, livestock and poultry farm, and apiary.

(d) **Farm Market.** The seasonal selling or offering for sale at retail of home-grown vegetables or other produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or other produce and also including the incidental sale of agriculturally-related products.

(e) **Farming Activities.** All operations of a farm such as the cultivation, conserving, and tillage of the soil, dairying, greenhouse operations, the production, cultivation, growing, and harvesting of any agricultural, floricultural, sod or horticultural commodities, the raising of livestock, bees, fur-bearing animals, freshwater fish, or poultry; or any practices on the farm as an incident to or in conjunction with such farming activities including but not necessarily restricted to the following: preparation for market, delivery to storage or to market, or to carriers for transportation to market, of any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; the marketing or selling at wholesale or retail or in any other manner any products from the farm.

(f) **Fence.** An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.
(f-1) **Flag Lot.** A lot or other parcel of land that has less frontage on a public or private street than required in the zone district, but has at least 66 feet of such frontage, and at some distance back from the front lot line, achieves a width equal to at least the minimum required lot width in the zone district, and, further, such minimum width continues to be maintained throughout the remainder of the lot or parcel, to the rear line thereof. Access to a flag lot shall be gained only from the adjacent public or private street. A flag lot is not a cul-de-sac lot.

(g) **Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

(h) **Flood Plain.** The Rogue River and its tributaries and adjacent land or water areas which would be inundated by flood waters in a flood that has a probability of occurrence of once in 100 years.

(i) **Floor Area.** The area of all floors computed by measuring the dimensions of the outside walls in a building, excluding attic and basement floors, porches, patios, terraces, breezeways, carports, verandas and garages.

(j) **Foster Family Home.** A private home in which at least one but not more than four minor children, who are not related to an adult member of the house by blood or marriage, or who are not placed in the household pursuant to the Adoption Code (Act 288 of the Public Acts of 1939, as amended) are given care and supervision for 24 hours per day, for four or more days per week, for two or more consecutive weeks, unattended by a parent or guardian. The home shall be licensed under Act 116 of the Public Acts of 1973, and the licensee shall be a permanent resident of the home.

(k) **Foster Family Group Home.** A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the house by blood or marriage, or who are not placed in the household pursuant to the Adoption Code (Act 288 of the Public Acts of 1939, as amended) are given care and supervision for 24 hours per day, for four or more days per week, for two or more consecutive weeks, unattended by a parent or guardian. The home shall be licensed under Act 116 of the Public Acts of 1973, and the licensee shall be a permanent resident of the home.
(l) Fuel Depot and Fuel Dispensing System. Facilities, tanks and other equipment established and maintained for the storage and dispensing of petroleum products used for heating or motorized vehicle purposes, and including off-street parking and vehicle circulation areas for the use of fuel and tanker trucks in the delivery and removal of oil, gasoline, propane and other petroleum fuels stored within the facility.

2.8 Definitions – G

(a) Garage. A detached accessory building or portion of a main building used primarily for the parking or storage of passenger motor vehicles and/or trucks of a rated capacity not exceeding two tons and used by an occupant of the premises.

(b) Grade. The gradient, the rate of incline or decline expressed as a percent. For example, a rise of 25 feet in a horizontal distance of 100 feet would be expressed as a grade of 25 percent.

(c) Grade, Average. The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

(d) Greenbelt. A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

(e) Greenhouse or Nursery, Commercial. A retail business in which the principal activity is the selling of plants grown on the site or elsewhere and generally having outside storage, growing or display.

(f) Group Day Care Home. A private home in which more than six but not more than 12 minor children, who are not related to an adult member of the house by blood or marriage, or who are not placed in the household pursuant to the Adoption Code (Act 288 of the Public Acts of 1939, as amended) are given care and supervision for periods of less than 24 hours per day, for four or more days per week, for two or more consecutive weeks, unattended by a parent or guardian. The home shall be licensed under Act 116 of the Public Acts of 1973, and the licensee shall be a permanent resident of the home.

2.9 Definitions – H

(a) Health Club and Athletic Club. A building containing facilities and equipment for athletic, health, fitness or recreational purposes, including a gymnasium, exercise equipment, locker rooms, swimming pool and other facilities, including off-street parking area.
(b) **Height of Building and Structure.** The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface.

(c) **Home for the Aged.** A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility that provides room, board, and supervised personal care to 21 or more unrelated, nontransient, individuals 60 years of age or older. Home for the aged includes a supervised personal care facility for 20 or fewer individuals 60 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

(d) **Home Occupation.** An occupation or profession that is customarily incidental and secondary to the use of a dwelling, and one that is traditionally carried on in a dwelling, but which does not include a bed and breakfast establishment nor the conduct of a retail trade. A home occupation is one that is carried on by only the inhabitants of the dwelling, plus not more than one non-resident. To the extent permitted, a home occupation may be carried on within an attached garage or a detached garage. A home occupation includes the home occupations stated in Section 4.17(o).

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

(f) **Hotel/Motel.** A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms and recreational facilities.

2.10 **Definitions – I**

(a) **Indoor Sports Business.** A building or buildings, with associated off-street parking area and other incidental facilities, established and operated as a place for the playing of recreational sports and games, including but not limited to tennis, racquetball, bowling, ice skating, roller skating, basketball, indoor running and other sports, games and athletic contests and activities, made available to the public on a commercial or membership basis.

(b) **Intensive Livestock Operations.** Agricultural activities, facilities and lands in which livestock, fowl or other farm animals are maintained in close quarters for the purpose of raising or fattening such livestock, fowl or other farm animals for final shipment to market, where all of such operations and activities are in compliance with generally-accepted agricultural and management practices as promulgated by the Michigan Commission of Agriculture and applicable state law.
(c) **Irregularly-Shaped Lot.** A lot or parcel of land that has front, side and rear lines, or any of them, that are so located in relation to the other lot boundary lines that the lot is substantially other than rectangular.

(d) **Impound Lots.** An area used only for the temporary accumulation and storage of impounded vehicles. An impound lot shall not include the collection, accumulation, storage, dismantling, dumping, display, resale, exchange, bailing, crushing, shredding, cleaning or handling of second-hand, salvaged or waste materials, goods, machinery, vehicles, trailers, equipment or furnishings. An impound lot may include an office and storage and repair facilities for wreckers used for the impounding business.

### 2.11 Definitions – J

(a) **Junk Or Trash.** The terms “trash,” “litter” and “junk” are synonymous and each as used herein shall include the following: used articles or used pieces or iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber, ashes, broken up or discarded cement, discarded asphalt or asphalt fragments, garbage, industrial by-products or waste, empty cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.

(b) **Junk Yard, Or Salvage Yard.** An area used for any of the following: The collection, storage, dismantling, dumping, display, resale, exchange, baling, cleaning, or handling of second hand, salvaged, or used waste materials, machinery, vehicles, trailers, equipment, or furnishings; but excluding automobile, boat, truck or trailer sales areas.

### 2.12 Definitions – K

(a) **Kennel.** Any lot or premise on which four or more dogs, cats or other household pets, three months of age or older, are either permanently or temporarily boarded, whether for commercial or non-commercial purposes. A kennel shall also include any lot or premises where household pets are bred or sold for commercial purposes.

### 2.13 Definitions – L

(a) **Light Manufacturing.** The manufacture, predominately from previously-prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage and the delivery and distribution of such products, but excluding basic industrial processing and excluding the manufacture of materials or products predominately from extracted or raw materials.

(b) **Loading Space.** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.
(c) **Lot.** A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual lot which does not meet the requirements of this Ordinance:

(1) A platted lot, or a portion of a platted lot;

(2) A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or

(3) A building site as defined in this Ordinance in connection with a site condominium project.

(d) **Lot, Corner.** Any lot having at least two contiguous sides abutting upon streets.

(d-1) **Lot, Depth.**

(1) In the case of a regularly shaped lot, the straight-line distance, measured perpendicularly to the front lot line, between the front lot line and the rear lot line.

(2) In the case of an irregularly shaped lot (other than a flag lot or a cul-de-sac lot), the distance between the front lot line and the rear lot line as determined by the average of the lengths of the two side lot lines, or the length of a line located halfway between the side lot lines, extending from the front lot line, back to the rear lot line, whichever method of measurement results in the greater depth of the lot or parcel; provided, however, that in the case of an irregularly shaped parcel (other than a flag lot or a cul-de-sac lot) that has side lot lines that are not fully perpendicular to the street right-of-way line, or are otherwise irregular, the depth of the lot or parcel shall be determined by such other method as will best achieve the intent and result of this provision.

(3) In the case of a flag lot or a cul-de-sac lot, the distance between the point at which the required minimum lot width is first achieved and the rear lot line as determined by the average of the lengths of the two side lot lines, or the length of a line located halfway between the side lot lines, extending from the point at which required minimum lot width is first achieved, back to the rear:
lot line, whichever method of measurement results in the greater depth of the lot or parcel; provided, however that in the case of a flag lot or a cul-de-sac lot that has side lot lines that are not fully perpendicular to a line drawn at the location at which required minimum lot width is first achieved, or that are otherwise irregular, the depth of the lot or parcel shall be determined by such other method that shall best achieve the intent and result of this provision.

(e) **Lot, Interior.** A lot other than a corner lot or through lot.

(f) **Lot, Through.** Any interior lot having frontage on two parallel streets. A building on a through lot shall comply with the required minimum front yard building setback for each abutting street, except for certain accessory buildings as stated in Section 4.3(e)(3), but for all other purposes, the front yard of a through lot shall be the front yard having the lesser width, so long as such width is not less than the minimum lot width of the district in which the lot is located.

(g) **Lot, Waterfront.** A lot having a property line abutting a shoreline, or abutting a traverse line or meander line that is along or near a shoreline.

(h) **Lot Area.** The horizontal area within the lot lines, excluding any lands within public or private easements that are granted for the purpose of establishing and maintaining public or private streets, or driveways serving two or more parcels of land.

(i) **Lot Coverage.** The part of the lot occupied by any building, including accessory buildings, parking areas, driveway, patios, decks and other impervious surfaces.

(j) **Lot Lines.** The lines bounding a lot as defined herein:

1. **Front Lot Line.** In the case of an Interior Lot, it is the line separating the lot from the street. In the case of a Through Lot, it is that line separating said lot from either street. In the case of a Corner Lot, the front lot line shall be the shorter line (of the two lot lines that abut the streets adjacent to the lot), if the shorter line is at least as long as the required minimum lot width for the zone district in which the lot is located. Where the two abutting lot lines are equal
in length, the Zoning Administrator shall designate one of the lines as the front lot line.

(2) **Rear Lot Line.** That lot line opposite and most distant from the front lot line.

(3) **Side Lot Line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

(k) **Lot Width.**

(1) The shortest straight line distance between the side lot lines of a lot, as measured at the front lot line. In the case of a corner lot, lot width is the shortest straight line distance between the side lot lines that extend back from the designated front lot line, as determined by this Ordinance, such width to be measured at such designated front lot line.

(2) In the case of a lot abutting a cul-de-sac, the required minimum lot width shall be measured at a line drawn at the location at which minimum lot width is first achieved; provided, however, that a cul-de-sac lot shall have a minimum lot width of 66 feet at the nearest street right-of-way line.

(3) In the case of a flag lot or any other irregularly shaped lot, such lot shall be at least 66 feet wide at the nearest street right-of-way line, and the required minimum lot width for the zone district in which the lot is located shall be the width of a line drawn at the location at which required minimum lot width is first achieved.

2.14 Definitions – M

(a) **Manufactured Home or Mobile Home.** A factory-built, single family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis or foundation and is used as a dwelling, but which is not constructed with a permanent hitch or other device allowing transport of the dwelling unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

(b) **Manufactured Housing Community.** A parcel of land under single ownership that has been planned, designed, improved and maintained for the placement and use of manufactured housing for dwelling purposes and for permitted accessory uses.

(c) **Master Plan.** The Master Plan currently adopted by the Township, including graphic and written proposals, indicating the general location for streets, parks, schools, public facilities, and all physical development of the Township, and any unit or part of such plan and any amendment to such plan.
(d) **Mobile Home.** A manufactured home.

(e) **Modular and Prefabricated Home.** A manufactured home.

(f) **Motor Vehicle Body Shop.** A building and related driveways, service areas and parking areas, maintained and used for the repair of motor vehicles, particularly including repair and restoration of the exterior surface, bumpers and other exterior components of motor vehicles.

(g) **Motor Vehicle Repair Shop.** A garage, building or area used principally for the repair of automobiles, trucks, boats, farm equipment, trailers or similar motor vehicles.

2.15 Definitions – N

(a) **Natural Feature.** Components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, climate, floodplains, aquatic life, and wildlife.

(b) **Natural Vegetation Strip.** An area extending landward from the ordinary high-water mark of a lake or stream and/or from the edge of wetland that provides adequate soil conditions and native vegetation for the performance of the basic functional properties of a stream corridor and other hydrologically related critical areas.

(c) **Nonconforming Building.** A building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which it is located.

(d) **Nonconforming Use.** The use of a building, structure or land, which was lawfully existing at the time this Ordinance became effective, but which does not comply with the present regulations of the district in which it is located.

(e) **Nursing Home.** See “Convalescent Home or Nursing Home”

(f) **Nuisance.** Any thing, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property.

2.16 Definitions – O

(a) **Open Air Business.** An area of land, with associated driveways and parking area, used for the display and sale of merchandise and other goods and commodities, on a retail basis and including sales at auction.
2.17 Definitions – P

(a) **Parcel Delivery Station.** A building or other facility operated as a place for the delivery of packages and parcels and for the receiving and removal of packages and parcels by those to whom they are directed. A parcel delivery station includes driveways, off-street parking and loading areas and sufficient on-site space for the delivery and removal of parcels in motor vehicles.

(b) **Parking Area, Space or Lot.** An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees. Parking area shall include access drives within the actual parking area.

(c) **Principal or Main Use.** The primary or predominant use of a parcel of land.

(d) **Provisioning Center Agent.** A principal officer, board member, employee, operator or any other person acting as an agent of a provisioning center.

(e) **Public Utility.** Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications (excluding wireless communications), telegraph, transportation, or water services; provided that this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting.

(f) **Public Water.** The supply of potable water from a municipal department, board, or commission authorized to furnish such, or a private firm or corporation permitted to provide such service via a community system. All public water systems shall meet the minimum standards of the local, state and federal agencies regulating drinking water.

(g) **Publicly Owned Recreation Area.** A land area and facilities owned by the Township, a municipality, public authority or other public agency and used for recreation by the general public including but not limited to boat launching sites, public docks, beaches for swimming and other water recreation and areas for the mooring and launching of watercraft.

2.18 Definitions – Q and R

(a) **Qualifying Patient.** “Qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition, as defined in the MMMA, and who has been issued a registry identification card by the Michigan Department of Community Health that identifies such person as a registered qualifying patient.

(b) **Recreational Vehicle.** Any motor home, truck camper, travel trailer, bus, camper, trailer coach or similar vehicle transportable under its own motor power or transported on or by another vehicle. Recreational vehicles are used, designed and intended as occasional or short-term living quarters for recreational, camping or travel purposes.
(c) **Recycling Facility.** An establishment for the processing (separation and/or recovery) or collection of recyclable materials.

(d) **Retention Pond.** A permanent, natural or man-made structure that provides for the storage of storm water runoff by means of a permanent pool of water.

(e) **Roadside Market Stand.** A temporary building or structure operated for the purpose of selling produce raised only on the same premises, by the property owner and/or the owner’s family.

2.19 Definitions – S

(a) **Safety Compliance Facility Agent.** A principal officer, board member, employee, operator or agent of a safety compliance facility.

(b) **Salvage Yard.** See “Junk Yard”

(c) **Screening or Buffering.** A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms or densely planted vegetation.

(d) **Seedling.** A marijuana plant that has no flowers, is less than 12 inches in height and is less than 12 inches in diameter.

(e) **Septic System.** An underground system tank used for the decomposition of human wastes.

(f) **Service Drive.** A minor street which is parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

(g) **Setback.** The minimum unoccupied distance between front, side, or rear lot line and the principal and accessory buildings, on any lot or parcel as required in this Ordinance.

(h) **Sewage Disposal System, Private.** A sewage disposal system that collects, treats and disposes of sewage independent of any public sewage facilities.

(i) **Stable, Commercial.** A building where horses and/or ponies are sheltered, fed or kept for hire.
(j) **Story.** That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

(k) **Street.** An easement, right-of-way or other interest in land established or used for the purpose of providing access to abutting land.

(1) A street may be a public street or a private street.

(2) A public street is an easement, right-of-way or other interest in land which has been conveyed or dedicated to, and accepted by, the Township, county or other governmental body for the purpose of providing access to abutting land.

(3) A private street is a non-public street that provides the means of access to more than two lots or parcels of land.

(l) **Street, Arterial or Major.** A major street for carrying a large volume of through traffic in the area.

(m) **Structure.** Anything constructed or erected which requires permanent or temporary location on the ground or attachment to something having such location, except slabs or decks that are flush with the ground or are not higher than six inches above the surface of the ground. Structure includes a building, and accordingly, any reference herein to “building” shall mean and include “structure.”

(n) **Swimming Pool.** A constructed basin or structure for the holding of water for swimming and aquatic recreation, including in-ground and above-ground pools, hot tubs and spas; provided, however, that swimming pool shall include plastic, canvas or rubber portable pools temporarily erected upon the ground and which are designed to be filled to a depth of 24 inches or more.

2.20 Definitions – T and U

(a) **Telecommunications Antenna.** Any exterior apparatus designed for telephonic, radio, or television communications through the sending or receiving of electromagnetic waves. Antenna types include, but are not limited to, omnidirectional “whip” antenna, directional “panel” antenna and ancillary antenna.

(b) **Telecommunications Tower.** A mast, pole, monopole, guyed, or freestanding framework, or other vertical elements that act as an antenna or to that an antenna is affixed or attached.

(c) **Transportation Terminal.** A building or area in which freight brought by truck is assembled or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks, are parked or stored.

(d) **Use.** The lawful purpose for which land or premises of a building thereon is designated, arranged, intended, or for which is occupied, maintained or leased.
(e) **Use, Accessory.** A use normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings.

(f) **Use, Principal.** The main, primary or predominate use of the premises.

(g) **Use, Temporary.** A use or building permitted to exist during period of construction of the main building or use, or for special events.

2.21 Definitions – V

2.22 Definitions – W

(a) **Warehouse.** A building used primarily for the storage of goods, materials and commodities, and including associated driveways, vehicle circulation areas and off-street parking areas. A warehouse may include the storage of goods, materials and commodities on a wholesale basis, prior to their distribution for retail sale, and it may also include a self-storage warehouse, with respect to which customers deliver their own goods and materials for storage in a building, and remove such goods and materials at the termination of such storage.

2.23 Definitions – X, Y and Z

(a) **Yards.** The open spaces on the same lot with a principal building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

(1) **Front Yard.** An open unoccupied space unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot and lying between the front street right-of-way line and the nearest foundation of that part of the principal building which is roofed.

   (i) The front yard for lots described in subparagraph (d) of Section 4.5 shall be as stated in that subparagraph.

(2) **Rear Yard.** A space unoccupied except by a permitted accessory building or use as hereinafter specifically permitted, extending across the full width of the lot between the rear foundation of that part of the principal building which is roofed and the rear lot line.
(3) **Side Yard.** An open unoccupied space unless occupied by a use as hereinafter specifically permitted, on the same lot with the building between the foundation of that part of the principal building which is roofed and the side lot line, extending from the front yard to the rear yard.

(b) **Yard, Required.** The required yard shall be that set forth as the minimum yard setback requirement for each district.
CHAPTER 3
ZONING DISTRICTS AND ZONING MAP

3.1 Zoning Districts.

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

- R-A Rural Agricultural District
- R-R Rural Residential District
- R-1 Suburban Residential District
- R-2 Low Density Multi-Family Residential District
- R-3 Lake Residential District
- R-4 MHC Manufactured Housing Community District
- OS-PUD Open Space Planned Unit Development
- C-1 Neighborhood Business District
- C-2 General Business District
- C-3 Office Business District
- Ten Mile Road Corridor Overlay Zone
- C-PUD Commercial Planned Unit Development District
- M-PUD Mixed Use Planned Unit Development District
- N-R Natural River District
- I Industrial District

3.2 Zoning Map.

The locations and boundaries of the zoning districts within the Township are hereby established as shown on a zoning map entitled “Official Zoning Map of the Township of Algoma, Kent County, Michigan.” The Zoning Map is hereby made a part of this Ordinance.

Where there is uncertainty as to the particular locations of boundaries of zoning districts as shown on the zoning map, the following rules of interpretation shall apply:

(a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as following the shoreline of lakes or rivers shall be construed as following such shore line, and in the event of a change in the shoreline of a lake or river, said boundary shall be construed as changing with said shoreline.

(d) Boundaries indicated as approximately following property lines or section lines or other lines of the government survey shall be construed as following such property lines as of the effective date of this Ordinance or applicable amendment.
3.3 Parcel Divided by Zoning District Line.

Where the boundary line of a zoning district as shown on the Zoning Map divides a lot or parcel of land, the boundary line of each respective zone shall be complied with, despite the fact that the boundary line or lines may not correspond to a property line.

3.4 Lands Not Included with a District.

In all cases where land has not been specifically included within a zoning district, including any lands which have become a part of the Township subsequent to the enactment of this Ordinance, such lands shall be deemed zoned in the R-A Rural Agricultural District, unless zoned in some other district by means of an amendment in the Zoning Ordinance and Zoning Map.
CHAPTER 4
GENERAL PROVISIONS

4.1 Scope of this Chapter.

These general provisions shall apply to all zoning districts unless otherwise stated in this Ordinance. The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety and general welfare in the Township.

4.2 The Effect of Zoning.

Zoning affects every structure, land use and parcel of land. No building, structure or land shall be used or occupied, and no building or part thereof, or structure or part thereof, shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in compliance with the provisions in this Ordinance for the zone in which such building, structure or land is located and except in compliance with other applicable provisions of this Ordinance. Any building, structure or land use not provided for in this Ordinance is prohibited.

4.3 Accessory Buildings.

(a) In any zoning district, accessory buildings are permitted in accordance with this section. The architectural character, roof lines, materials, and siding of accessory buildings used as private garages shall be generally compatible with those of the principal building.

(b) No accessory building shall be built upon any parcel on which there is no principal building, except accessory buildings to a principal structure located on a nearby lot shall be permitted in the R-3 Lake Residential District with the additional following conditions: first, not more than one such building or structure may be located on a lot across a public or private street which is either directly across or substantially adjacent and across from a lot improved with a principal dwelling, if both lots are under common ownership; and second, that a restrictive deed covenant shall be imposed against both such lots, prohibiting their separate sale unless the building or structure is removed, or the lot on which it is located is improved by a principal dwelling, in compliance with the Zoning Ordinance.

In the case of a proposed accessory building to be constructed on a parcel of land on which the principal building is being or will be constructed, a building permit for any such accessory building shall not be issued until the construction of the principal building has proceeded to the point at which the Township building official has inspected and approved the building-foundation stage of construction.

No accessory building shall include residential or living quarters, unless permitted by the terms of this Ordinance.

(c) The distance between an accessory building and any principal building shall not be less than ten feet.
(d) No mobile home, trailer, vehicle, tank, junk object or salvage materials or similar items shall be utilized as an accessory building or storage structure; provided, however, that this requirement shall not apply to agricultural storage or other agricultural activities on bona fide farms, nor shall it apply to temporary tool sheds or similar temporary storage structures used during the construction of buildings or other structures on the land where such temporary tool sheds or other temporary storage structures are located. The roof overhang on any side of an accessory building shall not exceed 12 feet in width, as measured from the building wall to the roof supports, if any; provided however, that a roof overhang exceeding 12 feet in width may be permitted if the portion of the overhang that extends beyond, a point 12 feet away from the building wall is counted in determining the total area of the accessory building.

(e) **Yard Restrictions.**

(1) Accessory buildings may be located in the rear yard, but they shall not be located closer to the rear lot line than the required minimum rear yard building setback for the principal building; provided, however, that an accessory building that has an area of 150 square feet or less may be located within five feet of the rear lot line (but if the rear lot line abuts the side lot line of an adjacent lot, then such an accessory building shall not be closer to the rear lot line than the minimum required side yard building setback of the district in which the lot is located).

In the case of a waterfront lot, an accessory building may be located in the rear yard, but it shall not be closer than 40 feet from the water’s edge, except that pump houses may be located within 40 feet of the water’s edge if they do not exceed three feet in height.

Accessory buildings shall not occupy more than 30 percent of the existing rear yard space and shall not be closer to a side lot line than the principal building is permitted to be.

(2) Accessory buildings may be located in the side yard, they may not be closer to any side lot line than the principal building is permitted to be. Accessory buildings located in a side yard shall not occupy more than 30 percent of the area of the side yard.

(3) Accessory buildings may be located in a front yard if all of the following requirements are satisfied:

(i) An accessory building in the front yard shall comply with the side yard requirements of the zone in which the lot is located.

(ii) An accessory building located in the front yard shall have a minimum front yard building setback of twice the minimum front yard building
setback as required in the zone district for a principal building, except as follows:

(I) An accessory building located in that front yard of a through lot or a corner lot that is adjacent to the abutting street that does not provide driveway access to the lot shall be set back from the street right-of-way line for a distance equal to the required minimum front yard building setback in the zone district plus ten feet, except that this provision shall not apply to a through lot in the R-3 District.

(II) In the R-3 District, an accessory building located in the front yard shall comply with the minimum required front yard building setback for a principal building.

(iii) An accessory building in the front yard shall be located only on a parcel of at least four acres, except in the R-3 and N-R Districts and except on a through lot or a corner lot in any zone district.

(iv) Accessory buildings must occupy 30 percent or less of the space within the front yard located between the principal building line and the required accessory building setback as stated in Section 4.3(e)(3)(ii).

(v) Accessory buildings must be located so that they offset the principal building by a minimum of ten feet, except in the R-3 District.

(f) **Size and Dimensional Requirements.**

(1) Accessory buildings in R-1, R-2 and R-3 Districts shall comply with the following requirements.

(i) For parcels less than 42,000 square feet. An accessory building shall not exceed 896 square feet in area or have a door opening greater than 13 feet in height. The height of the eave walls of the accessory building shall not be greater than 15 feet, and the accessory building height shall not be greater than 22 feet. The longer dimension of the building shall not be more than twice the shorter dimension.

(ii) For parcels 42,000 square feet or more. An accessory building shall not exceed 1,200 square feet in area or have a door opening greater than 14 feet in height. The height of the eave walls of the accessory building shall not be greater than 16 feet, and the accessory building height shall not be greater than 22 feet. The longer dimension of the building shall not be more than twice the shorter dimension.
(iii) An accessory building regulated under this Section 4.3(f)(1) and which is larger than 240 square feet in area may be erected only if the building inspector finds:

(I) That the intended use of the building is consistent with the nature of the permitted uses.

(II) That the size, proposed location, type and kind of construction, and general architectural character of the building is consistent with existing permitted uses.

(III) That the type and kind of the accessory building is similar in nature to structures located on the adjoining properties and in the same neighborhood.

(IV) That the building will not adversely affect the light and air circulation of any adjoining properties.

(V) That the reason the applicant has requested a larger accessory building is consistent with the intent of this Ordinance.

(VI) That the building will not adversely affect the view of any adjoining property.

(2) In the R-A, N-R, and R-R Zoning Districts, accessory buildings shall meet the following requirements:

(i) On a parcel of less than 84,000 square feet, but having at least 90 percent of 42,000 square feet in area, an accessory building shall not exceed 1,200 square feet in area or have a door opening greater than 14 feet in height. The height of the eave walls of the accessory building shall not be greater than 16 feet, and the accessory building’s height shall not be greater than 22 feet. The longer exterior dimension of the accessory building shall not be greater than twice the shorter exterior dimension of the accessory building.

(ii) On a parcel of two acres, up to four acres, an accessory building shall not exceed 1,600 square feet in area or have a door opening greater than 14 feet in height. The height of the eave walls of the accessory building shall not be greater than 16 feet, and the accessory building’s height shall not be greater than 25 feet. The longer exterior dimension of the accessory building shall not be greater than twice the shorter exterior dimension of the accessory building.

(iii) On a parcel of four acres, up to eight acres, an accessory building shall not exceed 2,400 square feet in area or have a door opening greater than 14 feet in height. The height of the eave walls of the accessory building shall not be greater than 16 feet, and the accessory building’s height shall not be greater than 25 feet. The longer
exterior dimension of the accessory building shall not be greater than twice the shorter exterior dimension of the accessory building.

(iv) On a parcel eight acres or more, an accessory building shall not exceed 3,000 square feet in area or have a door opening greater than 14 feet in height. The height of the eave walls of the accessory building shall not be greater than 16 feet, and the accessory building’s height shall not be greater than 25 feet. The longer exterior dimension of the accessory building shall not be greater than twice the shorter exterior dimension of the accessory building.

(v) Any accessory building that is located on a parcel that is not as large as 90 percent of the minimum lot area and is not as wide as 90 percent of the minimum lot width requirement must comply with the requirements of Section 4.3(f)(1)(i) and (ii).

(vi) In the R-A District, an accessory building may be located on a parcel of land that is at least 42,000 square feet in area, but the building shall comply with the requirements of Section 4.3(f)(2)(i).

(3) Accessory buildings in R-A, R-R, R-1, R-2, R-3 and N-R Districts shall comply with the following:

(i) On a parcel less than eight acres, the following shall be permitted:

(I) Up to two accessory buildings not larger than 150 square feet in area each and not exceeding 12 feet in height; and

(II) If the parcel is less than two acres in area, two accessory buildings which together have a total floor area not larger than 1,200 square feet.

(III) If the parcel is at least two acres in area, up to four acres, two accessory buildings which together have a total floor area not larger than 1,600 square feet.

(IV) If the parcel is at least four acres in area, up to eight acres, two accessory buildings which together have a total floor area not larger than 2,400 square feet.

(ii) On a parcel of eight acres, up to 20 acres, the following shall be permitted:

(I) Up to two accessory buildings not larger than 150 square feet in area each and not exceeding 12 feet in height, and

(II) Up to two accessory buildings not larger than 3,000 square feet in area each, but the total area of the two accessory buildings shall not exceed 5,000 square feet.
(iii) On a parcel of 20 acres or more, the following shall be permitted:

(I) Up to two accessory buildings not larger than 150 square feet in area each and not exceeding 12 feet in height, and

(II) Up to two accessory buildings not larger than 3,000 square feet in area each, but the total area of the two accessory buildings shall not exceed 6,000 square feet.

(4) Accessory buildings larger than permitted by Section 4.3(f)(1), (2) and (3) may be permitted by the Planning Commission as a special land use if the Planning Commission finds all of the following:

(i) That the parcel is an unplatted parcel.

(ii) That the parcel contains at least four acres.

(iii) That the parcel is at least 330 feet wide, as measured at the front main wall of the accessory building located on the parcel.

(iv) That the conditions of Section 4.3(f)(1)(iii)(I) through (VI) are satisfied.

(v) That the accessory building will comply with the applicable yard and height regulations of the zoning district.

(vi) That no commercial use shall be conducted within the accessory building.

(vii) That the accessory building will be consistent with the character of the area and the existing accessory buildings within one-quarter mile of the proposed building site.

(g) Certain Existing Accessory Buildings; Conditions for Lawful Nonconformity.

(1) A formerly lawful accessory building in existence at the effective date of this subsection (g), but which no longer complies with this Ordinance as a result of an approved land division and conveyance which causes the accessory building to be located on a lawful parcel of land on which there is no principal building, shall nevertheless be and remain a lawful nonconforming accessory building if all of the conditions stated in this subsection (g) are satisfied.

(2) The accessory building shall be used only for a lawful accessory use under the terms of the zone district in which it is located.

(3) The accessory building shall not be expanded or enlarged, but it may be maintained, repaired, restored and modernized to such extent as may be necessary or convenient for a lawful accessory use of the building.
(4) The accessory building shall comply with all current minimum required accessory building setbacks and separation distances for the zone district in which it is located.

(5) The nonconformity of the accessory building by reason of the absence of a principal building on the same parcel of land shall be lawful for only one year from the date of the conveyance of the parcel; provided, however, that if a lawful principal building has not been constructed and completed within one year from the date of such conveyance, by reason of extenuating and unavoidable circumstances specified in writing by the property owner, the zoning administrator may grant an additional period, of up to one additional year, for the construction and completion of a lawful principal building. In addition,

(i) The owner of the resulting parcel that includes the accessory building shall submit to the Township, within 30 days after the conveyance, an acceptable performance bond or letter of credit conditioned upon the construction and completion of a lawful principal building on the resulting parcel, within one year (or within such greater period of time as permitted under (5) above) after the above-stated conveyance.

(ii) The performance bond or letter of credit shall name the Township as the obligee or other benefitted party, and shall be in that amount, determined by the zoning administrator, which would be sufficient to defray the entire cost of the tearing down and removal of the accessory building and the restoration of the land by the Township, if a principal building is not constructed and completed within the time-period permitted.

(iii) The owner of the resulting parcel that includes the accessory building shall prepare and record, within 30 days after the above-stated conveyance, a restrictive covenant, in form and content satisfactory to the Township, whereby there shall be imposed as a covenant running with the land, (1) the owner’s obligation to construct and complete a principal building on the resulting parcel within the time-period as stated above, and (2) the right of the Township under the terms hereof to tear down and remove the accessory building and restore the land if a principal building is not constructed and completed on the resulting parcel within the above-stated time-period.

(I) The restrictive covenant shall include the consent of the owner of the resulting parcel to the Township obtaining an order of a court having jurisdiction, whereby the Township is authorized to enter upon the land, tear down and remove the accessory building and restore the land, upon the failure of construction and completion of a principal building within the time specified herein; but the Township shall not be obliged
to seek such an order, nor shall the same be necessary to the
exercise of the rights granted to the Township in the
circumstances described herein.

(II) The restrictive covenant shall be subject to the approval of the
Township attorney prior to recording, as to compliance with
this subsection (g)(5) and as to its legal effectiveness in
imposing the above-stated restrictions on the land and in
binding all subsequent owners thereof.

(III) If required by the Township, the owner shall submit for
Township review a last owner of record search covering the
resulting parcel and prepared by a land title insurance
company, for the purpose of assuring to the Township that the
restrictive covenant is executed by all of the parties in interest
in the land, including mortgagees and other lien holders of
record.

(6) Upon the failure of construction and completion of a principal building on the
resulting parcel, as required in subparagraph (g)(5), the Township may
execute upon the performance bond or letter of credit, enter upon the land
without notice and tear down and remove the accessory building and restore
the land thereafter; the Township may expend the proceeds of the
performance bond or letter of credit for such purpose. Prior thereto, the
Township may seek other available legal relief in the circumstances, but shall
not be required to do so.

4.4 Area or Space Required; Maximum Lot Width to Depth Ratio.

(a) No lot, yard, court, parking area or other space shall be so divided, altered or reduced
to make it less than the minimum area required under this Ordinance. If already less
than the minimum required area, it shall not be further altered, divided or reduced.

(b) In all zoning districts, a lot or other parcel of land (except a flag lot or a cul-de-sac
lot) that is ten acres or less in area, shall not be created, divided, split or otherwise
altered, if the depth or length of the lot or other parcel, as measured from the front lot
line, exceeds four times the width of such lot or parcel, as measured at the required
front building setback line; provided, however, that in the case of a lot or parcel that
has side lot lines of varying lengths, the length or depth of such lot or parcel for the
purpose of this provision shall be as determined by one of the following methods,
whichever of them shall result in the greater depth of the lot or parcel:

(1) The depth or length of such lot or parcel shall be the average of the depth or
length of the side lot lines, measured from the front lot line; or

(2) The depth or length of such lot or parcel shall be the length of a line located
halfway between the side lot lines, extending from the front lot line,
throughout the remainder of the lot back to the rear lot line;
provided, however, that in the case of an irregularly shaped parcel (other than a flag lot or a cul-de-sac lot) that has side lot lines that are not fully perpendicular to the street right-of-way line, or are otherwise irregular, the depth of the lot or parcel shall be determined by such other method as will best achieve the intent and result of this provision.

(c) In all zoning districts, a flag lot or a cul-de-sac lot that is less than ten acres in area shall not be created, divided, split or otherwise altered, if the depth or length of the lot or other parcel, as measured from the point at which the required minimum lot width is first achieved, exceeds four times the width of such lot or parcel, as measured at the point at which required minimum lot width is first achieved; provided, however, that in the case of a lot or parcel that has side lot lines of varying lengths, the length or depth of such lot or parcel for the purpose of this provision shall be as determined by one of the following methods, whichever of them shall result in the greater depth of the lot or parcel:

1. The depth or length of such lot or other parcel shall be the average of the depth or length of the side lot lines, measured from the point at which the required minimum lot width is first achieved; or

2. The depth or length of such lot or other parcel shall be the length of a line located halfway between the side lot lines, extending from the point at which the required minimum lot width is first achieved, throughout the remainder of the lot, back to the rear lot line;

provided, however that in the case of a flag lot or a cul-de-sac lot that has side lot lines that are not fully perpendicular to a line drawn at the location at which required minimum lot width is first achieved, or that are otherwise irregular, the depth of the lot or parcel shall be determined by such other method that shall best achieve the intent and result of this provision.

(d) Subsections (b) and (c) of this section shall not apply to a lot or parcel of land which is platted or otherwise of record in the office of the Register of Deeds at the effective date of this section.
4.5 Yards and Lots.

(a) Every lot shall have the minimum front, rear and side yards and the minimum lot area and minimum lot width as required by the terms of the zone district in which it is located.

(b) Minimum lot area and minimum lot width shall not include lands comprising public street easements or private street easements.

(c) All lots and other parcels of land shall front on a public street or a private street.

   (1) A private street shall connect with a public street or another private street.

   (2) A private street shall comply with Section 4.27.

(d) The front lot line of a lot or other parcel of land shall be at least as wide as the required minimum lot width, except that the width of a flag lot and a cul-de-sac lot at their respective front lot lines shall be at least 66 feet.

(e) The required minimum width of a lot or other parcel of land shall be maintained throughout the depth of the lot or parcel, except that such width may be reduced in that part of the lot or parcel located to the rear of a line that is 250 feet back from the front lot line, if the location of such line is at a point at which the lot is at least as wide as the required minimum lot width; and provided further, that the width of a flag lot or cul-de-sac lot that has at least 66 feet of street frontage shall increase throughout the depth of the lot until the required minimum lot width is achieved, and from that point such required minimum lot width shall continue for a depth of at least 250 feet.

(f) The required minimum front yard building setback shall be measured from the nearest street right-of-way line, except that for a flag lot and a cul-de-sac lot, such setback shall be measured from the point at which the required minimum lot width is first achieved.

(g) The required minimum lot width of a flag lot and a cul-de-sac lot shall be measured at a line drawn at the location at which required minimum lot width is first achieved.

(h) No building or structure shall be located closer to the front lot line than the required minimum front yard building setback for the zone district, except that a cul-de-sac lot shall have a minimum required front yard building setback of 40 feet.

(i) No building or structure shall be located within that part of a lot or a parcel that has less than the required minimum lot width for the zone district.

(j) That part of a lot or parcel that has less than the required minimum lot width shall not extend a distance greater than 1,320 feet from the public street or the private street on which it fronts.
4.6 Principal Building on a Lot.

(a) Not more than one principal building shall be placed on a lot or parcel of land unless the lot or parcel of land is used for multiple family, agricultural, commercial or industrial purposes, or for single family and two-family detached dwellings in a conventional condominium development, and unless such use complies with the minimum provisions of the zoning district in which the use is located.

(b) No dwelling shall be constructed, altered or moved in the rear of a building situated on the same lot, nor shall any building be constructed in front of or moved in front of a dwelling situated on the same lot.

4.7 Corner Lots.

If a lot is bounded by two streets, whether public or private streets, the required minimum front yard building setback requirement shall be satisfied for each street, except with respect to the required minimum front yard building setback for certain accessory buildings as stated in Section 4.3(e)(3). For other purposes, the shorter of the two abutting lot lines shall be considered the front lot line, if the shorter line is at least as long as the required minimum lot width for the district in which the lot is located. Where the two abutting lot lines are equal in length, the Zoning Administrator shall designate one of the lines as the front lot line.

4.8 Existing Lots.

(a) Any parcel of land that is platted or is otherwise of public record at the time of the adoption of this Ordinance and that does not comply with the minimum lot area requirement and/or minimum lot width requirement for the district in which the parcel of land is located, may nevertheless be used for a use permitted in that district if at least 90 percent of each minimum yard requirement is complied with; provided, however, that in the R-A District only, a parcel of land that is platted or is otherwise of public record at the time of adoption of the 84,000 square foot minimum lot area requirement of the R-A District, and that has an area of at least 42,000 square feet but less than 84,000 square feet, may be used for any use permitted in the R-A District if all minimum yard requirements of that district are complied with.

(b) Adjacent parcels of land in common ownership that are platted or are otherwise of public record at the time of adoption of this Ordinance, and which each comply with at least 90 percent of the required minimum lot area requirement and 90 percent of the minimum lot width requirement may also be used and developed as separate parcels of land, but where such parcels of land in common ownership do not comply with 90 percent of the minimum lot area requirement or 90 percent of the minimum lot width requirement, such parcels shall be combined so as to comply with such 90 percent requirement; provided, however, that as to the R-A District only, adjacent parcels of land that are platted or are otherwise of public record at the time of adoption of the 84,000 square foot minimum lot area requirement of the R-A District and which are in common ownership may be used and developed as separate parcels.
of land if each parcel has an area of at least 42,000 square feet and a width of at least 180 feet.

4.9 Reserved.

4.10 Height Exceptions; Projections into Yards.

(a) The maximum height requirements of all zones may be exceeded by parapet walls that are four feet or less in height, chimneys, silos and farm barns, cupolas, steeples, spires and other ornamental projections, water towers and wind turbine generators and their supporting towers not exceeding 50 feet in height.

(b) The height of antennas and towers for communications, radio, television, wind energy and other purposes shall be subject to Sections 4.24 and 4.25.

(c) In the I District, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and other necessary appurtenances are permitted above the maximum height limitation, if their distance from any adjoining property line is at least as great as their height.

(d) Signs, wherever located, are not included within the height exceptions specified in this section; signs in all districts shall be subject to the terms of Chapter 25.

4.11 Setbacks on Primary Roads.

No building shall be located closer to a street right-of-way line than the minimum required front yard building setback of the zone district in which the building is located; provided, however, that the minimum required front yard building setback on a lot or parcel fronting on the following primary streets designated on the Township Master Plan shall be measured from a line which is ten feet back from and parallel to the nearest street right-of-way line: Algoma Avenue; Ten Mile Road; Northland Drive; Edgerton Avenue extending south and west to Algoma Avenue; White Creek Avenue between the north Township line and 14 Mile Road; 13 Mile Road; Pine Island Drive; 14 Mile Road between Algoma Avenue and the east Township line.

4.12 Minimum Standards for all Dwellings.

All dwellings except those within a manufactured housing community shall comply with the following:

(a) All dwellings shall comply with the minimum requirements of the zoning district in which they are located and shall be constructed to either the state building code or HUD standards.

(b) No dwelling shall have an exposed undercarriage, chassis or towing mechanism. All dwellings shall be installed with their wheels, axles and hitches removed.

(c) All dwellings shall be firmly attached and anchored to a permanent frost-free foundation as prescribed by the building code. Such foundation as defined by the
building code shall have a perimeter wall the same perimeter dimensions as the
dwelling or dwelling may cantilever up to four feet over such foundation.

(d) All dwellings shall have a minimum width across any front, side or rear elevation
of 22 feet which width must be maintained throughout at least 50 percent of its
length.

(e) Inside storage areas totaling 100 square feet or 10 percent of the square footage of
the dwelling, whichever is less, shall be provided. These storage areas may be
located in a basement, closet area, attic and/or an accessory building. If this storage
space is located in an accessory building, such building shall be constructed in
accordance with the building code.

(f) All dwellings shall be constructed of construction materials of consistent quality and
appearance. Any dwelling built off site must itself meet the requirements of this
section for a dwelling and cannot be reconstructed on site to meet the requirements
hereof. All on site construction shall be in conformance with the building code.

(g) Permanently attached steps or porch areas of at least three feet in width shall be
provided where there is an elevation differential greater than eight inches between
the first floor of the dwelling and ground level.

(h) The pitch of the main roof of the dwelling shall not be less than two and one-half feet
of rise for each 12 feet of horizontal run.

(i) The exterior finish of the dwelling shall not cause a reflection that is greater than that
from siding coated with clean, white, gloss exterior enamel.

(j) All dwellings, except underground dwellings, shall have roof overhang of not less
than six inches at the eves.

(k) The dwelling shall be aesthetically compatible in character, design and appearance
with other dwellings in the vicinity. The compatibility of character, design and
appearance shall be determined in the first instance by the building official upon
review of the plans submitted for a particular dwelling, subject to appeal by the
applicant to the Board of Appeals within a period of 15 days of the receipt of notice
of the building official’s decision. In determining compatibility of character, design
and appearance, the following standards shall apply:

(1) The character, architectural design and appearance of the dwelling as
compared with the character, architectural design and appearance of one or
more dwellings located outside of a manufactured housing community within
2,000 feet of the proposed location for the subject dwelling, where such area
is developed with dwellings to the extent of not less than 20 percent of the
lots situated within such area or where such area is not so developed, with the
character, architectural design and appearance of one or more dwellings
located outside of a manufactured housing community throughout the
Township.
(2) The exterior appearance (exterior wall covering, roof style, roof overhang, door arrangement, window treatment and other similar items) of the dwelling as compared with the exterior appearance of other buildings in the neighborhood of its proposed location.

(3) The quality and durability of construction and probable useful life of the dwelling as compared to the quality and durability of construction and probable useful life of other buildings in the neighborhood of its proposed location.

(4) The general appearance of the dwelling as compared to the general appearance of other buildings in the neighborhood of its proposed location.

4.13 Basement Dwellings and Bermed Dwellings.

(a) The use of a basement as a dwelling is prohibited in all districts. The use of a basement of a partially built or planned building as a dwelling unit is prohibited in all districts.

(b) The basement of a completed dwelling that complies with the state building code and complies with the following requirements may be used for dwelling purposes:

(1) The basement floor, after construction and final grading is completed, shall be no greater than 42 inches below grade at any point around its exterior walls if the area of the basement floor is included in the required minimum floor area of the dwelling.

(2) There shall be a minimum floor area of 1,000 square feet for any one-family dwelling; provided, however, that if the dwelling has a floor above the basement floor, then each floor shall have an area of at least 864 square feet.

4.14 Recreational Vehicles as Dwellings.

No boat or recreational vehicle, unless located in a marina or licensed travel trailer park, shall be used for sleeping or dwelling purposes when parked or stored on private property; provided, however, that boats and recreational vehicles may be used for dwelling and sleeping purposes for up to 14 consecutive days, but not more than a total of 30 days in any calendar year, for a single property, but such use shall not require a temporary permit under Section 4.20.

4.15 Manufactured Home Storage and Conversion.

(a) No manufactured home shall be converted to or used for commercial, office, industrial, storage or any other non-residential purpose except as authorized by Section 4.20.

(b) Manufactured homes shall not be stored or parked on private property or in any public street; manufactured homes may be stored at a licensed manufactured home dealership or in licensed manufactured housing community.
4.16 Essential Services.

(a) Essential services may be located and operated in any zoning district, except that essential services buildings, electrical substations, natural gas regulator stations and similar facilities shall be subject to the approval of the Planning Commission as a special land use.

(b) Electrical substations, natural gas regulator stations and similar facilities, if approved as a special land use, shall be enclosed with a fence or wall at least six feet high.

(c) Essential services facilities in any zoning district shall be constructed and maintained in a neat and orderly condition. Any essential services building shall be suitably landscaped, in the manner specified in the special land use approving the building.

(d) Essential services shall not include a sewage treatment facility or wastewater treatment plant that is designed or used to receive and treat sewage or waste generated from property other than the parcel of land on which the facility or plant is located or an immediately adjacent parcel of land.

4.17 Home Occupations.

(a) A home occupation may be permitted in the R-A, R-R, R-1, R-2, R-3, PUD and N-R District in accordance with this section.

(b) A home occupation shall be an accessory use to a single family dwelling and a two-family dwelling.

(c) A home occupation shall be carried on only by one or more members of a family residing on a premises, plus not more than one non-resident.

(d) A home occupation shall not include the conducting of retail sales, on other than an occasional or incidental basis, in the R-R, R-1, R-2 and R-3 Districts and in residential PUD Districts.

(e) A home occupation shall be conducted entirely within a single family dwelling or a two-family dwelling or in an attached garage or, in the R-A and R-R District, a home occupation may be conducted in an accessory building if there is not more than one accessory building on the premises.

(f) There shall be no change in the outside appearance of the dwelling as a result of the conducting of the home occupation, nor shall there be other externally visible evidence of the home occupation, except for a permitted home occupation sign.

(g) Not more than 25 percent of floor area of any story of the dwelling shall be used in a home occupation that is conducted in the dwelling, but in any event, such floor area used for home occupation shall not exceed 400 square feet.
(h) Mechanical equipment used in a home occupation shall be similar type, power and purpose to equipment used for household purposes, hobbies and general maintenance. Electrical motors and equipment shall not cause electromagnetic interference with radios, televisions or other electrical devices on other lands.

(i) There shall be no outdoor storage of goods, materials or commodities in connection with or in any way related to the home occupation.

(j) Any motor vehicle traffic generated by the home occupation shall be only to such limited extent that the number of vehicles, the frequency of vehicle trips, the noise of vehicles and other resulting impact shall have no serious adverse effects on adjacent or nearby lands.

(k) If parking of motor vehicles will result from the home occupation, an adequate off-street parking area shall be provided on the parcel of land where the home occupation is conducted; such off-street parking area shall not be located in a required front yard setback area, except that vehicles may be parked in a driveway that is used to provide vehicle access to the dwelling; provided, however, that the outdoor convenience parking of a business related truck or other business related motor vehicle as stated in subsection (o)(20) may be parked as stated in that subsection.

(l) No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and at full compliance with all federal, state and local requirements as to the use, handling, storage, transport and disposal of any such materials.

(m) There shall be no deliveries from commercial suppliers, except on an occasional basis.

(n) Any sign identifying the home occupation shall comply with the applicable provisions of Chapter 25.

(o) Home occupations may include, but are not limited to, the following:

(1) Home arts and crafts, including but not limited to rug weaving, woodworking, quilting, pottery and ceramics, model making, lapidary work and jewelry making; sales of such arts and crafts shall take place on only an incidental, occasional basis.

(2) Musical instrument instruction, but no instrument shall be amplified so as to be audible beyond the parcel of land where the home occupation is occurring.

(3) Private business office for the reasonable convenience of persons residing in the home, for the conducting of business office work involving files, records, papers, use of computers and other business equipment, but not including the sale or rental of goods or products to customers or the rendering of services to customers on the premises, except on an incidental or occasional basis.
(4) Dress making, sewing and tailoring.
(5) Painting, sculpturing and writing.
(6) Telephone answering service.
(7) Private tutoring.
(8) Telephone solicitation work.
(9) Bookkeeping and accounting.
(10) Hairdresser
(11) Computer programming and computer technical assistance.
(12) Small engine and appliance repair.
(13) Furniture upholstery and repair.
(14) Beauty salon and barber shop.
(15) Photography studio.
(16) Cabinet making and carpentry work.
(17) Organized classes with not more than six students at one time.
(18) Catering business.
(19) Indoor storage of boats and recreational vehicles, not to exceed a total of ten stored boats and/or recreational vehicles, except that no such storage shall take place in the R-2 District.
(20) The outdoor convenience parking of a business related truck or other business related motor vehicle, with a capacity less than that of a semi-trailer truck, owned by a resident of the dwelling; provided, however, that such parking in compliance with this subparagraph shall be an exception to the provisions of Section 4.22(c) of this Ordinance. The truck or other business related motor vehicle shall be parked in a safe and adequate off-street parking area, but such vehicle shall not be parked within any required side yard, irrespective of any vehicle parking provision stated in Section 4.22(c) of this Ordinance.
(21) The occasional, temporary convenience storage of inventory, supplies and minor equipment used in an occupation, whether or not the occupation is a home based business conducted on the premises, where such storage takes place only in a dwelling or in a permitted accessory building and where the delivery, storage and removal of such inventory, supplies and minor equipment do not have serious adverse effects upon adjacent or nearby lands.
(p) A home occupation shall not include a bed and breakfast establishment.

4.17A. Prohibition of Marihuana Facilities and Establishments.

(a) The following uses are completely prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance:

(1) Any and all types of a “marihuana facility,” as that term is defined and used in the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.

(2) Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, known as the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”), including the following:

   a. Marihuana grower.
   b. Marihuana safety compliance facility.
   c. Marihuana processor.
   d. Marihuana microbusiness.
   e. Marihuana retailer.
   f. Marihuana secure transporter.

(3) Any other type of marihuana-related business that is subject to licensing by the state department of licensing and regulatory affairs (“LARA”) under the MRTMA or the rules promulgated thereunder.

(b) This Section 4.17A does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq., or as stated in Section 4.17A of this Ordinance.

4.18 Bed and Breakfast.

Bed and breakfast operations may be approved as a special land use upon compliance with this section.

(a) The district in which it is conducted allows a single family dwelling as a permitted use or it is conducted within a single family dwelling with is a legal pre-existing nonconforming use.

(b) The single family dwelling in which it is conducted must have been in existence for at least five years prior to being used with a bed and breakfast operation.
(c) Not more than 25 percent of the floor area of the dwelling shall be used for bed and breakfast sleeping rooms.

(d) There shall be no separate cooking facilities used for the bed and breakfast stay.

(e) No signs identifying the bed and breakfast shall be permitted, except a sign which is not larger than 16 square feet and identifies the facility and is illuminated, if at all, only indirectly is permitted.

(f) The operation is carried on wholly within the single family dwelling and not within any accessory building.

(g) Not more than one person who does not reside on the premises shall be employed in the bed and breakfast operation.

(h) No such operation shall provide offensive by reason of noise, odor, dust, fumes, smoke, glare or comparable nuisances.

(i) The single family dwelling unit in which the bed and breakfast takes place shall be the principal residence of the operator, and said operator shall live on premises when the bed and breakfast operation is active.

(j) The maximum stay for any occupants of bed and breakfast operations shall be 14 days.

(k) No premises shall be utilized for a bed and breakfast operation unless there are at least two exits to the outdoors from such premises and rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants with an additional 30 square feet for each additional occupant to a maximum of four occupants per room.

(l) Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm.

(m) Lavatories and bathing facilities shall be available to all persons using any bed and breakfast operation.

(n) Two parking spaces plus one additional space per room to be rented must be provided.

(o) Off-street parking areas shall be paved with asphalt or concrete and shall be laid out so as to permit safe and convenient circulation of vehicle traffic on the property and entering and exiting the property. No such parking areas shall be permitted within any front yard or within the required side yards or the required rear yard.

(p) Additions to a building to provide additional rental rooms shall not be permitted, unless such additions are approved by the Planning Commission in its approval of the special land use.
(q) A site plan and a floor plan drawn to scale of the entire building, showing dimensions, shall be submitted to the Planning Commission and shall be subject to the Commission’s approval.

4.19 Swimming Pools.

Swimming pools are permitted in all districts, provided the following regulations are complied with:

(a) The swimming pool shall be maintained in a clean and healthful condition in accordance with county and township health requirements.

(b) No swimming pool shall be emptied in any manner that will cause water to flow upon another lot or be emptied on any land if a storm water drain is readily accessible to the premises.

(c) A swimming pool, the top of which is less than four feet above ground level and which is designed to be filled to a depth exceeding 24 inches, shall be completely enclosed with a permanent substantial fence at least four feet in height above the ground level or with such other barrier as meets the requirements of the state construction code and is approved by the building official.

(d) A swimming pool which is four feet or more above ground level shall be equipped with removable steps or other pool entry device which can be operated so as to prevent entry to the pool by children, provided, however, that if the entire premises of the dwelling is sufficiently fenced, this provision may be waived by the building official upon inspection and approval of the fencing around the dwelling premises.

(e) The swimming pool basin shall not be closer than ten feet to any side or rear lot line. No part of any pool shall be constructed or placed within a required front yard.

(f) A swimming pool which is designed to be filled to a depth exceeding 24 inches shall only be permitted if a building permit for the swimming pool has been obtained from the Township and if the swimming pool is in compliance with the state construction code and with all applicable Township ordinances.

4.20 Time-Limited Permits.

The Zoning Administrator may issue time-limited permits for the land uses stated in this section, but only for such period of time specifically stated in the permit, and, further, upon a determination that the use will not be detrimental to adjacent or other lands or uses. The permit for the stated uses, but limited to only the period of time stated in the permit, may include reasonable terms and conditions including, among other matters, conditions to assure prompt removal of all aspects of the use upon the conclusion of the permitted period of use.

(a) A permit for not more than 90 days, for the use of an individual manufactured home, motor home or similar recreational vehicle, only as living quarters or working
quarters, and only while a dwelling or other building is being constructed or reconstructed on the same parcel of land.

(b) A permit for not more than 30 days for a use that is only seasonal or an unusual non-recurrent use. Such a type of use, for not more than 30 days, may include, for example, temporary living quarters on or near hunting-grounds during a game-hunting season.

(c) A permit to authorize the use of a sign to identify a lawful, approved temporary land use, but the permit shall authorize the sign to be used only for the approved period of time of the temporary land use.

(d) A permit for not more than 12 months, for temporary storage of building supplies, building equipment and machinery, and similar supplies and materials, but only for an approved construction project on the same parcel of land.

(e) In the C-1 and C-2 Districts only, a permit for the short-term outdoor display and sale of merchandise, for only that period of time stated in the permit, if such land use is otherwise permitted in the zone district. Such permits may authorize, for example, temporary sidewalk-sales or the temporary use of a tent erected for a non-routine display and sale of merchandise, if permitted in the zone district. Such permits shall not authorize open air businesses, which are regulated only as special land uses in the C-1 and C-2 Districts.

4.21 Traffic Visibility.

(a) On any corner lot, no fence, structure or planting over 30 inches in height above the curb line, except deciduous trees, shall be erected or maintained within 20 feet of the intersection of right-of-way lines so as to interfere with traffic visibility across the corner. No structure or planting which is deemed a traffic hazard shall be permitted in any zone.


(a) On any lot in the R-A, R-R, R-1, R-2 and R-3 Districts, all boats, boat trailers, snowmobiles, snowmobile trailers, recreational vehicles, or any other vehicle ordinarily towed or driven for a recreational purpose, (all referred to in this section only as “recreational equipment”) shall be parked or stored in compliance with the following requirements:

(1) Unless completely enclosed in an accessory building, all recreational equipment shall be parked or stored in a side or rear yard but not in the required front yard. In no case shall recreational equipment be parked or stored closer than seven feet from a side lot line nor closer than five feet from a rear lot line. In the case of waterfront lots, recreational equipment, except for boats actually being used on the lake on which the parcel is located, shall be parked or stored no closer than 40 feet from the water’s edge.
(2) Recreational equipment shall be parked or stored in no more than two of the three yards (rear yard and two side yards) at any one time, but shall not be parked or stored in any required front yard.

(3) If parked or stored in a side yard, recreational equipment shall be parked or stored in the side yard that is adjacent to the garage or accessory building. If there is no garage or accessory building, recreational equipment shall be parked or stored in the side yard that is adjacent or nearest the driveway.

(4) All parked or stored recreational equipment shall be maintained in a clean, well-kept condition so as not to detract from the appearance of the surrounding neighborhood.

(5) The parking or storage of recreational equipment shall be limited to that owned by and licensed, registered or leased to the occupant of the residential lot on which the equipment is parked or stored.

(b) No recreational equipment shall be parked overnight on any public street, park or other public place within the Township unless such site has been specifically approved for such use by the Township.

(c) Except as stated in Section 4.17(o)(20), in the R-A, R-R, R-1, R-2 and R-3 Districts, no commercial or industrial vehicle or equipment in excess of one-ton rated capacity shall be parked or stored on any private property unless it is parked or stored in a completely enclosed accessory building, or unless the private property is at least four acres in area; provided, however, that if such off-street parking or storage is permitted by the terms of this subsection, the same shall not take place in any required front yard. Except as stated in Section 4.17(o)(20), in the R-A, R-R, R-1, R-2 and R-3 Districts, no commercial or industrial vehicle or equipment in excess of three-quarter ton rated capacity shall be parked or stored on any street. Temporary parking of such vehicles or equipment is permitted while they are being used in a delivery, pick-up service call or during construction on the property where they are located.

(d) Semi-trailers shall not be used for storage of any personal property or parked or stored in any front, side or rear yard, nor used as a sign.

4.23 Refuse, Trash and Litter.

(a) The outdoor placing, storage, collection or other accumulation of refuse, trash, litter, junk and other discarded materials, including inoperable equipment and unlicensed motor vehicles or parts thereof, is prohibited in all districts, except as permitted by the terms of this section.

(b) Refuse, trash and litter may be temporarily accumulated in storage receptacles designed for the temporary accumulation of refuse, trash and other waste, but such temporary accumulation in storage receptacles shall not exceed a period of ten days;
provided, however, that the accumulation and storage of trash, litter, junk and other
discarded materials in the I District shall also be subject to the provisions of those
districts.

4.24 Non-Commercial or Non-Public Antennas and Towers Including Lightweight Internet
Towers.

Non-commercial or non-public antennas and towers for transmitting or receiving
communications (including lightweight internet towers) and non-commercial or non-public antennas
and towers for wind energy generation and transmission shall comply with all of the following
requirements:

(a) The antenna or tower shall not be located in any front yard or required buffer zone.

(b) If located in the R-A, R-R, R-1, R-2, R-3, N-R, or PUD Districts, the antenna or
tower shall not be located in any required side yard or in any required rear yard.

(c) If located in the C-1, C-2, or I Districts, the antenna or tower may be located in a side
yard, if other location requirements are satisfied.

(d) An antenna or tower shall not be located closer to a property line than its height.

(e) An antenna or tower shall be permanently and safely anchored to a foundation or
roof structure.

(f) No part of an antenna or tower shall display any words, symbols or other graphic
representation, whether for advertising, identification or otherwise.

(g) A ground-mounted antenna or tower that complies with the setbacks and other
provisions of this subsection and that does not exceed 120 feet shall be permitted as
follows:

(1) An antenna or tower, which does not exceed 80 feet above ground level, shall
be permitted without review or approval by the Township;

(2) An antenna or tower ranging in height between 80 and 120 feet may be
permitted upon written approval of the Township Zoning Administrator and
Township tower consultant.

(h) A ground-mounted antenna or tower shall comply with the minimum building
setbacks for a principal building for the zoning district in which the antenna or tower
is located. An antenna or tower shall only be located in the front yard upon approval
by the Zoning Administrator and the township tower consultant upon a showing that
such a location is necessary due to site-specific conditions during an administrative
review.
(i) A roof-mounted antenna or tower shall not exceed 15 feet in height, as measured from the roof at the base of the antenna or tower.

(j) Where the effect of any of the provisions of this section would be to prevent or preclude the operation of amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications Commission, such amateur radio antennas may be approved by the Planning Commission as a special land use if it is reasonably demonstrated that the application of any of the provisions of this section would be to preclude or prevent the operation of such amateur radio antenna. In granting any such special land use for an amateur radio antenna, the Planning Commission may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable accommodation of amateur radio communications. Such conditions, if any, shall be not more than the minimum practicable regulations necessary to accomplish the Township’s legitimate purposes in regulating such amateur radio antennas.

4.25 Special Land Use Required for Certain Antennas and Towers.

(a) Commercial or public radio, television or communications antennas and towers shall be permitted only upon approval thereof by the Planning Commission as a special land use under Section 22.16. Commercial or public towers for wind energy generation and transmission shall be permitted only upon approval thereof by the Planning Commission as a special land use under Section 22.64. Any of such antennas and towers may, if otherwise approved, be located on lands where there is another principal use.

(b) Ground-mounted non-commercial or non-public communications antennas and towers exceeding a height of 120 feet and roof-mounted non-commercial or non-public communications antennas and towers for the same purposes, exceeding a height of 15 feet as measured from the roof at the base of the antenna or tower, shall be permitted only upon approval thereof by the Planning Commission as a special land use under Section 22.16. Non-commercial and non-public towers for wind energy generation and transmission exceeding a height of 50 feet shall be permitted only on approval thereof by the Planning Commission as a special land use under Section 22.64.

(c) Other communications antennas and towers, not permitted under Section 4.24 or otherwise, shall be permitted only upon approval thereof by the Planning Commission as a special land use under Section 22.16. Towers for wind energy generation and transmission, not permitted under Section 4.24 or otherwise, shall be permitted only upon approval thereof by the Planning Commission as a special land use under Section 22.64.
4.26 Driveway Entrances in C and I Districts.

All driveway entrances within the C-1, C-2, C-3, I Zoning Districts shall comply with the following requirements in addition to the requirements in Chapter 26:

(a) All existing parcels, effective date of this subsection, in the C-1, C-2, and I Districts may continue to use any driveway entrance existing as of the adoption of this subsection.

(b) All existing parcels, as of the effective date of this subsection, that do not have a driveway entrance may have at least one driveway entrance.

(c) No parcel of property may have more than one driveway entrance for every 300 feet of road frontage.

(d) All driveway entrances must be at least 100 feet from any driveway entrance on the same parcel or adjacent parcel.

(e) All driveway entrances must have a commercial driveway permit from the Kent County Road Commission and shall conform to all requirements of the Road Commission.

(f) All lots or parcels of land existing as of the date of adoption of this section, although subdivided into two or more parcels, shall be considered as one parcel in determining the number and location of driveway entrances.

(g) All driveway entrances shall be hard surfaced with either asphalt or concrete, unless such surfacing is not required by the Kent County Road Commission or, in the case of a state highway, by the Michigan Department of Transportation.

(h) Driveway entrances on private streets shall also comply with Section 4.27 and Chapter 26.

(i) For purposes of this section, driveway entrance means that part of a driveway located within a public street right-of-way or a private street right-of-way.

4.27 Private Streets and Driveways.

(a) The Township determines that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, maintenance, extension, relocation and use of private streets and driveways, so as to assure the following:

(1) That private streets and driveways are designed with sufficient width, surface and grade to assure safe passage and maneuverability of private vehicles and of commercial, fire, police, ambulance and other safety vehicles.

(2) That private streets and driveways are constructed of suitable materials so as to insure minimal maintenance and safe passage.
(3) That private streets and driveways will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, wetlands and the natural environment of the Township.

(4) That private streets and driveways shall be properly maintained in a safe and usable condition.

(b) **Definitions.**

(1) Driveway means a route of motor vehicle access to and from one lot or parcel of land.

(2) Private street means a non-public street that provides the means of access to more than one lot or parcel of land.

(c) Private streets and driveways are permitted in all zoning districts, in accordance with the terms of this section and other applicable sections of this Ordinance. Driveways located in the C-1, C-2, C-3, and I Zoning Districts shall in addition comply with Section 4.26 and Chapter 26.

(d) **Driveways.**

(1) A driveway permit for a driveway extending from a public street, or in the case of a private street, a street address assignment, shall be obtained from the Kent County Road Commission.

(2) A driveway shall be maintained such that it is accessible to and usable by emergency vehicles in all weather conditions.

(3) A driveway shall have a hard surface not less than 12 feet in width at any point, consisting of compacted road gravel or equivalent or a superior road surface material.

(e) **Private Streets.** Private streets shall not be constructed, extended or relocated until all of the following requirements have been satisfied:

(1) An application for private street approval shall be fully completed and filed with the Township.

(2) The private street application fee, the escrow fee and all other required fees and charges established by the Township Board shall be paid, with the application.

(3) A private street maintenance agreement, signed by all parties in interest, shall be submitted to and approved by the Township in accordance with this section.
(4) Township approval of the private street shall be obtained in accordance with this section.

(5) A certificate of compliance shall be obtained from the Township.

(f) **Application.** An application for approval of a private street shall contain all of the following information:

1. The name(s) and address(es) of the owner(s) and all other parties having any interest in the private street and the land across which it is to be constructed.

2. A site plan drawn to scale, prepared by a registered engineer or registered land surveyor, showing all proposed lots or parcels that would have access by means of the private street, and also showing the location, grade, route, elevation, dimensions and design of the private street and any proposed extensions thereof, together with existing and proposed curb cuts and the location of and distance to any public streets which the private street is to intersect. The site plan shall also show adjoining parcels of land and any buildings thereon, and the location of private streets on all adjacent parcels and within 100 feet of the parcel on which the private street is to located.

3. The location of all public utilities including, but not limited to, water, sewer, telephone, gas, electricity and television cable, to be located within the private street easement or right-of-way or within 20 feet of either side thereof.

4. The location of any lake, stream, wetland, drain and all other significant natural features affected by or within 100 feet of the proposed private street.

5. The location of all existing and proposed buildings and structures to be provided access by and located within 100 feet of the proposed private street.

6. A proposed private street maintenance agreement complying with the terms of this section.

7. A permit or letter issued by the Kent County Road Commission and/or, if applicable, the Michigan Department of Transportation, approving the location of the private street intersection with the public street.

8. All other matters and information required by the terms of this section or other applicable provisions of this Ordinance.

(g) The applicant for approval of a proposed private street, together with any other owners or parties in interest, shall submit to the Township a recordable private street maintenance agreement, signed by all owners of the easement or right-of-way for the private street and by all other parties having any interest therein. Such agreement shall provide for and assure that the private street shall be regularly maintained,
repaired and snowplowed so as to assure that the street shall be safe for travel at all times. The agreement shall also provide for the payment of all costs and expenses of such maintenance, repair and snowplowing by all or any of the parties in interest.

(1) By filing an application for private street approval, the applicant(s) agree that they will assure that any buildings or parcels of land thereafter constructed or established along or at the end of the private street shall also be subject to the private street maintenance agreement, including any corner parcels that have public street frontage, unless the same shall be exempted by the Planning Commission.

(2) The agreement shall run with the land and shall be recorded with the County Register of Deeds. It shall be recorded prior to issuance of the certificate of compliance specified in Section 4.27(j)(5).

(3) The agreement shall be in a form and shall have such content as is satisfactory to the Township. A copy of the agreement shall be submitted to the Township prior to recording.

(4) The applicant shall submit to the Township accurate copies of all easements, agreements and other instruments whereby the private street, and all rights necessary thereto, are conveyed or established.

(5) The applicant shall submit to the Township a survey prepared by a registered land surveyor or civil engineer, accurately showing the easement or right-of-way for the private street, and including surveys of each parcel of land to be served by the private street.

(6) The private street maintenance agreement shall be so prepared as to legally constitute a restrictive covenant, binding upon all current and future owners and other parties in interest as to the lands occupied by the private street and any right-of-way or easement therefor, and also as to all lots and other parcels of land served or to be served by the private street.

(h) Design and Construction Requirements. A private street shall be approved only if it complies with all of the following requirements:

(1) There shall be a survey, submitted to the Township, covering the easement or right-of-way, prepared by a registered land surveyor or professional engineer, together with surveys of each parcel of land to be served by the private street.

(2) A private street shall have a recorded permanent right-of-way and easement, with a minimum width of 66 feet. The instrument establishing the easement and right-of-way shall expressly permit public or private utilities to be installed within the right-of-way or within 20 feet on either side thereof.
(3) A private street shall be constructed approximately in the center of the private street easement. The area within which the private street is to be located shall have a minimum cleared width of 28 feet, and such cleared area shall always be maintained.

(4) All private streets shall have a roadbed not less than 22 feet wide and they shall have a minimum sub-base of 12 inches of sand and six inches of finished, compacted gravel (No. 22A or such other type as may then be permitted by the Kent County Road Commission for local roads).

(5) A private street in a site condominium, or a private street serving more than five lots or parcels of land, shall have a roadbed not less than 22 feet wide, or 26 feet wide if storm water drainage areas are included, including valley gutters. Such private street shall have a minimum sub-base of 12 inches of sand and six inches of finished, compacted gravel (No. 22A or such other type as may then be permitted by the Kent County Road Commission for local roads). In addition, such private street shall have a minimum of three and one-half inches of bituminous aggregate, complying with Michigan Department of Transportation specifications and in accordance with the Kent County Road Commission construction requirements for local roads.

(6) A private street in a planned unit development shall comply with subsection (5), except that the width of the roadbed may be modified by the Planning Commission and Township Board in the approval of the planned unit development.

(7) A private street which terminates at a dead end shall have a means for vehicle turnaround, either by use of a cul-de-sac or by a continuous loop private road system, both of which must be constructed in accordance with the private street design and construction requirements of this section. In the case of a residential cul-de-sac, there shall be a minimum radius easement of 60 feet, with at least a 40-foot radius roadbed; in the case of a commercial or industrial cul-de-sac, there shall be a minimum radius easement of 75 feet, with at least a 50-foot radius roadbed.

(8) No private street, shall extend for a distance of more than 2,640 feet from the nearest public street right-of-way, as measured along the centerline of the private street, unless:

   (i) There is another approved, connecting private street providing direct access back to the same public street and which is separated from the initial private street by at least 200 feet; or

   (ii) The private street intersects with another public street or another approved private street.
(9) The private street surface shall have a minimum crown of 2/10ths of one foot, from the centerline of the street to the outside edge thereof.

(10) A street shoulder, composed of at least six inches of compacted gravel, shall be provided on each side of the private street surface, with a minimum width of two feet for each shoulder, and with a slope of 22/100ths foot from the outside edge of the road surface downward to the toe of the slope, except where concrete curbing or valley gutters are provided.

(11) The maximum longitudinal street grade shall not exceed 8 percent, provided, however, that the Township may allow up to a 10 percent grade if the applicant submits written justification thereof, satisfactory to the Township Engineer, to the effect that an increase in the street grade will not adversely affect public safety and the overall design of the street system; but provided further, that there shall be a maximum grade of 4 percent for a minimum distance of 30 feet back from the intersection of the private street with a public street right-of-way or another private street.

(12) A private street curve which appears to be continuous or which appears to provide a main outlet for future development shall have a centerline radius of not less than 250 feet. On noncontiguous parts of a private street easement, 90 degree corners shall be permitted.

(13) A private street shall be constructed so as to sufficiently control storm water runoff, such as by means of seepage basins, culverts and drainage contours and/or by such other effective methods as may be required by the Township so as to ensure adequate drainage and control of storm water runoff.

(14) The method and construction technique to be used in the crossing of any natural stream, wetland or drainage course, by a private street, shall satisfy the requirements of the Township Engineer and/or any governmental agency having jurisdiction.

(15) A private street shall be given a name subject to the approval of the Kent County Road Commission, and street signs shall be installed in accordance with the relevant standards of the Road Commission. Stop signs shall be installed at all intersections with a public street or another private street. The addresses of dwellings or other buildings on a private street shall be posted in accordance with Township Ordinance No. 111.

(16) All lots or other parcels of land on a private street shall use the private street address for property address and mailing purposes, when the lot or parcel of land is occupied.
(i) **Maintenance and Repair of Private Streets; and Maintenance and Repair of Driveways Serving Two Parcels.**

(1) Upon completion of the construction, improvement, relocation or extension of a private street or driveway (serving two parcels), the applicant shall maintain, repair and snowplow the private street right-of-way, so as to comply at all times with the requirements of this section.

(2) All private streets and driveways (serving two parcels) shall be continuously maintained in such a manner that they do not constitute a danger to the health, safety and welfare of the inhabitants of the Township or other persons. All driveways and private streets shall be continuously maintained so as to be readily accessible to and usable by emergency vehicles in all weather conditions.

(3) All costs and expenses for the maintenance and repair of a private street and a driveway (serving two parcels) shall be the responsibility of the owners of the lands served by the private street or driveway, and/or any property owners association comprised of owners of lands served by the private street or driveway.

(4) Upon completion of construction of a private street or a driveway (serving two parcels), the applicant shall properly dispose of all removed trees and shrubs, along with construction debris and any other rubbish or debris.

(j) **Procedures for Approval of a Private Street.**

(1) An application for a private street shall be subject to the approval of the Planning Commission. The Commission shall consider such application at a public meeting, written notice of which shall be given in accordance with Section 31.10 of this Ordinance.

(2) The Planning Commission shall review the application for the private street, and shall make the following findings, in its discretion:

    (i) That the private street complies with all requirements of this section and other applicable provisions of this Ordinance.

    (ii) That the private street would not create conditions which may be detrimental to the health, safety or welfare of persons or property, through their creation of hazardous or potentially hazardous situations.

(3) In approving an application for private street, the Planning Commission may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction and use of the private street,
consistent with the terms of this section and other applicable provisions of this Ordinance.

(4) Following review and approval of a proposed private street by the Planning Commission, the Zoning Administrator shall determine whether to issue a construction permit for the private street.

(i) No private street shall be constructed until the construction permit has been issued.

(ii) In determining whether to issue a construction permit, the Zoning Administrator shall consider the approval of the private street by the Planning Commission and, further, whether the private street can be constructed safely and without serious adverse effects upon adjacent or nearby lands or property interests.

(iii) In issuing a private street construction permit, the Zoning Administrator may impose such conditions as will assure compliance with the terms of this subsection.

(5) **Certificate of Compliance.**

(i) Upon completion of construction of a private street, the Zoning Administrator or his or her designee shall inspect the completed construction to determine whether it complies with the approved plans and specifications for the street, the approval given therefor by the Planning Commission, and the terms of this section and other applicable provisions of this Ordinance.

(ii) The applicant shall provide the Township with a set of “as built” drawings, bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of this section and other provisions of this Ordinance and with the terms of approvals given by the Planning Commission and Zoning Administrator.

(iii) After receiving the certified as built drawings and written approval of the private street by the Zoning Administrator, following the Administrator’s review of the completed construction, the Township Clerk shall issue and submit to the applicant a certificate of compliance, stating that based upon the inspection of the construction, the private street complies with this section, other applicable provisions of this Ordinance and the Planning Commission and Zoning Administrator approvals.

(iv) If the completed private street does not satisfy the requirements of this section, other applicable provisions of this Ordinance or
approvals given by the Planning Commission and Zoning Administrator, the applicant shall be notified in writing of such noncompliance and shall be given a reasonable period of time in which to correct the stated deficiencies.

(6) Building Permits.

(i) No building permits or other permits shall be issued for any dwelling, or other building, structure or use, the primary access to which is to be provided by a private street, until the private street has been approved in accordance with this section and other applicable provisions of this Ordinance, and until a private street construction permit and a certificate of compliance have been issued, except as stated in subparagraph (ii) of this paragraph (6).

(ii) If a private street has not yet been completed and approved in accordance with this section and other applicable provisions of this Ordinance, but the applicant has submitted to the Township a performance bond, with acceptable surety, or a letter of credit, conditioned upon the timely and full completion of the private street in accordance with this section, then a building permit may nevertheless be issued for a dwelling or for other building, structure or use, the primary access to which is to be provided by the private street; provided, however, that no such permit shall be issued unless the building official also determines that persons and vehicles may traverse the incomplete private street in sufficient safety. In such a case, the further construction of the private street shall be pursued diligently to completion.

(7) Occupancy Permit. An occupancy permit for a dwelling or other building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been laid out and constructed with sufficient width, surface and grade so as to assure the safe passage and maneuverability of fire, police, ambulance and other emergency service vehicles.

(8) Street Frontage. Except as otherwise permitted by the terms of this Ordinance, all lots and parcels of land utilizing a private street shall have frontage on the approved private street right-of-way equal to the minimum lot width requirement of the zoning district in which the lot or parcel of land is located.

(9) Planned Unit Developments. If the private street is proposed as part of a planned unit development, the provisions of this section may be modified by the Planning Commission and Township Board, in the approval of the planned unit development, upon their determination that the requirements of
the planned unit development chapter and the requirements of this section would nevertheless be sufficiently accommodated.

(10) **Disclosure.** The following statement shall be included in any deed or other instrument of conveyance recorded for any lots or other parcels of land served by a private street: “This property does not abut or front upon a public street. If a public street does not abut or serve the property, the street abutting or serving the property is a private street, and it is therefore not required to be maintained by any governmental unit.”

(11) **Indemnification.** The applicant for a private street and the owners of the affected lands agree that by applying for and obtaining approval of the private street, and a permit to construct the same, they shall indemnify the Township and shall hold it harmless from any and all claims for personal injury or property damage arising out of or in any way relating to the use of the private street or of the failure to properly construct, maintain, repair and replace the private street, in whole or in part.

(12) **Performance Guarantee.** As a condition of approval of a private street and the issuance of a construction permit therefor, the Township may require that the applicant provide a performance bond, with an acceptable surety, or a letter of credit, conditioned upon the timely and faithful performance by the applicant under the terms of this section and under the terms of any approvals given for the private street by the Planning Commission and Zoning Administrator.

(13) **Effect of this Section on New and Existing Private Streets.**

(i) The provisions of this section shall apply to all private streets constructed from and after the effective date of this section.

(ii) If, after the effective date of this section, an existing private street is extended by an increase in its length, for the purpose of providing access to one or more additional lots or parcels of land, the provisions of this section shall thereupon apply to the entire private street, including both the existing portion of the private street and the extended portion thereof.

(iii) If, after the effective date of this section, lots or parcels of land are added to an existing private street, without extending the length of the private street, the entire private street, including the portion thereof existing prior to the adoption of this section, shall comply with all requirements of this section.

(iv) No private street shall be constructed, extended or upgraded to serve additional parcels or relocated after the effective date of this section, unless an application for private street approval has been completed.
and filed with the Township, all required fees are paid, and the private street is approved by the Planning Commission and a construction permit issued therefor.

(14) **Fees.** An application fee shall be paid at the time of application for private street approval, in accordance with the amount and terms of any such fee as established by the Township Board by resolution.

### 4.28 Animals and Fowl, Domestic.

(a) No animals or fowl, other than customary household pets shall be kept in any district on parcels of land of less than four acres in area; provided, however, that such animals, goats and fowl may be kept on a parcel of land of less than four acres if the Zoning Administrator, in the Administrator’s sole discretion, grants a zoning permit for such purpose, subject to the following requirements:

1. No such permit may be issued for the keeping of livestock on a parcel of land of less than four acres, nor for the keeping of livestock in any district other than the R-A and R-R Districts. For purposes of this provision, livestock are defined as horses, cattle, pigs, sheep, llamas, buffalo and other large domestic animals (except goats) commonly kept and raised as livestock.

2. No such permit shall be granted for the keeping of exotic, endangered or unusual animals such as leopards, bobcats, wolves, coyotes, cougars or other animals not commonly kept on residential premises, unless the terms of subsection (c)(6) apply.

3. Such permit shall not be granted if in the opinion of the Administrator the keeping of the proposed animals may result in serious adverse effects on adjacent or other lands, including, but not limited to, adverse effects consisting of adverse odor, excessive animal sounds or other noise or other serious adverse effects.

4. In approving such a permit, the Zoning Administrator may include terms and conditions.

5. The zoning permit may be revoked by the Administrator for noncompliance with its terms and conditions or if serious adverse effects as to adjacent or other lands have occurred or for other reasons involving adverse effects as a result of the use. If the permit is revoked, the animals shall be immediately removed from the land, or in any event no later than a deadline, if any, specified by the Administrator as a part of the action of revocation.

6. A zoning permit for such purpose may be granted on a temporary basis only, and for such period of time as stated in the permit. When such period of time has elapsed, the animals shall be immediately removed from the land.
(7) Any such permit shall include a condition stating that the animals shall at all times be confined on the parcel of land as to which the permit is issued, and shall not escape to other lands.

(8) In the case of a permit that has been revoked, the permit may be reissued if applied for by the owner of the animals or fowl, but only if the Zoning Administrator has determined, in the Administrator’s sole discretion and upon inspection of the property, that the grounds for revocation of the permit no longer exist and that no serious adverse effects will result from the keeping of the animals or fowl as to which the permit has been requested.

(b) In the R-A and R-R Districts, livestock, such as, but not limited to, horses, cattle, pigs, sheep, llamas and buffalo may be kept only as follows:

(1) Such livestock shall be kept only on parcels of land of at least four acres.

(2) The number of such livestock shall be limited as follows: there shall be only one such animal for the first four acres of the parcel area and no more than one additional such animal for each additional acre up to a total of ten acres, as to parcels that are ten acres or less in area; provided, however, that livestock offspring that are under four months of age need not be counted in the above computation, but shall be counted after they attain four months of age.

(3) The limitations on the number of livestock stated in subparagraph (2), above, shall not apply to parcels of land greater than ten acres in area.

(c) The keeping of animals or fowl, other than customary household pets, shall also be subject to the following requirements:

(1) If such animals or fowl are housed or confined in a building, the building shall not be located within 50 feet of any property line.

(2) If such animals or fowl are kept out-of-doors, they shall be fully confined within an area of at least one-half acre, except that if such animals or fowl are fully confined in an area at least 50 feet away from any property line, then the animals or fowl may be confined in an area of less than one-half acre, if no unsanitary condition will result and if the size of the area of confinement has no adverse effect on the health or feeding of the animals or fowl.

(3) Livestock such as, but not limited to, horses, cattle, pigs, sheep, llamas, buffalo and other large animals (except goats) commonly regarded as livestock shall not be permitted in any district other than the R-A and R-R Districts.

(4) No animals or fowl, whether or not customary household pets, shall be confined or housed in unsanitary conditions.
(5) Animals or fowl, other than customary household pets, shall at all times be confined on the parcel of land where they are kept, and shall not be permitted to escape to other lands.

(6) Exotic, endangered or unusual animals such as but not limited to leopards, bobcats, wolves, coyotes, cougars, large snakes and alligators shall not be kept or maintained on lands in any district; provided, however, that if the County of Kent adopts an ordinance regulating the keeping of such animals, and if such ordinance is fully complied with, such animals may be kept according to the terms of the ordinance.

(d) The provisions of this section shall not apply to farm livestock and other farm animals that are kept as a part of a bona fide farm operation.

4.29 Fences and Walls.

(a) Fences and non-retaining walls not more than three feet in height are permitted in all yards, including all required yards, except as stated in subsection (d) of this section.

(b) Fences greater than three feet in height, but not greater than four feet in height, are permitted in the required front yards, provided that such fences are not more than 50 percent solid and are of such design and location that they do not obstruct the vision of the occupants of vehicles on adjacent streets.

(c) Fences and walls not more than six feet in height are permitted in all yards except the required front yard.

(d) A well-maintained protective fence, not more than 50 percent solid and not in excess of six feet in height, is permitted in the front yard, including the required front yard, in the I District. In the I District, a well-maintained protective fence, either open or solid, in whole or in part, and not in excess of eight feet in height, is permitted in a required side yard and the required rear yard, but not in the required front yard, if approved by the Site Plan Review Committee and if the applicant submits a drawing showing the location, height and construction type of the fence.

(e) All fence posts or supports shall be on the interior side of the fence.

(f) No fence, wall or retaining wall, except for a well-maintained wall of broken concrete or used railroad ties, shall be constructed of used or discarded materials, including but not limited to pallets, tree stumps, trash, tires, junk or other discarded items.

(g) Fences and walls shall not be erected within a public street right-of-way or within a private street right-of-way.

(h) No barbed-wire fence or electrified fence shall be located in any residential district, except that a fence used for the confining of animals on lands in the R-A and
R-R Districts may be a barbed-wire or electrified fence; provided, however, that this subsection shall not apply to bona fide farms in the R-A or R-R Districts.

(i) Fences and walls shall be maintained in good and safe condition, and shall not be permitted to fall into disrepair or become unsightly. Fences and walls shall be used only for the purposes of confinement or enclosure, or for decorative purposes or, in the case of retaining walls, may be used where necessary for the retaining or embankment of earth or soil or for comparable purposes. Fences and walls shall not be used as or for signs, nor for other purposes that are contrary to or inconsistent with their usual and customary uses.

(j) Retaining walls necessary for the retaining or embankment of soil are permitted in all yards.

(k) On a waterfront lot within the R-3 Lake Residential District, no portion of a fence shall be located closer than 8 feet from the ordinary high-water mark of any adjacent lake; provided, however, that a chain-link fence or other similar transparent material may be extended to the ordinary high water mark of the lake.

4.30 Lake Access and Lake Frontage.

(a) Algoma Township has determined that it is in the long-term interest of the public health, safety and welfare to protect inland lake water resources, shorelines of lakes and waterfront lands from pollution, destruction, impairment, unsafe conditions and nuisances. The intent and purpose of the Township is to adopt reasonable regulations for the use of lands with lake frontage as a means of access to Township lakes.

(b) This section is not intended to conflict with and/or preempt application of the Michigan Inland Lakes and Streams Act, as amended, or the Michigan Marine Safety Act, as amended, or to regulate public access sites to the extent regulation of such sites is preempted by state law.

(c) For the purpose of construction and application of this section, the following definitions shall apply:

(1) “Access lot” shall mean a lot or other parcel with lake frontage, as defined herein, providing access to a lake for one or more access lot beneficiaries. An access lot includes any buffer strips required by this section.

(2) “Access lot beneficiary” shall mean the owner or occupant of an access lot and any other person with a right of access to a lake and/or use of a lake through an access lot, in whole or in part, by fee ownership, easement, lease, license, gift, business invitation, or any other written form of conveyance, dedication, permission or access/use rights. Members of the same family, as defined in Section 2.7(a), shall be collectively considered as one access lot beneficiary.
(3) “Lake” shall mean a body of water that is naturally or artificially created that may be spring fed or stream fed and also includes ponds and areas of a river or stream behind a dam or impoundment, but does not include a private lake, as defined in this section.

(4) “Lake frontage” shall mean that portion of a lot or parcel of land which abuts or intersects with the normal high water mark of a lake, whether such lot or parcel is owned by one or more persons, or is commonly owned by several persons, or combination of persons.

(5) “Private lake” shall mean a body of water, either natural or artificial, that complies with all of the following requirements:

(i) The body of water is entirely surrounded, without any gap or exception, with land that is owned and used by only one person or by only a single other legal entity (except that joint ownership of all such surrounding land by two persons shall qualify as single ownership).

(ii) The body of water is not bordered, in whole or in part, by any parcels of land that extend less than 200 feet back from the ordinary high water mark of the body of water, except for a platted subdivision or a site condominium that entirely surrounds the body of water and that has a waterfront beach area, playground or other waterfront recreational amenity adjacent to the lake, where such waterfront amenity is owned by a property owners’ association, a condominium association or similar legal entity.

(iii) The lands surrounding the body of water, in whole or in part, shall not have been the subject of deeds or other conveyances, agreements or other arrangements intended for the purpose, or having the effect, of avoiding the lake access regulations that would otherwise apply under the terms of this section.

(d) Access Lot Regulations.

(1) An access lot shall comply with the minimum lot area and minimum lot width requirements of the zoning district in which the lot is located. An access lot providing lake access to more than two access lot beneficiaries shall have a lake frontage of not less than the minimum lot width required for such lot in the zoning district in which the lot is located, plus an additional 50 feet of lake frontage for each access lot beneficiary in excess of two. In calculating the number of access lot beneficiaries, an access lot beneficiary who owns or occupies a dwelling unit, if any, shall be included as an access lot beneficiary.

(2) An access lot providing access to more than two access lot beneficiaries shall also provide a buffer strip on each side of the access lot, parallel with each
side lot line and ending at the lakeshore. Each buffer strip shall have a minimum width, for the entire depth of the access lot, including lake frontage, equal to or greater than 20 feet.

(3) No building or structure of any kind other than fencing shall be constructed or erected upon required buffer strips. Required buffer strips shall not be used for any motorized vehicle traffic, parking, boat ramps or for storage purposes (including junk, waste or garbage) or other development purposes of any kind, and shall be preserved to provide a natural barrier between the usable portion of an access lot and adjacent lots.

(4) An access lot shall be permitted no more docks than are allowed under Section 4.31. No portion of any dock, except for common docks as permitted by Section 4.31(d), shall be located either within ten feet from the nearest property line as extended into the lake, or within five feet from the nearest property line as extended into the lake, in the case of properties that are 20 feet or less in width at the shoreline of the lake. Further, no portion of any dock, except for the above-stated common docks, shall be located adjacent to any buffer strip required in this section.

(5) A site development plan is required and shall be reviewed and approved by the Planning Commission for all access lots providing access to more than two access lot beneficiaries. The site plan shall provide for adequate off-street parking within 300 feet of the access lot for all access lot beneficiaries.

(6) A deed, land contract, lease or other instrument which conveys an access lot providing lake access to another lot shall specify the lots or parcels which have rights to use such access lot.

(7) The requirements of this subsection (d) shall not apply to private lakes, which for purposes of this provision are defined as lakes that are surrounded entirely by one or more parcels of land that are owned by the same owner.

The requirements of this subsection (d) shall not apply to access lot rights existing or access usage occurring prior to the effective date of this section. However, any change or expansion of such prior rights or usage shall fully comply with this Ordinance.

4.31 Docks and Mooring of Watercraft.

(a) The Township has concluded that the use of inland lake water resources, including the inland lakes situated in the Township, should be considered within a framework of long-term cost and benefits to the Township, and that it is desirable to retain and maintain the physical, ecological, cultural and aesthetic characteristics of lakes in the Township and to protect such lakes from pollution, destruction or impairment.
It has been recognized that, as the shorelines of lakes become further developed, the cumulative impact of watercraft placement and boat and dock usage and activity from each respective property must be regulated in order to preserve and protect the quality and safety of the lakes and shorelines and the rights of riparian owners and users as well as the Township as a whole.

It has been further recognized that the lack of regulation results in a nuisance and unsafe condition and an impairment of these important and irreplaceable rights and natural resources of the Township, and further results in the destruction of property values and threatens the public health, safety and welfare of all persons making use of lakes within the Township and properties adjacent to lakes in the Township.

Accordingly, it is the intent and purpose of the Township to adopt reasonable regulations for motorboat, boat, boat storage device, dock and raft placement, mooring, activity and usage on inland lakes.

(b) This section is not intended to conflict with and/or preempt application of the Michigan Inland Lakes and Streams Act, as amended, or the Michigan Marine Safety Act, as amended, but is to enhance water usage in a manner consistent with the public interest and safety.

(c) For the purpose of construction and application of this section, the following definitions shall apply:

1. “Motorboat” shall mean any watercraft, boat, sailboat, hydrofoil, pontoon boat, hovercraft, jet ski, jet boat, or similar vessel having a motor, engine or propulsion system of six horsepower or more.

2. “Docked” or “docking” shall mean the anchoring or mooring of a motorboat directly to a pier, structure, platform, pole, anchor, or dock in a lake, which is a platform or fixture extending from the shore or bottom lands and its directly accessible to a separate frontage on a lake and shall also mean the placement of a motorboat in a boat cradle or shore station offshore or the regular or overnight anchoring, mooring or storage of a motorboat adjacent to a separate frontage or on shore on a separate frontage on a lake.

3. “Mooring” or “slip” shall mean a space for a single motorboat at or adjacent to a dock or in an offshore boat cradle or shore station.

4. “Normal high water mark” shall mean the normal high water mark of the lake as determined by the Department of Natural resources, or if the Department has not made such a finding, the normal high water mark location shall be determined by the Township Engineer. Moreover, the measurement shall be made only along a natural shoreline, and shall not include any man made channel, lagoon, canal or the like unless the entire lake has been artificially created.
(5) “Person” shall mean a human being, partnership, corporation, association, including a condominium association, and any other entity to which the law provides or imposes rights or responsibilities.

(6) “Separate frontage” means that portion of a lot or parcel of land existing on documentation recorded with the Kent County Register of Deeds, which abuts or intersects with the normal high water mark of a lake, whether, such lot or parcel is owned by one or more persons, or is commonly owned by several persons, or combinations of persons.

(7) “Boat cradle” and “shore station” shall mean a device or devices placed on, at or near the shore of a separate frontage on a lake for the purpose of mooring, anchoring or holding a boat or other watercraft in, on or above the water in the lake.

(8) “Lake” a body of water that is naturally or entirely artificially created that may be spring fed or stream fed and also includes ponds and areas of a river or stream behind a dam or improvement.

(d) The following regulations shall apply to all lakes in all zoning districts within the Township:

(1) Except as otherwise permitted by subsections (4) and (6) hereof below, not more than two motorboats shall be launched from or for each separate frontage, nor shall more than two motorboats be kept at, utilized, moored or docked on or adjacent to each separate frontage.

(2) Not more than one dock shall be permitted, used or utilized for each platted lot or parcel meeting all legal minimum water frontage, area and width requirements. No other docks are permitted or may be utilized except as may be expressly allowed by this Ordinance.

(3) Where a separate frontage contains more than 70 feet of continuous frontage on a lake (as measured along the waters edge at the normal high water mark of the lot or parcel), there shall be not more than one additional dock permitted, used or utilized for every 70 feet of additional frontage.

(4) Where a separate frontage contains more than 70 feet of continuous frontage on a lake (as measured along the waters edge at the normal high water mark of the lot or parcel), not more than two additional motorboats shall be launched and/or docked for each additional 70 feet of continuous lake frontage in excess of the initial 70 feet of frontage property.

(5) For any multiple-unit residential development or commonly-owned or utilized lake frontage, not more than one dock shall be used or utilized for each 70 feet continuous lake frontage (as measured along the waters edge at
(6) For any multiple-unit residential development or commonly-owned or utilized lake frontage, not more than two additional motorboats shall be launched and/or docked for each additional, 70 feet of continuous lake frontage (as measured along the waters edge at the normal high water mark of the lot or parcel) in excess of the initial 70 feet of frontage.

(7) No more than two moorings or slips for motorboats shall be utilized or used for each dock.

(8) In addition to the motorboats and dock usage permitted by this Ordinance, the following watercraft may also be launched from, docked or utilized for or from each separate frontage: non-motorized watercraft or watercraft powered by a motor, engine or propulsion system of less than six horsepower. In no event, however, shall the number of watercraft launched from, docked or utilized for or from each separate frontage exceed four watercraft as required to be registered with the State of Michigan in total.

(e) The Township finds that the use of permanent docks, shore stations, boat cradles and ramps present severe safety hazards to ice fishermen, snowmobilers and other recreation users of lakes within the Township during the winter and off-season. Such permanent structures tend to be subject to damage or removal by action of ice, wind and other winter conditions and thus become safety hazards and nuisances. Furthermore, floating rafts and docks which are excessive in size or placed in an improper location can constitute a safety hazard to recreational users of lakes within the Township and often impede navigation. Motorboats which are not anchored to docks and which are simply left on the shoreline or anchored offshore overnight also present safety, visibility and navigation problems.

The Township further finds that the unregulated use of lake access easements, parks, roads, right-of-way and walkways has created severe conflicts among those persons using such lake accesses, has caused overcrowding of docks, and conflict among users of such lake accesses and presents severe safety, navigation, parking and health problems and impair and/or destroy the natural resources of the Township.

Accordingly, the following regulations shall apply to all parcels of property on lakes within the Township:

(1) Permanent docks, shore stations, boat cradles and rafts are prohibited and may not be used or utilized. All docks, shore stations, boat cradles and rafts shall be completely removed from lakes for the time period from each December 15 through the following March 15. All docks, shore stations, boat cradles and rafts shall be kept in good repair and safely maintained.
(2) Floating rafts or platforms with an exposed surface area exceeding 85 square feet shall not be used or placed in any lake. Floating rafts or platforms shall not be anchored or located in a lake so as to impede navigation or present a safety hazard to boats.

(3) Unless otherwise regulated, any land under the ownership, possession or control of the Township or any governmental agency or unit having access to any lake shall be fully subject to the provisions of this Ordinance except, for public access owned or operated by the Department of Natural Resources.

(4) No motorboat shall be stored or kept overnight on the shoreline or moored or anchored overnight in a lake adjacent to a separate frontage except adjacent to or moored at a dock, dock space, boat cradle or shore station which complies with this Ordinance.

(5) No dock shall be of such a length or be so placed as to present a hazard to navigation, but in no case shall any dock exceed a length from shore of 40 feet; provided, however, that a dock may be longer than 40 feet if the additional length is necessary in order that the dock may extend to a location in the lake where the depth of the water is no greater than 30 inches, but in any event, no dock shall be longer than 80 feet, including any “T” or “L” section.

(6) No dock shall exceed six feet in width. “T” or “L” sections may be used, but no “T” section or “L” section may be wider than six feet nor longer than six feet.

(7) No dock shall be located, utilized or placed within ten feet of the side lot lines of a lot or parcel as extended to the center of the lake, nor within five feet of the side lot lines of a lot or parcel as extended to the center of the lake, in the case of lots or parcels that are 20 feet or less in width at the shoreline of the lake; provided, however, that shore stations or boat cradles may be utilized so long as they are not located within ten feet of a side lot line as so extended to the center of the lake, or within five feet of a side lot line as so extended to the center of the lake, in the case of lots or parcels that are 20 feet or less in width at the shoreline of the lake. No motorboat, boat or watercraft of any kind shall be launched, stored, moored or docked within five feet of the side lot lines of a property as extended to the center of the lake. This prohibition shall not apply to the common lot line between two lots utilizing an approved common dock pursuant to subsection (8) hereof.

(8) Two adjoining lots or parcels may share one common dock with no more than four motorboat slips or moorings and four other slips or moorings for other watercraft provided by a motor engine or propulsion system of less than six horsepower and/or non-motorized watercrafts that are required to be registered by the State of Michigan being utilized in total if the Zoning
Administrator determines that the planned joint dock is safe and consistent with free navigability and approves the same in writing. In such case, there shall be no other docks utilized for the two lots or parcels involved except the approved one common dock.

(9) No dock or mooring for boats shall be placed, utilized, used or maintained at or on a right-of-way, park, road, dedicated walkway or easement which abuts or terminates at a lake, nor shall any motorboat, boat, canoe, or watercraft be launched, anchored, moored at or stored at or on any such road, right-of-way, park dedicated walkway, easement or dock thereon.

(10) No motorboat, boat or watercraft shall utilize or be moored to or launched from any boat cradle or shore station unless such boat storage device meets all of the following requirements:

(i) It is not permanently affixed to the land or bottom lands of a lake.

(ii) It is fully movable or portable.

(iii) It is removed completely from the water during the time period from each December 15 through the following March 15.

(iv) It does not have a rigid roof and/or walls.

(v) There are no “tracks” or appurtenances extending onto dry land.

(vi) All portions of the device are located lakeside of the shoreline when in use during the boating season.

(vii) It is designed for not more than two watercraft.

(viii) Boats and motorboats are removed from the water vertically and are stored in or above the water.

(f) Existing Boat and Dock Activity. The following shall apply to existing boat and dock activity:

(1) Following the effective date of this section, no launching and/or docking of motorboats or boats shall be permitted with respect to a separate frontage which does not constitute a lawful lot or parcel; notwithstanding the foregoing, this provision shall not apply to lots or parcels fronting on a lake constituting a lawful building site of record prior to the effective date of this section provided however that all requirements of this section shall apply save that the lot or parcel shall not be required to have 70 feet of frontage. No such lot or parcels fronting on the lake shall be diminished.
Continuation of Existing Uses. The lawful mooring, docking or launching of motorboats or boats or usage of docks, shore stations, boat cradles or rafts on or from a particular lot, parcel or separate frontage occurring prior to the effective date of this section shall be permitted to continue without change. However, any change, alteration or expansion of such prior usage which occurs after the date this section becomes effective shall fully comply with the provisions of this Ordinance. For purposes of this section, normal maintenance and repair of docks due to normal wear and tear shall not be deemed a change, alteration or expansion of prior usage.

The above restrictions shall apply to all lots and parcels on or abutting any lake in all zoning districts, regardless of whether access to the lake waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

4.32 Outdoor Lighting.

(a) Purpose. The purpose of this section is to provide reasonable regulations intended to protect the character of the night sky from light pollution originating from outdoor lighting sources. In part, these regulations are adopted in response to the diminishing or loss of “starry, starry nights” brought about by increased land development and reliance on night-time lighting. Unpolluted night skies are important in preserving the character of the Township, for energy conservation, for those pursuing astronomy and for other purposes.

These regulations pertaining to night sky lighting are intended to address issues concerning the need for outdoor lighting, types of fixtures, shielding of fixtures and the placement and control thereof. These regulations are intended to promote the public health, safety and general welfare, though they are not intended to prevent the placement and use of such outdoor lighting as is reasonably necessary for safety and visibility at night.

Among other matters, these regulations are intended to benefit the public health, safety and general welfare, and to promote the public interest in the following manner:

(i) Maintain safe night time driver performance on public roadways by minimizing both brightly lighted surfaces and lighting glare.

(ii) Preserve the rural community character of the Township.

(iii) Promote lighting which provides security but is not unduly intrusive or a nuisance to nearby residents or drivers.

(iv) Eliminate intrusive artificial light and lighting that unnecessarily contributes to “sky glow.”
(v) Reduce light pollution from outdoor lighting sources and avoid light trespass onto adjacent properties.

(b) Definitions.

(1) Cut-off Angle. An angle measured upward from a vertical line.

(2) Cut-off Plane. A horizontal plane around a light source above which light from the light source does not penetrate.

(3) Fixture. The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control such as a reflector (mirror) or refractor (lens), the ballast, housing, and other attached parts.

(4) Glare. Light directly visible to a viewer’s eye, either directly from a light source, reflected or refracted.

(5) Illumination. Light directed at a working surface or into a space to be illuminated.

(6) Light Source. A light bulb or other source within a luminaire.

(7) Luminaire. An outdoor lighting fixture including the lamp and the fixture.

(8) Outdoor Light Fixtures. Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:

(i) Buildings and structures, including canopies and overhangs.

(ii) Recreational areas.

(iii) Parking lot lighting.

(iv) Landscape lighting.

(v) Billboards and signs.

(vi) Street lighting.

(vii) Display and service areas.

(9) Shielded or Full Cut-off Fixtures. Fixtures that are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected only below a horizontal plane running through the lowest point on the fixture where light is emitted.
(10) **Spill Light.** Light emitted by a luminaire that falls outside the boundaries of the property on which the luminaire is located.

(11) **Security Lighting.** Lighting used to illuminate commercial or industrial buildings, outdoor storage, off-street parking or similar commercial or industrial areas to deter theft or vandalism and which is typically used after normal hours of operation at the property.

(c) **Outdoor Light Fixtures.**

(1) All outdoor light fixtures shall be shielded except those exempted under subsection (e) and as otherwise permitted under subsection (g) of this section. The intensity of light emitted from the fixture at any angle above a cut-off angle of 75 degrees from the vertical must be less than 10 percent of the peak candle power of the outdoor light fixture, as shown in Figure 1 in subsection (j) of this section. Light shall not be emitted above a horizontal plane running through the lowest point on the fixture where light is emitted, as shown in Figure 1.

(2) All outdoor light fixtures shall be installed and placed to ensure that light does not spill onto adjacent properties or roadways and does not produce a glare.

(3) Outdoor light fixtures shall not exceed a height of 20 feet above the ground directly below the fixture, except for outdoor light fixtures serving outdoor recreation areas, including athletic fields and other outdoor recreation areas.

(4) An outdoor light fixture shall not have a light source which is greater than 400 watts, except that any light source for a sign shall be limited as stated in subsection (f) of this section.

(d) **Prohibited Lights.**

(1) Unshielded dusk to dawn lights are prohibited in all zoning districts, except that such lights shall be permitted on parcels of four acres or more in the R-A Rural Agricultural District and R-R Rural Residential District if they comply with other requirements of this section, provided, however, that all such lights shall be designed, equipped and installed so as not to cause excessive glare or spillage of light onto adjacent or nearby lands.

(2) The use of search lights except by law enforcement agencies and civil authorities is prohibited.

(e) **Exemptions.** The following outdoor light fixtures are exempt from the provisions of this section.

(1) Outdoor light fixtures installed prior to the effective date of this section; provided, however, that when any such outdoor light fixture is replaced or
structurally altered, then the fixture shall thereafter comply with all of the provisions of this section; and provided further, that when there is any change in the use of the land on which the fixture is located, or any building or structure on which the fixture is located or which it illuminates, and if such change in use requires site plan review under the terms of this Ordinance, the Planning Commission may, in granting any such site plan review, require that the outdoor light fixture thereafter conform to all or any of the provisions of this section.

(2) Outdoor light fixtures at and for temporary recreational events, festivals and celebratory observances not exceeding three days in duration, but such events and observances shall not be illuminated after 11 p.m., except to conclude an event or observance that was in progress prior to such time.

(3) Outdoor light fixtures at and for public schools, publicly-owned stadiums and arenas and other publicly-owned facilities, but subject to subsection (g).

(4) Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fuels.

(5) Street lights located within the right-of-way of a public street or private street.

(6) Outdoor light fixtures which use an incandescent light bulb of 150 watts or less except where they create a hazard or nuisance from glare or spill light.

(7) Lighting necessary for road or utility construction or emergencies.

(8) Outdoor light fixtures for the purpose of illuminating monuments and United States, state and township flags, but such lighting shall not be of any greater intensity than that necessary to reasonably illuminate such monuments or flags, and it shall not result in excessive glare or spillage of light onto adjacent or nearby lands.

(f) **Lighting for Signs.** Sign lighting shall be subject to applicable provisions of Chapter 25 of this Ordinance.

(g) **Outdoor Recreation Lighting.** An outdoor recreational facility, whether public or private, or any other outdoor recreation activity, shall not be illuminated after 11:00 p.m., except to conclude any recreational or sporting event or activity conducted at an athletic field, outdoor amphitheater, arena or similar facility or area, where the event or activity was in progress prior to 11:00 p.m.

(h) **Night Lighting.** Outdoor light fixtures in all districts shall be turned off no later than one hour after the ending of the outdoor use of the site, except that security lighting may be used after the normal operating hours of a commercial or industrial use and except that unshielded dusk to dawn lights are permitted in accordance with Section 4.32(d)(1).
(i) **Inclusion of Information on Outdoor Lighting Fixtures in Certain Building Permit Applications.**

(1) Any person applying for a building or electrical permit for a commercial or industrial use which includes the installation of one or more outdoor lighting fixtures shall, as a part of the application for such permit, submit evidence that the proposed outdoor lighting fixtures and the work relating thereto will comply with this section.

(2) The evidence to be submitted with any such application for a commercial or industrial building or electrical permit shall include but need not be limited to the following, as determined necessary by the building official.

   (i) Plans showing the type and location of the lamps, supports and other lighting devices.

   (ii) A description of the fixtures, lamps, supports and other equipment or devices. The description may include but need not be limited to manufacturer’s catalog cuts, luminaire photometric reports, and drawings, including cross sections where required.

(j) **Figure 1.** The following drawing depicts the minimum light-shielding requirements as stated in subsection (c) of this section.

![Figure 1](image)

4.33 **Security for Completion of Improvements.**

When financial security is required for completion of any improvement provided for by this Ordinance, such security shall comply with the following standards:
(a) **Performance or Surety Bond.**

(1) The bond shall inure to the benefit of the Township, covering construction, operation and maintenance of the improvement.

(2) The bond shall be in an amount equal to the total estimated cost for completing construction of the improvement, including contingencies, as estimated by the Planning Commission, and the Township Engineer.

(3) The Planning Commission shall specify the term during which the bond shall remain in force.

(4) **Bonding or Surety Company.** The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.

(b) **Cash Deposits, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.**

(1) A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, acceptable to the Township, shall be given to the Township Clerk, or deposited with a responsible escrow agent or trust company.

(2) The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the improvement including contingencies, as estimated by the Township.

(3) The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period specified by the Township.

(4) In the case of cash deposits or certified checks, an agreement between the Township and the developer may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the improvement, in accordance with a previously entered into agreement.

### 4.34 Standards for Discretionary Decisions.

In addition to any specific standards which may be applicable, the following standards and guidelines shall serve as the basis for decisions involving special land uses, planned unit developments and other discretionary decisions set forth in this Ordinance: The proposed uses shall (a) be compatible with adjacent uses of land; (b) be consistent with, and promote the intent and purpose of, this Ordinance; (c) be compatible with the natural environment; (d) be consistent with
the capacities of public services and facilities affected by the proposed use; and (e) protect the public health, safety and welfare.

4.35 Underground Single Family Dwellings.

An underground single family dwelling is permitted notwithstanding any provision to the contrary in the R-A Rural Agricultural District, but only as a special land use approved by the Planning Commission provided the following conditions are satisfied:

(a) A site plan is filed and approved by the Planning Commission as required by Chapter 23.

(b) The requirements of the Township Building Code and all other applicable Township ordinances are complied with.

(c) The parcel upon which it the dwelling is placed has an area not less than five acres and a minimum width throughout its entire length of 330 feet.

(d) There is at least one side of the dwelling that is completely exposed and above the grade or ground level immediately adjacent to the dwelling when construction and landscaping are completed.

(e) No point within the building shall be more than 50 feet from an exit opening directly to the outside of the dwelling.

(f) All entrances on any side of the dwelling that is not completely exposed shall be designed and built to be visually unobstructed for a distance of at least 30 feet from the dwelling.

(g) There must be a finished living area of not less than 1,000 square feet, and the dwelling must be completely finished inside and out prior to occupancy.

(h) The roof on top shall be completely covered by earth at least 12 inches thick and shall be sodded.

(i) The property above and surrounding the dwelling within 50 feet shall be at finished grade prior to occupancy, of the dwelling.

(j) All requirements of the R-A District shall be complied with, in addition to the requirements of this section.

(k) The dwelling shall have an architect’s or engineer’s seal on the plans for the construction of the roof or any part of the dwelling that will be supporting earth.

(l) All surface measurements necessary to determine minimum yard size and any other dimensional requirement for a dwelling shall be taken from the point at which the perimeter walls of the underground dwelling would exist on the surface if they were vertically extended above the surface of the ground.
4.36 Two-Family Dwellings in R-R and R-1 Districts.

(a) A two-family dwelling is permitted in the R-R and R-1 Districts if the parcel of land on which the two-family dwelling is located fronts upon and is immediately adjacent to a public street and if there is no other parcel of land on which there is an existing two-family dwelling within a radius of 500 feet of the parcel of land on which the two-family dwelling is proposed to be located.

(b) A two-family dwelling located in the R-R and R-1 Districts shall comply with the minimum requirements for a two-family dwelling as stated in Chapter 6 and Chapter 7, respectively.

4.37 Maps, Drawings and Renderings.

Whenever under the terms of this Ordinance the Planning Commission and/or the Zoning and Planning Department may be considering or reviewing a proposed land use or activity, the Planning Commission may require the submission of maps, drawings, renderings and such other information as will assist the Planning Commission and/or the Zoning and Planning Department in its consideration and review of the proposed land use or activity.

4.38 Resubmission of Matters to Planning Commission.

For a period of one year following a decision by the Planning Commission, no reconsideration of the decision shall be undertaken, nor may an application for the same matter be submitted, unless the Planning Commission in its sole discretion determines that there has been a material change in the development plans submitted or a material change in the facts and circumstances applicable to the requested rezoning, special land use, planned unit development or other relief or approval sought by an applicant.

4.39 Roadside Market Stands.

Roadside market stands shall be permitted in the R-A and R-R Districts in accordance with this section.

(a) Roadside market stands shall sell only produce grown on the premises, except for an incidental amount of other agricultural or food products, unless a greater amount of off premises food products is authorized by the Planning Commission as a special land use under Chapter 22.

(b) A roadside market stand shall be so located and shall have such sufficient off-street parking area that no traffic hazard or other potentially-harmful condition shall arise.

(c) Any required driveway permit shall be obtained from the County Road Commission.
4.40 **Grade Limits.**

Sand, dirt and similar materials shall not be used to build up or add to the natural grade of the land in connection with the installation, construction or expansion of a building or structure if such alteration would, in the opinion of the Township Zoning and Planning Department, do any of the following:

(a) Unreasonably increase storm water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters; or

(b) Increase the height of a building or structure so as to unreasonably interfere with the view of a lake, stream or other body of water from one or more adjoining or nearby properties.

Any party aggrieved by the decision of the Township Zoning and Planning Department under this section may appeal that determination to the Planning Commission.

4.41 **Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odor.**

Every use shall be so conducted and operated that it does not create a nuisance and so that it is not dangerous by reason of heat, glare, fumes, dust, noise, vibration or odor beyond the lot on which the use is located.

4.42 **Yard or Garage Sales.**

(a) Yard or garage sales, as defined in this Ordinance, are permitted in residential districts, in accordance with the provisions of this section. Yard or garage sales may take place in such other zone districts if permitted, but in such cases, the applicable provisions of those districts shall apply, as well as the provisions of this section.

(b) Any signs used to advertise such sales shall be subject to the provisions of Section 25.7, and all of such signs shall be removed immediately upon the conclusion of the sale.

(c) No such sale or display shall occur on more than ten days during any period of 60 consecutive days beginning on the first day of the sale, unless permitted by the Zoning Administrator, who may permit such use for a period not to exceed seven days, if the administrator determines that no traffic hazard or other serious adverse effect would result.

(d) All accumulated goods, tables and other equipment used in any such sales shall be promptly removed at the conclusion of the last day on which the sale occurs.
4.43 Existing Single Family Detached Dwellings in C-2 District.

(a) An “existing single family detached dwelling” is a building located in that part of the C-2 General Business District extending for a distance of 600 feet from Northland Drive, between 12 Mile Road and 16 Mile Road, and which is: (1) either being used as a single family detached dwelling on March 1, 2014, or if unoccupied at that time has not been used for any purpose other than a single family detached dwelling in the preceding five years; and (2) which has not for any period of time after March 1, 2014 been used for any purpose other than a single family detached dwelling.

In determining whether a building is an existing single family detached dwelling, the Zoning Administrator may refer to all relevant information about the occupancy of the building, including but not limited to, the existence of a principal residence exemption, a lease for a non-owner occupant of the property, the carrying of commercial activities other than permitted home occupations, modifications to the structure, building permit information, and similar indications.

(b) Existing single family detached dwellings, as defined in subsection (a), may be occupied, repaired, improved, remodeled and reconstructed, in whole or in part, subject to the provisions of this section and this Ordinance. Home occupations as regulated under Section 4.17 are permitted in connection with an existing single family detached dwelling.

(c) If any existing single family detached dwelling is destroyed by fire, wind, or other cause, a replacement single family detached dwelling may be constructed on the same parcel which the existing single family detached dwelling was previously located. Upon completion, the replacement building shall be an existing single family detached dwelling within the meaning of this section. The replacement building shall have a gross area not greater than 10 percent more than the gross area of the former building, and shall be situated in substantially the same location on the parcel of land, except as such changes in location as may be necessary to comply with current minimum required setbacks. Such reconstruction shall be subject to administrative site plan review to verify compliance with all applicable requirements.

(d) Lands upon which an existing single family detached dwelling is located shall be subject to the building setback, floor area, and building height limitations of the R-A Rural Agricultural District.

(e) Once an existing single family detached dwelling has been converted to a permitted commercial use, it shall not be re-converted or otherwise altered, modified or reestablished, in whole or in part, as a single family detached dwelling or any other type of dwelling.
4.44 Sidewalks in Condominiums, Site Condominiums and Platted Subdivisions.

(a) Sidewalks shall be provided in a residential condominium or a residential site condominium to the extent required by and in accordance with Section 24.7(i) of this Ordinance.

(b) Sidewalks shall be provided in a residential platted subdivision to the extent required by and in accordance with Section 8.20 of Chapter 8 of the Township Code of Ordinances.

(c) Sidewalks shall be provided in planned unit developments and in other types of permitted land developments in accordance with the sidewalk requirements for each applicable type of development.
CHAPTER 5
R-A RURAL AGRICULTURAL DISTRICT

5.1 Description and Purpose.

The R-A Rural Agricultural District is intended for farms and single family detached dwellings, including the preservation of agricultural lands, the growing of crops, animal husbandry, dairying, other agricultural activities and certain farm-related recreational uses.

5.2 Permitted Land Uses.

Land, buildings and structures in the R-A District may be used only for the following purposes:

(a) Farms and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.

(b) Single family detached dwellings.

(c) Orchards, vineyards and apiaries.

(d) State-licensed residential facilities and family day care homes licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including facilities for the care and treatment of persons released from or assigned to an adult correctional institution.

(e) Public and private cemeteries; crematories, if approved as a special land use.

(f) Kennels, on lands of at least one acre in area.

5.3 Special Land Uses.

The following land uses may be permitted as special land uses under Chapter 22:

(a) Churches and other houses of worship; public and private schools.

(b) Publicly owned libraries, museums and community centers.

(c) Publicly owned parks and playgrounds; public recreation areas and athletic grounds.

(d) Golf courses and country clubs; commercial stables; private outdoor recreation areas.

(e) Bed and breakfast establishments.

(f) Farm markets.
(g) Commercial greenhouses and nurseries.
(h) A group day care home licensed under Act 116 of the Public Acts of 1973 which is authorized to serve more than six persons but not more than 12 persons.
(i) Removal and processing of sand, gravel and other mineral resources.
(j) Essential service buildings.
(k) Commercial communications antennas and towers; non-commercial ground mounted communications antennas and towers exceeding a height of 120 feet or, if roof mounted, exceeding a height of 15 feet above the roof.
(l) Temporary second dwelling.
(m) Intensive livestock operations complying with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.
(n) Airfields and landing strips.
(o) Underground single family dwellings.
(p) Wind energy harvest site.
(q) Portable sawmill equipment.
(r) Farm related recreational use.
(s) Barn Event Venue.

5.4 Other Land Uses.

The following other land uses may be permitted as provided in this Ordinance:

(a) Accessory buildings as regulated under Section 4.3.
(b) Temporary uses as regulated under Section 4.20.
(c) Home occupations as regulated under Section 4.17.
(d) Private streets and driveways as regulated under Section 4.27.
(e) Signs as regulated under Chapter 25.
(f) Outdoor lighting as regulated under Section 4.32.
(g) Off-street motor vehicle parking as regulated under Chapter 26.
(h) Recreational vehicle parking as regulated under Section 4.22.
(i) Fences and walls as regulated under Section 4.29.
(j) Boat docks as regulated under Section 4.31.
(k) Lake access as regulated under Section 4.30.
(l) Seasonal roadside market stands as regulated under Section 4.39.

5.5 District Regulations.

Land, buildings and structures in the R-A District shall comply with the following minimum requirements:

(a) **Minimum Lot Area and Width.** Eighty-four thousand square feet and 200 feet.

(b) **Minimum Required Building Setbacks.**

(1) **Front Yard.**

   (i) Single family dwelling – 40 feet.

   (ii) Other permitted principal building – 60 feet.

(2) **Side Yard.** There shall be two required side yards, each being a minimum of 30 feet.

(3) **Rear Yard.** Thirty feet.

(c) **Maximum Height of Buildings and Structures.** Thirty five feet, except permitted communications antennas and towers; provided, however, that this provision shall not apply to barns and other bona fide farm buildings and farm structures.

(d) **Building Setbacks from Primary Roads.** The minimum required front yard building setback on parcels of land adjoining certain primary roads shall be as regulated under Section 4.11.

(e) **Building Setbacks on Waterfront Lands.** The minimum required principal and accessory building and structure setback from a lake or other body of water shall be as regulated under Section 9.7.

5.6 Minimum Floor Area.

Each dwelling shall have minimum floor area as follows:

(a) **Single Family Dwelling, One Story.** One thousand square feet.

(b) **Single Family Dwelling, More Than One Story.**
(1) One thousand square feet, of which at least 768 square feet shall be on the first floor, if the second floor has at least as much area as the first floor.

(2) One thousand square feet, of which at least 864 square feet shall be on the first floor, if the second floor has less area than the first floor.

(c) The minimum floor area of a basement dwelling, a bermed dwelling and certain other types of dwellings shall be as regulated under Section 4.13.
CHAPTER 6
R-R RURAL RESIDENTIAL DISTRICT

6.1 Description and Purpose.

The R-R Rural Residential District is intended for farms, single family dwellings and large rural residential estates.

6.2 Permitted Land Uses.

Land, buildings and structures in the R-R District may be used only for the following purposes:

(a) Farms and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.

(b) Single family detached dwellings.

(c) State-licensed residential facilities and family day care homes licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including facilities for the care and treatment of persons released from or assigned to an adult correctional institution.

(d) Public and private cemeteries, crematories, if approved as a special land use.

(e) Kennels, on lands of at least one acre in area.

6.3 Special Land Uses.

The following land uses may be permitted when authorized as a special land use under Chapter 22:

(a) Churches and other houses of worship; public and private schools.

(b) Publicly owned libraries, museums and community centers.

(c) Publicly owned parks and playgrounds; public recreation areas and athletic grounds.

(d) Golf courses and country clubs; commercial stables; private outdoor recreation areas.

(e) Bed and breakfast establishments.

(f) A group day care home licensed under Act 116 of the Public Acts of 1973 which is authorized to serve more than six persons but not more than 12 persons.
(g) Foster care facilities serving more than six persons but not more than 20 persons which are licensed under Act 218 of the Public Acts of 1979, and child care centers licensed under Act 116 of the Public Acts of 1973.

(h) Removal and processing of sand, gravel and other mineral resources.

(i) Essential service buildings.

(j) Commercial communications antennas and towers; non-commercial ground mounted communications antennas and towers exceeding a height of 120 feet or, if roof mounted, exceeding a height of 15 feet above the roof.

(k) Temporary second dwelling.

(l) Underground single family dwellings.

(m) Portable sawmill equipment.

6.4 Other Land Uses.

The following other land uses may be permitted as provided in this Ordinance:

(a) Accessory buildings as regulated under Section 4.3.

(b) Temporary uses as regulated under Section 4.20.

(c) Home occupations as regulated under Section 4.17.

(d) Private streets and driveways as regulated under Section 4.27.

(e) Signs as regulated under Chapter 25.

(f) Outdoor lighting as regulated under Section 4.32.

(g) Off-street motor vehicle parking as regulated under Chapter 26.

(h) Recreational vehicle parking as regulated under Section 4.22.

(i) Fences and walls as regulated under Section 4.29.

(j) Boat docks as regulated under Section 4.31.

(k) Lake access as regulated under Section 4.30.

(l) Two-family dwellings as regulated under Sections 4.36 and 6.6(c).

(m) Seasonal roadside market stands as regulated under Section 4.39.
6.5 District Regulations.

Land, buildings and structures in the R-R District shall comply with the following minimum requirements:

(a) **Minimum Lot Area and Width.**

(1) **Single Family Dwelling.** Forty two thousand square feet and 150 feet.

(2) **Two Family Dwelling.** Fifty two thousand square feet and 200 feet.

(3) **Other Permitted Principal Building.** Fifty two thousand square feet and 200 feet.

(b) **Minimum Required Building Setbacks.**

(1) **Front Yard.**

(i) Single family dwelling and two-family dwelling – 30 feet.

(ii) Other permitted principal building – 60 feet.

(2) **Side Yard.** There shall be two required side yards, each being a minimum of 20 feet.

(3) **Rear Yard.** Thirty feet.

(c) **Maximum Building and Structure Height.** Thirty five feet, except permitted communications antennas and towers; provided, however, that this provision shall not apply to barns and other bona fide farm buildings and farm structures.

(d) **Building Setbacks from Primary Roads.** The minimum required front yard building setback on parcels of land adjoining certain primary roads shall be as regulated under Section 4.11.

(e) **Building Setbacks on Waterfront Lands.** The minimum required principal and accessory building and structure setback from a lake or other body of water shall be as regulated under Section 9.7.

6.6 Minimum Floor Area.

Each dwelling shall have minimum floor area as follows:

(a) **Single Family Dwelling, One Story.** One thousand square feet.
(b) **Single Family Dwelling, More Than One Story.**

(1) One thousand square feet of which at least 768 square feet shall be on the first floor, if the second floor has at least as much area as the first floor.

(2) One thousand square feet, of which at least 864 square feet shall be on the first floor, if the second floor has less area than the first floor.

(c) **Two-Family Dwelling, if Permitted Under Section 4.36.**

(1) **One Story.** Nine hundred square feet for each dwelling unit.

(2) **More Than One Story.** Nine hundred square feet for each dwelling unit, of which at least 576 square feet shall be on the first floor, if the second floor has at least as much area as the first floor.

(3) Nine hundred square feet for each dwelling unit, of which at least 720 square feet shall be on the first floor, if the second floor has less area than the first floor.

(d) The minimum floor area of a basement dwelling, a bermed dwelling and certain other types of dwellings shall be as regulated under Section 4.13.

6.7 **Required Conditions.**

Lands in the R-R District that are located in the Ten Mile Road Corridor Overlay District shall comply with the terms of that district.
CHAPTER 7
R-1 SUBURBAN RESIDENTIAL DISTRICT

7.1 Description and Purpose.

The R-1 Suburban Residential District is intended for single family detached dwellings where public sewer and/or public water are ordinarily provided.

7.2 Permitted Land Uses.

Land, buildings and structures in the R-1 District may be used only for the following purposes:

(a) Single family detached dwellings.

(b) State-licensed residential facilities and family day care homes licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including facilities for the care and treatment of persons released from or assigned to an adult correctional institution.

7.3 Special Land Uses.

The following land uses may be permitted when authorized as a special land use under Chapter 22:

(a) Churches and other houses of worship; public and private schools.

(b) Publicly owned libraries, museums and community centers.

(c) Publicly-owned parks and playgrounds.

(d) Bed and breakfast establishments.

(e) A group day care home licensed under Act 116 of the Public Acts of 1973 which is authorized to serve more than six persons but not more than 12 persons.

(f) Foster care facilities serving more than six persons but not more than 20 persons which are licensed under Act 218 of the Public Acts of 1979, and child care centers licensed under Act 116 of the Public Acts of 1973.

(g) State-licensed nursing homes; state-licensed homes for the aged.

(h) Essential service buildings.

(i) Commercial communications antennas and towers; non-commercial ground mounted communications antennas and towers exceeding a height of 120 feet or, if roof mounted, exceeding a height of 15 feet above the roof.
(j) Temporary second dwelling.
(k) Underground single family dwellings.

7.4 Other Land Uses.

The following other land uses may be permitted as provided in this Ordinance:

(a) Accessory buildings as regulated under Section 4.3.
(b) Temporary uses as regulated under Section 4.20.
(c) Home occupations as regulated under Section 4.17.
(d) Private streets and driveways as regulated under Section 4.27.
(e) Signs as regulated under Chapter 25.
(f) Outdoor lighting as regulated under Section 4.32.
(g) Off-street motor vehicle parking as regulated under Chapter 26.
(h) Recreational vehicle parking as regulated under Section 4.22.
(i) Fences and walls as regulated under Section 4.29.
(j) Boat docks as regulated under Section 4.31.
(k) Lake access as regulated under Section 4.30.
(l) Two-family dwellings as regulated under Sections 4.36 and 7.6(c).

7.5 District Regulations.

Land, buildings and structures in the R-1 District shall comply with the following minimum requirements:

(a) Minimum Lot Area.

(1) Where no public or community sanitary sewer service or public or community water supply service is provided – 35,000 square feet.

(2) Where either public or community sanitary sewer service or public or community water supply service, but not both, is provided – 20,000 square feet.

(3) Where both public or community sanitary sewer service and public or community water supply service are provided – 13,000 square feet.
(b) **Minimum Lot Width.** One hundred ten feet.

(c) **Minimum Required Building Setbacks.**

(1) **Front Yard.**

   (i) Single family dwelling and two-family dwelling – 30 feet.

   (ii) Other permitted principal building – 60 feet.

(2) **Side Yard.** There shall be two required side yards, each being a minimum of 15 feet.

(3) **Rear Yard.** Thirty feet.

(d) **Maximum Building and Structure Height.** Thirty five feet, except permitted communications antennas and towers.

(e) **Building Setbacks from Primary Roads.** The minimum required front yard building setback on parcels of land adjoining certain primary roads shall be as regulated under Section 4.11.

(f) **Building Setbacks on Waterfront Lands.** The minimum required principal and accessory building and structure setback from a lake or other body of water shall be as regulated under Section 9.7.

### 7.6 Minimum Floor Area.

Each dwelling shall have minimum floor area as follows:

(a) **Single Family Dwelling, One Story.** One thousand square feet.

(b) **Single Family Dwelling, More Than One Story.**

   (1) One thousand square feet, of which at least 768 square feet shall be on the first floor, if the second floor has at least as much area as the first floor.

   (2) One thousand square feet, of which at least 864 square feet shall be on the first floor, if the second floor has less area than the first floor.

(c) **Two-Family Dwelling, if Permitted Under Section 4.36.**

   (1) **One Story.** Nine hundred square feet for each dwelling unit.

   (2) **More Than One Story.** Nine hundred square feet for each dwelling unit, of which at least 576 square feet shall be on the first floor, if the second floor has at least as much area as the first floor.
(3) **More Than One Story.** Nine hundred square feet for each dwelling unit, of which at least 720 square feet shall be on the first floor, if the second floor has less area than the first floor.

(d) The minimum floor area of a basement dwelling, a bermed dwelling and certain other types of dwellings shall be as regulated under Section 4.13.

7.7 **Required Conditions.**

Lands in the R-1 District that are located in the Ten Mile Road Corridor Overlay District shall comply with the terms of that district.
CHAPTER 8
R-2 LOW-DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT

8.1 Description and Purpose.

The R-2 Low-Density Multiple Family Residential District is intended for low-density single family dwellings; and two-family and multiple-family dwellings that are served by a public or community sanitary sewer system.

8.2 Permitted Land Uses.

Land, buildings and structures in the R-2 District may be used only for the following purposes:

(a) Single family detached dwellings.

(b) Two-family dwellings, if served by a public or community sanitary sewer system.

(c) Multiple-family dwellings, if served by a public or community sanitary sewer system.

(d) State-licensed residential facilities and family day care homes licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including facilities for the care and treatment of persons released from or assigned to an adult correctional institution.

8.3 Special Land Uses.

The following land uses may be permitted when authorized as a special land use under Chapter 22:

(a) Churches and other houses of worship; public and private schools.

(b) Publicly owned libraries, museums and community centers.

(c) Publicly-owned parks and playgrounds.

(d) Bed and breakfast establishments.

(e) A group day care home licensed under Act 116 of the Public Acts of 1973 which is authorized to serve more than six persons but not more than 12 persons.

(f) Foster care facilities serving more than six persons but not more than 20 persons which are licensed under Act 218 of the Public Acts of 1979, and child care centers licensed under Act 116 of the Public Acts of 1973.

(g) State-licensed nursing homes; state-licensed homes for the aged.
(h) Essential service buildings.

(i) Commercial communications antennas and towers; non-commercial ground mounted communications antennas and towers exceeding a height of 120 feet or, if roof mounted, exceeding a height of 15 feet above the roof.

(j) Temporary second dwelling.

8.4 Other Land Uses.

The following other land uses may be permitted as provided in this Ordinance:

(a) Accessory buildings as regulated under Section 4.3.

(b) Temporary uses as regulated under Section 4.20.

(c) Home occupations as regulated under Section 4.17.

(d) Private streets and driveways as regulated under Section 4.27.

(e) Signs as regulated under Chapter 25.

(f) Outdoor lighting as regulated under Section 4.32.

(g) Off-street motor vehicle parking as regulated under Chapter 26.

(h) Recreational vehicle parking as regulated under Section 4.22.

(i) Fences and walls as regulated under Section 4.29.

(j) Boat docks as regulated under Section 4.31.

(k) Lake access as regulated under Section 4.30.

8.5 District Regulations.

Land, buildings and structures in the R-2 District shall comply with the following minimum requirements:

(a) Minimum Lot Area and Width.

(1) One-Family Dwellings. Thirty five thousand square feet and 110 feet.

(2) Two-Family Dwellings.

(i) Where either public or community sanitary sewer service or public or community water supply service, but not both, is provided – 20,000 square feet and 110 feet.
(ii) Where both public or community sanitary sewer service and public or community water supply service are provided – 13,000 square feet and 110 feet.

(3) **Multiple-Family Dwellings.** Sixty thousand square feet, with a minimum of 5,000 square feet for each dwelling unit, and minimum lot width of 300 feet.

(b) **Minimum Required Building Setbacks.**

(1) **Front Yard.**

(i) Single family dwelling – 30 feet.

(ii) Two-family dwelling and multiple-family dwelling – 35 feet.

(2) **Side Yard.** There shall be two required side yards, each one being as follows:

(i) One-family dwelling – 15 feet.

(ii) Two-family dwelling – 20 feet.

(iii) Multiple-family dwelling – 30 feet.

(3) **Rear Yard.**

(i) Single family and two-family dwelling – 30 feet.

(ii) Multiple-family dwelling – 50 feet.

(c) **Maximum Building and Structure Height.** Thirty five feet, except permitted communications antennas and towers.

(d) **Building Setbacks from Primary Roads.** The minimum required front yard building setback on parcels of land adjoining certain primary roads shall be as regulated under Section 4.11.

(e) **Building Setbacks on Waterfront Lands.** The minimum required principal and accessory building and structure setback from a lake or other body of water shall be as regulated under Section 9.7.

8.6 **Minimum Floor Area.**

Each dwelling shall have minimum floor area as follows:

(a) **Single Family Dwelling, One Story.** One thousand square feet.
(b) **Single Family Dwelling, More Than One Story.**

(1) One thousand square feet, of which at least 768 square feet shall be on the first floor, if the second floor has at least as much area as the first floor.

(2) One thousand square feet, of which at least 864 square feet shall be on the first floor, if the second floor has less area than the first floor.

c) **Two-Family Dwelling, One Story.** Nine hundred square feet for each dwelling unit.

d) **Two-Family Dwelling, More Than One Story.**

(1) Nine hundred square feet for each dwelling unit, of which at least 576 square feet shall be on the first floor, if the second floor has at least as much area as the first floor.

(2) Nine hundred square feet for each dwelling unit, of which at least 720 square feet shall be on the first floor, if the second floor has less area than the first floor.

e) **Multiple-Family Dwelling.** Six hundred square feet for each dwelling unit plus 150 square feet for each bedroom in excess of one.

(f) The minimum floor area of a basement dwelling, a bermed dwelling and certain other types of dwellings shall be as regulated under Section 4.13.

### 8.7 Required Conditions.

(a) A site development plan shall be required for any multiple-family dwelling, and the plan shall be subject to approval by the Planning Commission under Chapter 23.

(b) Each two-family dwelling and multiple-family dwelling shall be connected to and served by a public or community sanitary sewer system.

(c) Each multiple-family dwelling shall be located within 150 feet, but not closer than 30 feet, of an off-street parking area.

(d) In its approval of a site development plan for one or more multiple-family dwellings, the Planning Commission may impose terms and conditions including, but not limited to, provisions for the establishing of greenbelts or other landscaped areas and the providing of playgrounds or other outdoor recreation areas for residents of the dwellings.

(e) Landscaping shall be provided and maintained in accordance with the applicable provisions of Chapter 27.

(f) Off-street parking shall be established in compliance with Chapter 26.
CHAPTER 9  
R-3 LAKE RESIDENTIAL DISTRICT

9.1 Description and Purpose.

The R-3 Lake Residential District is intended to encourage the proper development and preservation of land generally adjacent to lakes and other watercourses, in a manner so as to avoid pollution of surface waters and to preserve these resources for use and enjoyment both currently and in the future. The District is generally intended for single family detached dwellings.

9.2 Permitted Land Uses.

Land, buildings and structures in the R-3 District may be used only for the following purposes:

(a) Single family detached dwellings.

(b) State-licensed residential facilities and family day care homes licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including facilities for the care and treatment of persons released from or assigned to an adult correctional institution.

9.3 Special Land Uses.

The following land uses may be permitted when authorized as a special land use under Chapter 22:

(a) Churches and other houses of worship; public and private schools.

(b) Publicly owned libraries, museums and community centers.

(c) Publicly-owned parks and playgrounds.

(d) Bed and breakfast establishments.

(e) Essential service buildings.

(f) Commercial communications antennas and towers; non-commercial ground mounted communications antennas and towers exceeding a height of 120 feet or, if roof mounted, exceeding a height of 15 feet above the roof.

(g) Temporary second dwelling.

(h) A group day care home licensed under Act 116 of the Public Acts of 1973 which is authorized to serve more than six persons but not more than 12 persons.
9.4 Other Land Uses.

The following other land uses may be permitted as provided in this Ordinance:

(a) Accessory buildings as regulated under Section 4.3.
(b) Temporary uses as regulated under Section 4.20.
(c) Home occupations as regulated under Section 4.17.
(d) Private streets and driveways as regulated under Section 4.27.
(e) Signs as regulated under Chapter 25.
(f) Outdoor lighting as regulated under Section 4.32.
(g) Off-street motor vehicle parking as regulated under Chapter 26.
(h) Recreational vehicle parking as regulated under Section 4.22.
(i) Fences and walls as regulated under Section 4.29.
(j) Boat docks as regulated under Section 4.31.
(k) Lake access as regulated under Section 4.30.

9.5 District Regulations.

Land, buildings and structures in the R-3 District shall comply with the following minimum requirements:

(a) Minimum Lot Area.

(1) Where no public or community sanitary sewer service or public or community water supply service is provided – 42,000 square feet.

(2) Where either public or community sanitary sewer service or public or community water supply service, but not both, is provided – 20,000 square feet.

(3) Where both public or community sanitary sewer service and public or community water supply service are provided – 9,500 square feet.

(b) Minimum Lot Width.

(1) For lots or parcels required to be at least 42,000 square feet in area – 125 feet.

(2) For lots or parcels required to be at least 20,000 square feet in area – 100 feet.
(3) For lots or parcels required to be at least 9,500 square feet in area – 70 feet.

(c) **Minimum Required Building Setbacks.**

(1) **Front Yard.**

   (i) Single family dwelling – 20 feet.

   (ii) Permitted accessory building in front of the principal building – the accessory building must be set back at least 20 feet from the street right-of-way line.

(2) **Side Yard.** There shall be two required side yards, each being a minimum of ten feet.

(3) **Rear Yard.** Twenty feet.

(d) **Maximum Building and Structure Height.** Thirty five feet, except permitted communications antennas and towers.

(e) **Building Setbacks from Primary Roads.** The minimum required front yard building setback on parcels of land adjoining certain primary roads shall be as regulated under Section 4.11.

(f) **Building Setbacks on Waterfront Lands.** The minimum required principal and accessory building and structure setback from a lake or other body of water shall be as regulated under Section 9.7.

9.6 **Minimum Floor Area.**

Each dwelling shall have minimum floor area as follows:

(a) **Single Family Dwelling, One Story.** One thousand square feet.

(b) **Single Family Dwelling, More Than One Story.**

   (1) One thousand square feet, of which at least 768 square feet shall be on the first floor, if the second floor has at least as much area as the first floor.

   (2) One thousand square feet, of which at least 864 square feet shall be on the first floor, if the second floor has less area than the first floor.

(c) The minimum floor area of a basement dwelling, a bermed dwelling and certain other types of dwellings shall be as regulated under Section 4.13.
9.7 Required Conditions.

(a) No principal building or principal structure shall be located closer than 30 feet from a waterfront property line or to the ordinary high water mark of any adjacent lake, stream or other body of water.

(b) No private sewage disposal system, drainfield, septic tank or other device or equipment for the disposal of household or human waste shall be located in any side yard or between the principal building or structure and the ordinary high water mark of any adjacent lake, stream or other body of water unless there is used for such purpose a completely enclosed water-tight container permitting no discharge into surrounding soil or permitting any seepage of water into such container.

(c) Any accessory building or accessory structure located between the ordinary high water mark of a lake, stream or other body of water and the principal building or principal structure shall comply with the minimum required side yard provisions for the principal building or structure.

(d) A site development plan shall be required for all non-residential uses and for all off-street parking areas with more than four parking spaces.

(e) Any building, structure or use which alone or in combination with any other building, structure or use pollutes, contaminates or otherwise adversely affects the water quality, cleanliness or safe and healthy condition of a lake, stream or other body of water, or other water supply is a violation of this Ordinance.
CHAPTER 10
R-4 MHC MANUFACTURED HOUSING COMMUNITY DISTRICT

10.1 Description and Purpose.

This district is intended primarily for manufactured housing communities, and also for all types of low-density multi-family structures, including but not limited to, garden-type apartments, row housing, and group housing regulated so as to cover a minimum of ground area and provide a maximum of open space.

10.2 Uses Permitted.

Land, buildings and structures in the R-4 District may be used only for the following purposes:

(a) Manufactured housing communities.

(b) Multiple family dwellings.

10.3 Manufactured Housing Community Design Requirements.

All manufactured housing communities shall comply with the following design requirements:

(a) Access and Roads.

(1) The community’s internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.

(2) Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.

(3) All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (“AASHTO”).

(4) An internal road that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.

(5) Safe-sight distance shall be provided at intersections.

(6) An offset at an intersection or an intersection of more than two internal roads is prohibited.

(7) The following types of internal roads shall have driving surfaces that are not less than the following widths:
(i) One-way, no parking 16 feet
(ii) Two-way, no parking 21 feet
(iii) One-way, parallel parking, one side 23 feet
(iv) One-way, parallel parking, two sides 33 feet
(v) Two-way, parallel parking, one side 31 feet
(vi) Two-way, parallel parking, two sides 41 feet

(8) All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community’s internal road, and shall be constructed as follows:

(i) All turning lanes shall be a minimum of ten feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.

(ii) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.

(iii) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and ingress and egress road shall not have squared corners.

(9) An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.

(10) Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

(b) **Driveways.**

(1) Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
(2) The minimum width of driveways shall be ten feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

(c) **Resident Vehicle Parking.**

(1) All home sites shall be provided with two parking spaces.

(2) If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:

   (i) The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.

   (ii) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.

(3) If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of ten feet and a clear length of 20 feet.

(4) If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

(d) **Visitor Parking Facilities.**

(1) A minimum of one parking space for every three home sites shall be provided for visitor parking.

(2) Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.

(3) If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

(e) **Sidewalks.**

(1) Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the
community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.

(2) All sidewalks shall be constructed in compliance with all of the following requirements:

(i) Sidewalks shall have a minimum width of four feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.

(ii) All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.

(3) An individual sidewalk with a minimum width of three feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

(f) Lighting.

(1) Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.

(2) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candle.

(3) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candle.

(4) If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

(g) Utilities.

(1) All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.

(2) All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to
the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards.

(3) Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.

(4) All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community’s sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.

(5) All storm sewers shall be constructed in accordance Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Kent County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

(h) Site Size, Spacing and Setback Requirements.

(1) **Home Site Area.** The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by 20 percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code and Section 10.3(j) of this Ordinance.

(2) **Required Distances Between Homes and Other Structures.**

(i) Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

(II) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes.
for living purposes if the adjacent home is sited next to the
home on the same internal road or an intersecting internal
road.

(III) Ten feet from either of the following:

(aa) The parking space on an adjacent home site.

(bb) An attached or detached structure or accessory of an
adjacent home that is not used for living purposes.

(IV) Fifty feet from permanent community-owned structures, such
as either of the following:

(aa) Club houses.

(bb) Maintenance and storage facilities.

(V) One hundred feet from a baseball or softball field.

(VI) Twenty five feet from the fence of a swimming pool.

(ii) Attached or detached structures or accessories that are not used for
living space shall be a minimum of ten feet from an adjacent home or
its adjacent attached or detached structures.

(iii) Any part of an accessory structure, such as steps, porches, supported
or unsupported awnings, decks, carports or garages, or similar
structures shall be set back the following minimum distances:

(I) Ten feet from the edge of an internal road.

(II) Seven feet from a parking bay off a home site.

(III) Seven feet from a common sidewalk.

(IV) Twenty five feet from a natural or man-made lake or
waterway.

(iv) A carport shall be in compliance with both of the following setbacks
if it is completely open, at a minimum, on the two long sides and the
entrance side:

(I) Support pillars that are installed adjacent to the edge of an
internal road shall be set back four feet or more from the edge
of the internal road or two feet or more from the edge of a
sidewalk.
(II) Roof overhangs shall be set back two feet or more from the edge of the internal road.

(v) Steps and their attachments shall not encroach into parking areas more than three and one-half feet.

(3) **Setbacks From Property Boundary Lines.**

(i) Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.

(ii) If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

(i) **Screening/Landscaping.** Manufactured housing communities shall be landscaped as follows:

(1) If a manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development.

(2) If the community abuts a non-residential development, it need not provide screening.

(3) In all cases, however, a community shall provide screening along the boundary abutting a public right-of-way.

(4) The landscaping shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.

(5) Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.

(j) **Open Space Requirements.**

(1) A community that contains 50 or more sites shall have not less than 2 percent of the community’s gross acreage dedicated to designated open space, but in
no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.

(2) Required setbacks may not be used in the calculation of open space area.

(k) **Site Constructed Buildings and Dwellings.**

(1) Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of submission for a building permit, unless approved as part of the original plan for the community.

(2) The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.

(3) Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single family residential purposes.

(4) Site-built single family dwellings may be located in a community as follows:

   (i) One single family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.

   (ii) Two single family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.

   (iii) Any such single family dwellings permitted under this section shall comply in all respects with the requirements of single family dwellings in the R-1 Suburban Residential District.

(l) **Signs.** There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16 square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.

(m) **RV Storage.** If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such
vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately locked, fenced and permanently buffered.

(n) **Compliance with Regulations.** The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

10.4 **Manufactured Homes Within Manufactured Housing Communities; Operation of Communities.**

(a) **Home Size.** A manufactured home within a community shall not contain less than 760 square feet of area, as measured by its outside dimensions, nor have an outside width of less than 13 feet.

(b) **Installation.** The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.

(c) Skirting shall be installed around all manufactured housing units and meet all of the following requirements:

(1) Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.

(2) Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
(d) **Storage of Personal Property.**

(1) Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any mobile home, or within carports which are open on any side.

(2) Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.

(3) Storage sheds with a maximum area of 144 square feet may be placed upon any individual mobile home site for the storage of personal property.

(e) Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.

(f) A manufactured home shall be used only as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.

(g) No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.

(h) New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.

(i) The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.

(j) Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.

(k) Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.

(l) Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to
ensure that all areas within the community are maintained free from any trash or other discarded materials.

(m) Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

10.5 Review and Approval of Preliminary Manufactured Housing Community Plans.

(a) Review. Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.

(b) Application. All plans submitted to the Planning Commission for review under this section shall contain the following information:

1. The date, north arrow and scale. The scale shall not be less than one inch equals 50 feet for property under three acres and at least one inch equals 100 feet for those three acres or more.

2. All site and/or property lines are to be shown in dimension.

3. The location and height of all existing and proposed structures on and within the subject property and existing within 100 feet of the subject property.

4. The location and dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.

5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.

6. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.

7. The name and address of the property owner and developer.

8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.

9. Location of all fire hydrants, if applicable.

10. The number of manufactured housing sites proposed.
(11) The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.

(12) Utility and other easements.

(13) Existing wetlands.

(14) Proposed sign locations.

(15) All required setbacks and separation distances.

Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

(c) **Fee.** Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.

(d) **Decision.**

(1) The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the Ordinance and regulations, it shall be approved.

(2) The plan shall be approved, approved with conditions, or denied within 60 days after received by the Township, unless the applicant consents to allow a longer period of review.
CHAPTER 11
OPEN SPACE PLANNED UNIT DEVELOPMENT DISTRICT (OS-PUD)

11.1 Intent and Purpose.

(a) Intent.

(1) The Open Space Planned Unit Development (OS-PUD) District is intended to accomplish the following:

(i) Promote more creative, economical and efficient use of the land.

(ii) Allow for the integration of community facilities.

(iii) Preserve open space, natural areas and wildlife habitat.

(iv) Offer an alternative to the design of subdivisions.

(v) Offer incentives toward retaining natural features and scenic views in the Township.

(2) The provisions of this chapter are not intended as a device for circumventing the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this chapter are intended to result in land use development and densities substantially consistent with the Master Plan, with modifications and departures from generally applicable Zoning Ordinance requirements made in accordance with standards provided in this chapter to ensure appropriate, fair, and consistent decision-making.

(3) This Ordinance is intended to permit a degree of controlled flexibility and consequently allow more creative and imaginative design in the development of planned areas than is possible under other zoning districts provided within the Algoma Township Zoning Ordinance.

(b) Purpose. The OS-PUD District is designed for the following purposes:

(1) To preserve natural site features and scenic views which might otherwise be developed by offering incentives to developers to preserve such features and views.

(2) To allow residential developments which have varied lot sizes, buildings and roads which are placed to preserve natural features, and undeveloped areas which are retained for the enjoyment of PUD residents.

(3) Preserve wildlife habitat.
(4) Allow for residential developments to be designed to promote a sense of neighborhood, community and safety through the arrangement of houses, streets, walkways lights and the provision of places where people can interact.

(5) Encourage the provision of village greens and the development of recreational and other support facilities in a generally central location within reasonable distance of all units.

(6) Insure a quality of construction commensurate with other developments within the Township.

11.2 Authorization.

An OS-PUD Zoning District may be approved in any location recommended for residential use by the Algoma Township Master Plan or any location zoned R-A, R-R or R-1. The granting of an Open Space Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map.

An approval granted under this chapter, including all aspects of the final PUD plan and conditions imposed, shall constitute part of the Zoning Ordinance.

11.3 Qualifying Conditions.

Any application for rezoning to an OS-PUD District shall meet the following minimum requirements:

(a) The proposed area shall consist of a minimum of five contiguous acres.

(b) Each PUD shall contain open space equal to a minimum of 40 percent of the gross area of the PUD. Such open space (“Dedicated Open Space”) shall be maintained by the developer or property owner’s association and shall be legally established for the common use of the owners within the PUD upon the condition that the dedicated open space shall be preserved and maintained in perpetuity in accordance with this chapter.

(c) The proposed development shall be under unified ownership or control such that there is one person, group of persons or legal entity having responsibility for the completion and ongoing maintenance of the development in compliance with this Ordinance. This requirement for unified ownership or control shall not prohibit a transfer of ownership or control, so long as there is still unified ownership or control of and for the development as required by this chapter.
11.4  Open Space Requirements.

(a) An open space PUD shall provide and maintain a minimum of 40 percent of the gross area of the site as dedicated open space according to the following requirements:

(1) All areas identified as primary conservation areas in Section 11.8(c)(2) shall be preserved as open space; provided, however, that only one-half of the primary conservation areas shall be considered as part of the minimum 40 percent dedicated open space required by this section; and provided further that the Township Board may approve any of the natural features otherwise comprising the primary conservation areas, as stated in Section 11.8(c)(2)(i), (ii), (iii), (iv) and (v), for exclusion from classification as primary conservation areas, and may approve the inclusion of such natural features within the developed portion of a PUD, within the boundaries of a lot, site condominium unit, condominium unit or other type of building site, or otherwise in the developed portion of a PUD, upon the following terms and conditions:

(i) Any state-regulated wetland shall be included in the developed portion of the open space PUD only if all applicable state laws and regulations pertaining to construction in a wetland or other adverse effect thereon are fully complied with.

(ii) Approval of the exclusion of any of the above-stated natural features from primary conservation areas, and the inclusion thereof in the developed portion of an open space PUD shall be subject to a determination by the Township Board that such approval would: (A) make possible more creative, economical and efficient use of the land; (B) permit greater areas of open space to be preserved around or near the perimeter of the development; (C) allow the preservation of other areas of significant or desirable natural features; or (D) otherwise more fully achieve the intents and purposes of the OS-PUD District, as stated in Section 11.1.

(iii) The natural features map required under the terms of Section 11.8(c)(2) shall specifically indicate those portions of the primary conservation areas that are proposed by the applicant to be included within the developed portion of the open space PUD under the terms of this Section 11.4(a)(1).

(2) The remainder of the land to be counted as dedicated open space shall consist of secondary conservation areas as defined in Section 11.8(c)(2).

(3) **Land Excluded from Dedicated Open Space.** The following land areas shall not be included in dedicated open space:
(i) The area within any public street right-of-way.

(ii) The area within private road access easements.

(iii) Any easement for overhead utility lines unless adjacent to qualified open space.

(iv) Fifty percent of the primary conservation areas identified in Section 11.8(c)(2) and also such portions, if any, of the other 50 percent of the primary conservation areas as are permitted in the approval of the PUD to be excluded from dedicated open space under the terms of Section 11.4(a)(1).

(v) Fifty percent of areas devoted to ball fields, golf courses, community buildings and similar recreational facilities.

(vi) The area within a platted lot or site condominium unit.

(vii) Off-street parking areas.

(viii) Detention and retention ponds.

(ix) Community drainfields.

(4) Standards for Dedicated Open Space. Dedicated open space shall comply with the following requirements:

(i) Dedicated open space shall be for use by all residents of the PUD, subject to reasonable rules and regulations.

(ii) If the PUD contains a lake, stream or other body of water, the Township may require that a portion of the dedicated open space abut the body of water.

(iii) A portion of the dedicated open space shall be located along the public road frontage abutting the PUD. The depth of this area shall be at least 75 feet, not including public road right-of-way, and this area shall be left in its natural condition or be landscaped to help preserve or enhance the existing rural view.

(iv) The dedicated open space shall be reasonably usable by residents of the PUD.

(v) Developers are encouraged to link dedicated open space with adjacent open spaces, natural areas and pedestrian ways.

(5) Guarantee of Dedicated Open Space. The applicant shall provide an open space preservation and maintenance agreement, or legally comparable...
instrument, to the Township, stating that all dedicated open space shall be preserved and maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title to commitments made as part of the proposal.

The agreement is subject to the approval of the Township Board and may consist of a recorded deed restriction, restrictive covenants that run perpetually with the land or a conservation easement.

The agreement shall:

(i) State the permitted use(s) of the dedicated open space.

(ii) Require that the dedicated open space be preserved by parties who have an ownership interest in the dedicated open space.

(iii) Provide standards for preservation of the dedicated open space including necessary pruning, harvesting of trees and new plantings.

11.5 Density and Number of Dwelling Units.

Land which is requested for rezoning to OS-PUD district shall be developed only (1) at the maximum average building density recommended by the Township Master Plan and as stated in subsection (a) of this section, and (2) with that number of dwelling units that is no greater than the maximum number of dwelling units determined in accordance with the provisions of subsection (b) of this section; provided, however, that additional dwellings may be permitted if authorized under subsection (d) of this section.

(a) Maximum Average Building Density. The maximum average building density (dwelling units per acre) in an OS-PUD district shall be determined in accordance with this subsection.

<table>
<thead>
<tr>
<th>Master Plan Category</th>
<th>Maximum Average Building Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA, Rural Agricultural</td>
<td>1 du/65,000 sq. ft.</td>
</tr>
<tr>
<td>RR, Rural Residential</td>
<td>1 du/42,000 sq. ft.</td>
</tr>
<tr>
<td>RS, Suburban Residential w/o sewer &amp; water</td>
<td>1 du/35,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>w/sewer or water: 1 du/20,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>w/sewer and water: 1 du/13,000 sq. ft.</td>
</tr>
</tbody>
</table>

(b) Maximum Permitted Number of Dwellings. The maximum number of dwelling units in an OS-PUD District shall be determined in accordance with this subsection.

(1) The applicant shall prepare an existing zoning plan, which shall consist of a drawing accurately showing the maximum number of dwelling units which
could be constructed on the land under the terms of the existing zoning district and other applicable provisions of this Ordinance.

(2) The existing zoning plan shall depict the buildable parcels of land, and other parcels of land, which could properly be established under the terms of the existing zoning district, and in compliance with all of the following requirements:

(i) The number of land parcels shown on the existing zoning plan shall be no greater than that number of parcels which would be permitted by law and applicable Township ordinance for the type of land division which the applicant depicts on the plan (that is, if the permitted parcels, for purposes of the plan, are represented as parcels established by land division approval, the number of parcels shown shall be no greater than the number which could lawfully be approved by that method of land division; if the parcels shown on the plan are represented as lots in a platted subdivision, then the number of lots shown shall be no greater than the number which could lawfully be approved under the terms of the subdivision provisions of the Land Division Act and the Township Subdivision Ordinance; if the parcels shown on the plan are represented as condominium or site condominium units, the number of units shown on the plan shall be no greater than the number which could properly be approved as condominium units or site condominium units under the Condominium Act of 1978 or its successor statute and Township condominium and site condominium requirements.

(ii) The parcels of land shown shall be no smaller nor narrower than the minimum lot area and the minimum lot width, respectively, specified in the current zoning district. The minimum lot width for cul-de-sac lots and irregularly-shaped lots shall be as provided in Section 4.5(e); the lot width to depth ratio, the minimum street frontage requirement and other applicable requirements of Section 4.4 shall be complied with.

(iii) If under the terms of the current zone district, minimum lot area is determined by whether the land would be served by a public or community sanitary sewer system and/or a public or community water supply system, the minimum lot area shown on the existing zoning plan shall be calculated on the basis of service by such systems only if such systems are actually installed and operating on or at the boundary of the land or if they are located within such distance from the land that buildings constructed on the land would be required to be connected to such systems under the terms of applicable Township ordinances.
(iv) If the land is located within the Ten Mile Corridor Overlay District or within some other overlay district under the terms of this Ordinance, the minimum provisions of the overlay district shall be applied in the calculation of the number of permitted parcels and dwellings.

(v) Streets, whether public or private, shall be shown on the plan in accordance with all minimum public street and private street requirements, whichever type of street is proposed by the applicant, including minimum right-of-way width, required intersection configurations, maximum street grade and all other ordinance and state law requirements with respect to street design, layout and construction including, in the case of public streets, the requirements of the Kent County Road Commission. Streets shall be drawn so as to provide safe and convenient vehicular access to all parcels represented as buildable parcels. Shared driveways, if any, shall be shown in accordance with Township shared driveway requirements.

(vi) If the buildings that could lawfully be constructed on the land under the terms of the existing zoning district would be served by individual septic tank and drainfield systems, the plan shall show the location of septic tank and drainfield systems (including any required space for a replacement drainfield) for not less than 10 percent of the total number of parcels shown on the plan. Such parcels shall be evenly distributed throughout the land shown on the plan, insofar as practicable. The applicant shall provide proof that the county health department has given tentative approval of the location of the septic tank and drainfield systems at the locations shown on the plan. An accurate soils map for all of the land shown on the plan shall also be submitted.

(vii) The above-stated requirements for preparation of the existing zoning plan are not intended to be exclusive, and accordingly, the applicant shall also apply other relevant ordinance provisions, in order that the existing zoning plan shall be an accurate representation of the actual number of dwelling units that could lawfully be constructed and used on the land, under the terms of the current zoning district, and giving effect to all requirements for such construction and use of dwellings on the land, in accordance with state law and Township ordinance provisions.

(c) Tentative Maximum Number of Dwelling Units. The maximum number of dwellings permitted shall be that number of dwelling units accurately shown on the existing zoning plan, in accordance with the requirements of subparagraphs (a) and (b) of this section, subject to any additional dwellings that may be permitted under subsection (d) of this section.
(d) **Formula to Determine Additional Dwellings.** Dwellings in addition to the number permitted by Section 11.5(a) and (b) may be permitted in the discretion of the Township Board and Planning Commission according to the following formula:

Determine Net Buildable Acreage according to the steps below.

Gross Site Acreage: _____, less:

- Area in existing road right-of-way
- State of Michigan-regulated wetlands, 100-year floodplains and all existing bodies of water (ponds, streams, creeks, lakes), except such natural features and other natural features that have been excluded from the primary conservation areas pursuant to Section 11.4(a)(1).
- Slopes which are 20 percent or more, except those steep slopes that have been excluded from the primary conservation areas pursuant to Section 11.4(a)(1).
- One-half of any area proposed as a golf course

= Net Buildable Acreage, plus:

+ Add in number of acres of unregulated wetlands which are preserved as dedicated open space
+ Add in 4 percent of the gross site area if a public or community sanitary sewer system is provided.
+ Add in 1 percent of the gross site area if a public or community water supply system is provided.

x Maximum average building density as stated in subsection (a) of this section.

= Maximum number of dwellings permitted.

11.6 Development Requirements.

(a) **Lot Area and Width.**

(1) For areas recommended for Rural Agricultural (RA), in the Algoma Township Master Plan:

(i) Whether with or without public or community sanitary sewer.
Min. Lot Area Min. Lot Width*
30,000 sq. ft. 120 ft.

*Each lot shall have a minimum of 30 feet of frontage measured at the edge of the road or street. The minimum lot width shall be measured across the front of the house between side lot lines.

(2) For areas recommended for rural residential (RR) land use in the Algoma Township Master Plan:

(i) Without either public or community sanitary sewer.

Min. Lot Area Min. Lot Width*
30,000 sq. ft. 120 ft.

(ii) With public or community sanitary sewer.

Min. Lot Area Min. Lot Width*
21,000 sq. ft. 100 ft.

*Each lot shall have a minimum of 30 feet of frontage measured at the edge of the road or street. The minimum lot width shall be measured across the front of the house between side lot lines.

(3) For areas recommended for suburban residential (R-1) land use in the Algoma Township Master Plan:

Minimum lot area and minimum lot width shall be as required in the R-1 Suburban Residential District, as stated in Sections 7.5(a) and 7.5(b), respectively, of this Ordinance.

(b) Perimeter Lot Sizes. The Planning Commission may require that an OS-PUD be developed with lot sizes on the perimeter which will blend with adjacent land uses (planned or existing).

(c) Setbacks. Building setbacks within an OS-PUD shall be determined by the Planning Commission subject to Township Board approval and shall be established to achieve the intent and purposes of this chapter.

(d) For areas recommended for suburban residential land use in the Master Plan, the Planning Commission may require sidewalks in accordance with the Township’s site condominium regulations and subdivision regulations.

(e) Grading within the PUD shall comply with the following requirements:
(1) To preserve the natural appearance and beauty of the property, all graded areas, cuts and fills will be kept to a minimum. With due regard to the requirements of development of the property, as well as to serve the other specified purposes of this chapter, specific requirements may be placed on the size of areas to be graded or to be used for building, and on the size, height, and angles of cut and fill slopes and the shape thereof, so long as such requirements are reasonable. In appropriate cases, retaining walls may be required.

(2) All areas indicated as dedicated open space on the approved final PUD plan shall be undisturbed by grading, excavating, structures or otherwise except as permitted by this subsection. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, stables and similar recreational improvements and amenities may be placed in dedicated open space if approved by the Planning Commission and Township Board.

(3) Grading within the PUD shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so have a minimal effect upon the environmental characteristics of the land as reasonably feasible.

(f) Private Roads. Private roads within a PUD shall conform to the private road requirements of this Ordinance. The Planning Commission however may modify the requirements for private roads contained herein and in doing so, the following criteria shall be considered:

(1) Number and type of dwelling units served by private road.

(2) Traffic generation.

(3) Existing topography and vegetation.

(4) Security provisions.

(5) Inter-relationship with the public street network.

(6) Future provisions of public utilities.

(7) Likelihood of public dedication of the roadway.

(g) Wetlands larger than one-half acre shall be preserved, but may be enlarged or augmented.

(h) Significant areas of woodlands shall be preserved unless otherwise provided in the approved final PUD plan, except those woodlands not included in dedicated open space need not necessarily be preserved.
(i) Sidewalks.

(1) Sidewalks shall be provided in a residential condominium or a residential site condominium to the extent required by and in accordance with Section 24.7(i) of this Ordinance.

(2) Sidewalks shall be provided in a residential platted subdivision to the extent required and in accordance with Section 8.20 of Chapter 8 of the Township Code of Ordinances.

11.7 Permitted Uses.

Land and buildings in an open space PUD may only be used for the following uses or combination of such uses:

(a) Single family detached dwelling units.

(b) Two family attached dwelling units (duplexes).

(c) Multi-family dwelling units up to four units per building but only if the land requested for rezoning to open space PUD is recommended for suburban residential (RS) land use or for rural residential (RR) land use in the Algoma Township Master Plan and public or community sanitary sewer service is provided.

(d) Limited farming activities are permitted if conducted within the PUD. For purposes of this section farming activities shall be limited to the growing of crops, fruits, and vegetables and the raising and keeping of farm animals. In permitting farming activities as part of a PUD, the project shall demonstrate that the farming activities will not pose a nuisance or a hazard to the residents of the PUD.

(e) Golf courses, tennis courts, ball fields, bike paths, walking paths, playground, community buildings, and similar recreational facilities as well as day care facilities, provided such uses are accessory to the residential uses in the PUD and designed to be used primarily by residents of the PUD.

(f) Other uses permitted by right in the rural residential and suburban residential zoning districts.

(g) Accessory uses, structures and buildings which are customarily associated with the uses specified above.

11.8 Procedures for Review of Phase I and Phase II Preliminary Site Plan.

(a) Application. An applicant for a PUD rezoning shall submit an application provided by the Township along with the appropriate fees as established by the Township Board.
(b) **Staff Conference.** Following the application and fee submittal, the applicant shall meet with the building inspector, Site Plan Review Committee or their designee, the Township Planner or Township Engineer. The applicant may provide a conceptual drawing or other information about the project or property.

The purpose of this meeting is to explain the open space PUD site plan design and review process to the applicant along with Township site development requirements to assist the applicant in preparing a site plan for review by the Planning Commission.

(c) **Preliminary Site Plan Review Phase I.** Following the above conference, the applicant shall submit to the building inspector, Site Plan Review Committee or person designated by the Township 13 copies of an existing zoning plan prepared according to Section 11.5(b). The applicant shall also submit 13 copies each of a natural features map and a Phase I preliminary site plan prepared according to the following requirements:

1. **Natural Features Map and Preliminary Site Plan.** The applicant shall prepare these two plans using the four step design process described below.

   The first plan shall be referred to as the natural features map and shall be prepared according to Steps 1 and 2 below.

   The second plan shall be referred to as the Phase I preliminary site plan and shall be prepared according to Steps 3 and 4 and shall also contain the information required by this section for preliminary site plans.

   **STEP 1 Identify Areas to be Preserved**

   **(2) Prepare a separate natural features map of the proposed OS-PUD development that identifies all primary conservation areas and secondary conservation areas as follows:**

   **Primary Conservation Areas**

   (i) Wetlands, creeks, streams, ponds, lakes and other bodies of water, but not including wetlands, creeks, streams, ponds, lakes and other bodies of water that have been excluded from the primary conservation areas pursuant to Section 11.4(a)(1).

   (ii) Floodplains, but not including floodplains that have been excluded from the primary conservation areas pursuant to Section 11.4(a)(1).

   (iii) Soils that will not sustain on-site septic systems, but not including such soils that have been excluded from the primary conservation areas pursuant to Section 11.4(a)(1).
(iv) Steep slopes (20 percent or more), but not including such slopes that have been excluded from the primary conservation areas pursuant to Section 11.4(a)(1).

(v) Habitats of unique or endangered species, but not including such habitats that have been excluded from the primary conservation areas pursuant to Section 11.4(a)(1).

Secondary Conservation Areas

(i) wetlands that are not state-regulated and that are more than one-half acre in area

(ii) significant wildlife habitats

(iii) woodlands

(iv) farm land

(v) meadows and hedgerows

(vi) farm buildings and fences

(vii) historic, cultural, and archeological features

(viii) views into and out of the PUD

(3) Next, identify on the natural features map all primary conservation areas; then identify those secondary conservation areas which will be included in dedicated open space. These secondary conservation areas shall constitute at least 20 percent of the area of the PUD according to the requirements of Section 11.4(a) herein.

(4) Next, identify and label on the natural features map potential development areas where houses can be located.

(5) Next, determine the number of houses permitted for the site by Section 11.5.

STEP 2 Locate Houses

(6) On the natural features map, illustrate the tentative location of house sites. House sites shall be identified before determining the location of lot lines and streets. The location of house sites shall be based upon the following criteria:

(i) House sites shall be located within the potential development areas identified in Step 1 and outside the boundaries of the primary
STEP 3 Locate Streets and Trails

(7) Next on a separate plan to be known as the Phase I preliminary site plan, illustrate the location of streets and trails. The following criteria shall apply when locating streets and trails. (For Steps 3 and 4, the site plan shall also contain the information required by Section 11.8(c)(10) herein for preliminary site plans).

(i) Avoid crossing wetland, wildlife habitat, or other sensitive natural areas with streets. Travel lanes may be split into a boulevard-style street with natural areas between the travel lanes.

(ii) Avoid long straight or curving street segments that encourage speeding; shorter straight segments at 90 degrees to each other are preferable.

(iii) Whenever possible, street systems should be designed to produce terminal vistas (views) of open spaces, village greens, water features, meadows or playing fields.

(iv) Every effort should be made to connect each street with another so that dead ends are minimized, to provide safe and efficient access for emergency and public service vehicles, and to avoid conditions where certain residential streets become collectors that carry the majority of neighborhood traffic.

(v) Whenever possible, streets serving new developments should be designed to connect with adjoining properties.

(vi) OS-PUD developments shall, where feasible and appropriate, provide a trail system that provides pedestrian and bicycle linkage throughout the development, that take advantage of the Primary and secondary conservation areas. Linkage to future neighborhoods and
developments that may occur adjacent to the development may be provided and are encouraged.

STEP 4  Draw Lot Lines

(8) On the same plan as prepared for Step 3, the Phase I preliminary site plan, draw lot lines within the development and also conform to the following:

(i) Lots shall be of a size and width necessary to obtain approval from the Kent County Health Department. If permitted by the KCHD, septic drainfields may be located within dedicated open space outside the lot lines.

(ii) As part of the Phase I preliminary site plan, the applicant shall provide documentation from the Kent County Health Department that the soil types in the buildable areas are acceptable for on site well and septic systems.

(iii) If the applicant is also seeking approval for the private road, information required by Section 4.27 herein shall also be submitted.

(iv) In some cases, house lots may extend into the primary conservation area, but all of the primary conservation area shall be designated as a “no disturb” area.

(9) The natural features map plan prepared according to Steps 1 and 2 above along with the Phase I preliminary site plan prepared according to Steps 3 and 4 shall be submitted to the Planning Commission for preliminary site plan review according to the procedures of this Ordinance.

(10) **Phase I Preliminary Site Plan Requirements.** The Phase I preliminary site plan shall contain the following unless specifically waived, in writing, by the building inspector:

(i) Date, north arrow, and scale which shall not be more than 1”=100’.

(ii) Locational sketch of site in relation to surrounding area.

(iii) Legal description of property including common street address.

(iv) Size of parcels.

(v) Existing and proposed topographical contours at a minimum of five-foot intervals on the site and to a distance of 50 feet outside the site.

(vi) All lot or property lines with dimensions.
(vii) Location of existing drainage courses, floodplains, lakes, streams, wetlands and other water bodies.

(viii) Existing zoning and land use of the proposed site and all adjacent properties.

(ix) Location and uses of all buildings within 100 feet of the property lines.

(x) Location and description of existing and proposed signs and exterior lighting on the site.

(xi) Location and description of all existing and proposed structures on the site.

(xii) Location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of parking spaces and typical dimensions; locations and dimensions of proposed sidewalks as required by Section 11.6(i).

(xiii) General location and size of proposed landscaped areas and buffer strips.

(xiv) General indication of phases of development.

(xv) Specific designation of all uses that are to be conducted upon the premises and the location of such uses.

(xvi) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water runoff will be ultimately discharged.

(11) Thirteen copies of a narrative describing:

(i) The overall objective of the project.

(ii) The proposed density, number, and types of dwelling units.

(iii) If the proposed project will be served by water or sanitary sewer systems, a statement from a registered professional engineer describing methods and capacities.

(iv) Calculations demonstrating compliance with the ordinance requirements for open space and number of permitted dwellings.

(v) Proof of ownership or legal interest in property.
(vi) The respects, including extent and details, in which the proposed OS-PUD varies from the minimum provisions for lot area, lot width and building setbacks in the existing zoning district.

(12) **Environmental Impact Assessment.** The Planning Commission may require an environmental impact assessment as part of the Phase I or Phase II preliminary plan. This assessment shall describe the effect and impact that the proposed PUD will or may have upon or with respect to the following matters.

(i) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation; the effect, if any, on surrounding property values.

(ii) Population in the immediate area and the Township; local school systems; traffic congestion.

(iii) Additional costs to governmental units and school districts; police and fire protection; storm water drainage; water supply and sewage disposal.

(iv) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare.

(v) General appearance and character of the area; historic structures and places; archeological sites and artifacts.

(vi) Such other matters as the Planning Commission may request to be included. If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the following public agencies or officials concerning those aspects of the proposed land use within their respective responsibilities and jurisdictions: County Health Department; County Road Commission, County Drain Commissioner, Department of Environmental Quality, immediate school district; local board of education, county sheriff’s department, local fire department and other appropriate agencies.

(vii) Traffic impact study.

(viii) A community impact analysis.

(ix) An economic feasibility study for the principal uses of the proposed PUD.
(x) An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.

(13) **Staff Review.** The Site Plan Review Committee shall prepare a report on the preliminary site plan for the Planning Commission. The Township Planner and Engineer may also prepare reports.

(14) **Review of Phase I Preliminary Development Plan.** The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended changes or modifications thereof. A copy of the Planning Commission’s recommendations as contained in the minutes of the Planning Commission shall be forwarded to the Township Board. Such review and other consideration of the preliminary plan shall take place at a public meeting or meetings of the Planning Commission, and at meetings of committees of the Commission, where appropriate. The recommendations of the Planning Commission to the applicant, regarding the PUD, shall be based on the following considerations:

(i) The requirements of this Ordinance and the Algoma Township Master Plan.

(ii) How well the preliminary site plan conforms to the four step design process of this section.

(iii) The setback and placement of buildings and structures.

(iv) Ingress to and egress from the PUD and proposed buildings and structures therein, including motor vehicle and pedestrian safety and convenience, including sidewalks as required by Section 11.6(i); traffic flow and control; and emergency access.

(v) Off-street parking and loading areas where required.

(vi) Screening and buffering, including type, dimensions and character of materials used therefore.

(vii) Water supply and sanitary sewage disposal as well as provisions for storm water runoff.

(viii) The preservation of natural resources and natural features.

(ix) Open spaces and recreational areas.

(x) Drainage courses, flood plains, lakes, streams, and wetlands.
(xi) The number of dwellings proposed.

(xii) Impact and adverse effects, if any, upon adjacent and nearby lands, the surrounding area and the Township.

(xiii) Other aspects and effects of the PUD, as reasonably deemed appropriate by the Planning Commission.

(d)**Advisory Public Hearing.** In the course of its consideration of the preliminary development plan, the Planning Commission may, in its discretion, convene an advisory public hearing in order to receive public comments concerning the preliminary development plan. For such hearing, the Planning Commission shall give notice thereof by publication in a newspaper of general circulation within the Township. The notice shall be published at least ten days prior to the public hearing. Notice of the public hearing shall also be mailed or delivered personally to all persons to whom any real property is assessed within 300 feet of any lands included in the PUD. The notice shall be mailed or delivered personally to the respective addresses given in the last tax assessment roll, not less than ten days prior to the date of the advisory public hearing.

(e)**Phase II Preliminary Development Plan.**

(1) After receiving the recommendations of the Planning Commission on the Phase I preliminary development plan, the applicant for PUD rezoning shall submit a revised plan to the Township office in accordance with the requirements for Phase II preliminary plan review as contained below. Copies of the plan shall be forwarded to the Planning Commission. Reports may be prepared by the Site Plan Review Committee, Township Planner or Engineer.

(2) The Phase II preliminary development plan shall contain all of the information required below unless the same is waived by the Planning Commission as not being reasonably necessary for the consideration of the PUD:

(i) All of the drawings, narrative, studies, assessments, and other information, and materials comprising the Phase I preliminary development plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the Phase II development plan shall indicate such fact and shall state the basis or grounds upon which such recommendations have not been included.

(ii) Location of existing and proposed water and sewer lines.
(iii) Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.

(iv) A schedule of development and projected staging.

(v) Additional information which the Planning Commission may request which is reasonably necessary to evaluate the proposed PUD and its effect on the surrounding neighborhood and the Township in general.

(f) **Public Hearing on Phase II Preliminary Development Plan and Rezoning.** The Planning Commission shall hold a public hearing for consideration of the Phase II preliminary development plan and rezoning. Notice of the public hearing shall be published and delivered in accordance with Section 31.10 of this Ordinance. If notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing.

(g) **Consideration of Phase II Preliminary Development Plan.** Following the public hearing, the Planning Commission shall recommend either approval, denial, or approval with conditions the PUD rezoning request and Phase II preliminary development plan and make its recommendation to the Township Board.

(h) **Standards of Approval.** In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent, purpose, and objectives of the PUD District and the following standards:

1. Granting of the planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
2. In relation to the existing zoning of the subject or surrounding lands, the proposed type and density of use shall not result in an undue burden in need for public services, facilities and utilities.
3. The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this chapter.
4. The planned unit development shall not substantially change the essential character of the surrounding area.
5. The PUD will not result in significant adverse effects upon nearby or adjacent lands.
6. Protects all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as approved for essential services or recreation amenities.
Preserves and maintains mature woodlands, fields, pastures, meadows, orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.

Designs around existing hedgerows and tree lines between fields or meadows, and minimize impacts on woodlands.

Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public road rights-of-way.

Avoids new construction on prominent hilltops or ridges by taking advantage of lower topographic features.

Protects the rural roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that front directly on to existing roadways.

Includes sidewalks if required under the terms of Section 24.7(i) of this Ordinance or Section 8.30 of Chapter 8 of the Township Code of Ordinances; if required, includes other pedestrian walkways designed to ensure that pedestrians can walk safely and easily throughout the site.

The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.

If any natural features otherwise required to be included in the primary conservation areas are proposed for inclusion in the developed portions of the PUD, such inclusion thereof would nevertheless make possible more creative, economical and efficient use of the land; permit greater areas of open space to be preserved around and near the perimeter of the development, allow the preservation of other areas of significant or important natural features; or otherwise more fully achieve the intents or purposes of the OS-PUD District, as set forth in Section 11.1.

(i) **Final Consideration of PUD Rezoning and Site Plan by Township Board.**

(1) Upon receiving the Planning Commission recommendation regarding the proposed PUD, the Township Board shall review the PUD plan, the record of the Planning Commission proceedings and the recommendation submitted by the Planning Commission.

(2) The Township Board shall convene a public hearing on the PUD plan and the proposed ordinance to rezone the land to the PUD district.

(3) Notice of the public hearing shall be given by publication of a notice in a local newspaper of general circulation in the Township stating the date, time, place and purpose of the public hearing. The notice shall be published at
least 15 days prior to the date of the public hearing. Public notice shall also be given by the mailing of the same or a similar notice by first-class U.S. mail to the owners of all lands within 300 feet of the lands proposed for PUD rezoning, as the names and addresses of the owners of such lands are shown in the current Township property tax assessment roll, as supplemented by any recent changes.

(4) Following the public hearing, the Township Board shall approve, deny, or approve with conditions the PUD plan and the ordinance rezoning the land to the PUD district.

(5) In making a decision on the PUD plan and the application for PUD rezoning, the Township Board shall determine whether the PUD zoning and the PUD plan:

(i) Comply with the standards for approval of a PUD as stated in Section 11.8(h).

(ii) Comply with other standards, conditions and requirements for PUDs as stated in this chapter.

(iii) Promote the intent and purposes of this Ordinance.

(iv) Ensure that the proposed PUD will be compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the proposed development.

(v) Ensure that the proposed PUD will be consistent with the public health, safety and welfare needs of the Township.

(j) **Conditions of Approval.** The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(1) They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the proposed project under consideration, residents, and land owners immediately adjacent to the proposed project, and the community as a whole.

(2) They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
(3) They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the ordinance for the proposed PUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the applicant and the Township Board.

11.9 Amendments to Approved PUD.

(a) An approved final PUD plan and any conditions imposed upon Final PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant except as otherwise noted below.

(b) **Minor Amendments.** A minor change may be approved by the Site Plan Review Committee who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

(1) Reduction of the size of any building and/or sign.

(2) Movement of buildings and/or signs by no more than ten feet.

(3) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.

(4) Changes of building materials to a higher quality.

(5) Changes in floor plans which do not alter the character of the use.

(6) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

(7) Changes required or requested by the Township for safety reasons.

(8) Changes which will preserve the natural features of the site without changing the basic site layout.

(9) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Site Plan Review Committee to be not material or significant in relation to the entire site and which the Site Plan Review Committee determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.
The Site Plan Review Committee may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Site Plan Review Committee may consult with the chairperson of the Planning Commission.

(c) Should the Site Plan Review Committee determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

11.10 Performance Guarantees.

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the OS-PUD and construction and placement of all of the improvements therein.

In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

11.11 Time Limitations on Development.

Each OS-PUD shall be under construction within one year after the date of approval of the final PUD plan and adoption of a Zoning Ordinance amendment by the Township Board. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the OS-PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the OS-PUD.

If the OS-PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the OS-PUD or any part thereof shall be of no further effect, at the conclusion of said period of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

11.12 Existing Applications.

If an application for an open space PUD planned unit development was filed in the Township office on or before April 26, 2004, the application may, at the request of the applicant, be considered under the OS-PUD provisions and procedures in effect as of April 26, 2004.
CHAPTER 12
OPEN SPACE PRESERVATION

12.1 Purpose.

Act No. 177 of the Public Acts of Michigan of 2001 ("Act 177") requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential development must adopt provisions in their Zoning Ordinances known as "open space preservation" provisions, which permit lands satisfying specified criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the Zoning Ordinance, but not more than 50 percent, that, as determined by the Township, could otherwise be developed, under existing ordinances, laws and rules, on the entire land area. The purpose of this chapter is to adopt open space preservation provisions consistent with the requirements of Act 177.

12.2 Qualifying Conditions.

(a) Land may be developed under the provisions of this chapter only if each of the following conditions is satisfied:

(1) The land shall be zoned in the R-A, R-R, R-1, R-3, or N-R Zoning District, or other zoning district permitting residential development.

(2) The zoning district in which the land is located shall permit development at a density equivalent to two or fewer dwelling units per acre, if the land is not served by a public sewer system; or shall permit development at a density equivalent to three or fewer dwelling units per acre, if the land is served by a public sanitary sewer system.

(3) The development of land under this chapter shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this chapter would also depend on such extension.

(4) The clustering option provided pursuant to this chapter shall not have previously been exercised with respect to the same land.

(b) If all of the preceding conditions are satisfied, the land may be developed, at the option of the landowner, in accordance with the provisions of this chapter.

12.3 Permitted Uses.

Only those land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this chapter.
12.4 Application and Review Procedure.

(a) The application requirements and review procedures for land proposed to be developed pursuant to the provisions of this chapter shall be those stated in Chapter 23 of this Ordinance, governing site development plans, except as otherwise provided in this section. If the cluster option permitted by this chapter is proposed as a platted subdivision or a site condominium development, the applicant must also submit all information required under the Township Subdivision Ordinance and Chapter 12 of this Ordinance as applicable.

(b) In addition to the application materials required by Chapter 23 of this Ordinance, an application for the development of land under the provisions of this chapter shall include the following:

(1) An existing zoning plan prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the clustering option provided by this chapter were not exercised. The existing zoning plan may be conceptual in nature but shall include at least the following information:

(i) Date, north arrow and scale, which shall not be more than 1”=100’, and, in all cases, the scale shall be the same as that utilized for the site development plan illustrating the proposed development using the clustering option permitted by this chapter.

(ii) Location of streets and driveways.

(iii) Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.

(iv) Location of all utilities that would be necessary to serve a development under the existing zoning plan and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.

(v) If development under the existing zoning plan would require the use of septic tanks and drain fields, the existing zoning plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Kent County Health Department.

(vi) The existing zoning plan shall illustrate all unbuildable land, which shall include slopes of 20 percent or greater, regulated and
unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads. Each lot shown on the existing zoning plan shall contain at least 15,000 square feet of buildable area.

(2) A copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, and that would have the legal effect of preserving in perpetuity the open space required by this chapter in an undeveloped state. Such legal instrument shall be reviewed by the Township attorney prior to recording, and shall be subject to the approval of the attorney, consistent with the terms of this chapter. The legal instrument shall:

(i) Indicate the proposed permitted use(s) of the undeveloped open space.

(ii) Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that are approved by the Planning Commission.

(iii) Require that the undeveloped open space be maintained by parties who have an ownership interest in the undeveloped open space.

(iv) Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.

(3) The site development plan for the clustering option permitted by this chapter shall include the following minimum information, in addition to that required by Chapter 23 of this Ordinance:

(i) Date, north arrow and scale which shall not be more than 1”=100’, and, in all cases, the scale shall be the same as that utilized for the existing zoning plan.

(ii) The site development plan shall clearly illustrate the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for clustered development.

(iii) The site development plan shall indicate the total number of acres of land that are proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for
clustered development, and the percentage of each, as compared to the total site acreage.

(iv) The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the existing zoning plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as described in Section 12.5(k).

(v) The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.

(vi) If the clustered development will include septic tanks and drain fields, the site development plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Kent County Health Department.

(4) If the development is to be served by public streets, proof that the Kent County Road Commission has approved the design, layout and construction of the streets.

(c) Determination of Number of Lots by Planning Commission. When reviewing an application submitted under the terms of this chapter, the Planning Commission shall determine whether the existing zoning plan accurately reflects the number of dwelling units that could be developed on the land under its existing zoning if the clustering option provided by this chapter were not exercised. If the Planning Commission determines that the number of dwellings illustrated on the existing zoning plan exceeds the number of dwellings that could be permitted on the land if it were developed under its existing zoning, if the clustering option provided by this chapter were not exercised, the applicant shall submit a revised site development plan for the clustering option reflecting the permitted number of dwellings, as determined by the Planning Commission.

(d) If a site development plan satisfies all requirements of Chapter 23 of this Ordinance, all requirements of this chapter and all conditions of approval imposed by the Planning Commission pursuant to Chapter 23, the Planning Commission shall approve the site development plan. If the cluster option permitted by this chapter is proposed as a platted subdivision or a site condominium development, the applicant shall also demonstrate compliance with all requirements of the Township Subdivision Ordinance and Chapter 12 of this Ordinance before the Planning Commission may approve the development.
12.5 Development Requirements.

(a) Required Open Space. At least 50 percent, but no more than 60 percent of the land proposed for development under the provisions of this chapter shall remain in a perpetually undeveloped state (i.e., “open space”) by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township Attorney. The following areas shall not constitute open space:

1. The area within all public street rights-of-way.
2. The area within all private street easements.
3. Any easement for overhead utility lines, unless adjacent to open space.
4. The area within a platted lot, site condominium unit or metes and bounds parcel occupied by a structure not permitted to be located in open space.
5. Off-street parking areas.
6. Detention and retention ponds.
7. Community drain fields.
8. Fifty percent of the area of wetlands, creeks, streams, ponds, lakes or other bodies of water.
9. Fifty percent of the area of floodplains and steep slopes (20 percent or over).

(b) Standards for Open Space. The following standards shall apply to the open space required pursuant to this chapter:

1. The open space shall not include a golf course.
2. The open space may include a recreational trial, picnic area, children’s play area, greenway, linear park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
3. The open space shall be available for all residents of the development, subject to reasonable rules and regulations. The open space may be, but is not required to be, dedicated to the use of the public.
4. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
(5) A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.

(6) A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.

(7) Open space shall be located so as to be reasonably accessible to the residents of the clustered development. Safe and convenient pedestrian access points to the open space from the interior of the clustered development shall be provided.

(8) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.

(c) **Use of Open Space.** All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Planning Commission, in its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment or athletic fields could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.

(d) **Compliance with Zoning District.** The development of land under this chapter shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except those setback and yard size requirements that must be adjusted to allow the clustering option permitted under this chapter.

(e) **Uniform Lot Size.** Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.

(f) **Building Envelopes.** The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Planning Commission. The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.

(g) **Required Frontage.** Each lot shall have a minimum of 30 feet of frontage measured at the street right-of-way line.

(h) **Lot Width.** Each lot shall have a minimum width equal to no less than 70 percent of the minimum lot width specified for the zoning district in which the land is located, unless otherwise approved by the Planning Commission.
(i) **Maximum Number of Lots.** The clustered portion of the development shall contain no more than the maximum number of lots, as determined from the existing zoning plan approved by the Planning Commission, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in subsection (k).

(j) **Non-Dwelling Unit Structures.** Lots containing non-dwelling structures such as a clubhouse and its related amenities or an accessory building, shall be subject to all requirements of this chapter applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Zoning Ordinances applicable to the type of structure proposed. However, the Planning Commission may, in its discretion, permit the enlargement of a lot containing a non-dwelling structure so as to reasonably accommodate it.

(k) **Reduction in Lots for Non-Dwelling Structures.** If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the number of lots permitted in the clustered portion of the land shall be reduced as follows:

1. The area of a lot or lots occupied by non-dwelling structures, shall be calculated and then divided by the average area of a lot that could be situated in the clustered development if the non-dwelling structures were not included in the clustered development, as determined from the approved existing zoning plan. If this number is a fraction, it shall be rounded up to the nearest whole number.

2. The number calculated under subsection (1) shall be subtracted from the number of lots that could be permitted in the clustered development in the absence of the non-dwelling structures, as determined from the approved existing zoning plan, in order to determine the maximum number of lots permitted to be included in the clustered portion of the development with the non-dwelling structures included.

(l) **Perimeter Lots.** Notwithstanding any other provision of this chapter, the Planning Commission may require that the clustered development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).

(m) **Sidewalks.** Sidewalks shall be provided in a residential condominium or a residential site condominium to the extent required by and in accordance with Section 24.7(i) of this Ordinance. Sidewalks shall be provided in a residential platted subdivision to the extent required and in accordance with Section 8.20 of Chapter 8 of the Township Code of Ordinances.

(n) **Grading.** Grading within the clustered development shall comply with the following requirements:
(1) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required.

(2) All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.

(3) Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon the environmental characteristics of the land as may be reasonably feasible.

(o) Private Streets. Private streets within a clustered development shall conform to the private street requirements of this Ordinance. The Planning Commission may, however, modify the requirements for private streets and in doing so, shall consider the following criteria:

(1) Number and type of dwelling units served by the private street.
(2) Traffic generation.
(3) Existing topography and vegetation.
(4) Security provisions.
(5) Inter-relationship with the public street network.
(6) Future installation of public utilities.
(7) Likelihood of public dedication of the roadway.

(p) Other Laws. The development of land under this chapter is subject to all other applicable Zoning Ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.
12.6 Amendments to an Approved Site Development Plan.

(a) An approved clustered site development plan and any conditions imposed upon its approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant, except as otherwise stated below with respect to a minor change.

(b) A minor change may be approved by the Site Plan Review Committee. The Committee shall notify the Planning Commission of the minor change and state its conclusion that the change does not substantially alter the basic design or conditions required for the plan by the Commission.

The following items shall be considered minor changes:

(1) Reduction of the size of any building, building envelope or sign.

(2) Movement of buildings or signs by no more than ten feet.

(3) Plantings approved in the landscaping plan may be replaced by similar types of plantings.

(4) Changes requested by the Township for safety reasons.

(5) Changes which will preserve natural features of the land without changing the basic site layout.

(6) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site development plan which are deemed by the Site Plan Review Committee to be not material or significant in relation to the entire site and which the Site Plan Review Committee determines would not have any significant adverse effect on the development or on adjacent or nearby lands or the public health, safety and welfare.

(c) The Site Plan Review Committee may refer any decision regarding any proposed change in an approved site development plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Site Plan Review Committee may consult with the chairperson of the Planning Commission.

(d) Should the Site Plan Review Committee determine that a requested change in the approved site development plan is not minor, re-submission to the Planning Commission for an amendment shall be required, and the consideration thereof shall take place in the same manner as for an original application.
12.7 Performance Guarantees.

The Planning Commission, in its discretion may require reasonable performance guarantees or assurance deemed satisfactory in the circumstances and authorized by law. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved clustered site development plan, including any conditions thereto, and construction and placement of all the improvements required thereby.

In its discretion, the Planning Commission may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission.

12.8 Time Limitations on Development.

Each development permitted pursuant to this chapter shall be under construction within one year after the date of approval of the site development plan by the Planning Commission. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the commencement of the clustered development.

If the clustered development has not been commenced within the above-stated time period, or within any authorized extension thereof, any building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek renewed approval from the Planning Commission under the terms of this chapter in order to exercise the clustering option.

12.9 Definitions.

Words and phrases used in this chapter, if defined in Act 177, shall have the same meaning as provided in the Act.
CHAPTER 13
C-1 NEIGHBORHOOD BUSINESS DISTRICT

13.1 Description and Purpose.

The C-1 Neighborhood Business District is intended for neighborhood convenience shopping and for office purposes, with retail businesses and service establishments supplying goods and services to meet the daily needs of the surrounding area. It is intended that the permitted uses and special land uses in the district will be reasonably compatible with residential land uses in the general vicinity.

13.2 Permitted Land Uses.

Land, buildings and structures in the C-1 District may be used only for the following purposes:

(a) Bakery.
(b) Bank and other financial institution.
(c) Barbershop and beauty shop.
(d) Bookstore and stationery store.
(e) Candy store, soda fountain, ice cream store and yogurt shop.
(f) Clothing store.
(g) Convenience store.
(h) Delicatessen, coffee shop.
(i) Drug store.
(j) Florist and gift shop.
(k) Foster care home.
(l) Funeral home.
(m) Grocery store and meat market.
(n) Hardware store.
(o) Health club or athletic club.
(p) Household appliance store.
(q) Coin-operated laundromat and dry cleaner pick-up outlets, but not including on-site commercial laundries or dry cleaning processes.

(r) Liquor store.

(s) Medical outpatient clinic, emergency center, dental clinic.

(t) Nursery school, preschool or day care nursery.

(u) Nursing homes and convalescent homes.

(v) Parking lot.

(w) Photographic studio.

(x) Radio and television sales and repair.

(y) Restaurant without drive-through facilities.

(z) Shoe repair shop.

(aa) Tailor and dressmaker.

(bb) Video tape rental and sale.

(cc) Just-in-time suppliers and other lean-manufacturing supplier operations including but not limited to warehousing and storage, light assembly, pre-programming, reworking, product upgrading, product customization, return-goods processing, quality inspection, quality testing, labeling, ticketing, bar-coding, sorting, sequencing, loading, packing, repacking, bundling, bagging, shrink-wrapping, distribution and delivery, customized logistics services and other related uses.

(dd) Other similar retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding area which are determined by the Planning Commission to be similar to the permitted uses listed in this section, based upon the following factors:

(1) Whether the use is consistent with the description and purpose of this zoning district.

(2) Whether the use is customarily of the same general nature and character as a use which is expressly permitted in this zoning district.

(3) Whether the use is harmonious with the surrounding properties to the same extent as are the permitted uses listed in this section.
13.3 Special Land Uses.

The following land uses may be permitted when authorized as a special land use under Chapter 22:

(a) Church or other house of worship.
(b) Tavern or bar, if state-licensed.
(c) Elderly and retirement housing.
(d) Gasoline service station and motor vehicle repair shop.
(e) Essential service buildings.
(f) Hospital.
(g) Office of a doctor or dentist, medical clinic, veterinarian’s office (but not including boarding of animals).
(h) Restaurant with drive-through facilities.
(i) Commercial communications antennas and towers; non-commercial ground mounted communications antennas and towers exceeding a height of 120 feet or, if roof mounted, exceeding a height of 15 feet above the roof.

13.4 Other Land Uses.

The following other land uses may be permitted as provided in this Ordinance:

(a) Accessory buildings as regulated under Section 4.3.
(b) Temporary uses as regulated under Section 4.20.
(c) Driveways as regulated under Section 4.26.
(d) Private streets and driveways as regulated under Section 4.27.
(e) Signs as regulated under Chapter 25.
(f) Outdoor lighting as regulated under Section 4.32.
(g) Off-street motor vehicle parking as regulated under Chapter 26.
(h) Fences and walls as regulated under Section 4.29.
(i) Disposal and collection of refuse as regulated under Section 4.23.
(j) Landscaping as regulated under Chapter 27.
13.5 District Regulations.

Land, buildings and structures in the C-1 District shall comply with the following minimum requirements:

(a) Minimum Lot Area and Lot Width. Thirty thousand square feet and 80 feet.

(b) Minimum Required Building Setbacks.

(1) Front Yard. Eighty feet.

(2) Side Yard. There shall be two required side yards, each being a minimum of 15 feet.

(3) Rear Yard. Forty feet.

(c) Maximum Building and Structure Height. Thirty five feet, except permitted communications antennas and towers.

(d) Building Setbacks from Primary Roads. The minimum required front yard building setback on parcels of land adjoining certain primary roads shall be as regulated under Section 4.11.

13.6 Minimum Floor Area. None required.

13.7 Required Conditions.

(a) Site development plan review and approval by the Planning Commission is required.

(b) All business, service or processing shall be conducted wholly within a completely enclosed building, except for motor vehicle parking, off-street loading, approved drive-through facilities and approved gasoline service stations and motor vehicle repair shops.

(c) Lands in the C-1 District that are located in the Ten Mile Road Corridor Overlay District shall comply with the terms of that district.

(d) Measures for control of storm water drainage shall be provided under the terms of the Township Storm Water Ordinance.
CHAPTER 14
C-2 GENERAL BUSINESS DISTRICT

14.1 Description and Purpose.

The C-2 General Business District is intended for general shopping areas, including retail businesses and service establishments which supply goods and products or perform services which meet the needs of the community, the surrounding area, and the traveling public. Such uses may include highway commercial, regional and community-based retail and general business activities. Existing single family detached dwellings, as defined in Section 4.43, are allowed as a permitted use until such time as they may be converted to a permitted commercial use. That part of the district consisting of parcels of land abutting Northland Drive between 12 Mile Road and 16 Mile Road includes a significant number of properties which are currently being used for detached single family dwellings. Because few, if any, such dwellings are located in other parts of the C-2 District, the Township determined that there is a reasonable basis for allowing existing single family detached dwellings as a permitted use only in that area of the C-2 District.

14.2 Permitted Land Uses.

Land, buildings and structures in the C-2 District may be used only for the following purposes:

(a) Any use permitted and as regulated in the C-1 District.
(b) Antique store.
(c) Auction house.
(d) Automobile repair and servicing.
(e) Automobile sales, both used and new.
(f) Bowling alley.
(g) Business or trade school.
(h) Catering services.
(i) Club, lodge hall and society hall.
(j) Computer and related technology business.
(k) Dance classes and dance studio.
(l) Exterminator service.
(m) Farm machinery and farm implement sales and repair.
(n) Feed store.
(o) Furniture store.
(p) Garden center.
(q) General repair.
(r) Health club or athletic club.
(s) Jewelry store.
(t) Locksmith.
(u) Offices, including professional, administrative, and governmental offices.
(v) Office machines, including sales and service.
(w) Office supply store.
(x) Paint and wallpaper store.
(y) Pet shop, including boarding of pets.
(z) Photocopy and printing business.
(aa) Pool or billiard hall.
(bb) Radio and television studio.
(cc) Recreational equipment and recreational vehicle sales, excluding motor homes, travel trailers, campers and boats.
(dd) Rental equipment business.
(ee) Rental service, including motor vehicles and household goods.
(ff) Restaurant, with drive-through facilities.
(gg) Retail store.
(hh) Taxidermist.
(ii) Travel agency.
(jj) Variety store.
(kk) Vending machine servicing.
Township of Algoma Zoning Ordinance  
C-2 General Business District  
Amended March 12, 2019

14.3 Special Land Uses.

The following land uses may be permitted when authorized as a special land use under Chapter 22:

(a) Hotel and motel.

(b) Contractor, supply and equipment yards.

(c) Church or other house of worship.

(d) Hospital.

(e) Indoor sports business, including court games.

(f) Radio and television transmission facilities.

(II) Veterinary and animal treatment.

(mm) Just-in-time suppliers and other lean-manufacturing supplier operations including but not limited to warehousing and storage, light assembly, pre-programming, re-working, product upgrading, product customization, return-goods processing, quality inspection, quality testing, labeling, ticketing, bar-coding, sorting, sequencing, loading, packing, repacking, bundling, bagging, shrink-wrapping, distribution and delivery, customized logistics services and other related uses.

(nn) Commercial greenhouse or plant nursery.

(oo) Repairing, servicing, re-working, assembly, re-assembly and storage of equipment, devices, appliances and similar goods and products, including components, parts and phases thereof.

(pp) Other similar retail, business or service establishments primarily for residents of the community, the surrounding area and the traveling public which are determined by the Planning Commission to be similar to the permitted uses listed in this section, based upon the following factors:

(1) Whether the use is consistent with the description and purpose of this zoning district.

(2) Whether the use is customarily of the same general nature and character as a use which is expressly permitted in this zoning district.

(3) Whether the use is harmonious with the surrounding properties as are the uses which are expressly permitted in this zoning district.

(qq) Existing single family detached dwellings, subject to the provisions of Section 4.43.
(g) Theater, auditorium, banquet hall and other place of assembly.

(h) Public and private schools.

(i) Truck sales and repair.

(j) Wholesale warehousing, self-storage warehouses, including outside storage of licensed recreational vehicles, licensed campers, boats, boat trailers, horse trailers and utility trailers.

(k) Sexually oriented business.

(l) Essential service buildings.

(m) Motor vehicle body shop and motor vehicle painting facilities.

(n) Motor vehicle wash establishment.

(o) Transportation terminal.

(p) Mobile home sales; motor home, travel trailer and camper sales; boat sales and servicing.

(q) Commercial outdoor recreation facility.

(r) Open air business.

(s) Parcel delivery station.

(t) Photographic processing.

(u) Commercial communications antennas and towers; non-commercial ground mounted communications antennas and towers exceeding a height of 120 feet or, if roof mounted, exceeding a height of 15 feet above the roof.

(v) Impound lots.

14.4 Other Land Uses.

The following other land uses may be permitted as provided in this Ordinance:

(a) Accessory buildings as regulated under Section 4.3.

(b) Temporary uses as regulated under Section 4.20.

(c) Driveways as regulated under Section 4.26.

(d) Private streets and driveways as regulated under Section 4.27.
(e) Signs as regulated under Chapter 25.
(f) Outdoor lighting as regulated under Section 4.32.
(g) Off-street motor vehicle parking as regulated under Chapter 26.
(h) Fences and walls as regulated under Section 4.29.
(i) Disposal and collection of refuse as regulated under Section 4.23.
(j) Landscaping as regulated under Chapter 27.

14.5 District Regulations.

Land, buildings and structures in the C-2 District shall comply with the following minimum requirements:

(a) **Minimum Lot Area and Lot Width.** Forty two thousand square feet and 100 feet.
(b) **Minimum Required Building Setbacks.**

(1) **Front Yard.** Eighty feet.

(2) **Side Yard.** There shall be two required side yards, each being a minimum of ten feet.

(3) **Rear Yard.** Twenty feet.

(c) **Maximum Building and Structure Height.** Thirty five feet, except permitted communications antennas and towers.

(d) **Building Setbacks from Primary Roads.** The minimum required front yard building setback on parcels of land adjoining certain primary roads shall be as regulated under Section 4.11.

14.6 Minimum Floor Area. None required.

14.7 Required Conditions.

(a) Site development plan review and approval by the Planning Commission is required.

(b) All business, service or processing shall be conducted wholly within a completely enclosed building, except for motor vehicle parking, off-street loading, approved drive-through facilities and approved gasoline service stations and motor vehicle repair shops.

(c) Lands in the C-2 District that are located in the Ten Mile Road Corridor Overlay District shall comply with the terms of that district.
(d) Measures for control of storm water drainage shall be provided under the terms of the Township Storm Water Ordinance.

(e) Any provision of the Zoning Ordinance which imposes additional restrictions, or which requires additional landscaping, buffering, or similar improvements as a result of a commercial use being located adjacent to a residential use, shall not be applied to a commercial use if the adjacent residential use is located in the C-2 District, and is an existing detached single family dwelling as defined in Section 4.43.
CHAPTER 15
C-3 OFFICE BUSINESS DISTRICT

15.1 Description and Purpose.

The C-3 Office Business District provides for general office uses in areas adjacent to more comprehensive commercial or industrial uses. The Office Business District is also intended to serve as a buffer to residential and commercial areas.

15.2 Permitted Land Uses.

Land, buildings and structures in the C-3 District may be used only for the following purposes:

(a) Real estate and insurance offices.
(b) Banks and other financial institutions without drive-through facilities.
(c) Professional offices, including law practice, architecture, engineering, design, land use planning and other professional services.
(d) Medical and dental offices.
(e) General office uses.
(f) Government and administrative office buildings.
(g) Public library; art gallery; museum.
(h) Computer and data processing center.
(i) Stock brokerage and financial planning services.
(j) Travel agency.
(k) Internet-related offices and services.
(l) Medical laboratory; medical and other research institution.
(m) Photocopy and duplicating service.
(n) Mailing and packaging service.
(o) Post office branch.
(p) Other similar office and business uses which are determined by the Planning Commission to be similar to the permitted uses listed in this section, based upon the following factors:
15.3 Special Land Uses.

The following land uses may be permitted when authorized as a special land use under Chapter 22:

(a) Drive-through facilities for banks and other financial institutions.
(b) Funeral homes.
(c) Health club or athletic club.
(d) Essential service buildings.

15.4 Other Land Uses.

The following other land uses may be permitted as provided in this Ordinance:

(a) Accessory buildings as regulated under Section 4.3.
(b) Temporary uses as regulated under Section 4.20.
(c) Driveways as regulated under Section 4.26.
(d) Private streets and driveways as regulated under Section 4.27.
(e) Signs as regulated under Chapter 25.
(f) Outdoor lighting as regulated under Section 4.32.
(g) Off-street motor vehicle parking as regulated under Chapter 26.
(h) Fences and walls as regulated under Section 4.29.
(i) Disposal and collection of refuse as regulated under Section 4.23.
(j) Landscaping as regulated under Chapter 27.
15.5 District Regulations.

Land, buildings and structures in the C-3 District shall comply with the following minimum requirements:

(a) **Minimum Lot Area and Lot Width.** Forty two thousand square feet and 100 feet.

(b) **Minimum Required Building Setbacks.**
   
   (1) **Front Yard.** Eighty feet.
   
   (2) **Side Yard.** There shall be two required side yards, each being a minimum of 15 feet.
   
   (3) **Rear Yard.** Forty feet.

(c) **Maximum Building and Structure Height.** Thirty five feet except permitted communications antennas and towers.

(d) **Building Setbacks from Primary Roads.** The minimum required front yard building setback on parcels of land adjoining certain primary roads shall be as regulated under Section 4.11.

15.6 Minimum Floor Area. None required.

15.7 Required Conditions.

(a) Site development plan review and approval by the Planning Commission is required.

(b) All business, service or processing shall be conducted wholly within a completely enclosed building, except for motor vehicle parking, off-street loading and approved drive-through facilities.

(c) Lands in the C-3 District that are located in the Ten Mile Road Corridor Overlay District shall comply with the terms of that district.

(d) Measures for control of storm water drainage shall be provided under the terms of the Township Storm Water Ordinance.
CHAPTER 16
TEN MILE ROAD CORRIDOR OVERLAY DISTRICT

16.1 Intent.

Ten Mile Road serves as the boundary line between Algoma and Plainfield Township. It also serves as a major road connecting the City of Rockford with US 131 and as such, 10 Mile Road is a gateway to all three communities. The City of Rockford, Algoma and Plainfield Townships therefore share a common interest in the future development of 10 Mile Road.

The future use of the land abutting this roadway particularly at the US 131 interchange, and the amount of traffic carried by 10 Mile Road will affect all three communities. In order to create a positive future, cooperation among all three communities is essential.

The three communities of Algoma Township, Plainfield Charter Township and the City of Rockford have jointly adopted the Ten Mile Road Corridor Plan which sets forth transportation and land use objectives for the corridor as well as recommendations for future land use.

The intent of the Ten Mile Road Overlay Zone is to provide for a set of zoning regulations to carry out the Ten Mile Road Corridor Plan. These regulations are compatible with a similar zone in Plainfield Charter Township and the City of Rockford.

The specific purposes of this district are to:

(a) Maximize the capacity of the road by limiting, and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives, and access from side streets.

(b) Ensure sufficient right-of-way for future widening of 10 Mile Road as properties develop and re-develop.

(c) Provide non-motorized pathways along 10 Mile Road.

(d) Facilitate high-quality development and redevelopment of commercial and office districts through quality architecture, efficient site design and landscaping.

(e) Require low level signs to minimize motorist distraction, avoid blight, and clutter, promote aesthetics and unify signage with the overall character desired in the corridor while providing property owners and businesses with an appropriate mechanism in which to identify their location and business.

(f) Require landscaping on sites along the corridor as they develop and redevelop to attain the desired green space, buffering between uses and the high quality appearance of the corridor.

(g) Preserve important existing natural features which provide a rural atmosphere for the communities along the corridor.
16.2 Applicability.

The standards of this section shall apply to all lands with frontage along 10 Mile Road to a depth of 560 feet from the center line of the right-of-way of 10 Mile Road, which is illustrated as the Ten Mile Road Corridor Overlay Zone on the Algoma Township Zoning Map. The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the Algoma Township Zoning Ordinance. Permitted and special land uses within the Ten Mile Road Corridor Overlay Zone shall be as regulated in the underlying zoning district (as designated on the zoning map), and shall meet all the applicable requirements for that district except that the regulations of this section shall supersede any conflicting regulation of the underlying zoning districts. In addition, the following regulations shall apply.

16.3 Right-of-Way Preservation and Setbacks.

(a) For site plans submitted after the effective date of this Ordinance, a right-of-way of 60 feet shall be provided as measured from the center line of 10 Mile Road. All setbacks as required by this section or by the underlying zoning district shall be measured from this required right-of-way.

(b) Front Setback Requirements and Modifications.

(1) The required front setback for buildings, dwellings and structures shall be a minimum of 100 feet.

(2) The Planning Commission shall have the authority to reduce the required building front setback to not less than 50 feet during review of a site plan. In doing so, the Planning Commission must determine that modification of the required setback would result in preservation of or less alteration to natural site features such as vegetation, wetlands or steep slopes.

(3) The required front setback for off-street parking lots for uses other than one and two family dwellings shall be a minimum of 25 feet. For multi-family off-street parking lots, the minimum required setback shall be 50 feet.

(4) For existing buildings which have a front setback of less than 100 feet, the Planning Commission may approve an expansion of the building provided the expansion does not increase the extent of the non-conformity.

16.4 Access Standards/Requirements.

(a) General Requirements.

(1) Each parcel may be permitted to have one driveway provided the spacing requirements of this section can be achieved. Additional driveways may be permitted by the Planning Commission for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed which justifies an additional driveway.
(2) The Planning Commission may permit two one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function for the drives can be demonstrated.

(3) The applicant shall submit evidence indicating that the sight distance requirements of the Kent County Road Commission are met.

(4) Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.

(5) For the driveway accessing 10 Mile Road, there must be enough on-site storage to accommodate at least five queued vehicles waiting to park or exit in order to minimize the possibility of waiting vehicles creating a conflict with street traffic movement.

(6) Provisions for circulation between adjacent parcels should be provided through coordinated and/or joint parking systems, or other methods, determined at the time of the site plan review.

(7) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.

(8) Driveway placement should be such that loading and unloading activities will not hinder vehicle ingress or egress.

(9) For high traffic generators, or for commercial driveways along 10 Mile Road, the Planning Commission may require two egress lanes.

(10) A boulevard entrance must comply with the design requirements of the Kent County Road Commission.

(b) Driveway Spacing Standards for Uses Other Than Single or Two Family Dwellings.

(1) Minimum spacing between two driveways along 10 Mile Road shall be 230 feet measured from centerline to centerline.

(2) Minimum spacing requirements between a proposed driveway and a side street intersection either adjacent or on the opposite side of the street shall be at least 230 feet. Such distance may be reduced to 125 feet where a channelized driveway restricting left turns from the site is proposed. Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.
(3) To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of 230 feet along 10 Mile Road, measured centerline to centerline. Greater offsets may be required depending on the expected inbound left-turn volumes of the driveways.

(4) For sites with insufficient street frontage to maintain the above spacing requirements, the Planning Commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road. If these design options cannot be achieved, the Planning Commission may modify the driveway spacing standards so as to allow reasonable access provided such driveway does not create an unsafe traffic condition.

(c) **Shared Driveways, Frontage Roads and Service Drives.**

(1) A shared driveway should be located so the midpoint of the driveway is on the property line. Owners of the properties shall execute and record a document to provide for joint use and maintenance.

(2) Service roads shall generally be parallel or perpendicular to the front property line and may be located either along the side or behind principal buildings. Where site constraints prohibit the development of a rear service drive, the Planning Commission may permit a front service drive. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings, anticipated traffic flow for the site and the Ten Mile Road Corridor Plan.

(3) The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be a minimum of 40 feet wide.

(4) The service road easement shall be setback a minimum of 25 feet from the required right-of-way to allow for snow storage and landscaping.

(5) Where a service road intersects 10 Mile Road, the edge of the service road parallel to 10 Mile Road shall be setback a minimum of 60 feet from the edge of the 10 Mile Road pavement to allow for vehicle stacking.

(6) Service roads shall have a base, pavement and curb with gutter in accordance with Kent County Road Commission standards for public streets, except the width of the service road shall have a minimum pavement width of 24 feet.

(7) The service road is intended to be used exclusively for circulation, not as a parking or maneuvering aisle. The Planning Commission may require the posting of “no parking” signs along the service road.
(8) The Planning Commission may approve temporary driveways where a continuous service road or shared driveway is not yet available. A performance bond or escrow shall be set up to ensure elimination of temporary access when the service road or shared driveway is provided. At such time as the permanent service road or shared driveway is completed, the site shall connect to the service road or shared driveway and the temporary drive shall be closed.

(9) Each property owner shall be responsible for maintenance of the easement and service drive.

16.5 Sidewalks.

(a) A sidewalk shall be provided along the 10 Mile Road frontage for any development requiring site plan, condominium, site condominium or platted subdivision approval. The sidewalk shall conform to the sidewalk requirements of the Kent County Road Commission and shall be installed concurrently with construction of the development.

(b) As to other locations, sidewalks shall be provided in a residential condominium or residential site condominium to the extent required by and in accordance with Section 24.7(i) of this Ordinance. Sidewalks shall be provided in a residential platted subdivision to the extent required by and in accordance with Section 8.20 of Chapter 8 of the Township Code of Ordinances.

(c) To the extent not provided for by the sidewalk requirements of subsections (a) and (b), paved walkways shall be provided on site for access to adjacent parks, shopping areas, anticipated walkways or trails and institutional uses such as schools or churches. Pedestrian movement shall be safely accommodated across parking lots. Walkways shall be separated from motor vehicle travel lanes and parking spaces.

16.6 Lighting.

(a) General Requirements.

(1) The requirements of this section shall apply to a depth of 560 feet from the centerline of the 10 Mile Road right-of-way.

(2) When the installation of outdoor lighting is part of a development proposal for which site plan approval is required, the Planning Commission shall review and approve the lighting installation as part of its site plan approval process.

(3) A lighting plan shall be submitted with the site plan showing light fixture locations and additional lighting specifications as may be required by this Ordinance or by the Planning Commission to demonstrate compliance with Ordinance requirements.
(4) Proposed lighting installations not covered by this Ordinance may be approved if they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive illumination levels.

(5) The maximum light level within the interior of the site for a non-residential use shall not exceed ten foot-candles, except gasoline service stations with a canopy shall be permitted to have a maximum light level of 20 foot-candles as measured under the canopy.

(6) The maximum light level for the parking area serving a multi-family or institutional use shall not exceed four foot candles.

(7) The Planning Commission may modify the requirements of this section of the Ordinance if it determines that in so doing, it will not jeopardize the intent of the Ordinance.

(b) **Exemptions.** The following outdoor light fixtures are exempt from the provisions of this Ordinance.

(1) Outdoor light fixtures installed prior to the effective date of this Ordinance are exempt from its provisions; provided, however, that when there is any change or any replacement, structural alteration or restoration of such outdoor fixtures, then the fixture shall thereafter conform to all provisions of this Ordinance.

(2) Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility type fuels.

(3) Street lights located within a public right-of-way.

(4) Outdoor light fixtures which use an incandescent light bulb of 150 watts or less except where they create a hazard or nuisance from glare or spill light.

(5) Lighting necessary for road or utility construction or emergencies.

(c) **Outdoor Light Fixtures.** All outdoor fixtures including building mounted fixtures, shall be cut-off fixtures as defined by IESNA (Illumination Engineering Society of North America) except those exempted under Section 4.32(e). The intensity of the light emitted from the fixture at any angle above a cut-off angle of 80 degrees from the vertical must be less than 10 percent of the total lamp lumens of the outdoor light fixture. No more than 2.5 percent of the lamp lumens shall be emitted above a horizontal plane running through the lowest point on the fixture where light is emitted. (See Figure 1, Section 4.32(j).)
(d) **Parking Lot and Access Drive Lighting.**

1. Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort and not to cause glare or direct illumination on to adjacent properties or streets.

2. All lighting fixtures serving parking lots shall be cut-off fixtures as defined by IESNA’s Lighting Handbook.

3. Mounting heights of standard cut-off fixtures shall not exceed 35 feet. Mounting heights of fixtures that are located within 200 feet of a residential use or district shall not exceed 20 feet.

4. **Alternative Lighting.** The use of fixtures from a particular period or architectural style may be utilized as either alternatives or supplements to the lighting described above. If such fixtures are not “cut-off” fixtures as defined by IESNA, the maximum initial lumens by each fixture shall not exceed 2,000 (equivalent to a 150 watt incandescent bulb). Mounting heights of such alternative fixtures shall not exceed 15 feet.

5. The level of light trespass onto surrounding properties or roads shall not exceed 0.01 foot-candles.

(e) **Canopy Lighting.**

1. Light fixtures mounted in canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

2. As an alternative (or supplement) to recessed ceiling lights in a canopy, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

3. Lights shall not be mounted on the top or sides (fascias) of the canopy, and the sides of the canopy shall not be illuminated.

4. The level of light trespass onto surrounding properties or roads shall not exceed 0.01 foot-candles.

(f) **Security Lighting.** All security lighting fixtures shall be shielded and aimed so that illumination is directed only to designated areas and not cast onto other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture and the fixture shall include shields that prevent the light source or lens from
being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be prohibited.

(g) **Illumination of Building Facades.** When buildings sand structures including flags mounted on poles or on buildings are to be illuminated, the Planning Commission shall approve a design for the illumination and the following shall apply:

1. Maximum illumination on any surface shall not exceed 4.0 foot-candles.
2. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the item being illuminated and not directed skyward. Lighting fixtures shall not be directed toward adjacent streets, roads or properties.
3. Lighting fixtures mounted on the building and designed to “wash” the facade with light are preferred.
4. The illumination of landscaping shall not generate excessive light levels, cause glare, or direct light beyond the landscaping.
5. The level of light trespass onto surrounding properties or roads shall not exceed 0.01 foot-candles.

(h) **Night Lighting.** Outdoor fixtures for off-street parking lots or building facades which face or abut a residential zone or an area planned for residential use shall be turned off between 11:00 p.m. to 6:00 a.m. except for lights which are necessary for security purposes or if the business is in operation during these hours.

(i) **Definition of Terms.** Lighting terms used in this section shall have the same meaning as set forth in the IESNA’s *Lighting Handbook*.

16.7 **Landscaping/Preservation of Existing Vegetation.**

(a) **Landscape Plan.** A landscape plan shall be submitted as part of site plan for property regulated by this chapter. The landscape plan shall be drawn to minimum scale of one inch equals 50 feet and shall include, but not necessarily be limited to, the following:

1. Location, general type and quality of existing vegetation, including specimen trees.
2. Existing vegetation to be saved.
3. Methods and details for protecting existing vegetation during construction.
4. Location, size, and labels for all proposed plants.
(5) Typical straight cross section, including slope, height and width, of berms and the type of ground cover to be placed on them.

(6) Plant list(s) showing the required and proposed quantities.

(7) Description of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced in accordance with the standards of this Ordinance.

(b) Front Yard Landscaping.

(1) Landscaping as required by this section shall be provided within the area adjacent to 10 Mile Road as follows:

   (i) For non-residential uses the width of the landscape area shall be a minimum of 25 feet measured from the required right-of-way.

   (ii) For residential uses including multi-family the width of the landscape area shall be a minimum of 50 feet measured from the required right-of-way.

(c) Planting Requirements.

(1) The required front yard landscape area shall be planted with native plants native to Michigan, maintained in its existing state or a combination of these methods in order to preserve or enhance the rural view along 10 Mile Road. A balance of evergreen trees, deciduous trees and shrubs shall be planted within the required landscaped area.

   The Planning Commission may give a credit toward the required landscaping amount for existing trees or other vegetation preserved as part of site development.

(2) Earthen berms are encouraged to be provided.

(3) The following trees shall not be planted as part of the front yard landscaping: box elders, poplars, elms, willows, red and silver maples, Russian olive, mulberry, catalpa, Honey locust (with thorns), Horse Chestnut (nut bearing), black locust, tree of heaven.

(d) Planting Guidelines.

(1) Plants may be clustered in groups or planted in rows.

(2) Evergreen trees should be spaced at least 20 feet on center.

(3) Shade/canopy trees should be spaced at least 25 feet on center.
(4) Trees and shrubs should be clustered in locations that are most effective in screening undesirable views.

(e) **Parking Area Landscaping.** For all parking areas that accommodate ten cars or more, the following standards apply.

(1) Landscaped islands and shade trees shall be located throughout the parking lot to shade expanses of parking, and contribute to the orderly circulation of motor vehicle and pedestrian traffic. Landscaped islands must be a minimum of 160 square feet and a minimum of nine feet wide. Each island must have at least one canopy tree planted within it. Trees shall be planted at least three feet from the edge of the island.

(2) One landscape island per every ten parking spaces will be provided and planted with a canopy tree. As an alternative required islands may be combined so there are fewer but larger islands provided that the Planning Commission determines that this alternative will provide an equivalent amount of landscape area and will meet the intent of this section. Landscape islands may be covered with stone, wood chips or other similar material to prevent weed growth.

(f) **Minimum Standards for Plants and Other Landscape Features.**

(1) Canopy/shade trees 2.5 inches in caliper

(2) Evergreen trees 5 feet in height

(3) Shrubs 24 inches in height

(4) Walls Masonry walls shall be of clay, brick, stone or other decorative masonry material and shall be placed on footings which meet the requirements of the local building code.

(g) **Maintenance of Plants.**

(1) All landscaping plants shall be hardy when planted and maintained in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but no longer than one growing season.

(2) Plants must be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
16.8 Protection of Natural Features.

(a) Wetlands and the required buffers for wetlands and streams shall be delineated on final plats and site plans with a clear notation of use restrictions.

(b) Steep Slopes. The following regulations shall apply to slopes of 20 percent or greater which are within 560 feet of the center line of the 10 Mile Road right-of-way.

(1) Grading or removal of vegetative cover shall not be permitted on land with existing steep slopes, except when:

   (i) The contiguous area of steep slopes is less than 20,000 square feet.

   (ii) There is insufficient area outside of stream and wetland buffers for required sedimentation and erosion control measures.

(2) Areas containing existing steep slopes should preferably be included in open space lots.

(c) Necessary Disturbance of Wetlands, Streams, and Steep Slopes. Grading or removal of vegetative cover on wetlands, streams, wetland buffers or steep slopes is not permitted unless the Planning Commission determines, based on justification provided by the developer that it is necessary for road or utility construction, trails, pathways, or storm water management facilities, and there is no other reasonable alternative. If permitted, the grading or removal of vegetative cover shall only be to the extent necessary to accommodate the proposed development. In these cases, the Planning Commission may require planting of areas where grading or removal of vegetative cover has taken place.

(d) Grading Plan.

(1) In order to permit the Planning Commission to assess the grade changes proposed for a site, the applicant shall submit a grading plan illustrating existing and proposed contours at two feet intervals.

(2) In preparing a grading plan, the applicant shall be guided by the following standards:

   (i) Cut and fill slopes shall be minimized.

   (ii) Proper grading and elevation relationships to adjacent properties shall be maintained.

   (iii) The most significant slopes and ridgelines shall be maintained in their natural state by clustering development.

   (iv) Mass grading of large pads and excessive terracing shall be minimized.
(v) Unstable slopes or slopes subject to erosion shall be protected. Storm water alteration of drainage patterns that could result from major changes in topography shall be minimized.

(vi) Steep slopes shall be re-vegetated.

(vii) Essential grading will be shaped so that it complements natural landforms.

(viii) Large tracts will be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to winter/spring runoff.

16.9 Commercial and Office Architectural Facades and Building Design.

All new buildings and structures for commercial and office uses shall be so designed to incorporate the following architectural design features:

(a) **Height and Scale.** The scale and mass of a building shall be reasonably compatible with adjacent and nearby buildings.

(b) **Structure Façade.** At least 80 percent of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

16.10 Signs.

Signs in the Overlay District shall be permitted, regulated and in some cases prohibited, by the terms of Section 25.14 of this Ordinance.

(a) **Definitions.**

(1) **Abandoned Sign.** A sign which no longer identifies or advertises a bona fide business, owner, lessor, person, service, product or activity, or for which no legal owner can be found.

(2) **Commercial Establishment.** A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by
walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

(3) **Community Special Event Sign.** A sign, either portable or non-portable, displayed only for a limited time, to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolent.

(4) **Construction Sign.** A sign which identifies the owners, lenders, contractors, architects, and engineers of a project under construction, as well as the project itself.

(5) **Directional Sign.** A sign which gives directions, instructions, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including a commercial message.

(6) **Essential Services.** The erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company including gas, electrical, steam, communication, safety, water supply systems, or disposal systems, including equipment and accessories in connection therewith necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills.

(7) **Foot-Candle.** A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. Foot-candle may be measured both horizontally and vertically by a light meter.

(8) **Ground Sign.** A freestanding sign the bottom of which is no more than 24 inches above finished grade.

(9) **Governmental Sign.** A sign erected or required to be erected by a local government, county, or the state or the federal government.

(10) **Off-Premise Sign.** A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located (including, but not limited to, billboards).

(11) **On-Premise Sign.** A sign which pertains solely to the use of the property on which it is located such as to an establishment, product, merchandise, good,
service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.

(12) **Portable Sign.** A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another, whether rented or owned, such as “A” frame signs or signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used for vehicular purposes in the normal day-to-day operations of the business.

(13) **Pylon Sign.** A freestanding sign, the bottom of which is more than 24 inches above the finished grade, and which is supported by a structure, poles, or braces which are less than 50 percent of the width of the sign.

(14) **Residential Community Sign.** A sign identifying a platted subdivision, site condominium project, multi-family development, or other residential development.

(15) **Roof Sign.** A sign erected above (or which extends above) the roof line of a building.

(16) **Sign.** A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

(17) **Wall Sign.** A sign painted or attached directly to and parallel to the exterior wall of a building. A wall sign shall extend no greater than 12 inches from the exterior face of a wall to which it is attached, shall not project beyond the wall to which it is attached, and shall not extend above the roofline of the building to which it is attached.

(b) **General Provisions.**

(1) **Signs Prohibited.** Moving, flashing or blinking signs; off-premise signs; portable signs; roof signs; banners, pennants, streamers and flag signs; inflatable signs.

(2) **Exempt Signs.** Governmental signs and signs for essential services.

(3) **Permits for signs as regulated by Chapter 25 of this Ordinance.**

(4) **Directional Signage.** No more than three feet in height and three square feet in size, except that such dimensions may be exceeded if approved during site plan review. A directional sign may contain a logo of an on-premise establishment but no advertising copy.
(5) **Illumination.** It is the intent of this section to ensure that illuminated signs do not create glare or unduly illuminate the surrounding area. The following provisions shall apply:

(i) Externally illuminated signs:

(I) Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed at adjacent streets, roads or properties.

(II) Light fixtures shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads or properties.

(III) To the extent possible, fixtures shall be mounted and directed downward (i.e., below the horizontal).

(6) **Measurement Methods.**

(i) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.

(ii) The area of the freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back to back and are of equal size, and are no more than two feet apart at any point the area of the two back to back faces shall be counted as the one face.

(iii) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

(c) **Signs in Residential Zoning Districts.**

(1) One ground sign identifying a residential community is allowed at each entrance to the development, except that not more than two such identification signs shall be allowed per development and they shall be at least 300 feet apart. Such sign shall be a maximum of 32 square feet.
(2) For non-residential uses, one ground sign not to exceed 48 square feet and one wall sign not to exceed 5 percent of the area of the wall to which it is attached or a maximum of 100 square feet, whichever is less.

(3) Ground signs which are less than 20 feet from the 10 Mile Road right-of-way shall not be more than four feet in height including the mounting structure. A sign which is 20 feet or more from the 10 Mile Road right-of-way shall not be more than six feet in height including the mounting structure.

(d) Signs in Office Zoning Districts.

(1) One ground sign per parcel not to exceed 32 square feet. Such sign shall not exceed six feet in height including the mounting structure.

(2) One ground sign identifying a multiple office building development or office park is permitted at each entrance to the development, except that not more than two such identification signs shall be allowed per development and they shall be at least 300 feet apart. The sign and any mounting structure shall not exceed six feet in height and shall be a maximum of 60 square feet.

For individual office buildings which are part of a multiple office building development, one ground sign for each building is permitted but must be placed at the entrance to a public or private road right-of-way or other access easement. Such sign and any mounting structure shall not exceed six feet in height and shall be a maximum of 32 square feet in size.

(3) Ground signs shall be set back a minimum of 20 feet from a public or private road right-of-way, 20 feet from side lot lines and shall not otherwise obstruct the vision of drivers.

(4) One wall sign is permitted per building. The size of a wall sign shall not exceed 10 percent of the area of the wall to which it is attached but shall be no more than 100 square feet in size whichever is less.

(e) Signs in Commercial Zoning Districts.

(1) One ground sign per parcel not to exceed 64 square feet. The sign and any mounting structure shall not exceed six feet in height.

(2) For a lot or parcel with more than one commercial establishment, one ground sign is allowed at each entrance, except that not more than two such identification signs shall be allowed per lot or parcel and they shall be at least 300 feet apart. The sign and any mounting structure shall not exceed six feet in height. The sign shall not exceed 100 square feet.
(3) Ground signs shall be set back a minimum of 20 feet from a public or private road right-of-way, 20 feet from side lot lines and shall not otherwise obstruct the vision of drivers.

(4) Each commercial establishment is permitted to have one wall sign per street frontage. For purposes of this section, street frontage is defined as a public street, including a state or federal highway, or a private road as defined by this Ordinance. An access drive is not a street. The size of a wall sign shall not exceed 10 percent of the area of the wall to which it is attached, but shall be no more than 250 square feet in size whichever is less.
CHAPTER 17
COMMERCIAL PLANNED UNIT DEVELOPMENT “C-PUD” DISTRICT

17.1 Intent and Purpose.

(a) Intent.

(1) The C-PUD Commercial Planned Unit Development District is intended to promote more creative, economical and efficient use of commercial developments; and to provide for the commercial and service needs of both Township residents and motorists by allowing multiple uses within a unified development that is attractively and safely designed with an emphasis on increased functionality.

(2) The provisions of this chapter are not intended as a device for circumventing the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this chapter are intended to result in land use development and densities substantially consistent with the Master Plan, with modifications and departures from generally applicable Zoning Ordinance requirements to be made in accordance with standards provided in this chapter so as to ensure appropriate, fair and consistent decision-making.

(3) This district is intended to permit a degree of controlled flexibility and consequently allow more creative and imaginative design in the development of commercial planned areas than is possible under other zoning districts.

(b) Purpose. The C-PUD District is designed for the following purposes:

(1) To preserve natural site features which might otherwise be removed or developed by traditional commercial development.

(2) To promote flexibility and creativity in design of commercial developments.

(3) To encourage more visually attractive and creatively-designed commercial developments, especially where such developments might not usually be achieved under the terms of the C-1 and C-2 Districts.

(4) To promote efficient layout of roads and service drives.

(5) To promote efficient use of utilities.

(6) To promote effective storm water management.

(7) To maintain a coordinated architectural style within commercial developments.

(8) To promote road, parking and building layouts which protect the public safety.
(9) To achieve commercial development densities substantially consistent with those proposed by the Township Master Plan.

17.2 Authorization and Procedure.

A Commercial Planned Unit Development Zoning District may be approved by the Township Board in any location which is zoned C-1, C-2 C-3, or is recommended for Commercial or Commercial Planned Unit Development use by the Algoma Township Master Plan in accordance with the regulations of this chapter. The granting of a C-PUD rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map. An approval granted under this chapter, including all aspects of the final plan and conditions imposed, shall constitute a part of the Zoning Ordinance.

17.3 Permitted Uses.

Land and/or buildings in this district may be used for the following uses only:

(a) Any use permitted by right in the C-1, C-2, and C-3 Commercial Zones and, in addition, any use permitted as a special use within the C-1 and C-2 Commercial Zones when specifically authorized by the Township Board upon recommendation of the Planning Commission.

(b) Any other use which, in the opinion of the Planning Commission, advances the objectives of the C-PUD zone and enhances the overall character of the C-PUD.

17.4 Development Requirements.

(a) Minimum Lot Size. Any site zoned for C-PUD shall not be less than five acres in size. This requirement may be waived by the Planning Commission when the site under consideration can be shown to meet the intent and objectives of this chapter.

(b) Front Setback. The front setback for buildings shall be a minimum of 80 feet. This may be reduced by the Planning Commission to no less than 50 feet. In determining the appropriate requirement, the Commission shall consider the criteria of subsection (c) below.

(c) Lot Width and Setbacks. The lot width, rear and side building setbacks, and public and private road frontage requirements shall be determined by the Planning Commission in its review of the C-PUD site plan. In determining the appropriate requirements, the Planning Commission shall take into account:

(1) The nature of existing and future land uses adjacent to and near the site.

(2) The number, type, and size of buildings proposed for the site.

(3) Location of natural and cultural features on the site.

(4) Topography of the site.
(5) Provision of public utilities to the site.

(6) Requirements for adequate fire, police, and emergency vehicle access.

(7) The objectives of the C-PUD zone contained herein.

(d) **Private Roads.** Private roads may be permitted within a C-PUD zone when specifically approved by the Planning Commission. The Commission may modify the requirements for private roads contained within this Ordinance and when doing so shall consider the following criteria:

1. Number and type of buildings served by the private road.
2. Traffic generated by the proposed uses.
3. Existing topography and vegetation.
5. The inter-relationship with the public street network.
6. The likelihood of public dedication of the roadway.

(e) **Building Height, Size, Placement and Appearance.** Any site proposed for development within a C-PUD zone shall be designed and developed with buildings and structures which are architecturally compatible with each other and with nearby existing buildings. Such buildings shall be constructed to have a low profile and to avoid or minimize a massive box-like appearance. Varied architectural building features are encouraged to create a more pleasing appearance.

(f) **Structure Facade.** At least 80 percent of that portion of a structure or building, be it in the front, side, or rear, which faces a private or public street or roadway shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

(g) Buildings shall be located and designed so they do not detract from or predominate the existing view along public and private roadways. Every effort shall be made to avoid siting the rears of buildings toward existing roadways or along planned service drives.

(h) Buildings shall not exceed 35 feet in height.
(i) **Sidewalks.** The Planning Commission may require sidewalks within a C-PUD in order to improve pedestrian access to buildings and protect pedestrian safety throughout the development. When requiring sidewalks, the Planning Commission shall consider the following criteria:

1. The number, location, types and use(s) of buildings proposed within the C-PUD.
2. The amount of pedestrian and vehicular traffic generated by the proposed uses.
3. The inter-relationship of the C-PUD roadway network.
4. The inter-relationship of the C-PUD and surrounding and nearby properties, giving consideration to current land uses and anticipated future uses of such properties.

(j) **Access and Parking.**

1. Driveways and circulation roadways shall be designed to minimize traffic congestion within the PUD and to minimize the amount of paving.

2. Off-street parking and loading shall be subject to the regulations of this Ordinance; provided, however, that such off-street parking and off-street loading requirements may be modified by the Planning Commission, in its approval of a C-PUD, if to do so would more fully achieve the objectives of the C-PUD. Such modifications may include the location of and access to off-street parking and off-street loading areas; the minimum number and minimum size of off-street parking spaces; the landscaping and screening of parking areas, including landscaped islands within parking areas; arrangements for motor vehicle circulation and pedestrian access within and associated with off-street parking areas; and other matters pertaining to the design, configuration, construction, use and maintenance of off-street parking areas and off-street loading areas in a C-PUD. In determining whether to modify any such off-street parking and off-street loading requirements, the Planning Commission shall consider the following factors:

   (i) The location and size of the off-street and/or off-street loading areas.
   (ii) The number of off-street parking spaces estimated to be reasonably required for the safe, convenient and effective operation of the uses proposed in the C-PUD.
   (iii) The extent of motor vehicle traffic likely to be generated by the uses in the C-PUD, and the expected off-street traffic volume and vehicle circulation routes.
(iv) If the proposed number of off-street parking spaces is smaller than the number of such spaces as indicated by the minimum off-street parking requirements specified in the Zoning Ordinance, then the Planning Commission shall evaluate such number in relation to the proposed and potential uses for the C-PUD, and the reasonable likelihood that some greater number of parking spaces may potentially be required.

(v) The extent and nature of proposed landscaping and screening of parking areas, as compared to the extent of landscaping and screening otherwise provided in the Zoning Ordinance.

(vi) The reasonable likelihood that the proposed off-street and/or off-street loading areas will provide effective, safe and convenient means for the off-street parking of motor vehicles and/or the off-street loading and unloading of delivery vehicles.

(3) Parking areas shall be placed on all sides of the building in order to avoid having a single large area for the total number of parking spaces required, except where the Planning Commission determines that the parking needs of the building are limited such that requiring parking only on particular sides of the building would better serve the purpose and intent of this chapter. Parking areas shall be screened by earthen berms and landscaping if the Planning Commission determines it is necessary to protect the visual integrity of the site from adjoining properties or roadways.

(k) **Landscaping/Natural Features.**

(1) A separate landscaping plan shall be submitted, along with any site plan for development within the C-PUD zone. All proposed landscaping shall comply with the requirements of this subsection, except that such requirements may be modified by the Planning Commission in accordance with subparagraph (9) hereof.

(2) The landscaping plan shall show any existing vegetation on the site, and shall indicate which if any of the existing vegetation will be retained on the site. Existing vegetation within landscaping areas or strips shall be preserved insofar as is practical in order to maintain existing views, to minimize impervious surface, reduce the use of fertilizers and herbicides, and to encourage the maintenance of natural storm water drainage patterns.

(3) Natural features of the property including trees, shrubs, slopes and wetland areas shall be preserved whenever reasonably possible.

(4) Landscaping shall be provided adjacent to all buildings in order to reduce the visual impact of buildings, provide shade, and to improve the general appearance of the building.
(5) **Greenbelts.** A greenbelt shall be provided when a C-PUD zone abuts a residential use or a residential zoning district, including residential planned unit development zones. The greenbelt shall be provided along the lot line which abuts the residential use or zone according to the following requirements:

(i) Required greenbelts for buildings shall have a minimum width of 25 feet. Greenbelts for parking lots shall have a minimum width of 15 feet. Greenbelts may be required for the adequate buffering of driveways, access roadways and the like.

(ii) For each 100 feet of length or portion thereof of greenbelt, plantings shall consist of at least two deciduous canopy trees, two ornamental trees and four evergreen trees or any combination thereof; provided, however, that the Planning Commission may increase, decrease or modify such requirements in its discretion, if such an increase, decrease or modification would promote the goal of adequately screening the C-PUD from the adjacent residential use.

(iii) Berms, walls and fences may be permitted within a greenbelt area. The Planning Commission may in their discretion reduce the amount of required plantings if the berm, fence or wall achieves the intent of this chapter.

(6) **Front Yard Landscaping.** Except for driveways, frontage roads, service drives, or walkways that are permitted or required pursuant to this chapter, the front yard shall be landscaped according to the following minimum requirements.

(i) One canopy tree, two evergreen trees, and one ornamental tree for each 50 feet in length of road frontage or any combination thereof; provided, however, that the Planning Commission may increase, decrease or modify such requirements in its discretion, if such an increase, decrease or modification would help to achieve a creative natural or landscaped environment, and/or promote the preservation of natural flora.

(ii) Landscaping shall be located so it does not obstruct the vision of drivers entering or leaving the site.

(iii) Earthen berms within the front yard are encouraged to provide variety in appearance and for screening of parking areas.

(7) **Parking Area Landscaping.** All off-street parking areas shall be landscaped according to the following minimum requirements.
(i) One canopy tree for every ten vehicle parking spaces or fraction thereof shall be planted in the landscaped area.

(ii) To provide shade and to break up the visual monotony of large asphalt covered areas, parking lots shall contain individual curbed landscaped interior islands throughout the parking lot in addition to any perimeter landscaping. Landscaped interior islands must be a minimum of 360 square feet and a minimum of ten feet wide. Each island shall be planted with at least two canopy trees and six shrubs or such other equivalent as the Planning Commission may approve. Any shrubs planted within these islands shall be maintained at a maximum height of three feet. Plantings shall be at least three feet from the edge of the island.

(iii) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct driver’s sight distance within the parking area and at driveway entrances.

(8) Size and Type.

(i) Proposed plantings shall conform to the following minimum sizes except that the Planning Commission in its discretion may allow or required variations in the size of plantings in order to achieve the intent and purposes of this chapter:

(I) Evergreen trees: 3 feet height

(II) Deciduous Canopy trees: 2 inches diameter

(III) Ornamental trees: 2 inches diameter

(IV) Upright evergreen shrub: 2 feet height

(V) Spreading evergreen shrub: 18 inch spread

(9) The requirements for landscaping and other natural features as stated in this subsection (k) may be modified by the Planning Commission in its approval of a C-PUD, if to do so would help to improve the natural or landscaped environment within the C-PUD. In determining whether to modify such landscaping and natural features requirements, the Planning Commission shall consider the following factors:

(i) The extent to which the proposed landscaping departs from the landscaping requirements of this subsection (k).

(ii) The extent to which the proposed landscaping would result in a superior landscaped environment within the C-PUD, as compared to
the landscaping which would be provided in accordance with the other provisions of this subsection (k).

(iii) Whether other proposed methods of screening and buffering, such as berms and other earthworks or existing topography, may obviate the need for landscaping that is otherwise required, or may serve in part to moderate the impact of buildings or other features, and thus accomplish the intended objectives of this subsection (k), as compared to the extent, type and placement of landscaping which might otherwise be provided, if the other provisions of this subsection (k) were fully complied with.

(l) **Signs.**

(1) Signs within the C-PUD zone shall comply with the regulations of Chapter 15 of the Algoma Township Zoning Ordinance except that the Planning Commission may in its discretion modify the size, area, placement, number and height requirements of this Ordinance if such modifications would still result in achieving the intent and purposes of the C-PUD District. Notwithstanding the foregoing, billboards shall not be permitted in the C-PUD District under any circumstances.

In considering modifications, the Planning Commission shall find that the modifications will not result in traffic or other safety hazards, will not result in visual blight, and will not otherwise result in a detriment to the public health, safety, or welfare.

(2) A separate sign plan for the C-PUD shall be submitted for review and approval by the Planning Commission. The plan shall show all proposed signs, including their size, location, materials and whether or not the signs will be lighted, and if so, the type of lighting, and specifically identifying any neon lighting. The Site Plan Review Committee may, in its discretion, grant modifications to a sign plan for a previously approved C-PUD if the proposed modification would comply with the sign regulations of this Ordinance and would be consistent with the intent and objectives of the originally approved sign plan.

(m) **Storm Water.**

(1) A storm water management plan shall be submitted along with the Final Site Plan for development proposals within the C-PUD zone. The plan shall provide information on how storm water will be managed during and after construction. This plan shall be subject to the review and approval of the Township Engineer.

(2) The applicant shall enter into a storm water operations and maintenance agreement to implement the storm water management plan. This agreement
shall be subject to the approval of the Township Engineer. The agreement shall be considered a part of the Ordinance approving the C-PUD zoning and may be enforced with the full force and effect of a Zoning Ordinance.

(3) Storm drainage facilities shall be designed to respect the natural drainage pattern of the site. Measures shall be taken to prevent roadway and parking lot oil and gas residues from being discharged to the natural drainage system.

(4) Vegetation that provides natural drainage along existing and planted drainage-ways shall be encouraged in the C-PUD zone, to help eliminate the need for impervious gutters and storm water detention ponds. Where detention ponds are unavoidable, they shall be placed at locations that will not detract from visual amenities or result in a hazard to pedestrians.

(n) Lighting. All lighting within a C-PUD shall comply with the requirements of the Algoma Township Lighting Ordinance.

17.5 Procedures.

The application for a C-PUD shall be processed in the same manner as required by Section 11.8(a) and (b) and (c)(10)-(14) and (d)-(j).

17.6 Amendments to Approved C-PUD.

Proposed amendments to an approved C-PUD shall be processed in the same manner as required by Section 11.9.

17.7 Performance Guaranties.

Performance guaranties for a C-PUD may be required by the Township Board in accordance with the same terms set forth in Section 11.10.

17.8 Time Limitations on Development.

Time limitations on development of a C-PUD shall be the same as set forth in Section 11.11.

17.9 Prohibited Land Uses.

Repealed (March 12, 2019).
CHAPTER 18
MIXED USE PLANNED UNIT DEVELOPMENT (M-PUD) DISTRICT

18.1 Intent and Purpose.

(a) The Mixed Use Planned Unit Development (M-PUD) District is intended to permit a combination of residential land uses and non-residential land uses to be located on the same site, and to enable these varied uses to be engaged in without the separation typically required under the terms of conventional zoning districts.

(b) The district is not intended to accommodate a single land use. Rather, the residential uses and the commercial or office uses are to be arranged and integrated so that they together comprise a harmonious and well-functioning land development.

(c) The M-PUD District is expected to be designed and constructed with reasonable connections between, for example, residential and commercial or office uses, through such means as building placement, connecting streets, conveniently located sidewalks and pathways, public gathering spaces, preserved open space and the like.

(d) Among other purposes, an M–PUD development shall be designed and constructed so as to include or facilitate:

   (1) Flexibility and creativity in design.

   (2) Placement of streets, sidewalks and pathways that will make possible the safe and convenient travel of vehicles and pedestrians.

   (3) A compatible combination of residential and non-residential land uses consistent with the applicable land use designations of the Township Master Plan.

   (4) Ease and convenience in the functioning of the approved land uses within the M-PUD District.

18.2 Permitted Land Uses.

Land, buildings and structures in the M-PUD District may be used only for the following purposes:

(a) Single-family detached dwellings.

(b) Two-family dwellings.

(c) Multi-family dwellings.

(d) Any land use permitted by right in the C-1 Neighborhood Business District, except the land uses stated in Section 13.2(cc).
Any land use permitted by right in the C-2 General Business District, except land uses stated in Section 14.2 (d),(e),(m),(p),(cc),(dd),(ee),(mm),(nn) and (oo), and also except that drive-through facilities of a restaurant otherwise permitted under Section 14.2(ff) shall be permitted only if such drive-through facilities are specifically approved in the M-PUD ordinance, and further except that the land uses stated in Section 14.2(a) shall not include the land uses stated in Section 13.2(cc).

Any land use permitted by right and any special land use included and as regulated in the C-3 Office District, except that the land uses stated in Section 15.2(p) shall not be permitted and except that the drive-through facilities stated in Section 15.3(a) shall be permitted only if such facilities are specifically approved in the M-PUD ordinance.

Hotel and motel.

Housing for senior citizens, including continuing care communities, assisted living facilities, independent living facilities, nursing homes and similar facilities.

Accessory uses, buildings and structures.

Parks, open-space areas, recreation areas and other community areas and features.

Churches and other houses of worship.

Child care center, if state-licensed.

Tavern, bar, brew pub or microbrewery, if state-licensed.

### 18.3 Eligibility for Rezoning of Land to M-PUD District.

A mixed use development shall comply with the following minimum qualifying conditions for approval under the terms of the M-PUD District:

(a) The land shall be not less than five acres in area, unless a different number is permitted under the terms of the approving M-PUD ordinance.

(b) Public water supply and public sanitary sewer service shall be available to serve the entire M-PUD District, unless other lawful means of providing water supply and sewage disposal are approved in the M-PUD ordinance; provided, however, that two-family dwellings and multiple family dwellings shall be served by a public sanitary sewer system.

(c) The M-PUD shall be under unified ownership or control such that there is one person, group or legal entity that has responsibility for the design, construction, and completion of the M-PUD.

(d) The M-PUD shall result in recognizable and substantial benefits to the owners and users of the M-PUD and to the Township.
18.4 Development Requirements.

(a) Mixed Land Use Requirements.

(1) An M-PUD shall include both residential and non-residential land uses, to a meaningful extent, so that there is more than a minimal amount of land devoted to each type of land use. There shall be no substantial disparity between the area of land devoted to one type of land use as compared to another.

(2) An M-PUD shall include residential land uses which may consist of a single type of dwelling or dwelling unit, or a mix of types of dwellings or dwelling units. A senior citizens housing facility may qualify as a residential land use.

(3) The residential land use portion and the non-residential land use portion of an M-PUD shall be constructed generally concurrently, upon such time schedule or within such scheduled phases as may be approved under the terms of the M-PUD ordinance.

(b) Design Objectives. The land uses, buildings and structures within an M-PUD shall be designed, constructed and located to achieve the following objectives:

(1) Pedestrian access shall be provided within and between the various types of land uses, so that residents and other users need not necessarily use motor vehicles to travel to and from the respective types of land use within the M-PUD. Such access may consist of sidewalks or improved pathways.

(2) Different types of approved land uses or groups of different approved uses shall be reasonably integrated through pedestrian and vehicular connections; reasonable proximity to each other; complementary building styles and orientation; placement within the same building or in adjoining buildings; or other design and construction measures.

(3) An M-PUD and the buildings and uses therein shall be designed and constructed to minimize the alteration of existing natural features and to integrate those features into the overall design of the M-PUD.

(4) An M-PUD shall be designed and its land uses, buildings and structures shall be located so as not to create significant adverse impacts on adjacent or nearby lands or uses.

(c) Site Amenities. The design, construction and operation of an M-PUD development shall include site amenities and other desirable features that may not necessarily be included in developments established under the terms of conventional zoning districts. Examples of such site amenities and features may include the following; provided, however, that sidewalks and other pedestrian ways shall be provided to the extent required and in accordance with subparagraph (4) of this subsection (c):
(1) Convenient places within the PUD, including gathering spaces and useable landscaped areas for owners, tenants, customers and guests.

(2) Parks, playgrounds, athletic grounds and other outdoor features that promote or encourage congregating and interaction by property owners, tenants, visitors and others.

(3) Open space areas, including courtyards, plazas, pocket parks, rain gardens and similar features.

(4) **Sidewalks and other pedestrian ways.**

   (i) Sidewalks shall be provided in a residential condominium or a residential site condominium to the extent required by and in accordance with Section 24.7(i) of this Ordinance. Sidewalks shall be provided in a residential platted subdivision to the extent required by and in accordance with Section 8.20 of Chapter 8 of the Township Code of Ordinances.

   (ii) Such sidewalks and other pedestrian ways may be constructed of brick, ornamental paving and other non-concrete materials.

(5) Sidewalk planters, outdoor seating areas.

(6) Bicycle parking structures or locations.

(7) Ponds or other water features.

(8) Innovative exterior lighting design.

(9) Signage of consistent design and appearance throughout the M-PUD.

(d) **Regulations for Non-Residential Land Uses.**

(1) **Building Height, Placement and Appearance.**

   (i) The height of any building shall not exceed 35 feet, as measured from the ground at the front of the base of the building, except that the height of a hotel or motel may be of such greater height as is permitted in the M-PUD ordinance, but in any event, a hotel or motel shall not exceed five stories in height.

   (ii) The principal entrance of a building should be oriented to the street that provides access to the building. The siting of the rear wall of a building towards a street shall be avoided.
(iii) A reasonable portion of a retail commercial building façade shall consist of street-level transparent glass, as a mean of varying the overall appearance of the façade.

(iv) Multiple-tenant commercial buildings shall include features to avoid monotonous façades, such as differing façade elements or embellishments, varying roof lines or the like.

(v) So-called big-box stores are not permitted.

(vi) Buildings shall be designed to avoid or mitigate a common or standardized appearance.

(vii) Exterior building walls shall be finished with face brick, wood, glass, stone, fluted cement block, stucco-like material or other approved exterior building material.

(2) **Building Setbacks; Building Separations.**

(i) The minimum required front yard building setback shall be 30 feet, or such other minimum required building setback as is approved in the M-PUD ordinance; provided, however, that the minimum building setback from the 10 Mile Road Corridor right-of-way shall be 100 feet, as required by Section 16.3(b)(1) of this Ordinance.

(ii) The minimum side and rear building setbacks or the minimum building separation distances shall be as specified in the M-PUD ordinance.

(3) **Streets.**

(i) Public or private streets, or a combination thereof, are permitted.

(ii) Private streets shall comply with Section 4.27, unless modifications of such provisions are authorized under the terms of the M-PUD ordinance.

(4) **Sidewalks.**

(i) Sidewalks shall be provided in an M-PUD, for the purpose of enabling pedestrian travel and access within and between the residential portion and the non-residential portion of the M-PUD, and for other useful purposes.

(ii) In considering the required extent and location of sidewalks, the Township shall consider the following criteria:
(I) The number, location, types and uses of the residential buildings and the non-residential buildings included in the M-PUD.

(II) The expected extent of pedestrian use of the sidewalks.

(III) The arrangement and interconnection of the streets within the M-PUD, including street connections between the residential portion and the non-residential portion of the M-PUD.

(IV) The extent to which the proposed sidewalks will achieve a safe and convenient means of pedestrian travel to and from the residential portion and the non-residential portion of the M-PUD, and within each of them.

(5) **Vehicle Access and Off-Street Parking Areas.**

(i) Vehicle circulation routes to and within the commercial or office portion of the M-PUD shall be designed to minimize traffic congestion and to promote traffic and pedestrian safety.

(ii) Off-street parking and loading areas shall be provided in accordance with Chapter 26 of this Ordinance; provided, however, that such off-street parking and loading requirements may be modified in the approval of an M-PUD if to do so would more fully achieve the objectives of this chapter. In determining whether to modify any such off-street parking and loading requirements, the Township shall consider the following factors:

(I) The location and size of the proposed off-street parking and/or off-street loading areas.

(II) The number of off-street parking spaces estimated to be reasonably required for the safe, convenient and effective operation of the uses proposed and potential future uses in the M-PUD.

(III) The extent of motor vehicle traffic likely to be generated by the land uses in the M-PUD, and the expected off-street traffic volume and proposed vehicle circulation routes.

(IV) The extent and nature of proposed landscaping and screening of parking areas, as compared to the required extent thereof as stated in Chapter 26.
(V) The likelihood that the proposed off-street parking or loading areas will provide effective, safe and convenient means for the parking of motor vehicles and the loading and unloading of delivery vehicles.

(iii) Applicants are encouraged to design and construct off-street parking areas that are located on more than one side of a building, if reasonably feasible, in order to avoid having a single large area for the total number of parking spaces required.

(iv) Applicants are likewise encouraged to provide for areas and arrangements whereby off-street parking locations may be shared by and among land uses within the M-PUD, thus potentially contributing to a reduction in impervious surfaces and a more efficient use of available off-street parking spaces.

(v) Bicycle parking spaces and golf cart parking spaces may be required. In considering whether to require such parking spaces, the Planning Commission and Township Board shall consider the following:

(I) The number of residential dwelling units in the M-PUD.

(II) The number and type of non-residential uses in the M-PUD, both as initially proposed and reasonably to be expected in the future.

(III) Whether the nature and scope of the non-residential uses are such as to generate a reasonable extent of customer or employee travel by bicycle or golf cart, as the case may be.

(IV) Whether there is, or is expected to be, a public non-motorized trail in reasonable proximity to the M-PUD.

(6) Street Lights.

(i) Street lights, affixed on poles, shall be provided, including street lights in off-street parking areas.

(ii) Such outdoor lighting shall comply with applicable provisions of Section 4.32; provided, however, that in approving the M-PUD, the Township may modify the outdoor lighting requirements thereof, as to the number, placement, height, level of illumination, and other features of the outdoor light poles and fixtures.

(iii) An outdoor lighting plan, including a photometric plan for all proposed outdoor lighting, shall be submitted.
(7) **Landscaping.**

(i) A separate landscaping plan shall be submitted. All proposed landscaping shall comply with the requirements of this subsection.

(ii) The landscaping plan shall show existing vegetation on the site, and shall indicate which, if any, of the existing vegetation will be retained or removed. Existing vegetation shall be preserved whenever reasonably possible.

(iii) Landscaping shall be provided in close proximity to all buildings, to reduce visual impact of buildings, provide shade and to improve the general appearance of the building.

(iv) If the non-residential portion of the M-PUD abuts a residential use outside the M-PUD or a separate residential zoning district, a green belt shall be provided along the parcel line which abuts the residential use or zone, in accordance with Section 17.4(k)(5) of this Ordinance, except as the same may be modified in the terms of the M-PUD ordinance.

(v) Front yard landscaping and off-street parking area landscaping shall be provided in accordance with Section 17.4(k)(6) and (7), respectively, except as the same may be modified in the terms of the M-PUD Ordinance.

(vi) Applicants shall include existing wetlands, ponds and other water bodies and features in the M-PUD; likewise, the development of rain gardens and other new water features is encouraged.

(8) **Signage.**

(i) A separate signage plan for the M-PUD shall be submitted. The plan shall show all proposed signs, including their size, location, materials and whether or not the signs will be lighted, and if so, the type of lighting proposed.

(ii) Signs shall comply with the sign requirements specified for the C-PUD District, as stated in Section 25.10 and Table 25.10 thereof, except as the same may be modified in the terms of the approving M-PUD Ordinance.

(9) **Storm Water Management.**

(i) A storm water management plan shall be submitted. The plan shall provide detailed information on the control, management and dispersion of storm water during and after construction of the
M-PUD. The plan shall be subject to the review and approval of the Township engineer.

(ii) The storm water management plan and the construction and operation of the storm water management system shall comply with Section 17.4(m) of this Ordinance, except as the same may be modified in the terms of the approving M-PUD ordinance. The storm water management plan and system, and the construction and operation thereof, shall comply with the Township Storm Water Ordinance.

(10) **Refuse Disposal.** Refuse receptacles shall be placed in inconspicuous locations so as to minimize their visibility from public streets and common open spaces. They shall be fully screened by an enclosure on all four sides, such enclosure to consist of a material specified in the M-PUD ordinance. Effective landscaping may also be used to augment the screening of refuse receptacles.

(e) **Regulations for Residential Land Uses.**

(1) **Minimum Lot Area and Minimum Lot Width.**

(i) Single-family detached dwellings:

(I) Minimum lot area shall be 35,000 square feet, if no public or community sanitary sewer service or public or community water supply service is provided.

(II) Minimum lot area shall be 20,000 square feet, if either public or community sanitary sewer service or public or community water supply service, but not both, is provided.

(III) Minimum lot area shall be 9,500 square feet, if both public or community sanitary sewer service and public or community water supply service are provided.

(IV) Minimum lot width shall be 90 feet if both public or community sanitary sewer service and public or community water supply service are provided, but if not, minimum lot width shall be 110 feet.

(ii) Two-family dwellings:

(I) Minimum lot area shall be 13,000 square feet.

(II) Minimum lot width shall be 110 feet.
(iii) Multiple family dwellings:

   (I) Minimum lot area shall be 60,000 square feet, with a minimum of 5,000 square feet for each dwelling unit.

   (II) Minimum lot width shall be 300 feet.

(2) Minimum Required Building Setbacks; Maximum Building Height.

(i) Single-family detached dwellings: front yard, 30 feet; each side yard, 15 feet; rear yard, 30 feet; except as may otherwise be provided in the M-PUD ordinance.

(ii) Two-family dwellings: front yard, 30 feet; each side yard, 15 feet; rear yard, 30 feet; except as may otherwise be provided in the M-PUD ordinance.

(iii) Multiple family dwellings: front yard, 30 feet; each side yard, 20 feet; rear yard, 30 feet; except as may otherwise be provided in the M-PUD ordinance.

(iv) The maximum height of a principal building is 35 feet; the maximum height of an accessory building shall be 22 feet.

(3) Minimum Floor Area.

(i) Single-family detached dwellings: one story, 1,000 square feet; more than one story, 1,000 square feet of which 768 feet shall be on the first floor if the second floor has at least as much area as the first floor; 1,000 square feet of which 864 square feet shall be on the first floor if the second floor has less area than the first floor; except as may otherwise be provided in the M-PUD ordinance.

(ii) Two-family dwellings: one story, 900 square feet for each dwelling unit; more than one story, 900 square feet for each dwelling unit of which at least 576 square feet shall be on the first floor if the second floor has at least as much area as the first floor; 900 square feet for each dwelling unit of which 720 square feet shall be on the first floor if the second floor has less area than the first floor; except as may otherwise be provided in the M-PUD ordinance.

(iii) Multiple family dwellings; 600 square feet for each dwelling unit plus 150 square feet for each bedroom in excess of one.

(4) Streets. Public and/or private streets shall comply with Section 18.4(d)(3).
(5) **Sidewalks.**

(i) Sidewalks shall be provided in a residential condominium or a residential site condominium to the extent required by and in accordance with Section 24.7(i) of this Ordinance.

(ii) Sidewalks shall be provided in a residential platted subdivision to the extent required by and in accordance with Section 8.20 of Chapter 8 of the Township Code of Ordinances.

(6) **Vehicular Access and Off-Street Parking Spaces.**

(i) Vehicle circulation routes to and within the residential portion of the M-PUD shall be designed to minimize traffic congestion and to promote traffic and pedestrian safety.

(ii) Off-street parking spaces shall be provided in accordance with the requirements for parking spaces for residential use, as provided in Section 26.6(a) of this Ordinance, except as may otherwise be provided in the M-PUD ordinance.

(7) **Street Lights.** Street lights shall be provided in accordance with Section 18.4(d)(6). A street lighting plan shall be submitted.

(8) **Landscaping.**

(i) The landscaping plan for the residential portion of the M-PUD District shall be included in the landscaping plan being provided for the residential or office portion of the PUD.

(ii) The landscaping plan shall show existing vegetation on the site and shall indicate which, if any, of the existing vegetation will be retained. Existing vegetation shall be preserved whenever reasonably possible.

(iii) Other requirements with respect to landscaping shall be as provided in Chapter 27 of this Ordinance, or as may otherwise be provided in the M-PUD ordinance.

(9) **Storm Water Management.** Storm water management measures for the residential portion of the M-PUD shall be as provided in the M-PUD ordinance. Compliance with the Township Storm Water Ordinance is required.
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(10) Signage.

   (i) A separate signage plan for the M-PUD shall be submitted. The plan shall show all proposed signs, including their size, location, materials and whether or not the signs will be lighted, and if so, the type of lighting proposed.

   (ii) Signs in the residential portion of the M-PUD shall comply with such sign provisions in Section 25.9 of this Ordinance, as are determined by the Township in the adoption of the M-PUD ordinance to be applicable to the residential portion of the M-PUD or, alternatively, such signs shall comply with such modified or other sign provisions as may be specified in the M-PUD ordinance.

18.5 Procedures.

   The application for an M-PUD shall be prepared, submitted and considered in the same manner as required by Section 11.8(a), (b), (c)(10)-(14) and (d)-(j).

18.6 Amendments to an Approved M-PUD.

   Proposed amendments to an approved M-PUD shall be applied for, submitted and considered in the same manner as required by Section 11.9.

18.7 Performance Guaranties.

   Performance guaranties for an M-PUD may be required in accordance with the terms set forth in Section 11.10.

18.8 Time Limitations on Development.

   Time limitations on development of an M-PUD shall be the same as those set forth in Section 11.11.

18.9 Prohibited Land Uses.

   Repealed (March 12, 2019).

18.10 10 Mile Road Corridor Overlay District.

   Lands in an M-PUD District that are located in the 10 Mile Road Corridor Overlay District, in whole or in part, shall comply with the terms of that district.
CHAPTER 19
N-R NATURAL RIVER DISTRICT

19.1 Description and Purpose.

The N-R Natural River District is established to preserve and enhance the value of the Rogue River and its tributaries within the Township, and in particular to promote water conservation, the free-flowing condition of the River and tributaries, together with fish, wildlife, scenic, floodplain, ecologic and recreational values and uses of the River and its tributaries.

The N-R District shall consist of a strip of land 300 feet wide on each side of and parallel to the banks of the Rogue River and Cedar, Stegman and Shaw Creeks as located in the Township.

19.2 Permitted Land Uses.

Land, buildings and structures in the N-R District may be used only for the following purposes:

(a) Single family detached dwellings.

(b) Farms and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.

(c) Fishing and hunting in compliance with state laws and regulations.

(d) Operation of non-motorized watercraft.

(e) Planting and maintenance of trees and other vegetation.

(f) Overnight camping, but not including permanent buildings or other permanent facilities, and not including campgrounds, whether for commercial, non-profit or other purposes.

19.3 Special Land Uses.

The following land uses may be permitted when authorized as a special land use under Chapter 22:

(a) Bed and breakfast establishments.

(b) Essential service buildings.

(c) Temporary second dwelling.

(d) Canoe livery.
(e) Commercial communications antennas and towers; non-commercial ground mounted communications antennas and towers exceeding a height of 120 feet or, if roof mounted, exceeding a height of 15 feet above the roof.

19.4 Other Land Uses.

The following other land uses may be permitted as provided in this Ordinance:

(a) Accessory buildings as regulated under Section 4.3.
(b) Temporary uses as regulated under Section 4.20.
(c) Home occupations as regulated under Section 4.17.
(d) Private streets and driveways as regulated under Section 4.27.
(e) Signs as regulated under Chapter 25.
(f) Outdoor lighting as regulated under Section 4.32.
(g) Off-street motor vehicle parking as regulated under Chapter 26.
(h) Recreational vehicle parking as regulated under Section 4.22.
(i) Fences and walls as regulated under Section 4.29.
(j) Boat docks as regulated under Section 4.31; provided, however, that docks shall not exceed six feet in width nor more than 20 feet in length, nor shall any dock extend toward the center of the Rogue River or its tributaries more than four feet from the edge of the River or tributary.
(k) Lake and stream access as regulated under Section 4.30.
(l) Seasonal roadside market stands as regulated under Section 4.39.

19.5 District Regulations.

Land, buildings and structures in the N-R District shall comply with the following minimum requirements:

(a) Minimum Lot Area and Width. Eighty four thousand square feet and 200 feet.

(b) Minimum Required Building Setback.

(1) Front Yard.

(i) Single family dwelling – 40 feet.
(ii) Other permitted principal building – 50 feet.

(2) **Side Yard.** There shall be two required side yards, each being a minimum of 30 feet.

(3) **Rear Yard.** Thirty feet.

(c) **Maximum Height of Buildings and Structures.** Thirty five feet, except permitted communications antennas and towers.

(d) **Building Setbacks from Primary Roads.** The minimum required front yard building setback on parcels of land adjoining certain primary roads shall be as regulated under Section 4.11.

(e) **Building Setbacks on Waterfront Lands.** The minimum required principal building and principal structure setback from the Rogue River and from Cedar, Stegman and Shaw Creeks shall be as follows:

(1) The minimum required setback from the Rogue River, for any principal building and principal structure, shall be 150 feet, measured from the edge of the River within the mainstream portion thereof, except that a principal building or structure (but not an accessory building or structure) may be set back as follows: The principal building or principal structure may be erected five feet closer to the edge of the River for each one foot of elevation of the adjacent land (measured at the building or structure location) that exceeds ten feet above the ordinary high water mark of the River, but in any event, the principal building or structure shall not be located closer than 100 feet from the edge of the River.

(2) The minimum required principal building and principal structure setback from the edge of Cedar, Stegman and Shaw Creeks shall be 100 feet, measured from the edge of the respective Creek, except that a principal building or structure (but not an accessory building or structure) may be set back as follows: The principal building or principal structure may be erected five feet closer to the edge of any of the stated creeks for each one foot of elevation of the adjacent land (measured at the building or structure location) that exceeds ten feet above the ordinary high water mark of the Creek, but in any event, the principal building or structure shall not be located closer than 50 feet from the edge of the Creek.

19.6 **Minimum Floor Area.**

Each dwelling shall have minimum floor area as follows:

(a) **Single Family Dwelling, One Story.** One thousand square feet.
(b) **Single Family Dwelling, More Than One Story.**

(1) One thousand square feet, of which at least 768 square feet shall be on the first floor, if the second floor has at least as much area as the first floor.

(2) One thousand square feet, of which at least 864 square feet shall be on the first floor, if the second floor has less area than the first floor.

(c) The minimum floor area of a basement dwelling, a bermed dwelling and certain other types of dwellings shall be as regulated under Section 4.13.

19.7 **Required Conditions.**

(a) No private sewage disposal system, drain field, septic tank, or other device or equipment for the disposal of household or human waste shall be located less than 100 feet from the water’s edge.

(b) No building or other structure shall be located within 300 feet from the edge of the River or the edge of the Creeks where the groundwater table is within six feet of the ground surface.

(c) Cutting, filling or the construction of buildings or other improvements in a floodplain is prohibited, unless the same is permitted under the terms of all required permits issued by federal, state and county agencies having jurisdiction, if the minimum requirements of this chapter are satisfied and if there is compliance with all applicable Township Building Code and Zoning Ordinance requirements.

(d) The alteration of the Rogue River or the designated Creeks, including damming, dredging, filling, channelization, enlarging or diminishing, without all required approvals from the state agency having jurisdiction of such actions, is prohibited.

(e) Private street access or driveway access shall not be permitted within 150 feet of the main stream of the Rogue River or within 100 feet of the designated tributaries; provided, however, that where the authorized building setback is less than 150 feet, then driveway access shall be permitted to extend to the location of the dwelling.

(f) A natural vegetation strip at least 50 feet wide shall be maintained on each side of the main stream of the Rogue River. For the designated tributaries of the Rogue River, a 25-foot wide minimum natural vegetation strip shall be maintained on each side of the tributary. Trees and shrubs may be pruned so as to achieve a filtered view of the river or stream, upon approval of the Township building inspector, but clear cutting and mowing within the natural vegetation strip is prohibited. The natural vegetation strip is also subject to the following provisions:

(1) Dead, diseased, unsafe or fallen trees and noxious plants and shrubs may be removed.
(2) Selected removal or trimming of trees for timber harvest, landscaping or permitted buildings or other permitted structures shall be permitted on approval of the building inspector.

(3) A mowed path up to six feet wide may be permitted to extend from a dwelling to the edge of the river or any designated tributary, for the purpose of providing convenient access to the edge of the river or tributary, but the mowed path shall be only for access purposes, and shall not extend along the length of the river or tributary.

(g) Any accessory building or accessory structure located between the ordinary high water mark of the river or designated tributary and the principal building or principal structure shall comply with all required minimum building setback provisions for a principal building or principal structure.

(h) Access by motor vehicles to the shore of the river or the shore of any of the designated creeks is prohibited, except that existing lawful routes of such motor vehicle access may continue; provided, however, that the prohibition stated in this subsection shall not apply to emergency vehicles.

(i) Site development plan review and approval by the Planning Commission is required for all buildings other than agricultural buildings and other than dwellings and residential accessory buildings; such site plan review and approval is also required for all off-street parking areas with more than four parking spaces.

(j) Any building, structure or use which alone or in combination with any other building, structure or use pollutes, contaminates or otherwise adversely affects the water quality, cleanliness or safe and healthy condition of the Rogue River or any of the designated tributaries is a violation of this Ordinance.
CHAPTER 20
I INDUSTRIAL DISTRICT

20.1 Description and Purpose.

The I Industrial District is intended for industrial activities which create minimal off-site effects. The district does not include industrial uses which cause excessive noise, vibration, odors, visual blight, environmental pollution, or which may involve potentially hazardous processes. The permitted uses include light to moderate manufacture, assembly and fabrication of goods and products from previously prepared or manufactured materials.

20.2 Permitted Land Uses.

Land, buildings and structures in the I District may be used only for the following purposes.

(a) The manufacturing, compounding, processing, packing or treatment of food products, pharmaceuticals, drugs, cosmetics, perfumes and toiletries, but not including the rendering or refining of fats or oils.

(b) The manufacturing, assembling, compounding, fabricating, processing, packing, treating and distributing of products from previously prepared or manufactured materials including aluminum and other metals, bone, canvas, cellophane, cellulose, ceramics, chemical products, cloth, cork, electrical components, felt, fiber and synthetic fiber, glass, grain, plastic, rubber, stone, shell, straw, textiles, wire, wood, paper and other previously prepared or manufactured materials.

(c) Other manufacturing, assembling, and fabricating processes which are determined by the Planning Commission to be similar to the permitted uses listed in this section, based upon the following factors:

(1) Whether the use is consistent with the description and purpose of this zoning district.

(2) Whether the use is customarily of the same general nature and character as a use which is expressly permitted in the zoning district.

(3) Whether the use is harmonious with the surrounding properties to the same extent as are the permitted uses listed in this section.

(d) Warehousing and storage of lumber, chemicals, fertilizers, machinery, equipment and other goods, commodities and materials both prior to and subsequent to the light to moderate manufacture, assembly or fabrication of such goods, commodities or materials, or subsequent to the wholesale purchase of the goods, commodities or materials for including warehousing and storage of just-in-time-inventories for other users.
(e) The testing, repair and distribution of high technology uses and industries, including advanced electronics, computers, computer components, computer peripherals, telecommunications devices and related uses.

(f) Offices for or related to permitted industrial uses; employee training facilities.

(g) Product research and development facilities.

(h) Laboratories for testing, sampling and research purposes.

(i) Facilities for the processing of information and data.

(j) Printing and publishing businesses.

(k) Machining of small engines, equipment or tools.

(l) Service uses as follows:

1. Dry cleaners and laundry.
2. Sign painting and servicing.

(m) Sawmill.

(n) Concrete-mixing plant.

(o) Yards and shops for contractors engaged in earth moving, road construction, utilities installation and similar enterprises.

(p) Tool and die manufacturing.

20.3 **Special Land Uses.**

The following land uses may be permitted when authorized as special land uses under Chapter 22:

(a) Light manufacturing, including the process of grinding, pressing, extruding, bending, heating, chemically treating or otherwise processing or finishing raw products for wholesale or assembly.

(b) Trade, vocational and industrial schools.

(c) Essential service buildings.

(d) Commercial communications antennas and towers; non-commercial ground mounted communications antennas and towers exceeding a height of 120 feet or, if roof mounted, exceeding a height of 15 feet above the roof.
(e) Theaters, bowling alleys, indoor tennis courts, gymnasiums, ice skating arenas, health clubs and other buildings and indoor facilities for athletic, sports and recreational purposes.

(f) Church or other house of worship.

(g) Vehicle impound lots.

(h) Stone yards and monuments works.

(i) Metal buffing and polishing.

(j) Transportation terminals.

(k) Modular- and prefabricated-homes manufacturing.

(l) Fuel depot and fuel dispensing system.

(m) Junkyards and recycling facilities.

(n) Engineering laboratories.

(o) Facilities and equipment for the generation of alternative or renewable energy, including but not limited to biomass gasification plants, and other facilities and equipment for the generation or production of electricity, natural gas or other forms of energy from renewable, non-fossil-fuel sources, but not including generation of energy from sanitary sewage, sewage waste, sewage sludge, landfill gas or other landfill byproducts or materials or byproducts from sewage treatment plants or installations.

(p) Wholesale warehousing, self-storage warehouses, including outside storage of licensed recreational vehicles, licensed campers, boats, boat trailers, horse trailers and utility trailers.

20.4 Other Land Uses.

The following other land uses may be permitted as provided in this Ordinance:

(a) Accessory buildings as regulated under Section 4.3.

(b) Temporary uses as regulated under Section 4.20.

(c) Driveways as regulated under Section 4.26.

(d) Private streets and driveways as regulated under Section 4.27.

(e) Signs as regulated under Chapter 25.
(f) Outdoor lighting as regulated under Section 4.32.

(g) Off-street motor vehicle parking as regulated under Chapter 26.

(h) Fences and walls as regulated under Section 4.29.

(i) Disposal and collection of refuse shall comply with Section 4.23.

(j) Landscaping as regulated under Chapter 27.

20.5 District Regulations.

Land, buildings and structures in the I District shall comply with the following minimum requirements:

(a) Minimum Lot Area and Lot Width. Two acres and 175 feet.

(b) Minimum Required Building Setbacks.

(1) Front Yard. Sixty feet.

(2) Side Yard. There shall be two required side yards, each being a minimum of 25 feet, except as required by Section 20.7(i).

(3) Rear Yard. Forty feet, except as required by Section 20.7(i).

(c) Maximum Building and Structure Height. Forty feet, except permitted communications antennas and towers and except that the height exception provisions of Section 4.10 shall apply.

(d) Building Setbacks from Primary Roads. The minimum required front yard building setback on parcels of land adjoining certain primary roads shall be as regulated under Section 4.11.

20.6 Minimum Floor Area. None required.

20.7 Required Conditions.

(a) Site development plan review and approval by the Planning Commission is required.

(b) Off-street parking areas shall be set back at least 60 feet from the street right-of-way line.

(c) All industrial and other activities shall be conducted in such a manner that there are no serious adverse effects on other properties or the public streets by reason of noise, smoke, fumes, dust, vibration, glare, or other adverse effects.
(d) No outdoor burning shall be permitted, whether open burning or burning within an incinerator, furnace, or other device.

(e) No use or operations shall directly or indirectly discharge waste of any kind into any river, stream, reservoir, pond or lake. All methods of sewage disposal and waste treatment and disposal shall be subject to the approval of state and county health requirements.

(f) All operations and activity shall be conducted entirely within a completely enclosed building, except for motor vehicle use and off-street parking and loading; providing, however, that there may be one completely enclosed water-tight dumpster not greater than ten feet in width, 25 feet in length and six feet in height for the keeping of waste and refuse within a completely fenced-in area adjacent to the principal building or structure. There shall be a fence around any such dumpster so as to completely block the view thereof, but the fence shall not exceed a height of eight feet.

(g) At least 25 percent of the facade of buildings facing on a public road or private easement shall be faced with brick, cut stone or other material approved by the Planning Commission in its review and approval of the site development plan.

(h) The sound pressure level of any use, operation, or activity shall not exceed the decibel levels in the designated octave bands stated below, at any point on the boundary of a parcel of land devoted to any use within the district:

1. For monitoring purposes for steady daytime noise, the A scale levels (slow response) of 62 dB (A) shall be used. Any noise levels in excess of that level constitutes a violation of this subsection of the Ordinance.

2. Where noise levels below the above mentioned 62 dB (A) are measured, the octave band test is to be applied in order to determine compliance with this subsection.

<table>
<thead>
<tr>
<th>Octave Band Center Frequency (Hz)</th>
<th>Maximum Sound Pressure Levels (Daytime, Steady Noise)</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.5</td>
<td>79</td>
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<tr>
<td>63</td>
<td>78</td>
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<tr>
<td>125</td>
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<td>4000</td>
<td>41</td>
</tr>
<tr>
<td>8000</td>
<td>39</td>
</tr>
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</table>

3. Maximum repetitive impulse noise sound pressure levels are ten (dB) lower than the values shown for steady noise as indicated in subsections (a) and (b) above.
(4) Maximum nighttime sound pressure levels (10 p.m. to 7 a.m.) are to be seven (dB) lower than the values shown for daytime steady noise for each octave band center frequency.

(i) On a lot or parcel adjacent to a lot or parcel in any residential zone, or adjacent to a residential use, no building shall be closer to the lot line than a distance equal to two times the height of the building.

(j) Measures for control of storm water drainage shall be as provided under the terms of the Township Storm Water Ordinance.

(k) In its consideration of site plans for permitted uses and special land uses, the Planning Commission may require additional measures for the screening and buffering of land uses, so as to avoid or moderate potentially adverse impacts on adjacent or nearby lands or the public streets. Such additional screening and buffering measures may include landscaping, fencing, revised placement of buildings and other facilities and other measures.

20.8 Prohibited Land Uses.

Repealed (March 12, 2019).
CHAPTER 21
REPEALED
CHAPTER 22
SPECIAL LAND USES

22.1 Description and Purpose.

(a) Various land uses and activities possess unique characteristics which under certain conditions require special limitations and controls to insure compatibility with adjacent land uses, with the natural environment, and with existing and projected capacities of public services and facilities affected by such uses or activities and therefore have been designated as special land uses.

(b) The intent of this chapter is to permit land to be used for special land uses upon review and approval by the Planning Commission (and with respect to some special land uses, also review and approval by the Township Board) each special land use, after public hearing and public notice. In connection with any such approval, the Planning Commission (and where authorized, the Township Board) may impose reasonable terms and conditions in order to assure that public services and facilities will be capable of accommodating increased service and facilities requirements, to protect the natural environment and conserve natural resources and to promote the use of land in a socially and economically desirable manner.

(c) Only the special land uses specified in this Ordinance are eligible for approval consideration. No special land use shall be engaged in unless the required approval has been granted, in accordance with the procedures specified in this chapter.

22.2 Applications for Special Land Uses.

An applicant for a special land use shall proceed as follows:

(a) An application, on a form provided by the Township, shall be completed by the applicant and filed with the Township Zoning and Planning Department.

(b) Among other matters, the application shall include the name and address of the applicant; the address of the property involved; the date of the application; and a statement indicating the sections of this Ordinance under which the special land use is sought. The applicant shall also specify the grounds upon which the special land use is requested to be granted.

(c) The fee established for an application for a special land use shall be paid at the time of the filing of the application. The applicant shall also deposit the required sum into an escrow account with the Township, for use in reimbursing the Township for its expenses in the consideration of the matter, as specified in the Township’s zoning escrow account procedures.

(d) A site plan in 12 copies covering the special land use shall be submitted with the application. The site plan shall comply with all of the required contents of a site plan, as stated in Section 23.4 of this Ordinance, except items waived under
Section 23.4(c). The North arrow on the site plan shall be placed so as to point to the top of the page; provided, however, that North and the North arrow may be oriented toward the right or left side of the site plan drawing if such alternate orientation would more clearly depict the site, given its dimensions or configuration. The locational sketch on the site plan shall be situated so that North is in the direction of the top of the page. Further, the site plan shall include, among other matters, the location and dimension of all existing and proposed buildings and structures; measures proposed for storm water drainage; sewage disposal and water supply measures; off-street parking and loading; proposed landscaping and buffering measures; and other contents describing relevant aspects of the proposed special land use. The site plan shall include a locational drawing showing lands and uses within 300 feet of the proposed special land use.

22.3 Public Hearing and Minimum Requirements.

Special land use applications, when complete, shall be forwarded to the Site Plan Review Committee. The Committee shall review the application, the site plan and other materials and make a recommendation thereon to the Planning Commission. The Planning Commission shall hold a public hearing on the special land use application, after the providing of public notice. After the public hearing, the Commission shall consider the special land use and shall approve it, deny it or approve it with conditions; provided, however, that as to those special land uses which also require Township Board approval, the Planning Commission shall make a recommendation on the same, and the final decision thereon shall be made by the Township Board which may, but need not necessarily, comply with the Planning Commission recommendation. Any such decision by the Township Board shall take place at a public meeting, but a public hearing shall not be required, though the Board may convene and give notice of a public hearing if it desires to do so.

Special land uses shall comply with all of the minimum requirements provided in this Ordinance and in other applicable Township ordinances for all of the aspects and features of the land use for which minimum requirements are so specified, including but not limited to requirements on minimum lot area and minimum lot width, minimum building setbacks, street access, street frontage, sewage disposal and water supply, off-street parking and loading, landscaping and buffering, outdoor lighting, building and structure height, accessory buildings and structures, screening, private streets, limitations on lake access, lot width to depth ratio, public utility service, required open space, signage, fences and walls, storm water management and facilities and other land use aspects; provided, however, that in approving a special land use the Planning Commission or, in the case of special land uses to be considered by the Township Board, then both the Planning Commission and Township Board may authorize other or different requirements or may determine that any of such requirements need not be satisfied, if justified by the facts and circumstances and if the standards for consideration of special land uses stated in Section 23.4 would nevertheless be satisfied.

(a) Notice of a public hearing on a special land use shall be published and delivered in accordance with Section 31.10 of this Ordinance.

(b) In considering a special land use, the Planning Commission may require the submission of additional reports, studies or information, including an environmental
impact assessment, traffic impact study, utility system plan, storm water drainage plan, water supply system plan and other plans or studies, or any of them, bearing upon the operation and effects of the special land use.

(c) In its review of the special land use application, the Planning Commission (and also the Township Board, in the case of special land uses requiring Board approval) may submit the application and other materials to its consulting engineer and other professional consultants and advisors, for review and comment.

22.4 Standards for Considering Special Land Uses.

The Planning Commission, and the Township Board as to special land uses requiring Board approval, shall apply and make findings upon the following general standards, in addition to other standards provided in this Ordinance for particular special land uses:

(a) The size, character and nature of buildings and structures comprising the special land use shall not have a substantial adverse effect upon adjoining or nearby lands or the uses thereof.

(b) The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects.

(c) The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.

(d) The special land use shall not have a substantial adverse effect on the protection and preservation of natural resources and natural features.

(e) Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided.

(f) Safe and adequate sewage disposal facilities and water supply measures shall be provided in compliance with county and state requirements, and shall be designed for compatibility with existing systems and anticipated future development. Connection with existing sanitary sewer systems and water supply systems may be required.

(g) The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.

(h) The special land use shall not create excessive additional demand, at public cost, for public facilities and services.
(i) The special land use shall be consistent with the intent and purposes of the Zoning Ordinance and the Township Master Plan.

22.5 Terms and Conditions of Approval.

The Planning Commission (and the Township Board, in the case of special land uses requiring Board approval) may impose reasonable terms and conditions on the approval of a special land use. The terms and conditions shall be for the purpose of achieving the following goals and favorable results:

(a) To assure that public services and facilities affected by the special land use will be capable of accommodating increased service requirements resulting from the use.

(b) To assure that the special land use is reasonable.

(c) To assure that the special land use is compatible with adjacent and nearby land uses.

(d) To protect natural resources; the health, safety and welfare of those who will utilize the special land use and also residents in the vicinity of the special land use and the Township as a whole.

(e) To assure that the special land use is consistent with the intent and purposes of the Zoning Ordinance.

(f) To assure compliance with the general special land use standards and the specific standards applying to the special land use under consideration.

(g) If the special land use is of a temporary nature, or if it involves uses or activities which by their nature will terminate at some point in the future, the Planning Commission may impose terms and conditions which limit the duration of the special land use.

(h) The Planning Commission may require that a special land use be periodically reviewed by the Commission or by the Township Board for the purpose of determining whether the terms and conditions of the use are being complied with. All terms and conditions of a special land use shall remain unchanged unless revoked or amended by the Planning Commission or by the Township Board in the case of special land uses requiring Board approval.

22.6 Amendment and Expiration.

(a) A special land use may be amended, in the discretion of the Planning Commission and after the same giving of notice and public hearing is required for an original special land use. An amendment may pertain to the site plan, additional or revised terms and conditions or other aspects of the use as originally approved. In considering any such amendment, the Planning Commission may review the entire existing special land use, and all operational and other aspects thereof, in order to
determine whether the terms and conditions of the original special land use have been complied with. In the approval of a proposed amendment, the Planning Commission may include terms and conditions for the purpose of achieving compliance with the terms and conditions specified for the original special land use.

(b) A special land use shall expire one year after it is approved, unless construction or other commencement of the use has substantially occurred and continues. Upon request by the applicant, the Planning Commission may extend the term of the special land use for up to one additional year, upon a finding that such an extension of time is reasonable under the circumstances. Any such requested extension of time may be denied if the Planning Commission determines that land use conditions in the vicinity have changed such that a reapplication and rehearing of the special land use should be required.

22.7 Violation of Special Land Use Requirements.

A violation of any of the terms and conditions of a special land use shall be a violation of this Ordinance, and all penalties specified herein for the violation of the ordinance shall apply, and the Township shall have such other enforcement remedies authorized by law. The Township may also take such other lawful action as may be necessary to and/or moderate the violation, including revocation of all or part of the special land use, requirement for further hearing and consideration or other lawful review of the matter.

22.8 Reapplication.

Any application for a special land use which has been denied wholly or in part shall not be resubmitted until at least one year after the date of the denial, except on the grounds of newly discovered information or proof of changed conditions affecting the proposed use or, alternatively, the Site Plan Review Committee may determine that reapplication is justified in view of circumstances affecting the lands or the uses thereof, and in such a case, the Site Plan Review Committee may submit the reapplication to the Planning Commission for its consideration.

22.9 Standards for Particular Special Land Uses.

The following provisions are standards and requirements for specific special land uses, which must be satisfied with respect to a specified special land use, in addition to compliance with the general special land use standards set forth in this chapter.

22.10 Airfield and Landing Strips.

(a) The landing strips and other aspects of the airfield, and the operations thereof, shall be in compliance with the standards and requirements of the Federal Aviation Administration and the Michigan Aeronautics Commission.

(b) Take-off and landing patterns within 1,000 feet of the ends of any runway shall not pass over an occupied structure.
(c) A landing strip and any other areas over which airplanes will taxi shall be at least 200 feet away from any property line.

(d) Landing strips and other areas over which aircraft will be driven shall have a dustless surface.

(e) Any approved hanger or hangers shall be no larger than necessary to house the number of permitted aircraft, but in any event, not more than three aircraft shall be kept or maintained at any airfield or landing strip, unless a greater number is permitted by the Planning Commission in its approval of the special land use.

(f) The location and operation of an airfield and any landing strips shall not have a serious adverse effect on the safety of persons within the vicinity of the special land use.

22.11 Bank Drive-Through Facilities.

(a) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, so as to avoid adverse traffic conditions.

(b) Sufficient stacking capacity for the drive-through portion of the use shall be provided.

22.12 Bed and Breakfast Establishment.

(a) The bed and breakfast establishment shall be located on lands with direct access to a public street.

(b) The use shall be established only in a detached single family dwelling.

(c) There shall be adequate off-street parking, so located as to minimize negative impacts upon adjacent lands.

(d) Exterior refuse storage facilities shall be screened from view on all sides by a solid decorative fence or landscaping.

(e) One freestanding sign shall be allowed for identification purposes only. The freestanding sign shall not exceed 32 square feet in area and shall not be more than six feet in height; it may not be illuminated.

(f) The establishment shall also be the residence of the operator.

(g) Breakfast may be served, but only to overnight guests and to the operator’s family and employees. The establishment shall not be used for public restaurant purposes.
22.13 Canoe Livery.

(a) The location of the use, and the operation thereof, shall not have a serious adverse effect on any adjacent or nearby stream or river.

(b) Adequate off-street parking area shall be provided, for the parking of motor vehicles for persons who may be renting or otherwise utilizing canoes or other watercraft.

(c) Sufficient setback from any river or stream shall be required, so as to avoid erosion or other damage of stream banks or trees or other vegetation along the shore of any adjacent or nearby stream or river.

(d) All required state permits for the installation and operation of the use shall be obtained; copies thereof shall be promptly furnished to the Township office.

22.14 Reserved.

22.15 Church or Other House of Worship.

(a) The special land use shall be located on a parcel of land of at least 84,000 square feet in area, unless a lesser area is permitted by the Planning Commission.

(b) Playgrounds, athletic grounds or similar recreational areas associated with a church may be permitted if approved by the Planning Commission.

(c) Steeples, spires and roof ornamentation in excess of the height permitted in the zoning district in which a church is located may be approved by the Planning Commission, in its discretion, if the height of such features is not otherwise permitted under the terms of Section 4.10.

(d) Safe, adequate and convenient access from a public street shall be provided. There shall be adequate off-street parking area.

(e) A nursery school or child care center may be operated on church property if approved by the Planning Commission as a part of the special land use approval. Appropriate registration or licensing of the nursery school or child care center shall be provided, if required by law.

22.16 Commercial or Public Communications Antennas and Towers and Certain Non-Commercial Antennas and Towers.

Commercial or public antennas and towers for communications, radio or television, unless exempt under Section 4.10, and noncommercial or non-public antennas and towers subject under Section 4.24 to special land and use approval, may be approved by the Planning Commission as a special land use upon compliance with all of the following requirements:

(a) Any such antenna or tower shall be permanently secured to a stable foundation. It shall be grounded to protect against damage from lightning.
(b) No part of the antenna or tower shall display any name, symbol, words or letters, advertising message, graphic representation or other written or pictorial matter visible from adjacent or nearby lands.

(c) Any such antenna or tower shall be located only in a rear yard or side yard, unless otherwise permitted by the Planning Commission. It shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission.

(d) A commercial or public antenna or tower, including accessory buildings or structures, shall be fully enclosed by a sturdy fence, securely gated, and shall have such height as reasonably determined by the Planning Commission, unless it is exempt under Section 4.10.

(e) The antenna or tower shall not be so located, constructed or used so as to have a serious adverse effect on adjacent or nearby land uses.

(f) The antenna or tower and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.

(g) Antennas and towers for commercial or public telecommunications services, including cellular telephone antennas and towers, shall unless otherwise exempt comply with all of the following requirements:

(1) Telecommunications antennas may be required by the Planning Commission to be located on an existing approved tower or other structure if such location is reasonably feasible and practical, in the opinion of the Planning Commission, based upon the facts concerning the existing tower, the area to be served by the proposed antenna and other relevant factors.

(2) A proposed tower for telecommunications services may be required to be designed, constructed and placed so as to accommodate both the applicant’s equipment and also equipment for at least two additional users. The Planning Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.

(3) Towers for telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color of equipment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory.

(4) The Planning Commission may require that telecommunications towers not be illuminated, unless required by state or federal agencies having jurisdiction. No signs or other written or graphic matter not related to safety
or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings, except that a name identification sign may be located on an associated building.

(5) The Planning Commission may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them.

(6) Towers for telecommunications services which are abandoned or unused shall be removed, along with any associated buildings, structures or equipment within six months of the ceasing of operations, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to accomplish its removal.

(h) The Planning Commission in its reasonable discretion may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any such antenna or tower. Such other terms and conditions may include, though need not be limited to, the following:

(1) The screening or buffering of an antenna or tower and any accessory buildings or structures.

(2) The timely removal of unused or unsafe antennas or towers or accessory buildings or structures.

(3) The prohibition on the construction or occupancy of dwellings or other buildings or the construction and use of other structures on the lands where the antenna or tower is located, or within a specified isolation distance from the antenna or tower.

(4) The preservation of existing trees and other existing vegetation not required to be removed for installation of an antenna or tower; the reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of an antenna or tower or accessory buildings or structures.

(i) This section shall also apply to other antennas and towers that are not otherwise provided for in this Ordinance and that are not exempt under other provisions hereof.

22.17 Commercial Greenhouses and Nurseries.

(a) Adequate off-street parking shall be provided in compliance with Chapter 26.

(b) Outdoor storage of landscape supplies and materials shall be adequately screened from view from adjacent and nearby lands.
22.18 Commercial Outdoor Recreation Facility.

(a) The minimum lot area shall be at least two acres, unless the Planning Commission permits a lesser area.

(b) Adequate off-street parking area shall be provided. Driveways shall be so located as to provide convenient and safe access.

(c) Where necessary to avoid adverse effects, there shall be screening and buffering of the lands, from the view from adjacent parcels, and so as to afford protection from excessive noise, light, dust or other adverse impacts.

(d) Accessory retail sales may be permitted, but shall be limited to the sale of supplies and goods specific to the nature of the outdoor recreation facility.

(e) All areas used for the placement of commercially-maintained waste receptacles shall be screened with a solid fence or wall so as to obscure the view of the waste receptacle from the property or other lands.

22.19 Contractor Yard.

(a) Adequate, safe and convenient driveways for the ingress and egress of construction equipment and other contractor equipment shall be provided.

(b) All operations and storage shall take place in a completely enclosed building or shall be fully enclosed by a solid fence or wall not less than six feet in height.

(c) There shall be adequate landscaping, buffering or isolation area so as to avoid adverse effects upon other lands by reason of noise, dust, fumes and other adverse effects.

22.20 Doctor and Dentist Office; Medical Clinic; Veterinarian Office (not including animal boarding).

(a) Adequate off-street parking area shall be provided; in its discretion, the Planning Commission may require that a vacant area be maintained, for the expansion of off-street parking area in the future, should such expansion be needed in order to accommodate the parking of increased numbers of vehicles.

(b) Safe and adequate drop-off and pick-up areas shall be provided; such areas shall be situated so as not to interfere with safe circulation of motor vehicles elsewhere on the site and within parking areas.

(c) In the case of veterinarians offices, fenced-in outdoor runs for animals and other locations where animals may be kept outside a building shall be a sufficient distance away from all property lines so as to avoid adverse effects on adjacent and nearby properties.
22.21 Elderly and Retirement Housing.

(a) The minimum lot area shall be two acres, unless a lesser area is permitted by the Planning Commission.

(b) Adequate off-street parking area shall be provided. Access driveways shall be located a sufficient distance from the nearest intersecting street so as to avoid adverse traffic impacts.

(c) If the use is required to be state-licensed, any such license shall be maintained in full force and effect and all of its terms and conditions shall be fully complied with.

22.22 Essential Service Buildings.

(a) The setback of any building shall comply with the building setback requirements of the zone district in which the building is located provided, however, that the Planning Commission may increase the minimum setback areas, in the approval of the special land use.

(b) The design of such buildings, and the exterior materials thereof, shall be generally compatible with the buildings in the surrounding neighborhood, though it is recognized that, by their nature, such utility and public service buildings have particular requirements which may affect the extent of compatibility with other types of buildings.

(c) Adequate driveways and off-street parking areas for the vehicles entering and leaving the site and utilizing the buildings, shall be provided.

(d) Fencing of the site, and screening and buffering of the buildings, may be required.

(e) If the buildings or the site will involve potentially unsafe utility installations, such as electric generation or transmission equipment, adequate protective measures shall be taken, so as to assure a high level of safety, consistent with the providing of utility service.

22.23 Reserved.

22.24 Farm Markets.

(a) The structure or structures comprising the farm market shall be located a sufficient distance back from the street right-of-way line so as to avoid hazardous traffic conditions.

(b) Adequate off-street parking shall be provided. The location of off-street parking areas and the length of driveways shall be sufficient so as to avoid the backing up of vehicles into the public right-of-way.
(c) The maximum size of the building or other structure used for the farm market shall be as determined by the Planning Commission.


(a) Adequate isolation distance of the use from adjacent and nearby land uses and the public streets shall be provided.

(b) Adequate area on the site shall be provided for the circulation and parking of vehicles dispensing and receiving fuel from the facilities provided.

(c) Exterior lighting shall be so arranged as to reflect away from adjacent and nearby property.

(d) Driveways, surface areas and parking areas shall have a permanent durable and dustless surface, and shall be so graded and drained as to properly dispose of accumulated surface water.

(e) Driveways shall be a sufficient distance from street intersections so as to avoid adverse traffic conditions.

22.26 Funeral Home.

(a) The minimum lot area shall be 84,000 square feet and the minimum lot width shall be 200 feet.

(b) Access driveways shall be located no less than 25 feet from the nearest street intersection or other driveway.

(c) An off-street vehicle assembly area shall be provided for the purpose of funeral processions and related uses. Such area shall be in addition to the required off-street parking area.

22.27 Gasoline Service Station; Motor Vehicle Repair Shop.

(a) The number of driveways and the location thereof shall be subject to Planning Commission approval.

(b) The site shall be of sufficient area so as to provide space for the parking of vehicles making any use of the service station or repair shop, including vehicles being serviced, those being parking for service at a future time and the temporary parking of vehicles for service or for departure from the site.

(c) Driveways, service areas and parking areas shall be paved. They shall be so graded and drained as to properly dispose of all accumulated surface water.
22.28 Golf Courses and Country Clubs; Commercial Stables; Private Recreation Area.

(a) All buildings shall be located at least 100 feet from a property line adjacent to residentially-zoned land.

(b) Adequate off-street parking area shall be provided. Driveways shall be placed a sufficient distance away from street intersections as to avoid adverse traffic impacts.

(c) The use may include accessory uses such as a pro-shop, restaurant for golf course or country club patrons, golf driving range and horse-riding trails.

22.29 Group Day Care Home; Adult Foster Care Group Home; Adult Day Care Center.

(a) The use shall not be located within 1,500 feet of the property line of any other group day care home, adult foster care home, adult day care center or any substance abuse treatment center.

(b) A group day care home may be located in a private home in the R-A, R-R, R-1, R-2, or R-3 District only if the following conditions are satisfied:

1. Lot Size. The lot size shall be not less than the minimum lot size applicable in the district in which the group day care home is located.

2. Parking. Parking shall conform to the parking regulations applicable in the district in which the group day care home is located. The home shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).

3. Fire Chief and Health Department Approvals. The home shall be subject to the approval of the Township fire chief and subject to all state and county health department requirements.

4. Fencing. All outdoor play areas shall be enclosed by a chain link fence or solid fence of at least four feet in height, which shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet.

5. Operating Hours. Operating hours of the group day care home shall not exceed 16 hours during any 24-hour period, and unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no negative impact on neighboring properties or the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.

6. Property Appearance. The property shall be maintained consistent with the visible characteristics of the neighborhood.
(7) **Signs.** Signs shall conform to the sign regulations applicable in the district in which the group day care home is located.

(8) **Licensing.** The group day care home shall be registered and licensed as required for group day care homes under the Child Care Organizations Act, Act 116 of the Public Acts of 1973, MCL 722.111 *et seq.*, as amended.

(c) An adult foster care group home may be located in the R-R, R-1, or R-2 District only if the following conditions are satisfied:

(1) **Lot Size.** The minimum lot size shall be calculated by multiplying the number of persons approved for capacity of the home by 5,000 square feet, but in no event shall the minimum lot size be less than two acres.

(2) **Parking.** Parking shall conform to the parking regulations applicable in the district in which the adult foster care group home is located. There shall be no less than one parking space for each owner/operator and one parking space for every two persons being served (based on capacity).

(3) **Setbacks.** No part of the building or buildings so used may be closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the setback will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; and will not materially impair the intent and purpose of this Ordinance or the public’s interest. In modifying such setback requirements, the Planning Commission may attach conditions regarding the location, character, landscaping or treatment of the buildings or premises or other such matters as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the public’s interest.

(4) **Building Size.** The building must provide for each tenant, elderly or retired person or minor in the building or buildings so used a minimum floor area exclusive of basement or attic space of 250 square feet.

(5) **Fire Chief and Health Department Approvals.** The adult foster care group home shall be subject to the approval of the Township fire chief and subject to all state and county health department requirements.

(6) **Property Appearance.** The property shall be maintained consistent with the visible characteristics of the neighborhood.

(7) **Signs.** Signs shall conform to the sign regulations applicable in the district in which the adult foster care group care home is located.

(8) **Licensing.** The adult foster care group home shall be registered and licensed as required for adult foster care group homes under the Adult Foster Care
An adult day care center shall be located only in the R-R, R-1 or R-2 District and only if the following conditions are satisfied:

1. **Lot Size.** The minimum lot size shall be calculated by multiplying the number of persons approved for capacity of the center by 5,000 square feet, but in no event shall the minimum lot size be less than two acres.

2. **Parking.** Parking shall conform to the parking regulations applicable in the district in which the center is located. The center shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).

3. **Setbacks.** No part of the center building or buildings may be closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the setback will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; and will not materially impair the intent and purpose of this Ordinance or the public’s interest. In modifying such setback requirements, the Planning Commission may attach conditions regarding the location, character, landscaping or treatment of the buildings or premises or other such matters as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the public’s interest.

4. **Building Size.** The building must provide for each tenant, elderly or retired person or minor in the building or buildings so used a minimum floor area exclusive of basement or attic space of 250 square feet.

5. **Reserved.**

6. **Fire Chief and Health Department Approvals.** The adult day care center shall be subject to the approval of the Township fire chief and subject to all state and county health department requirements.

7. **Property Appearance.** The property shall be maintained consistent with the visible characteristics of the neighborhood.

8. **Signs.** Signs shall conform to the sign regulations applicable in the district in which the use is located.

A child care center may be located in the R-R, R-1 or R-2 District only if the following conditions are satisfied:
(1) **Lot Size.** The minimum lot size shall be calculated by multiplying the number of persons approved for capacity of the child care center by 5,000 square feet, but in no event shall the minimum lot size be less than two acres.

(2) **Parking.** Parking shall conform to the parking regulations applicable in the district in which the child care center is located. The child care center shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).

(3) **Setbacks.** No part of the child care center building or buildings may be closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the setback will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; and will not materially impair the intent and purpose of this Ordinance or the public’s interest. In modifying such setback requirements, the Planning Commission may attach conditions regarding the location, character, landscaping or treatment of the buildings or premises or other such matters as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the public’s interest.

(4) **Building Size.** The building must provide for each tenant or minor in the building or buildings so used a minimum floor area exclusive of basement or attic space of 250 square feet.

(5) **Outdoor Play Area.** A child care center shall provide and maintain an outdoor play area of not less than 5,000 square feet. The play area shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor play area shall be completely enclosed by a chain link fence or solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum is not necessary to preserve the residential character of the property. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the type of recreational activities provided indoors and outdoors.

(6) **Child Care Center as Accessory Use.** A child care center may be permitted as an accessory use for an adult day care center, subject to review and approval by the Planning Commission as otherwise provided for special land uses by this chapter, and subject to all of the following additional conditions and requirements.

   (i) The child care center may receive infants, pre-school and elementary school age children for care (including, without limitation,
supervision, training or educational instruction) for periods of less than 24 hours per day.

(ii) The child care center shall provide care primarily to children of employees of the home while those employees are engaged in carrying out their employment with the home. The requirements of this paragraph shall be deemed satisfied so long as preference in admission to the center shall be given to children of employees prior to the admission of any children of persons who are not employees of the home.

(iii) The principal functions of the child care center shall be to provide opportunities for the interaction of, and to foster an inter-generational relationship between, the elderly residents of the home and the children attending the child care center, and to provide child care for the children of employees of the home.

(iv) The child care center shall be located on the same property as the home to which the center is accessory.

(v) The child care center shall provide appropriate fencing, child drop-off and pick-up areas, and other facilities, design elements and operational characteristics as required by this Section 22.14 for the safety of the children attending the center, as determined necessary by the Planning Commission.

(vi) The child care center shall be registered and licensed as required for “child care centers” or “day care centers” under the Child Care Organizations Act (Act 116 of the Public Acts of 1973, as amended).

(7) **Fire Chief and Health Department Approvals.** The child care center shall be subject to the approval of the Township fire chief and subject to all state and county health department requirements.

(8) **Property Appearance.** The property shall be maintained consistent with the visible characteristics of the neighborhood.

(9) **Signs.** Signs shall conform to the sign regulations applicable in the district in which the child care center is located.

### 22.30 Health Club and Athletic Club.

(a) Adequate, safe and convenient access driveway shall be provided. A driveway shall be located a sufficient distance away from any street intersection and from any other driveway so as to avoid adverse traffic impact.

(b) Adequate off-street parking area shall be provided.
(c) Landscaping or other screening of outdoor tennis courts or other recreation areas may be required.

22.31 Hospital.

(a) Adequate off-street parking area shall be provided. Areas for the dropping off and picking up of patients and others shall be located a sufficient distance back from the public street so as to avoid motor vehicle conflicts and unsafe conditions.

(b) Driveways shall be located a sufficient distance away from street intersections so as to avoid unsafe traffic conditions.

(c) There shall be sufficient landscaping, screening and buffering so as to moderate the view of the facility from adjacent and nearby lands.

(d) Convenient access for ambulances and other emergency vehicles shall be provided.

(e) Trash and refuse receptacles shall be fully enclosed and screened.

(f) Adequate driveways and parking areas for delivery of goods and supplies and for service vehicles, shall be provided, and if required by the Planning Commission, they shall be separated from driveways and parking areas used by the public.

(g) If permitted by the Planning Commission in the approval of the special land use, the use may include a helicopter landing pad, for ambulance purposes, at such location and under such operational conditions as may be determined by the Planning Commission.

22.32 Hotel and Motel.

(a) The minimum lot area shall be 84,000 square feet and the minimum lot width shall be 200 feet.

(b) Driveways and parking areas for delivery and surface vehicles may be required to be separated from driveways and parking areas used by the public.

(c) Identification and directional signs shall be only as approved by the Planning Commission.

(d) There shall be sufficient landscaping, buffering and isolation area from other lands so as to avoid adverse impacts by reason of view, traffic noise or other adverse effects.

(e) Driveways and parking areas shall have sufficient space to accommodate vehicles of patrons waiting to check into the hotel or motel, or waiting to depart therefrom.
22.33 Indoor Sports Business including Court Games.

(a) Adequate, safe and convenient access driveway shall be provided. A driveway shall be located a sufficient distance away from any street intersection and from any other driveway so as to avoid adverse traffic impact.

(b) Adequate off-street parking area shall be provided.

22.34 Intensive Livestock Operations.

(a) The use shall comply with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.

(b) The approval of the use shall be accomplished by recommendation by the Planning Commission and approval by the Township Board.

(c) Terms and conditions imposed on the use shall be for the purpose of assuring compliance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.

22.35 Junkyards and Recycling Facilities.

(a) The minimum lot area shall be five acres, but the lot area shall not exceed ten acres.

(b) All objects, goods and materials proposed for salvage or recycling, and all other goods and materials, shall be located only inside a fully enclosed building, or if located out of doors, they shall be fully screened from view from other lands by a solid fence or by substantial landscaping.

(c) Driveways and parking areas shall be paved or shall have other approved hard surface.

(d) The salvage and recycling area shall be maintained in a sanitary condition at all times. It shall not create general unsightliness or health or safety hazards.

(e) The use shall be carried out in such a manner that conditions favorable for the harborage and production of rodents and insects will not develop.

(f) Highly flammable or explosive materials shall not be accepted into the facility.

(g) There shall be routine operational maintenance of the facility and all of its components.

(h) The operational plan of the use shall be subject to Planning Commission approval.

(i) Open burning within the facility shall not be permitted.
22.36 Light Manufacturing.

(a) The minimum lot area shall be 84,000 square feet and the minimum lot width shall be 200 feet.

(b) Buildings used for the manufacturing use shall be a sufficient distance away from adjacent and nearby lands and the streets so as to avoid adverse impact by reason of noise, vibration, fumes and other adverse impacts.

(c) There shall be adequate off-street parking and loading areas provided. Driveways shall be a sufficient distance from intersecting streets so as to avoid adverse traffic conditions.

(d) Outdoor storage areas shall be screened so as to obscure the view of the materials being stored.

22.37 Metal Buffing and Polishing.

(a) Buildings and structures shall be located a sufficient distance away from property lines and the public streets so as to avoid adverse impacts by reason of noise, vibration, fumes and other adverse effects.

(b) Any outdoor storage areas shall be adequately screened by a solid fence or substantial landscaping so as to obscure the view of the materials being store.

(c) All driveways and parking and loading areas shall be paved or shall have some other hard surface sufficient to avoid accumulation of excessive dust.

(d) Outdoor trash and waste receptacles shall be enclosed by a solid fence or wall.

(e) Driveways shall be located a sufficient distance away from intersecting streets so as to avoid unsafe traffic conditions resulting from truck traffic serving the use or other adverse traffic effects.

22.38 Mobile Home Sales.

(a) The minimum lot area shall be 84,000 and the minimum lot width shall be 200 feet.

(b) Adequate, safe and convenient driveways for the delivery and removal of mobile homes shall be provided.

(c) The mobile homes being offered for sale and other principal structures shall be sufficient distance away from property lines so as to avoid adverse impacts on other lands and the public streets.

(d) Driveways, display areas for mobile homes and motor vehicle parking areas shall be paved. Such areas shall be so graded and drained as to properly dispose of all accumulated surface water.
(e) The minimum front yard setback for mobile homes being offered for sale shall be 60 feet unless otherwise determined by the Planning Commission.

22.39 Modular and Prefabricated Homes and Other Structure Manufacturing.

(a) The minimum lot area shall be five acres and the minimum lot width shall be 400 feet.

(b) All principal and accessory buildings and structures shall be a sufficient distance away from property lines so as to avoid adverse impacts on other lands and the public streets.

(c) Any outside storage shall be screened by a solid fence or substantial landscaping so as to obscure the view from other lands and the public streets.

(d) Off-street parking and loading areas shall be paved or shall have such other hard surface as will avoid excessive accumulation of dust.

(e) The minimum front-yard setback for buildings, structures and other elements of the special land use shall be 50 feet or such other front yard setback as has been established by land uses located on either side of the parcel of land where the special land use is to be located.

22.40 Motor Vehicle Body Shop.

(a) Driveways, service areas and parking areas shall be paved or shall have some other approved hard surface. They shall be so graded and drained as to properly dispose of all accumulated surface water.

(b) The number of driveways and the location thereof shall be subject to Planning Commission approval.

22.41 Motor Vehicle Wash Establishment.

(a) Where the use adjoins residentially-zoned or used property, a landscaped buffer or greenbelt shall be provided, so as to obscure the view of the use from adjacent or nearby lands.

(b) Sufficient stacking capacity for the drive-through portion of the use shall be provided, so as to assure that vehicles that are lined up for washing do not extend into the public right-of-way. For an automatic wash facility, at least ten stacking spaces shall be provided. For a self-service wash establishment, each stall shall have at least two stacking spaces at the entrance and one stacking space at the exit.

(c) Driveways shall be located a sufficient distance from intersecting streets so as to avoid adverse traffic impacts.
(d) Any outdoor vacuuming facilities shall be at least 50 feet away from any residential lot line. Wash bays for self-service wash establishments shall be located at least 50 feet from any residential lot line.

22.42 Nursing Homes, State-licensed; Homes for the Aged, State-licensed.

(a) The minimum lot area shall be two acres, unless a lesser area is permitted by the Planning Commission.

(b) Adequate off-street parking area shall be provided. Access driveways shall be located a sufficient distance from the nearest intersecting street so as to avoid adverse traffic impacts.

(c) If the use is required to be state-licensed, any such license shall be maintained in full force and effect and all of its terms and conditions shall be fully complied with.

22.43 Open Air Business.

(a) The area of the site used for parking, display or storage shall be paved or shall such other hard surface that is sufficient to avoid excessive accumulation of dust.

(b) The parking area shall be so graded and drained as to dispose of all surface water in a safe and effective manner, without causing ponding on the property or adverse effects upon adjacent or nearby lands.

(c) A landscape buffer or greenbelt shall be provided in the case of lands that are adjacent to residential uses.

(d) Any materials displayed or equipment stored outside of an enclosed building shall not extend into any required yard, nor occupy any required parking area or maneuvering space for motor vehicles.

(e) Any outdoor storage shall be screened by a solid fence or substantial landscaping so as to obscure the view of the stored materials from other lands or the public streets.

(f) Adequate stacking area for motor vehicles on the site shall be provided, so as to avoid the backing up of parked vehicles into an adjacent street.

22.44 Parcel Delivery Station.

(a) Adequate area shall be provided on the site for the parking of delivery vehicles and other vehicles utilizing the site. Adequate space shall be provided for vehicles lining up to pick up or deliver parcels.

(b) Parking and loading areas shall be paved or shall have such other hard surface as will avoid excessive accumulation of dust.
22.45 Photographic Processing.

(a) Any potentially hazardous or polluting chemicals or materials shall be safely disposed of off the site or shall otherwise be disposed of in such a manner as to have no adverse effect upon the land or the groundwater.

(b) Areas for vehicle parking and loading and unloading shall be hard-surfaced, so as to avoid excessive dust.

22.46 Public and Private Schools.

(a) Driveways and vehicle circulation areas shall be designed and constructed so as to avoid hazardous traffic conditions.

(b) There shall be sufficient off-street parking area to accommodate school buses and the vehicles of students and parents.

(c) If athletic fields and facilities are located on the site, sufficient off-street parking area and vehicle circulation area in connection with the use of such facilities shall be provided so as to assure safe and convenient access.

(d) The area to be utilized for associated playgrounds, athletic grounds and other recreational areas shall be as approved by the Planning Commission.

(e) Water supply for domestic purposes and fire protection, and the providing of sanitary sewage disposal facilities shall be as approved by the Planning Commission.

(f) Measures for control and management of storm water drainage shall be sufficient to avoid excessive run off of surface waters and serious adverse effects upon the site or upon other lands.

22.47 Publicly-Owned Libraries, Museums and Community Centers.

(a) Driveways and off-street parking areas shall be paved. Driveways shall be so located so as to assure safe and convenient access. Parking areas shall be of sufficient size to accommodate patrons.

(b) Facilities for the dropping off of books by library patrons shall be located a sufficient distance away from the public street right-of-way so as to avoid hazardous traffic conditions.

22.48 Publicly-Owned Parks, Playgrounds and Athletic Grounds.

(a) Access driveways shall be a sufficient distance away from intersecting streets so as to avoid adverse traffic conditions.

(b) Those portions of the use involving public assembly, or having other characteristics which may cause noise or other adverse impacts shall be located a sufficient distance
away from other lands, or shall be adequately shielded and buffered, so as to avoid the transmission of noise or other adverse impacts onto other lands.

(c) There shall be adequate and convenient water supply and sanitary sewage disposal for the use.

(d) The screening and buffering of various aspects of the use may be required.

22.49 Publicly-Owned Recreation Areas, including Boat Launching Sites, Docks, Beaches for Swimming and other Recreation and Areas for Mooring of Watercraft.

(a) Access driveways shall be a sufficient distance away from intersecting streets so as to avoid adverse traffic conditions.

(b) There shall be adequate and convenient water supply and sanitary sewage disposal for the use.

(c) The screening and buffering of various aspects of the use may be required.

22.50 Radio and Television Studio.

(a) Adequate off-street parking shall be provided.

(b) The nature and height of associated transmission antennas or towers shall be as approved by the Planning Commission.

22.51 Radio and Television Transmission Facilities.

(a) The nature and height of transmission antennas and towers shall be as approved by the Planning Commission.

(b) The use shall be so located, or shall have such isolation distance from other uses, that it will not cause adverse impacts on household or other domestic radio and television reception.

(c) Adequate off-street parking shall be provided for vehicles servicing the transmission facilities and for other activities to be carried on at the site.

(d) In its approval of the use, the Planning Commission may impose the terms and conditions specified in Section 22.16, pertaining to commercial or public communications antennas and towers.

22.52 Removal and Processing of Sand, Gravel and Other Mineral Resources.

(a) Purpose. The purpose of the mineral removal special land use is to regulate the appropriate excavation and removal of mineral resources, but, to authorize such activity only if it can be accomplished without serious adverse consequences to other land uses in the vicinity and elsewhere in the Township. While the excavation and
removal of mineral resources is a legitimate land use, it may involve activities which are incompatible with residential uses or which have other adverse impacts. The objective of these special land use provisions is to enable the Township to permit such mineral extraction and removal, where such activity can reasonably be permitted, but only upon such terms and conditions as will adequately protect residential and other land uses from serious adverse consequences and also assure that, once mineral material has been removed, the land shall be reclaimed and restored so as to be available for residential uses or other uses permitted by this Ordinance.

(b) Exempt Activity; Zoning Administrator Approval Required for Certain Excavation and Removals.

(1) The provisions of this section shall not apply to the extraction or removal of mineral material of 1,000 cubic yards or less; provided, however, that such mineral removal activity involving 1,000 cubic yards or less shall not result in hazardous or unsafe conditions nor have serious adverse consequences to adjacent or nearby lands.

(2) In order for an extraction or removal of mineral material of 1,000 cubic yards or less to be exempt from the provisions of this section, such excavation and removal must be complete in and of itself; it may not, constitute only a part, portion of phase of some other larger, different, or recurring mineral removal operation, plan or activity. An applicant, may not repeat or combine successive removal operations of 1,000 cubic yards or less, for the purpose of removing a larger total quantity of mineral material, but attempting to qualify such subsequent or additional activities within the exemption provisions of this subsection.

(3) The excavation and removal of sand, gravel, soil and other mineral resources in a quantity from 1,000 cubic yards up to and including 5,000 cubic yards shall be subject to the issuance of a mineral removal permit by the Zoning Administrator under the terms of subsection (o) of this section.

(4) The excavation and removal of sand, gravel, soil and other mineral resources in a quantity not greater than 10,000 cubic yards shall not be subject to the provisions of this section if all of such excavation and removal is solely for the purpose of site preparation for an approved land use. In such a case, the fact that the removed soil or other mineral material may be sold to another party shall not cause the activity to be deemed other than site preparation, but any such excavation and removal shall be only that which is necessary to reconfigure or otherwise prepare the site for permitted building construction or other approved land use.
(c) **Special Land Use Required for Excavation and Removal of More than 5,000 Cubic Yards of Mineral Material.** The excavation and removal of sand, gravel, soil and other mineral resources of more than 5,000 cubic yards shall take place only upon the granting of a special land use by the Planning Commission. An application for a special land use for mineral removal shall include the following:

1. A written legal description of all of the lands proposed for the use.

2. Thirteen copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
   (i) A north arrow, scale and date.
   (ii) Shading indicating the extent of land area on which mineral removal operations and activities will take place.
   (iii) The location, width and grade of all easements or rights-of-way on or abutting the lands.
   (iv) The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations.
   (v) Existing elevations of the lands at intervals of not more than five feet.
   (vi) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table.
   (vii) Mineral conveying, screening and stockpiling areas.
   (viii) Proposed fencing, gates, parking areas, temporary or permanent structures, drives, signs and other features of the proposed use.
   (ix) Roads for ingress to and egress from the lands, including on-site roads, acceleration and deceleration lanes, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles.
   (x) A map showing access routes between the subject lands and the nearest county primary road.
   (xi) Areas, if any, to be used for ponding.

3. **Narrative to be Submitted.** The applicant shall submit a narrative description and explanation of the proposed mineral removal operations and activities, which shall include the following:
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(i) The date of commencement of operations.

(ii) The proposed hours and days of operations.

(iii) An estimate of the type and quantity of mineral material to be removed.

(iv) A detailed description of the extraction and removal methods, including proposed excavation, crushing, screening and removal equipment and vehicles.

(v) A map or drawing of the parcel to be used for mineral removal operations, showing buildings, if any, all adjacent streets, drainage areas and facilities and other significant natural features.

(vi) A current aerial photograph, or other accurate drawing or plan, showing the lands covered in the application, and all other lands within 990 feet thereof, and also showing the location of current land uses; types and extent of existing natural features; topography; soils; vegetation; wild life habitat; and other significant land features.

(vii) A detailed description of any known, anticipated or possible adverse or detrimental effects upon any aspect or element of the environment, including both the lands proposed for rezoning and surrounding lands.

(4) **Site Rehabilitation Plan.** Once rehabilitated, mineral removal lands may be used for purposes permitted under the terms of the Zoning Ordinance. The applicant shall submit a site rehabilitation plan. It shall include the following:

(i) A description of the planned site rehabilitation, including methods of accomplishment, phasing and timing.

(ii) A plan showing the final grades of the lands as rehabilitated, at contour intervals not exceeding five feet; and also including water courses, ponds or lakes, if any; landscaping and plantings; areas of cut and fill.

(iii) A description of the proposed methods or features which will insure that the end uses are feasible and will comply with the Township Master Plan and the requirements of this Ordinance.

Item (iii) may be deferred until such time as the Planning Commission may require.
(5) **Environmental Impact Statement.** The Planning Commission may require an environmental impact statement, engineering data, traffic impact study, economic analysis or other studies or information concerning the need for and consequences of the proposed mineral extraction and removal.

(d) **Review by Planning Commission.** Upon submission of a complete application and following the public hearing required by the terms of this chapter, the Planning Commission shall review the application and determine whether to approve it, to disapprove it or to approve it with conditions; provided, however, that a mineral removal special land use involving the potential removal of more than 100,000 cubic yards of mineral material shall be subject to the approval of the Township Board under subsection (h) of this section. In its review of the application, the Planning Commission shall consider, among other matters, the intent and purposes of this section and the Zoning Ordinance.

(e) **Operating Conditions.** All mineral extraction and removal activities shall comply with all of the following operational and other conditions:

(1) Mineral removal operations shall be approved for a total duration determined by the Planning Commission, but such approval may be given in increments of a stated number of years, but not less than one year each. In such cases, approval for each successive increment shall be required under paragraph (17) of this subsection (e).

(2) Driveway access to a mineral removal site shall be only at the locations approved for such purpose in the special land use.

(3) Routes for truck movements to and from the removal site may be restricted by the Planning Commission.

(4) The entry road or roads to and from a removal area shall be hard surfaced for such distance as may be required by the terms of the special land use.

(5) No machinery shall be located or used within 50 feet of any property or street line. No cut or excavation shall be made closer than 50 feet to any street right-of-way line or property line. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation.

(6) No removal area, storage area, structure, access drive or loading area shall be closer than 150 feet to a principal structure on adjoining or nearby lands, unless a public street is located between the removal operation and the adjoining lands.

(7) All areas of excavation and removal, including areas in which excavation or earth moving activities are taking place in order to prepare the land for removal of mineral material, shall be fenced and gated at all times, so as to
avoid hazards to persons who may enter the removal area. Such fencing shall completely enclose all excavation, removal and preparation areas. The fencing shall be at least four feet high, and shall be constructed of wire or other substantial material extending throughout the fence, from the top to the bottom thereof. Gates shall be at least four feet in height and they shall be locked when operations are not occurring.

(8) Mineral removal, crushing, screening and transport operations and activities shall occur during such daily hours and on such days of the week as shall be determined by the Planning Commission in its approval of the special land use.

(9) Equipment for the excavation, crushing, screening and removal of mineral material, and other mineral excavation and removal activities, shall not emit noise louder than that permitted under the terms of Article IV of Chapter 18 of the Township Code of Ordinances (or successor provision), and the measurement of such noise and other limitations thereon shall be as provided in said article.

(10) All roads, trails or other areas used by vehicles in connection with mineral removal operations or activities shall have gates at specified locations, and any dust arising therefrom shall be controlled by such measures as may be required by the Planning Commission as a part of the special land use. Required dust control measures may include the application of dust inhibiting solvents or similar surface treatments that produce no potential pollution hazard to surface or ground waters, and other special road surfacing intended to control dust.

(11) Drainage on the mineral removal site shall be maintained in a manner which most closely approximates the natural drainage patterns. The mineral removal site shall be contoured and graded so as to avoid the unintentional impoundment of water, except where the impoundment of water in one or more locations is included as a part of the approved site rehabilitation plan. Measures shall be taken to avoid or mitigate the run off of surface water so that adjacent or nearby lands shall not be adversely affected by excessive surface water drainage, erosion or other effects.

(12) The type, nature and quantity of equipment to be used at the removal site, and the type and nature of vehicles used to remove mineral material from the site, shall be specified in the special land use and such requirements shall be fully complied with.

(13) Temporary stockpiling of excavated material shall be permitted within the removal site, at such locations and upon such terms as may be specified in the special land use.
(14) No sand, gravel or other mineral material excavated or obtained from lands other than those covered by the special land use shall be brought to the mineral removal site, for stockpiling, mixing, or otherwise, unless such activities are authorized in the special land use and then only to the extent of such authorization.

(i) The Planning Commission may permit the applicant to deliver to the removal site a specifically limited quantity of off-site natural mineral material, solely for the purpose of mixing such material with mineral material extracted from the site itself, in order to produce a desired natural resource product. In permitting such activity, the Planning Commission shall limit the quantity thereof, with reference to a specified percent of off-site natural mineral material which may be delivered to and used on the removal site, with such percent to be calculated on an average basis, over a specified period of time; alternatively, the Planning Commission may limit the quantity of off-site natural mineral material by reference to some other reasonable standard or method of calculation.

(ii) In authorizing the delivery of quantities of off-site natural mineral material to a removal site, up to a specified quantity or rate, the Planning Commission shall also include provisions permitting the reasonable stockpiling of such off-site material, within the removal site, so as to afford a suitable efficiency in on-site excavation, mixing and removal operations, consistent with reasonable protection of adjacent and nearby lands from serious adverse effects.

(iii) If as a part of an approved site rehabilitation plan, topsoil or other soil or earth is to be brought to and deposited on the site, the Planning Commission shall, as a part of its approval of the site rehabilitation plan, specify the conditions or limits under which such materials may be so utilized.

(iv) If as a part of the special land use the Planning Commission authorizes the delivery and use of off-site natural resource materials at the removal site, the Commission shall also specify the terms and conditions under which such activity shall be permitted.

(15) No off-site artificial materials, including but not limited to concrete, asphalt or other aggregate material, shall be brought to the removal site, and stockpiled, crushed, mixed or otherwise adapted or used on the removal site or in the removal operations unless permitted by the terms of the special land use, and then only in accordance with those terms. For purposes of this subsection (e)(15), off-site artificial materials means mineral materials that do not exist in a natural state (though they may have some naturally...
occurring ingredients) and which are obtained from a location or source other than the lands approved for the mineral removal special land use.

(i) The special land use shall permit only concrete, asphalt, other aggregate material and other similar off-site artificial materials to be delivered to or used on the removal site; no plaster, plastic, wood, construction debris, waste-like material or other such materials or debris shall be permitted.

(ii) In approving a special land use, the Planning Commission may permit off-site artificial materials to be brought to and used on a mineral removal site, for the purpose of mixing such material with mineral material extracted from the site itself, in order to produce a desired natural resource product. Such delivery and use of off-site artificial materials, if authorized, shall not be the primary aspect of the mineral extraction and removal activity on the approved site.

(iii) In its approval of the special land use, the Planning Commission may limit the frequency of deliveries of off-site artificial mineral materials to the removal site, either by limiting the number of delivery-days in any calendar year or in some other reasonable manner.

(iv) The special land use may limit the quantity of off-site artificial mineral materials permitted to be delivered to and used on the removal site in a given period of time, either in relation to the quantity of on-site mineral material excavated and removed from the site, or on some other reasonable basis. To verify compliance with this provision, the Township may require the operator to submit load tickets or other evidence of the excavation, stockpiling, delivery and use of actual amounts of all materials in any calendar year or other period of time.

(v) The special land use may limit the height and bulk of stockpiles of off-site artificial materials on the removal site and the period of time during which such stockpiles may remain. The Planning Commission may establish a required schedule of delivery, use and removal of such materials.

(vi) The special land use may specify the placement of stockpiles of off-site artificial materials on the removal site, and may include other provisions to avoid adverse effects, including landscaping and berming, control of dust and debris and the like.

(vii) If an applicant desires to utilize off-site artificial materials in a mineral removal operation, the applicant shall specify in detail the type and nature of such materials; the scope and extent of the use thereof; the resource product for which the off-site artificial materials...
are to be used; and the approximate percentage of such materials to be used in the proposed resource product, as compared to the percentage of on-site, extracted materials to be used in the proposed product. The applicant shall provide such further information regarding the delivery, stockpiling and use of off-site artificial materials as the Planning Commission may reasonably require in its consideration of the special land use.

(viii) The special land use may include requirements with respect to the processes in which off-site artificial materials are to be used, including the handling, conveying, crushing, mixing and transporting of such materials, whether originally or as a part of a finished resource product.

(ix) A special land use permitting the delivery, stockpiling and use of off-site artificial materials shall not authorize the establishing or operation of industrial processes, such as cement plants, concrete or bituminous batch plants or other industrial-related uses.

(x) A special land use, whether or not including the delivery and use of off-site artificial materials, may include provisions enabling the Planning Commission to periodically review the nature and status of activities under the special land use, at a public meeting and at such intervals as the Planning Commission may select. Such review may include the revising of or additions to the terms and conditions of the use, the imposing of new terms and conditions or the revoking of all or any part of the approved use. Reasonable notice of any such periodic review shall be given to the applicant. In its discretion, the Planning Commission may hold a public hearing concerning the periodic review.

(xi) As part of its periodic review of the special land use, the Planning Commission may require periodic submission to the Township of copies of state or other governmental permits, such as air quality permits, soil erosion and sedimentation control permits, and other permits or licenses relating to the crushing or stockpiling activities.

(16) The Planning Commission may require compliance with such other conditions as may be necessary to insure compliance with the terms of this Ordinance. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation and fuel loading and storage requirements.
(17) The Planning Commission may reasonably limit the total duration of all mineral excavation and removal activities.

(i) In establishing such time limitation, the Planning Commission may include in the special land use a statement of its intent that the specified duration shall not be exceeded or renewed, irrespective of the quantity of mineral material that may have been removed at the conclusion of the specified period of time for such removal.

(ii) If a special land use has been specifically limited in its duration, an applicant shall nevertheless have the right to apply for a renewal of the special land use, for a period of time beyond the stated duration, and the Planning Commission shall consider such application for renewal, in the same manner and to the same extent as it would consider an original application. In reviewing such requested renewal, the Planning Commission shall consider whether the originally-estimated amount of mineral material has been removed.

(iii) If in originally limiting the total duration of all mineral excavation and removal activities, the Planning Commission has stated its intent that such duration shall not be exceeded, any subsequent application for renewal of the special land use shall be approved only if there are extraordinary circumstances justifying such renewal. Among the circumstances to be considered in such cases shall be whether a substantial amount of mineral material has not yet been removed and whether there is a general or public need for the removal and use of such material.

(f) **Review of Site Rehabilitation Plan.** Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:

1. Topsoil shall be replaced on the site to a depth sufficient to establish vegetation, except where the end-use activities or features do not involve the growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized in one phase before mineral removal operations or activities are commenced in another phase or area.

2. Final slopes shall have a ratio of not greater than one foot of elevation to each five feet of horizontal distance.

3. Final surface water drainage courses and areas of surface water retention shall be laid out and constructed at such locations and in such manner as to
constitute the least possible deviation from the original surface water drainage patterns and surface water retention areas.

(4) Plantings of grasses, shrubs, trees and other vegetation shall be located on the site so as to maximize erosion protection, screen less attractive areas or enduses and enhance the natural beauty of the site as rehabilitated.

(5) The creation or enlargement of a lake, in connection with rehabilitation of the site, shall be permitted only where the applicant demonstrates from engineering and hydrogeological studies that the waters of the lake will not become polluted or stagnant. Any such lake shall be approved by the state and county agencies having jurisdiction.

(6) The end-use or end-uses provided for in the site rehabilitation plan shall conform to the uses designated for the lands by the Township Master Plan.

(g) No Serious Adverse Consequences. The Planning Commission and, in the case of removal operations under subsection (h), the Township Board, shall not approve any special land use for mineral removal unless the application sufficiently demonstrates that the proposed mineral removal operations and activities will not create any serious adverse consequences or serious environmental impact upon adjacent or nearby lands or other lands in the Township or the area.

(h) Approval by Township Board for Certain Mineral Removal Special Land Uses. All mineral removal special land uses which involve or will potentially involve the excavation and removal of more than 100,000 cubic yards of mineral material shall be subject to the approval of the Township Board, in addition to action on the part of the Planning Commission, as otherwise provided by the terms of this section.

(1) In its consideration of any such mineral removal special land uses, the Township Board shall apply the standards; minimum conditions and requirements as are specified in this section for the special land use. Consideration thereof by the Township Board shall take place at a public hearing, with notice thereof to be given in the same manner and to the same extent as a special land use public hearing by the Planning Commission.

(2) The Township Board shall approve the use, disapprove the use or approve the use with conditions. In its discretion the board may consider changes or additions to or departures from, the special land use as approved by the Planning Commission and in such case, the decision of the Township Board shall be final, without further consideration or action on the part of the Planning Commission. In its discretion, however, the Township Board may refer any such proposed changes or additions to or departures from the special land use, to the Planning Commission, for the commission’s comment or report within a specified time.
(3) For solely the purposes of this subsection (h) the references in this section to the authority and duties of the Planning Commission shall apply as well to the Township Board.

(i) **Letter of Credit or Performance Bond.** An applicant for a mineral removal special land use shall submit a letter of credit or performance bond, in the amount specified in the special land use, before commencing any operations. The letter of credit or performance bond shall name the Township as the benefited party and shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the special land use. If a performance bond, it shall be executed by a surety acceptable to the Township. The letter of credit or performance bond shall have such other terms and shall be in such form as may be required by the Planning Commission, consistent with this section.

(1) The letter of credit or performance bond shall not be refunded, reduced or transferred until all mineral removal operations, site rehabilitation or restoration and all other required or permitted activities have received final inspection and approval by the Zoning Administrator and until the Planning Commission has determined that the applicant has fully complied with all of the terms and conditions of the special land use, including all required site rehabilitation.

(2) The timely and faithful compliance with all of the provisions of the letter of credit or performance bond shall be a condition of the special land use.

(j) The special land use authorized by this section may be renewed in the discretion of the Planning Commission (and also of the Township Board, in the case of special land uses under subsection (h)), for periods of time not exceeding any maximum duration specified in the special land use, except where a renewal thereof is approved under the terms of paragraph (17) of subsection (e) of this section. Such renewal shall be subject to the terms of this subsection.

(1) The applicant or operator shall file an application for renewal of the special land use, prior to the expiration of the use, or prior to the expiration of any annual or other increment in which excavation and removal operations are permitted under the terms of the special land use.

(2) Prior to consideration of an application for renewal, the Zoning Administrator or other designated Township official shall inspect the land, shall review the mineral excavation and removal activities to date, all payments to the Township of any required mineral removal surveillance or administration fee, and shall submit a report thereon to the Planning Commission. To assist the Zoning Administrator or other designated official in preparing the report, the applicant shall, if requested, furnish load tickets or other proof of the quantity of mineral material removed and the quantity, if any, of natural off-site material brought to the removal site. The report of the
Zoning Administrator or other designated official shall be a part of the application for renewal.

(3) Upon receiving the completed application for renewal, including the report of the Zoning Administrator, the Planning Commission shall approve, disapprove or approve with conditions the requested renewal. In the case of mineral removal operations under subsection (h), such action shall be subject to the approval of the Township Board as well.

(4) In determining whether to approve a renewal, the Planning Commission may consider whether, as stated in the report of the Zoning Administrator or otherwise, the applicant or other operator has complied with the terms and conditions of the special land use. If there have been violations thereof, the report of the building inspector shall describe the same. If the Zoning Administrator determines that operations do not comply with the special land use, the Zoning Administrator shall notify the applicant of the measures necessary to cure any deficiencies. The report of the Zoning Administrator shall not, however, bind the Planning Commission or Township Board to any particular decision with regard to renewal of the use.

(5) In determining whether to approve a renewal of the special land use, the Planning Commission (and the Township Board in the case of special land uses under subsection (h)) shall apply the standards and conditions for approval that are applicable to original special land uses under this section, taking into consideration current land use conditions in the vicinity, the operational history under the special land use and any complaints, comments or other information that have been received concerning the uses and operations thereunder.

(6) The consideration of any such renewal shall take place at a public meeting, but in their discretion the Planning Commission or Township Board need not convene a public hearing nor give any special public notice thereof, except that in the case of a renewal involving a period of time in excess of any maximum duration originally specified in the special land use, there shall be a public hearing by the Planning Commission and, in the case of mineral removal operations under subsection (h), by the Township Board, after the giving of public notice in the same manner and to the same extent as that required for an original granting of a special land use.

(7) In approving a renewal of the special land use, the Planning Commission or Township Board may include terms and conditions which are in addition to or different from those specified in the original special land use or in a previous renewal thereof.
(k) **Enforcement.**

1. The enforcement of the terms of the special land use may be directed against the applicant, the property owner and all operators acting or purporting to act under the special land use, or any of them. Full and timely compliance with all of the terms of this section and of the special land use is a condition for the continued effectiveness of the special land use or any renewal thereof.

2. In the enforcement of the provisions of this section and the terms of the special land use, the Township may avail itself of all procedures and remedies permitted by this Ordinance or otherwise by law.

3. Enforcement measures may include but need not be limited to the revocation of the special land use by the Township Supervisor, where operations under the use do not comply with this section or the special land use.

4. For purposes of determining compliance with this section and the special land use, the Zoning Administrator or other designated Township official shall be entitled to access to the lands subject to the special land use during reasonable business hours. The Zoning Administrator is authorized to demand compliance with the terms of this section and the special land use, and if such compliance is not obtained, the Zoning Administrator may issue an order directing the applicant and any operator to cease immediately all mineral excavation and removal activities on or from the lands and all other operations relating thereto, either permanently or for such period of time as the Zoning Administrator may require.

5. Upon the issuance of a stop work order, an order of revocation or any other order or directive of the Zoning Administrator, the applicant and any operator shall have no further right or privilege to continue or initiate any mineral excavation or removal operations or related activities on or with respect to the lands covered by the special land use, except emergency work which may be required to protect the public safety and except any limited or transitional operations which may be authorized under the terms of any such order or other directive. In enforcing any such stop work order, the Township may avail itself of all remedies and procedures provided in this Ordinance or otherwise by law.

(l) **Transferability of Special Land Use.** No special land use authorized by this section shall be transferred to a person or party other than the applicant to whom it was granted unless such transfer is first considered and recommendation thereon is made by the Planning Commission to the Township Board. Approval of any such transfer shall be finally determined by the Township Board, in its discretion. The Board shall consider, but need not adopt, the recommendation by the Planning Commission. In considering a request for transfer of the special land use, the Township Board may consider, among other matters, whether the terms of the required letter of credit or
performance bond remain sufficient to assure satisfactory compliance with the terms of the special land use.

(m) **Existing Special Land Uses.** Upon the adoption of this section, special land uses for mineral excavation and removal that have previously been granted shall, if lawful, continue in effect according to their terms, as follows:

1. Where an existing special land use expires, by reason of the expiration of the entire term for which it was permitted, then the special land use, if renewed or otherwise approved, shall thereafter comply with all of the terms and conditions of this section.

2. Upon an annual renewal of an existing special land use, or upon other renewal thereof, where the total permitted duration of the use has not yet expired, the special land use shall thereafter comply with all of the operating conditions stated in subsection (e) hereof, except as to those operating conditions that the Planning Commission determines would not be reasonably necessary in the circumstances or for the protection of other lands or the public interest.

3. In any approved renewal of the special land use, the Planning Commission may include other or additional requirements, consistent with the terms of this section, if such other or additional requirements may be necessary because of changed circumstances or for the further protection of other lands or the public interest.

(n) **Fee for Administration of Special Land Use.** As a condition of any such special land use, the applicant shall pay to the Township such fee as determined by the Township Board, for the purpose of defraying the Township’s cost of administration, surveillance and enforcement of the special land use, including but not limited to, consideration of applications and renewals, testing, monitoring, sampling, surveying, engineering fees, legal fees and other consultant fees and other related costs and expenses. Such fee shall be calculated and paid as required by resolution of the Township Board. In its discretion, the Board may provide for the advance payment into escrow, by the applicant, of all of the Township’s costs and expenses with respect to the consideration of the special land use, in accordance with the Township Board resolution concerning such escrowed fees. In addition, the applicant shall pay such application fee or renewal fee as may be established by the Board.

(o) **Zoning Administrator Permit for Removal of Certain Quantities under 5,000 Cubic Yards.** The excavation for and removal of sand, gravel, soil and other mineral resources may be authorized upon the issuance of a mineral removal permit by the Zoning Administrator, where the total quantity of mineral material to be removed will be from 1,000 cubic yards up to 5,000 cubic yards, in accordance with the provisions of this subsection. Any such mineral removal operation shall comply with all of the following requirements:
(1) The removal shall not cause serious adverse effects upon adjacent or nearby lands.

(2) The removal operation shall be subject to all of the operating terms and conditions stated in the permit issued by the Zoning Administrator. Such terms and conditions may include requirements pertaining to driveway access; truck routes; use and placement of equipment; isolation distance between operations and property boundary lines; storm water drainage; fencing and gates; elevation of slopes; preservation of trees and other vegetation, visual screening; and other matters.

(3) The excavation and removal operation must be one that is complete in and of itself, it may not constitute merely a part, portion or phase of some other larger, different or recurring removal operation, plan or activity. A property owner or operator may not repeat or combine successive removal operations of up to 5,000 cubic yards each, for the purpose of ultimately removing a larger quantity of mineral material.

(4) An applicant for such mineral removal operation of from 1,000 cubic yards up to 5,000 cubic yards shall submit an application to the Zoning Administrator, for a permit for such operation. The application shall include the legal description of the lands; a description of the nature and intent of the proposed removal activity; a list of equipment to be used in the operation; a description of the measures to be taken to ensure that there will be no serious adverse effects upon other lands or persons; a description of the proposed route or routes to be used in transporting the removed material; proposed reclamation measures; and a topographic map showing existing and proposed final contour lines, unless such map is waived by the Zoning Administrator.

(5) In considering whether to approve a mineral removal permit, the Zoning Administrator shall consider the following matters:

(i) The land area involved and the quantity of earth material to be removed.

(ii) The effects of the removal activity on adjoining and nearby lands.

(iii) The possibility that the removal operation may cause or create safety hazards, erosion of lands or other adverse effects.

(iv) Potential traffic congestion and adverse traffic effects which may result from the removal and hauling of mineral material.

(v) The proposed nature and extent of reclamation of the land after completion of the removal operations.
(6) Any mineral removal permit issued by the Zoning Administrator shall include the following matters:

(i) The duration of the permit and its expiration date;

(ii) A description of the lands covered and the removal routes authorized;

(iii) A list of the permitted equipment;

(iv) A listing of all required precautionary measures, including any requirements involving driveways, isolation distances, fencing, maximum grades of slopes, hours and days of operation, maximum depth of excavations, final required contours, upon reclamation of the lands, and other requirements.

(7) The permit issued by the Zoning Administrator shall terminate as of its stated expiration date, but the permit may be renewed, in the discretion of the Zoning Administrator, upon the filing of a subsequent application and if requirements under the previously-issued permit have been complied with. In considering whether to approve a renewal, the Zoning Administrator shall consider the matters specified above for the original issuance of the permit.

(8) An applicant for a mineral removal permit shall, upon filing the application, pay the required fee as established by the Township Board.

22.53 Restaurant with Drive-Through Facilities.

(a) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, so as to avoid adverse traffic conditions.

(b) Sufficient stacking capacity for the drive-through portion of the use shall be provided, so as to assure that motor vehicles do not back up into or otherwise occupy the public right-of-way. At least ten stacking spaces for the service-ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicle circulation and egress from the property, nor interfere with the use of parking spaces by vehicles not utilizing the drive-through portion of the use.

(c) In addition to adequate off-street parking space being provided, at least three parking spaces shall be provided in close proximity to the entrance of the drive-through portion of the use, so as to provide space for vehicles of customers waiting for delivery of orders.

(d) Any trash receptacle shall be fully screened and enclosed so as to prevent trash, paper and other debris from blowing onto adjacent properties, and to prevent the site from becoming unsightly.
(e) If the use is adjacent to any residential use, a landscaped buffer or solid fence shall be provided, so as to obscure the view of the use from other lands.

22.54 Sexually Oriented Business.

It is not the intent of this Ordinance to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content neutral ordinance which addresses the adverse secondary effects of sexually oriented businesses.

There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary in order to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this section.

A primary goal of regulation of these uses is to prevent a concentration of the uses in any one area of the Township; to minimize and/or prevent the well documented adverse secondary effects of such uses; to insure the integrity of the Township’s residential and agricultural areas; and to protect the integrity of churches, synagogues or other places of religious worship, schools, licensed day-care facilities, parks and playgrounds, and other areas where persons congregate. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law.

A sexually oriented business shall be permitted only if approved as a special land use under the terms of this chapter. It shall be subject to review and approval under Chapter 23, Site Plan Review, and the following provisions.

(a) Location. A sexually oriented business shall be located only in the C-2 General Business District. Further, a sexually oriented business shall not be located or operated within 1,000 feet of existing specified land uses, as follows:

(1) Sexually Oriented Business. This requirement may be waived upon a determination by the Planning Commission and Township Board that a second sexually oriented business would not contribute to blighting or an excessive concentration of such uses.

(2) Church, synagogue or other places of religious worship, park, playground, school, or licensed day-care facility.

(3) Agricultural, recreational or residential zoning district, or any residential dwelling.

For purposes of the distance limitations, the measurement shall be made by extending a straight line from the property line of the sexually oriented business to the nearest property line occupied by any other use or to the property line of any church, synagogue or other place of religious worship, park, playground, school, licensed day-care facility, or any adjacent agricultural, residential or recreational district.
(b) **Signs.** Any message, image or picture that depicts or refers to any specified anatomical area or specified sexual activity shall be prohibited. All signs shall comply with the requirements of Chapter 25.

(c) **Building Exterior.** Upon order of the Zoning Administrator, graffiti appearing on any exterior surface of a building or structure shall be removed and that surface restored within 72 hours of notification of the owner or person in charge of the premises. Adult products or services or any picture or other representation shall not be displayed so as to be visible from a point outside the establishment.

(d) **Lighting Requirements.**

(1) All off-street parking areas and premises entries of sexually oriented businesses shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.

(2) The premises of all sexually oriented businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than two foot-candle of light as measured at the floor level.

(3) Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one foot-candle of light as measured at the floor level.

(e) **Age Requirement Regulations.**

(1) It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.

(2) It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business’ regular business hours. It shall be the duty of the attendant to not allow any person under the age of 18 years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished a valid operator’s, commercial operator’s, or chauffeur’s driver’s license; or a valid personal identification
certificate issued by the State of Michigan verifying that such person is 18 years of age or older.

(f) **Hours of Operation.** Hours of operation of a sexually oriented business shall be limited to 10:00 a.m. to 10:00 p.m.

(g) **Other Regulations, Permits or Licenses.** The provisions of this section do not waive or modify any other provision of this Ordinance, any other Ordinance of the Township, or any county, state or federal law or regulation.

(h) **Alcohol Prohibited.** Open alcohol shall not be permitted in any sexually oriented business as defined by this Ordinance.

(i) **Information Submission.** In addition to the information and documents required to be submitted with an application for a special land use in accordance with the requirements of this chapter, an applicant for a special land use to establish a sexually oriented business shall submit the following:

1. A floor plan of the premises showing the following:
   
   (i) Location and dimensions of any manager’s station, demonstrating that there is an unobstructed view from at least one of the manager’s stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
   
   (ii) Location of all overhead lighting fixtures.
   
   (iii) Identification of any portion of the premises in which patrons will not be permitted.
   
   (iv) The location of any stage.
   
   (v) Identification of the use of each room or other area of the premises.

2. A current certificate and straight-line drawing, prepared within 30 days prior to the application, by a land surveyor depicting the property lines and the structures of the sexually oriented business, showing a circle extending 1,000 feet from the property line of the property on which the business will be located, and depicting the property line of any church, synagogue, regular place of worship, park, playground, school, licensed day care facilities, or agricultural, recreational or residential zoning district or residences within 1,000 feet of the property on which the business will be located.

(j) **Application to be Complete.** The Township Clerk shall not accept any application that is not complete in every detail. In the event that the Clerk determines that an application is incomplete, the Clerk shall notify the applicant accordingly.
(k) **Limit on Reapplication.** No application for a sexually oriented business which has been denied in whole or in part shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence not previously available or proof of changed conditions.

(l) **Conditions Requiring Rejection of Special Land Use Application.** The Planning Commission shall not approve a special land use application for a sexually oriented business if it finds one or more of the following to be true:

1. An applicant is under 18 years of age.
2. An applicant is overdue in payment to the Township of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business.
3. An applicant has failed to provide information required by the Zoning Ordinance or has knowingly answered a question or request for information falsely.
4. The premises to be used for the sexually oriented business has not been approved by the building inspector and the zoning enforcement officer as being in compliance with applicable laws and ordinances.
5. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license or adult business license revoked or suspended within one year prior to the date of application.
6. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a sexually oriented business or adult business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application.
7. The applicant is not in good standing or authorized to do business in Michigan.
8. The application fee has not been paid.
9. An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this chapter.
10. The applicant or owner has been convicted of any of the following criminal offenses in any jurisdiction within the last ten years:
   (i) Prostitution, procuring a prostitute, or solicitation of a prostitute.
(ii) Sale, distribution or display of obscene material.

(iii) Sale, distribution or display of material which is harmful to minors.

(iv) Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor.

(v) Possession, sale or distribution of child pornography.

(vi) Public lewdness.

(vii) Indecent conduct with a child;

(viii) Sexual assault or rape.

(ix) Sexual solicitation of a child.

(x) Contributing to the delinquency of a minor.

(xi) Harboring a runaway child.

(m) **Inspection.** An applicant or owner shall permit all representatives of the Township, Kent County and the State of Michigan to inspect the premises of the sexually oriented business for the purpose of insuring compliance with applicable law.

(n) **Exterior Structural Requirements.** All sexually oriented businesses must meet the following exterior structural requirements:

1. The merchandise or activities of the sexually oriented business may not be visible from any point outside the business.

2. The exterior portion of the sexually oriented business may not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner.

3. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the sexually oriented business to be painted any color other than one neutral color.

(o) **Interior Structural Requirements.**

1. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager’s station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager’s stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for
any purpose excluding restrooms from at least one of the manager’s station. The view required in this subsection shall be by direct line of sight from the manager’s station.

(2) A manager’s station shall not exceed 32 square feet of floor area.

(3) No alteration to the configuration or location of a manager’s station shall be made without the prior approval of the Township zoning enforcement officer.

(4) Viewing rooms or peep booths shall be separated from other viewing rooms or peep booths by a solid, opaque, uninterrupted physical divider which is a minimum one-inch thick and serves to prevent physical contact between patrons.

(5) No private viewing rooms or booths shall be constructed unless one side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent viewing rooms or peep booths.

(p) **Standards of Conduct.** The following standards of conduct shall be adhered to on the premises of the sexually oriented business by all employees, managers, officers and agents of any sexually oriented business:

(1) No employee or entertainer mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical areas.

(2) No employee or entertainer shall engage in, encourage or permit any specified sexual activities on the premises of the sexually oriented business.

(3) No employee or entertainer while in view of the patrons on the licensed premises shall be unclothed or in such attire, costume or clothing so as to expose any specified anatomical areas, except upon a stage which shall be fixed and immovable at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron or behind a solid, uninterrupted physical barrier which completely separates the entertainer from any patrons. This barrier must be a minimum of one-quarter inch thick and have no openings between the entertainer and any patrons.

(4) A list of food and drink prices shall be conspicuously posted in the common areas of each sexually oriented businesses offering entertainment.

(5) Any tips for entertainers shall be placed by a patron into a tip box which is permanently affixed in the sexually oriented business and no tip may be handed directly to an entertainer. A business that desires to provide for such tips from its patrons shall provide one or more containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.
(6) No entertainment occurring on the premises shall be visible at any time from the outside of the premises.

(7) An owner, manager or an employee shall not allow the possession, use, or sale of controlled substances on the premises.

(8) An owner, manager, or an employee shall not allow prostitution on the premises.

(9) An owner, manager, or an employee shall not allow any live specified sexual activity to occur in or about the premises.

(10) An owner, manager, or an employee shall not illegally offer for sale or illegally allow to be consumed or possessed upon the premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.

(11) At least one manager must be on duty and situated in each manager’s station at all times that the business is open to the public.

(12) All doors to public areas on the premises must remain unlocked during business hours.

(13) It shall be the duty of the owner, and it shall also be the duty of any agents and employees present in the premises to ensure that any view area or peep booth remains unobstructed by any doors, curtain, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(14) No viewing room or peep booth may be occupied by more than one person at any one time.

(q) **Massage Parlors.** No establishment, regardless of whether it is a public or private facility, shall operate as a massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex unless the person(s) massaging any client or customer is a graduate of a recognized school and certified as a massage therapist by the American Massage Therapy Association or by the Associated Bodywork and Massage Professionals. In addition:

(1) The premises of each massage parlor may be inspected by law enforcement personnel or by the Township zoning enforcement officer during business hours and at other reasonable times to ensure compliance with this Ordinance.
(2) All persons offering massages in a massage parlor shall, not less than five months and not more than six months following the issuance of a special land use approval for a massage parlor, file with the Township Clerk a statement from a licensed medical doctor or osteopath certifying or recertifying that such person has been examined within the 30 days immediately prior thereto and has been found to be free from all communicable or contagious diseases, including but not limited to, sexually transmitted diseases. Failure to comply with this requirement shall constitute grounds for revocation of special land use approval.

(3) No employee of a massage parlor, or any other person associated with a massage parlor, on the premises of a massage parlor, may offer or engage in any specified sexual activity.

(4) Each massage parlor and massagist shall comply with the following standards:

(i) No patron shall be serviced who is infected with any fungus or other skin infection; nor shall any service be performed on a patron exhibiting skin inflammation or eruptions.

(ii) All massagists shall wash their hands in hot water before giving any service or treatment to each separate patron.

(iii) All towels, tissues, sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.

(iv) Non-disposable tools of the trade shall be disinfected after use upon each patron.

(v) In any establishment in which massage services are rendered to members of the same sex at any one time, such persons of the same sex may be placed in a single, separate room, or the operators of the massage parlor may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.

(vi) No massage or massage service may be carried on within any cubicle, room, booth, or area within a massage parlor which is fitted with a door capable of being locked.

(vii) Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one
toilet and wash basin, shall be provided by every massage parlor; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room, or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.

(viii) All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and/or showers shall be thoroughly cleaned after each use.

(5) Non-transparent uniforms or garments covering the torso shall be worn by massagists at all times while attending patrons. Such uniforms or garments shall be of a washable material and shall be kept in a clean condition.

(r) License Required. It shall be unlawful to operate or cause to be operated a sexually oriented business in the Township without a valid license issued pursuant to the provisions of this chapter. The granting of a special land use under this chapter does not confer a license on the applicant.

(s) License Application.

(1) All applicants for a sexually oriented business license shall file an application for such license with the Zoning Administrator. Each individual applicant, partner of a partnership, member of a limited liability company, partner of a limited liability partnership, officer and director of a corporation and all managers shall be named in each application and each of them shall be photographed and fingerprinted by the Kent County Sheriff’s Department.

(2) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Township building inspector and zoning enforcement officer.

(3) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as the applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a 10 percent or greater interest in the corporation must sign the application for a license as applicant, along with each officer and director of the corporation. If the applicant is a partnership, each partner must sign the application. If the applicant is a limited liability company each member must sign the application. If the applicant is a limited liability partnership each partner must sign the application.
Applications for a license, whether original or renewal, must be made to the zoning enforcement officer by the intended operator of the sexually oriented business. Applications must be submitted by hand delivery to the office of the Zoning Administrator during regular working hours. The intended operator shall be required to give the following information on the application:

(i) If the applicant is an individual, the individual shall state his legal name and address and any aliases.

(ii) If the applicant is a partnership, the partnership shall state its complete name, and the names and addresses of all partners and whether the partnership is general or limited.

(iii) If the applicant is a limited liability company, the limited liability company shall state its complete name and the names and addresses of all of its members.

(iv) If the applicant is a limited liability partnership, the limited liability partnership shall state its complete name and the names and addresses of all of its partners.

(v) If the applicant is a legal entity other than a partnership, limited liability company or limited liability partnership, the application shall state its complete name, the date and place of its organization, the names, addresses and capacity of all officers and directors of a corporation and of the chief executive officer and manager for any other legal entity, and the name of the resident agent and the address of the registered office for service of process.

(vi) The name under which the sexually oriented business is to be operated and a general description of the services to be provided.

(vii) The telephone number of the sexually oriented business.

(viii) The address and legal description of the real property on which the sexually oriented business is to be located.

(ix) If the sexually oriented business is in operation, the date on which the owner(s) acquired the sexually oriented business for which the license is sought, and the date on which the sexually oriented business began operations as a sexually oriented business at the location for which the license is sought.

(x) If the sexually oriented business is not in operation, the expected start-up date (which shall be expressed in number of days from the date of the application). If the expected start-up date is to be more
than ten days following the date of the application, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner’s time schedule and plan for accomplishing the same is also required.

(xii) Whether the applicant or any other individuals identified in the application has been partner in a partnership, a member of a limited liability company or partnership or an officer, director, chief executive officer or manager of any other legal entity that is permitted under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.

(xiii) Whether the applicant or any other individual identified in the application holds any other licenses under this chapter or other similar sexually oriented or adult business ordinance from another city, village, township or county and, if so, the names and locations of such other permitted business.

(xiv) The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.

(xv) The applicant’s mailing address and residential address.

(xvi) The applicant’s driver license number, social security number and/or federally issued tax identification number.

(5) The application shall be accompanied by the following:

(i) Payment of the application, investigation and license fees.

(ii) If the applicant is an individual, satisfactory proof that he or she is at least 18 years of age.
(iii) If the applicant is a Michigan corporation, a certified copy of the articles of incorporation, together with all amendments thereto, and a current good standing certificate.

(iv) If the applicant is a corporation incorporated in another state, a certified copy of the certificate of authority to transact business in Michigan.

(v) If the applicant is a partnership, a copy of the partnership agreement, together with all amendments thereto.

(vi) If the applicant is a Michigan limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto.

(vii) If the applicant is a limited partnership formed under the laws of another state, a certified copy of the Michigan certificate of registration.

(viii) If the applicant is a Michigan limited liability company, a certified copy of the articles of organization, together with all amendments thereto.

(ix) If the applicant is a limited liability company formed under the laws of another state, a certified copy of the Michigan certificate of authority.

(x) If the applicant is a Michigan limited liability partnership, a certified copy of the registration of limited liability partnership, together with all amendments thereto.

(xi) If the applicant is a limited liability partnership formed under the laws of another state, a certified copy of the Michigan registration.

(xii) Documentation identifying the owner(s) of the real property on which the sexually oriented business is to be situated.

(xiii) If the person(s) identified as the owner(s) of the real property identified above is not also the owner(s) of the sexually oriented business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the sexually oriented business to have or obtain the use and possession of the real property thereof that is to be used for the purpose of the operation of the sexually oriented business.
(6) The application shall contain a statement under oath that:

(i) The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct.

(ii) The applicant has read the provisions of this chapter.

(7) A separate application and license shall be required for each sexually oriented business.

(t) **Approval of License Application.** The Zoning Administrator shall approve the issuance of a license to an applicant within 60 days after receipt of an application if the application is complete and meets all the requirements of this chapter, unless he or she finds that the applicant or owner is ineligible for special land use approval for any of the reasons set forth in subsection (l) above.

(u) **Display of License.** The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(v) **Denial of License.** In the event that the Zoning Administrator determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within 60 days of the receipt of the application by the Zoning Administrator, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten days at any time before the notice is issued in order to make modifications necessary to comply with this chapter.

(w) **Appeal to Board of Zoning Appeals.** An applicant may appeal the decision of the Zoning Administrator regarding a denial of an application or the revocation of a license to the Board of Zoning Appeals by filing a written notice of appeal within 15 days after the applicant is given notice of the Zoning Administrator’s decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Zoning Administrator may submit a memorandum in response to the memorandum filed by the applicant on appeal. After reviewing the relevant information, the Board of Zoning Appeals shall vote to either uphold or overrule the zoning enforcement officer’s decision. Such vote shall be taken within 60 calendar days after the date on which the Board of Zoning Appeals receives the notice of appeal. However, the applicant shall be required to comply with the Zoning Administrator’s decision during the pendency of the appeal.

(x) **Investigation of Applicant.** Upon receipt of a properly completed application, together with all information required in connection therewith, fingerprints and
photographs, and the payment of the application, investigation and license fee, the Zoning Administrator shall transmit the application to the Kent County Sheriff’s Department for investigation of the background of each individual applicant, the partners of a partnership, the members of a limited liability company, the partners of a limited liability partnership, or the officers and directors of a corporation and manager of the proposed sexually oriented business.

(y) **Application Fee.** Each applicant shall pay an application fee at the time of filing an application for a license in an amount as established from time to time by resolution of the Township Board. The application fee shall include the cost of the investigation by the Kent County Sheriff’s Department. The application fee shall be non-refundable.

(z) **License Fee.** Each licensee issued a license pursuant to this chapter shall pay an annual license fee at the time of application for the license as herein provided. The annual license fee shall be established from time to time by resolution of the Township Board. The license fee shall be refunded if the license is not approved.

(aa) **License Renewal.** Any application for renewal of a license shall be filed with the Zoning Administrator not less than 45 days prior to the date of expiration. The Zoning Administrator may, for a good cause shown, waive the requirement for timely filing of a renewal application.

(bb) **Term of License.** All licenses issued pursuant to this chapter shall be for a term of one year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no proration fees shall be permitted.

(cc) **Revocation of License.** The Zoning Administrator shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding 12 months. The Zoning Administrator shall also revoke a license if he or she determines that any of the following has occurred:

1. Any condition exists that would warrant disapproval of a license as set forth in this chapter;

2. A licensee, operator manager or employee has engaged or has allowed patrons or employees to engage in acts of misconduct on the licensed premises in violation of any Township Ordinance, the laws of the State of Michigan or of the United States when the licensee, operator, manager or employee knew or should have known such acts were taking place; or

3. Repeated disturbances of public peace have occurred within the licensed sexually oriented business or upon any parking areas, sidewalks, access ways
or grounds of the licensed sexually oriented business involving patrons, employees, or the licensee.

(4) When the Zoning Administrator revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented license for one year from the date revocation became effective. If, subsequent to revocation, the Zoning Administrator finds that the basis for the revocation has been corrected or abated, a license may be reinstated if at least 90 days have elapsed since the date the revocation became effective.

(dd) **Registration of Managers, Entertainers and Employees.**

(1) No person shall work as a manager, entertainer or employee at a sexually oriented business without being registered under this section.

(2) All managers, entertainers and employees shall provide to the Township their legal name and any aliases, social security number, home address, telephone number, date of birth and satisfactory proof that they are 18 years of age or older, and any other necessary identifying information for the Township to conduct a criminal background check on the manager, entertainer or employee.

(3) The registration fee shall be as established from time to time by resolution of the Township Board.

(4) The owner or manager of a sexually oriented business shall provide the Township with the names, any aliases, dates of birth, and social security numbers of all managers, entertainers and employees within five days of employment. This information will be used to verify the information submitted by the manager, entertainer or employee, who must also register with the Township within five days of employment.

(ee) **Exemptions from Enforcement.** It is a defense to prosecution under this section that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

(1) By a proprietary school, licensed by the State of Michigan or a college, junior college, or university supported entirely or partly by taxation; or

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

(ff) **Reporting of Violations.** Any owner, manager or employee shall immediately report to the Township Clerk and to the Kent County Sheriff’s Office any violation of this chapter or any breach of the peace or unlawful or disorderly act, conduct or disturbance committed on the sexually oriented business, including any parking area.
or adjoining area under the control or management of the owner, provided that the owner, manager or employee knew or should have known of such violation of law.

22.55 Stone Yard and Monument Works.

(a) No portion of the special land use shall be located within 1,000 feet of any residential use.

(b) The applicant shall submit a detailed proposal identifying in particular any outdoor storage areas, outdoor display areas or other areas in which stone, brick or other such material may be cut, shaped or produced.

(c) Any outdoor storage area shall be completely enclosed by a fence or wall of sufficient height to enclose and obscure the view of all materials stored. The fence or wall shall be of uniform appearance and it shall be continuously maintained in good condition.

(d) The cutting or breaking of stone or other activity generating substantial noise shall take place only at such time of day or in such location as not to have a serious adverse effect upon adjacent or nearby lands. Other aspects of the use shall be so arranged or accomplished as to avoid serious adverse effects upon other lands or the public streets.

22.56 Tavern or Bar, if State-Licensed.

(a) All licensing and other requirements of the Michigan Liquor Control Commission, applicable to the establishment, shall be complied with fully, at all times.

(b) Access driveways shall be located a sufficiently safe distance away from any intersecting street, and from other driveways, so as to avoid adverse traffic conditions.

(c) Any outdoor trash receptacle shall be fully screened and enclosed so as to prevent trash, paper and other debris from blowing onto adjacent properties, and to prevent the site from becoming unsightly.

(d) If the use is adjacent to any residential use, a landscaped buffer or solid fence shall be provided, at locations approved by the Planning Commission, so as to obscure the view of the use from residentially-used lands.

22.57 Temporary Second Dwelling.

(a) The use shall be permitted only in districts that permit single family detached dwellings.

(b) The temporary second dwelling shall be only a mobile home; a dwelling consisting of permanent construction shall not qualify as a temporary second dwelling.
(c) Such mobile home shall have a minimum inside floor area of 450 square feet and shall have a minimum width throughout its entire length of ten feet and the owner demonstrates that it is constructed in such a manner that it meets the regulations of the United States Department of Housing and Urban Development entitled Mobile Home Construction and Safety Standards effective June 15, 1976, as amended.

(d) The parcel of property on which the mobile home is placed already has an existing single family dwelling that meets all the requirements of the Zoning Ordinance, and the mobile home may not be placed in any front yard or minimum required side or rear yard.

(e) The mobile home is used as a residence only by a child or children, or father and/or mother, or father-in-law and/or mother-in-law, or grandfather and/or grandmother of the occupant of the existing principal single family dwelling on the subject property.

The occupants of the temporary second dwelling must be dependents such that they cannot physically or mentally care for themselves. Financial dependency or financial reasons shall not be a basis for granting such a special use permit.

(f) The temporary second dwelling must be hooked up to a well and septic system. Hook up to a public sanitary sewer is permitted in lieu of a septic system. The temporary second dwelling must have its own well and/or septic system unless the Kent County Health Department permits use of the existing well and/or septic systems by the second dwelling.

(g) Once the temporary second dwelling is no longer used to house the individuals herein described or they are no longer dependent as herein described, or the permit is not renewed, the temporary second dwelling must be removed from the premises within 90 days thereof.

(h) The owner of the subject property must submit the names and addresses of the individuals who will reside in the second dwelling, and any special use permit issued shall apply only to such individuals.

Any special use permit issued under this section shall be valid for only one year’s time unless renewed by the owner of the property, and such renewal must occur yearly thereafter. At the time of renewal the owner must show that basis for issuing the special use permit is still present and that there is no violation of the Zoning Ordinance or any conditions of the special use permit.

22.58 Theater, Auditorium, Banquet Hall and Other Place of Assembly; Bowling Alleys, Indoor Tennis Court, Gymnasium, Ice Skating Arena, and other Buildings and Facilities for Athletics, Sports and Recreational Purposes.

(a) Adequate, safe and convenient access driveways shall be provided. The number and location of access driveways shall be appropriate to the maximum number of patrons which can be accommodated in the building or buildings. All driveways shall be
located a sufficient distance away from any street intersection and from any other driveway so as to avoid adverse traffic impacts.

(b) The site shall be adequately lit for the convenience of patrons attending performances or other events during evening or nighttime hours.

(c) A traffic impact study may be required. The study shall include proposed traffic circulation routes on the site, projected traffic impacts from the operation of the use and shall analyze other potential traffic impacts.

(d) The length and configuration of access driveways on the site shall be so designed as to enable entering traffic to conveniently enter the site and to disperse, so as to avoid the accumulation of parked vehicles on the public street waiting to enter the site.

(e) The special land use shall be subject to the approval of the Township Fire Chief under the terms of the fire protection provisions of the applicable building codes.

(f) In its approval of the special land use, the Planning Commission may require suitable screening, buffering and isolation distance on the site, so as to avoid serious and adverse impacts on other lands by reason of traffic noise and other adverse effects.

(g) All outdoor waste receptacles shall be screened from view from the public street or from other lands.

22.59 Trade, Vocational and Industrial Schools.

(a) Driveways shall be so spaced and located as to avoid adverse traffic impacts.

(b) If the school special land use will involve in part the operation of industrial machinery or equipment, or other vocational equipment which may present adverse impacts by reason of noise or otherwise, there shall be sufficient measures employed so as to avoid or moderate any such adverse impacts. Such measures may include screening and buffering, isolation distance, noise-absorbing walls and other means.

(c) Water supply for domestic purposes and fire protection, and the providing of sanitary sewage disposal facilities shall be as approved by the Planning Commission.

22.60 Transportation Terminal.

(a) Access driveways shall be of sufficient width so as to accommodate the transportation vehicles that will utilize the site.

(b) Access driveways shall be so located and spaced that the trucks and other vehicles using the site may readily enter and exit the site without adverse traffic impacts or hazardous conditions.

(c) Any trucks and trailers to be parked overnight on the site shall be set back from the front lot line at least 100 feet.
(d) The principal building and any accessory buildings and structures shall be located at least 200 feet away from any residential use or residential district.

(e) There shall be sufficient off-street parking area so as to accommodate the trucks and other transportation vehicles utilizing the site.

(f) The off-street parking area shall be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding or adverse impacts upon other lands or the public streets.

(g) Buffering, greenbelts or other protective measures may be required, so as to avoid serious adverse effects upon other lands.

(h) Any vehicles or equipment stored outside of an enclosed building shall not be located within any required yard.

(i) No outside storage shall be permitted. However, licensed inoperable vehicles may be stored out of doors within an area and at a location approved by the Planning Commission and, if required, within a fully enclosing fence.

22.61 Truck Sales and Repair.

(a) The minimum lot area shall be as provided for the zone district in which the use is located, except that the Planning Commission may require a greater lot area, based upon the size and projected intensity of the use. The minimum lot width shall be as required for the zone district in which the use is located, unless a greater width is required by the Planning Commission.

(b) Access driveways shall be so located and spaced as to provide convenient ingress and egress, in a safe manner, without occasioning adverse traffic impacts.

(c) All equipment and activities associated with truck repair operations, except those in incidental use, such as air hoses, shall be only within a fully enclosed building.

(d) Storage of vehicle components and parts, as well as other vehicle equipment, outside of a building is not permitted, except in designated and approved storage areas authorized by the Planning Commission under the terms of the special land use.

(e) That part of the site used for vehicle parking shall be paved or shall have some other approved hard surface, sufficient to avoid the accumulation of dust. All such parking areas shall be effectively drained so as to dispose of all surface water, without ponding or adverse effects upon other lands or the public streets.

(f) A landscaped buffer or other means of shielding the view of the use from other lands may be required under the terms of the special land use.
(g) Inoperable vehicles left on the site shall be stored within an enclosed building or, if approved under the terms of the special land use, they may be stored in an outdoor area fully screened by an opaque fence of a sufficient height so as to fully enclose the items being stored outside. The fence shall be continuously maintained in good condition. The fence shall be continuously maintained in good condition. Inoperable vehicles or other equipment or goods stored outside shall not be stored longer than 90 days.

22.62 Underground Single Family Dwelling.

(a) The use shall be located only in the R-A Rural Agricultural District.

(b) The roof and/or top of an underground single family dwelling shall be completely covered by earth not less than 12 inches thick and shall be sodded.

(c) The minimum lot area shall be five acres and the minimum lot width, throughout the entire length of the parcel, shall be 330 feet.

(d) The parcel upon which it is placed has an area not less than five acres and a minimum width throughout its entire length of 330 feet.

(e) There is at least one side of the dwelling that is completely exposed and above grade and/or ground level immediately adjacent thereto when construction and landscaping are completed.

(f) No point within the building shall be more than 50 feet from an exit opening directly to the outside of the dwelling.

(g) All entrances to the dwelling on any side of the dwelling that is not completely exposed must be designed to be visually unobstructed for a distance of at least 30 feet from the dwelling.

(h) There must be a finished living area of not less than 1,000 square feet, and the dwelling must be completely finished inside and out prior to occupancy.

(i) The property above and surrounding the dwelling within 50 feet must be finished grade prior to occupancy.

(j) All requirements of the R-A District must be met in addition to the requirements hereof.

(k) The dwelling must have an architect’s or engineer’s seal on the plans for the construction of the roof or any part that will be supporting earth above and shall be specifically designed for that purpose.

(l) All surface measurements necessary to determine yard dimension and any other dimension requirement of a dwelling shall be taken from the point at which the
perimeter walls of the underground dwelling would exist on the surface if they were vertically extended above the surface of the ground.

22.63 Wholesale Warehouse; Self-Storage Warehouses.

(a) Outside storage shall not be permitted at, for or on the site of a wholesale warehouse.

(b) A self-storage warehouse may include outside storage of licensed recreational vehicles, campers, boats, boat trailers, horse trailers and utility trailers.

(c) No toxic, hazardous, flammable or explosive materials shall be stored or otherwise permitted on the site.

(d) The site shall provide sufficient length for driveways so that there shall be sufficient stacking capacity for motor vehicles making deliveries to the site or removing stored goods or materials from the site.

(e) The Planning Commission may require screening and buffering of the use from other lands.

22.64 Wind Energy Harvest Site.

A wind energy harvest site (also known as a wind farm) and a tower exceeding 50 feet in height, associated wind turbine generator and other equipment used to provided electricity to an individual dwelling and accessory buildings and uses, may be permitted by the Planning Commission as a special land use upon compliance with all of the terms and conditions of this section.

(a) Definitions. For the purposes of this section, the following terms and phrases shall be defined as provided below:

(1) **Wind Energy Harvest Site (Wind Farm)**. A location where one or more commercial, grid-connected wind turbines are sited for the purpose of extracting kinetic energy from the wind and supplying it, in the form of electrical energy, to the local electrical transmission utility (“grid”).

(2) **Wind Turbine Generator (WTG)**. A wind turbine generator is a device designed to extract energy from the wind and supply it in the form of electrical energy that is suitable for use by the local electrical transmission utility, or that is utilized to provide electricity to an individual dwelling and accessory buildings and uses.

(3) **Horizontal Axis Wind Turbine (HAWT)**. A wind turbine designed with a rotor mounted on a horizontal axis of rotation. The rotor thus sweeps through a vertical plane perpendicular to the motion of the wind.
(4) **Rotor.** An element of a wind turbine which acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

(5) **Nacelle.** The structure designed to “yaw” (turn) into the wind that is mounted on top of the tower and houses the rotor support shaft, mechanical and electrical components, and generator.

(6) **Tower.** The structure, above grade, that supports the nacelle, rotor assembly, and other components.

(7) **Tower Foundation.** The tower support structure, below grade, that supports the entire weight of the wind turbine.

(8) **Met Tower.** A guy-wire supported tower containing instrumentation such as anemometers that is designed to, and used for, the assessment of the wind resource on site.

(9) **Swept Rotor Arc/Diameter.** The largest circumferential path traveled by a wind turbine airfoil rotor blade.

(10) **Blade Clearance.** In reference to a horizontal axis rotor, the distance from grade to the lowest point of the rotor’s swept arc.

(11) **Total Height.** The height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.

(12) **Sub-station.** An electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical utility.

(b) **Application.** Applications for a wind energy harvest site special land use shall include the following:

1. A site plan, which, in addition to the site plan requirements of Chapter 23, shall include the following:
   
   (i) The proposed location, size, height and type of all Met towers proposed to assess the wind resource, including the setback distance between the proposed towers and the nearest residential unit and residentially-zoned properties.

   (ii) The proposed location of all wind turbines and access roadways.

   (iii) The proposed location of all underground and overhead cabling.
(iv) The physical size and electrical nameplate capacity of the proposed wind turbines including the total height and the swept rotor diameter.

(v) The method of screening or buffering.

(vi) The method and type of tower lighting, if so required.

(2) A visual representation including scale elevations, photographs and/or digital information of the proposed wind farm.

(3) A copy of the applicant’s lease with the landowner(s) for the wind farm, which must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of wind farm operations.

(4) The manufacturer’s specifications indicating:

(i) The rated nameplate output, in kilowatts or megawatts, of the wind turbines.

(ii) Safety features and sound characteristics.

(iii) Type of material used in foundation, tower, blade, and/or rotor construction.

(5) A noise impact study which includes information on the noise levels to be generated by the use, measured in dB(A).

(6) Proof that the applicant has obtained or applied for approval from all county, state or federal agencies having jurisdiction over the proposed use, or any aspect thereof.

(c) **Minimum Requirements.** A wind farm and also a tower exceeding 50 feet in height and a wind turbine generator used to provide electricity to an individual dwelling and accessory buildings and uses shall comply with the following minimum requirements:

(1) All structures shall comply with or exceed applicable standards and regulations of the Federal Aviation Administration and any other state or federal agency having jurisdiction.

(2) All structures constructed for a wind farm shall comply with the standards contained in applicable state and local building codes.

(3) All towers shall be permanently secured to a stable foundation.

(4) All towers shall be grounded to protect against damage from lightning.
(5) No portion of any tower or blades shall display any name, symbol, words, letters, advertising message, graphic representation or other written or pictorial matter. Nacelles may have lettering that exhibits the manufacturer’s and/or owner’s identification.

(6) All wind farms, Met towers and towers exceeding 50 feet used to provide electricity for an individual dwelling or accessory building shall comply with the minimum required building setbacks for the district in which the wind farm, Met tower or other individual tower is located, plus an additional setback equal to the height of the highest wind turbine generator within the wind farm, or the height of an individual tower, as measured from the ground at the base of the tower to the tip of the blade of the rotor when the blade is in a vertical position.

(i) For the purposes of determining whether a proposed wind farm or Met tower complies with the setback requirements of a district, the dimensions of the entire lot or parcel of land shall control, even though the wind farm or Met tower may be located on leased parcels within such lot or parcel.

(7) Setbacks may be reduced from the minimum setback requirements of this section, in the discretion of the Planning Commission. Pursuant to this provision, the Planning Commission shall consider the technical needs of the applicant for a reduction in setbacks, the feasibility of alternate locations and the proximity of existing dwellings.

(8) A Met tower shall be located no closer to a dwelling than a distance equal to the height of the tower.

(9) All wind farms and towers exceeding 50 feet in height used to provide electricity to an individual dwelling and accessory buildings, and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.

(10) Structures within a wind farm and other towers regulated by the terms of this section shall not be illuminated by artificial means and shall not display strobe lights unless required by the Federal Aviation Administration or other state or federal authority having jurisdiction.

(11) A wind farm, a wind turbine generator and all other devices and equipment regulated under the terms of this section shall be designed, located and operated so as to cause no serious adverse effect on other lands or other land uses by reason of noise. Constant velocity turbines shall be required; provided, however, that if variable speed turbines are proposed, the applicant shall submit additional data concerning noise generated when the revolutions per minute of such turbines exceed 24 rpm’s, and the Planning Commission may decline to approve any such variable speed turbines.
(12) All wind turbines shall be finished in a single, non-reflective matte finished color which minimizes the visual impact of the wind farm.

(13) The minimum vertical blade tip clearance from grade shall be 30 feet for a wind turbine employing a horizontal axis rotor (HAWT).

(14) Any wind turbine generator, including the foundation, the tower, the rotor and all other components shall have a total height not exceeding 400 feet, as measured from the ground at the base of the tower to the tip of the blade of the rotor, when the blade is in a vertical position.

(15) Towers exceeding 50 feet in height shall be only freestanding tubular towers.

(16) All power lines from a wind turbine generator and connecting to a sub-station or grid, shall be underground, unless otherwise permitted by the Planning Commission.

(d) **Discretionary Conditions.** The Planning Commission, in its reasonable discretion, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any wind farm, Met tower or other tower regulated by the terms of this section. Such other terms and conditions may include, though are not limited to, the following:

(1) The screening or buffering of structures (other than towers) with landscaping, berms, walls or any combination thereof.

(2) The prohibition on the construction or occupancy of dwellings on the lands where the wind farm or Met tower is located, within the separation distances specified by this section.

(3) The preservation of existing trees and other existing vegetation not required to be removed for installation of a wind farm, Met tower or other regulated tower.

(4) The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a wind farm, Met tower, other regulated tower or accessory buildings or structures.

(5) The providing of a performance bond or letter of credit, in favor of the Township, and conditioned upon the timely and faithful performance of all required conditions of the special land use, including but not limited to the timely and complete removal of a wind farm, or any individual tower, wind turbine generator, or other device or equipment regulated under the terms of the section, upon the failure of the same to be removed when required. Such performance bond or letter of credit shall remain in effect during and after the operation of a wind farm or any wind turbine generator or other such equipment, until the cessation of operations and the removal of the same.
(e) **Removal.**

(1) A wind farm and other towers and other equipment regulated by the terms of this section, including all turbines, accessory structures and all other components thereof, not later than when the wind farm or other individual tower or equipment is no longer operating or when it has been abandoned.

(2) A tower, a wind turbine generator, or other individual device or equipment regulated under the terms of this section shall be removed not later than when the device or equipment is no longer operating or when it has been abandoned.

(3) A wind farm, or any individual tower, wind turbine generator or other device or equipment, regulated under the terms of this section shall be deemed abandoned when it has not produced electrical energy for 12 consecutive months.

(4) The failure to remove a wind farm or any device or equipment regulated by the terms of this section shall be a violation of this Ordinance.

(5) In the event that the owner or operator of a wind farm or any device or equipment regulated under the terms of this section fails to remove the same after the ceasing of operations or after abandonment thereof, the Township may proceed with all appropriate enforcement and remedial action, including but not limited to the obtaining of funds pursuant to the applicable performance bond or letter of credit, and the use of such funds to accomplish the removal of all non-operating or abandoned towers, wind turbine generators, accessory structures and other devices and equipment regulated hereunder.

(f) **Inspections.** Upon the provision of reasonable prior notice to the site operator, the Township Zoning Administrator and/or his or her designated representative may inspect any property for which special land use approval has been granted pursuant to this section to determine whether the site complies with the applicable requirements of law and the terms of the special land use approval.

(g) **Prohibited Structures.** The following structures are prohibited as a part of any wind farm or as a part of any individual tower regulated under the terms of this section:

(1) Vertical axis wind turbines, commonly known as a “VAWT” or “Darrieus” wind turbine.

(2) Wind turbines with a nameplate generation capacity of less than 500 KW.

(3) Wind turbines (HAWT’s) with a rotor design consisting of a number of airfoil rotor blades other than three.
(4) Wind turbines utilizing a lattice tower structure.

(h) The provisions of this section shall apply to individual wind turbine generators, individual towers and other individual devices or equipment for the extracting of energy from wind and supplying it, in the form of electrical energy, to a local electrical grid.

22.65 Portable Sawmill Equipment.

(a) For purposes of this section, portable sawmill equipment is defined as equipment for the purpose of sawing logs into lumber, including power saws and associated equipment, where all of such equipment is designed to be conveniently portable, rather than being fixed permanently in place, by the use of wheels or other means whereby the equipment may be hauled or transported.

This section shall not apply to, nor shall it prohibit, the use of portable sawmill equipment used for the purpose of cutting down trees on one’s own property and/or sawing the resulting logs into lumber on that property; further, this section shall not apply to, nor shall it prohibit, the use of portable sawmill equipment that is taken from one location to another, for the purpose of sawing logs from trees at such other location.

(b) Operation and storage of portable sawmill equipment on the special land use premises shall take place only within the confines of a building that is fully in compliance with all applicable provisions of the district in which the lands are located, and in compliance with all other applicable Zoning Ordinance provisions and Township requirements, including but not limited to, all required minimum building setbacks for a principal building, accessory building regulations and other requirements.

(c) There shall be adequate landscaping, buffering or isolation area so as to avoid adverse effects upon other lands by reason of noise, dust or otherwise.

(d) Outdoor storage of logs and other materials shall comply with all required minimum building setback requirements applicable to the principal building under the terms of the district in which the land is located; provided, however, that no logs, sawdust, debris or other material shall be piled up, stored or located within any front yard, unless the same are piled up, stored or located at least 200 feet back from the front street right-of-way line.

(e) The storage of logs and other materials shall be sufficiently contained so as to prevent any adverse effect upon adjacent or nearby lands.

(f) Any log storage areas and other storage areas shall have a durable surface, and shall be so graded and drained as to avoid serious adverse effects resulting from the runoff of surface waters, erosion of the soil or otherwise.
(g) All loading and unloading activities on the special land use premises shall be conducted off-street and in such a manner as to avoid any adverse effects upon adjacent or nearby lands.

(h) The Planning Commission in its reasonable discretion may impose other terms and conditions on the use, storage and maintenance of the portable sawmill equipment. Such other terms and conditions may include, though need not be limited to, the following:

1. The hours of operation of the portable sawmill equipment and associated stockpiling and loading and unloading activities.

2. The fencing, screening or buffering of buildings, log-storage areas and loading and unloading areas.

3. The location of all buildings in which operation or storage of the portable sawmill equipment may occur.

4. The vehicle and hauling apparatus used to transport the portable sawmill equipment, logs, lumber and other materials.

5. The location of any driveway that might be used by the vehicle hauling the portable sawmill equipment.

6. The location of areas where logs may be stockpiled and areas where sawdust, other refuse and other goods or materials associated with the use may be located or accumulated. Such accumulations of sawdust and other refuse shall be on a temporary basis only, and the special land use may address the terms and conditions thereof.

7. The maximum quantity of logs and other such materials that may be stockpiled and/or stored on the lands included in the special land use.

22.66 Impound Lots.

(a) The area used for the parking, accumulation and storage of impounded vehicles shall not exceed one-half acre.

(b) Storage of impounded vehicles is permitted only in designated and approved storage areas authorized by the Planning Commission.

(c) There shall be no collection, accumulation, storage, dismantling, dumping, displaying, resale, exchange, bailing, crushing, shredding, cleaning or handling of second-hand, salvaged or waste machinery, vehicles, trailers or equipment. Except for the temporary parking of impounded vehicles for not more than 90 days, all equipment and activities associated with the impound operation shall be contained within a fully enclosed building.
(d) The part of the site used for vehicle parking or storage shall be paved or have some other approved hard surface. All such parking area shall be effectively drained so as to dispose of all surface water without ponding or adverse effects upon other lands or public streets.

(e) The part of the site used for vehicle parking or storage shall be maintained in an orderly and sanitary condition at all times and shall not create general unsightliness or health or safety hazards.

(f) The maximum number of impounded vehicles which may be stored on the site at any one time shall be as determined by the Planning Commission, but such number shall not in any event exceed 30 vehicles.

(g) All outdoor storage areas and vehicle parking areas shall be fully screened from view from other lands by a solid fence or by substantial landscaping approved by the Planning Commission. The type and height of any fence installed in compliance with this subparagraph shall be as determined by the Planning Commission. Any such fence shall be regularly maintained and shall consist only of materials designed to be used for fencing purposes.

(h) The vehicle parking or storage area of the impound lot, and any associated building, shall be set back from property lines for a distance at least as great as the minimum required building setbacks for the zoned district in which the land is located, but in approving the special land use, the Planning Commission may require greater setbacks.

(i) The parked or stored vehicles shall be placed directly on the ground; there shall be no stacking of vehicles or portions thereof on other vehicles or other objects or equipment.

(j) The applicant shall submit an operational plan for the use and operation of the impound lot, including hours of operation; the plan shall be subject to Planning Commission approval.

22.67 Farm-Related Recreational Use.

(a) **Purpose and Intent.** The purpose of this subsection is to establish minimum requirements and other provisions for the farm-related recreational special land use authorized for consideration and approval by the Planning Commission on lands in the R-A Rural Agricultural District. The provisions herein would permit certain recreational uses related to farms and farming activities to take place on farms, under various terms and conditions. Such uses could be permitted in addition to farm operations and, in appropriate cases, could serve as permitted enhancements of current farm uses, for the benefit of farm owners and operators and the interested public. This section does not apply to farm markets, to greenhouses or nurseries or to roadside stands, all of which are regulated by other provisions in this Ordinance.
(b) Farm-related recreational use as described in this section and as referred to as a special land use in the R-A District as defined as follows: The conducting of seasonal recreational activities on a farm, limited to the following: hay rides; cider mills; corn mazes; preservation and tours of historic farm buildings and/or the display of historic farm tools and equipment; horticultural and livestock displays and competitions; programs and educational classes about farming and farm land; and other permitted recreational uses associated with farm living, the raising of crops and livestock, the preservation of farm land and the use and improvement of land for productive agricultural purposes.

(c) Permitted Uses.

(1) Hay rides.

(2) Cider mills.

(3) Corn mazes.

(4) Preservation and tours of historic farm buildings and/or display of historic farm tools and equipment.

(5) Horticultural and livestock displays and competitions.

(6) Programs and educational classes about farming and farm land.

(7) Other limited recreational uses (1) associated with farm living, the raising of crops and livestock and the use and preservation of farm land, or other aspects of the use of land for productive agricultural purposes; and (2) determined by the Planning Commission to be substantially similar in character, nature and land use effects to the other permitted uses stated in this subsection (b).

(8) Accessory uses customarily incidental to the permitted farm-related recreational uses, as follows:

(i) The sale and serving of cider and other refreshments to cider-mill customers.

(ii) The sale of apples and other produce to cider-mill customers.

(iii) Tours of cider mills and apple storage warehouses.

(iv) Sale of books, brochures and other printed material about farms and farming, preservation of historic farm buildings and equipment and other written materials about farming and farm life.

(v) Sale or distribution of literature about corn mazes and the establishing thereof.
(vi) Off-street parking area for customers of permitted recreational uses.

(vii) Meetings of farm-related organizations.

(viii) Other accessory uses customarily incidental to and dependent on any of the permitted principal uses.

(d) A site plan in compliance with Section 23.4(b) shall be submitted. The special land use shall comply with the site plan as approved by the Planning Commission.

(e) Any building or other improvement shall have such size, height and location as are approved by the Planning Commission. All buildings and other facilities shall be subject to the approval of the Township fire chief with respect to matters of fire protection and public safety, and they shall be designed, constructed and operated only in full compliance with applicable Township fire code, building codes and other fire protection requirements.

(f) Safe and convenient motor vehicle access to the special land use shall be established and maintained as required by the Planning Commission in its approval of the special land use.

(g) The special land use shall be subject to such operational and other conditions as may be required by the Planning Commission, including hours and days of operation; extent of off-street parking; convenience of motor vehicle access; distance of recreational activities from adjacent lands; prohibition of adverse effects on other lands; and other regulations pertaining to the operation of the use and the prevention or avoidance of adverse effects on other lands and land uses.

(h) Off-street parking shall be provided in compliance with Chapter 26 or as otherwise required by the Planning Commission in its approval of the special land use. At all times, Township and other emergency vehicles shall be provided convenient and safe access to all buildings and other portions of the special land use.

(i) Provisions for sanitary sewage disposal and control and management of storm water drainage shall be as required by the Planning Commission and in compliance with applicable Township ordinances.

(j) Landscaping, if required, shall comply with applicable provisions of Chapter 27, or shall be as otherwise required by the Planning Commission. Effective landscaped screening, by means of trees and other vegetation, shall be established and maintained on lands as to which there are dwellings on abutting properties that are within 100 feet of any property line of lands used in the special land use. Such tree plantings or other visual screening shall be so located so as to substantially obscure the view of special land use operations from such dwellings on abutting lands.
(k) Exterior lighting, if permitted by the Planning Commission, shall be designed so that it is deflected away from other lands and adjacent streets; such lighting shall otherwise comply with Planning Commission requirements.

(l) Signs identifying the special land use shall comply with the non-residential sign requirements in the R-A District or shall comply with such other sign requirements as may be determined by the Planning Commission.

(m) Motor vehicle traffic on the site, the location and configuration of vehicle entrances and other aspects of motor vehicle traffic volume and circulation shall be as required by the Planning Commission. A traffic impact study may be required.

(n) If any of the activities comprising the special land use are subject to state or other licensing, all of such licenses shall be complied with and copies thereof shall be submitted to the Township prior to the commencement of the use.

(o) The providing, serving or consumption of beer, wine, spirits or other alcoholic beverage shall be prohibited unless authorized for the premises under applicable state license.

(p) The days and hours during which the permitted uses and activities may occur may be determined by the Planning Commission in its approval of the special land use.

(q) The following land uses are prohibited: Restaurant; retail store; any commercial or business activity not specifically authorized by the terms hereof.

(r) Standards for approval of the special land use. In considering whether the special land use shall be approved, the Planning Commission shall consider the following standards, in addition to the standards of Section 22.4:

1) The location of the use, in relation to residential, agricultural and other adjacent and nearby land uses.

2) The effects and impact of the special land use on adjacent or nearby lands or land uses.

3) The extent to which potential adverse effects of the special land use will be prevented, avoided or moderated by the conditions imposed in the approval of the use.

4) The extent to which the use would be consistent with the intent and purposes of the R-A District.

5) The extent to which the special land use would be consistent with the goals and objectives of the Township Master Plan.
(6) Other considerations relevant to the location and nature of the special land use and effects resulting from its operation.

22.68 Crematory.

(a) For purposes of this provision, a crematory is defined as a facility established and used for the cremation of human remains.

(b) A crematory shall have and maintain in force all required State of Michigan licenses for its establishment and operation. A copy of each license shall be promptly furnished to the Township office when issued or renewed.

(c) A crematory shall be established and operated only as a use accessory to an approved and licensed cemetery, funeral home or mortuary.

(d) A crematory shall be located on the same lands as an approved and licensed cemetery, funeral home or mortuary.

(e) The services rendered by a crematory shall be only those authorized by the state license of the crematory. The crematory shall otherwise be operated only in compliance with the provisions of its state license.

(f) The minimum lot area shall be 84,000 square feet and the minimum lot width shall be 200 feet, or such lesser lot area and narrower lot width as may be permitted under the terms of the special land use.

(g) The crematory building or other facility shall be located no closer to the property boundary lines than the minimum principal building setback requirements of the zone district in which the crematory is located, but in approving the special land use, the Planning Commission may require greater setbacks.

(h) Sufficient, safe and convenient off-street vehicle parking area shall be provided, together with safe and convenient access thereto.

(i) In approving the special land use, the Planning Commission may impose terms and conditions with respect to the operation of the crematory, including but not limited to prohibition of noticeable odors or particulates; placement and height of emission stacks; landscaping and fencing; and other provisions for the purpose of avoiding or moderating serious adverse effects on adjacent or nearby lands or land uses.

22.69 Alternative Energy Facilities.

Facilities and equipment for the generation of alternative or renewable energy including but not limited to biomass gasification plants (“Biomass Facility”) and other facilities and equipment for the generation or production of electricity, natural gas or other forms of energy from renewable, non-fossil-fuel sources may be approved by the Planning Commission as a special land use upon compliance with the following requirements:
(a) A Biomass Facility is a facility or plant designed and operated for the production of energy from waste and byproducts of plant and animal origin from agriculture, forestry and other sources, including waste wood, plants, animal manure and similar waste materials, byproducts and residues from which energy may be obtained or extracted through various processes.

(b) A Biomass Facility does not include a plant, facility or process utilizing fossil fuels and any products and byproducts from fossil fuels for the purpose of obtaining or producing energy, nor does it include sanitary sewage, sewage waste, sewage sludge, landfill gas or other landfill byproducts or materials or byproducts from sewage treatment plants or installations.

(c) A Biomass Facility may include combustion systems and other systems and equipment for the purpose of processing or converting permitted raw material into energy or into forms from which energy may be derived.

(d) A Biomass Facility shall be located only in the I Industrial District. The facility shall comply with the minimum lot area, the minimum lot width and the minimum required building setbacks specified for the I District, or such greater lot area, such greater lot width and such greater building setbacks as may be required by the Planning Commission in its approval of the special land use.

(e) The Biomass Facility shall comply with the maximum building height specified for the I District, or such greater height as may be permitted by the Planning Commission in its approval of the special land use.

(f) Site plan review and approval shall be required under the terms of Chapter 23 of this Ordinance.

(g) The Biomass Facility shall comply with all applicable federal, state and county laws, rules and regulations. All required federal, state and county permits and approvals shall be obtained. Two copies of any such permits and approvals shall be submitted to the Township.

(h) A Biomass Facility shall comply with state air pollution control laws and regulations. A state air pollution control permit shall be obtained, if required. In its approval of the special land use, the Planning Commission may impose air pollution control requirements, including those in excess of such requirements under the terms of state air pollution control regulations.

(i) The Biomass Facility shall have such screening and landscaping as may be required by the Planning Commission, for the purpose of shielding or obscuring the facility from view from adjacent and nearby lands and the public streets.

(j) Safe and convenient access shall be provided to and from the facility for motor vehicles, including trucks and other vehicles delivering raw material to the site. Access points and the configuration thereof shall be subject to the approval of the
Kent County Road Commission, including any required acceleration and deceleration lanes.

(k) In its approval of the special land use, the Planning Commission may regulate and impose terms and conditions concerning buildings, raw material storage, storm water drainage, off-street parking and loading areas, outdoor lighting, signage, isolation distance from other lands, utility services, noise, hours of operation and other elements and aspects of the special land use.

(l) All aspects of the facility, including the location thereof, storm water control measures and public utility services shall be subject to the approval of the Township engineer. Storm water control measures shall be subject to the Township Storm Water Ordinance.

(m) A building permit shall be required; the applicant shall otherwise comply with all applicable provisions of the Township Building Code.

(n) A site plan complying with the provisions of Section 23.1 shall be submitted by the applicant, together with such other information as may be required by the Planning Commission. Such other information may include an environmental impact statement, traffic impact study, noise control plan, outdoor lighting plan, signage detail, landscape and screening plan, storm water management plan, utility plan, proposed air pollution control measures and other plans, information and data sufficient to enable the Planning Commission to consider all aspects of the proposed use and the site thereof.

(o) In considering the application for the special land use, the site plan and other materials submitted by the applicant, the Planning Commission shall consider the standards for approval of the special land use as stated in Section 23.5.

22.70 Barn Event Venue.

(a) **Purpose and Intent.** The purpose of this section is to allow for productive and desirable use of buildings which were originally constructed for agricultural purposes, but are no longer being used for those purposes. The preservation of such buildings has a public benefit to the Township in maintaining rural character and the agricultural tradition of the Township. In addition, while location on an operating farm is not required, adaptation of farm buildings can enhance and financially support existing farm operations for the benefit of the rural character and promotion of agriculture within the Township. Barn event venues do not fall within the definition of a “farm-related recreational use” also permitted in the R-A District, which has a different purpose and land use impacts and regulations. Both such uses, however, may be conducted on the same property, if each such use receives special land use approval from the Township.

In order to preserve compatibility with the neighborhood and the road system, and in recognition of a lack of public water, sewer and other public services, the operation
of barn event venues is permitted on a seasonal basis, with limited days and hours of operation, and other appropriate requirements.

(b) **Definition.** A barn event venue, as described in this section and referred to as a special land use in the R-A District, is defined as follows: The use of an existing building, originally constructed for agricultural uses, and made available on a lease or rental basis as a venue for events which are open on an invitation only basis, such as weddings, receptions, birthday or anniversary parties, graduation open houses, or bridal or baby showers.

(c) **Application.** In addition to a site plan as required by Section 23.4 and other application materials required by this ordinance, an application for a barn event venue shall include the following:

1. A narrative describing the plan for the operation of the business, including types of events, catering, alcohol service, proposed days and hours of operation, supervision by responsible parties, and other information necessary or useful to demonstrate compliance with the intent and purposes of this special land use and the requirements imposed herein.

2. A written report by a qualified engineer, architect or builder stating at least a preliminary conclusion that the building proposed is in, or can be brought into, compliance with all applicable building, electrical, mechanical and structural requirements applicable to a place of public assembly.

3. Confirmation from the Kent County Road Commission that a commercial driveway permit can be issued to provide access to the venue and parking area.

4. Verification of the date or approximate date upon which the building proposed for the use was constructed. The zoning administrator or Planning Commission may waive this requirement if it is obvious that the building was constructed more than 30 years prior to the date of the application.

(d) **Requirements.** In addition to the general requirements for special land use approval, the following specific requirements apply to a barn event venue:

1. **Existing Building.** The building proposed as the barn event venue shall have originally been constructed for farming or agricultural purposes at least 30 years prior to the date of the application. This does not prevent remodeling or reinforcement of an existing building, or the construction of accessory buildings in support of the main venue, as permitted herein.

2. **Minimum Parcel Size.** The barn event venue shall be located on a parcel of no less than 10 acres. The Planning Commission may modify the minimum acreage requirement for a particular use upon a finding that the use is compatible with adjacent or nearby properties and may be conducted in
compliance with the other standards in the ordinance on less than 10 acres. The size and capacity of the buildings, parking area, and sanitation facilities shall be capable of safely handling the events on the property.

(3) **Operation by Occupants.** The person who operates the barn event venue shall have a primary residence on the property. This is not intended to prevent the use of caterers or others to perform functions under the supervision of the operator of the business. The Planning Commission may modify this requirement in cases where it determines that the applicant/operator lives in the vicinity and the applicant establishes that the property will be closely monitored during all events, in a manner substantially the equivalent as oversight by a person living on the property. To assure continued compliance with this provision, notification of all transfers of property associated with a barn event venue special land use shall be given to the Township zoning administrator 30 days prior to any such land transfer.

(4) **Food and Beverage Service.** Food and beverage service shall be provided by caterers, and not at a full-scale kitchen on the premises. Alcohol service is permitted by licensed caterers in compliance with the Michigan Liquor Control Code. This is not intended to prevent installation of warming, storage, cooling or other equipment to assist the caterers in their operation.

(5) **Seasons and Timing of Events.** Events shall conform to the following schedule:

(i) Events shall be held only during the months of April through October.

(ii) Events shall be held only on Fridays, Saturdays and Sundays.

(iii) All events on Fridays and Saturdays shall be completed by 11:00 p.m., and guests shall vacate the premises by that time. Any cleanup activity shall be completed no later than 48 hours after an event. Alcohol service shall be concluded not later than 10:00 p.m. Any events held on Sundays shall conclude by 5:00 p.m. The Planning Commission may impose more restrictive days and hours of operation if appropriate to protect neighboring properties or land use.

(iv) With prior approval of the zoning administrator, who may defer to the Planning Commission, events on up to three additional days per year may be permitted, subject to the other restrictions on the use.

(6) **Attendees.** The maximum number of attendees shall be not more than 200, or such lesser number specified by the Planning Commission, subject to the further limitation of the maximum capacity of the buildings as permitted by the Michigan Building Code and available parking. The Planning
Commission may also impose supplemental restrictions, such as a limit prohibiting more than one event with an attendance greater than a specified number of persons in any weekend, or limiting the number of events in a weekend.

(7) **Amplified Music.** Any speakers for amplified music or announcements shall be permitted only inside a fully enclosed building or structure. Amplified music may not be played later than 10:00 p.m. and shall comply with all Township noise ordinance requirements. In no event shall music, amplified or not, be reasonably detectable off the property after 10:00 p.m.

(8) **Parking.** Off-street parking shall be provided as shown on the site plan submitted with the special land use application. The minimum number of spaces shall be as provided in Chapter 26 for places of assembly without fixed seats. The Planning Commission may impose a maximum number of permitted vehicles, and shall require appropriate screening, fencing or other landscaping, and shall prohibit the parking of vehicles within a specified distance from the right-of-way line of adjacent streets and provide other regulations to assure that vehicles are arranged in a safe manner, consistent with neighboring lands and uses. Any temporary banners, sawhorses, cones or other devices used to mark parking areas and direct traffic will be installed no more than 48 hours before an event and removed no later than 48 hours after an event. No parking whatsoever shall occur on public roads, even if permitted by Road Commission regulations, and violation of this requirement shall constitute grounds for revocation of the special use permit.

(9) **Parking Surface.** Barn event venue parking areas may have a grass surface if maintained in a dust and mud free condition. For more permanent parking, Chapter 26 shall control, except that the Planning Commission may grant a parking modification with respect to the amount of parking area required to be paved, and allow (or require) parking on gravel, crushed concrete, grass, and similar areas, upon finding that paved parking would result in unnecessary amounts of paved parking area for the particular needs of the proposed use and that adequate parking for the business on non-paved areas as clearly designated on the site plan, is safe, and is compatible with adjacent or nearby properties. Dust and mud conditions shall, in all events, be controlled and avoided.

(10) **Lighting.** Small lantern lights not over eight feet above ground may be used to supplement existing lights. Additional exterior lighting shall only be in compliance with the zoning ordinance and shall require the approval of the Township zoning administrator. No lighting shall shine onto adjacent properties. Supplemental exterior lighting shall only be used during scheduled events.
(11) **Temporary Structures.** Any tent or other temporary structure which is constructed in addition to the existing buildings and structures, so as to accommodate an event, shall be installed no more than 48 hours before an event and shall be dismantled and removed no more than 48 hours after an event.

(12) **Signage.** One permanent sign shall be permitted in the same manner as allowed for permitted non-residential uses in the district. Temporary signage providing additional identification of the location and parking areas may be used on the day of the scheduled event.

(13) **Toilets and Lavatory facilities.** Toilets and lavatory facilities shall be provided in accordance with the Michigan Building Code and applicable health department regulations, including handicap accessibility when required, but in no event shall less than two separate toilets and lavatory facilities be provided. The applicant may use portable facilities which, if used, shall be located as shown on the site plan.

(14) **Trash and Refuse.** All trash and refuse resulting from events will be removed by the event sponsor or caterer no later than 48 hours after an event. No dumpster or similar commercial trash receptacle shall be located on the property.

(15) **Responsible Party.** The property owner shall maintain responsibility for operations at the site. The applicant shall designate to the Township a responsible party, with cellular and other phone contact, who is one of the owners or residents of the property, as a contact in case there are problems during the course of an event. The contact person shall at all times be available on the property during an event or shall designate to the Township the person who shall be at the site, available by phone and responsible (in addition to the named property owner) during an event. As a condition of special land use approval, the property owner shall be responsible for compliance with the conditions of this special land use approval, regardless of whether violations are actually committed by employees, contractors, guests or others.

(16) **Setback Requirements.** All buildings and structures on the site shall conform to the minimum setback requirements of the district in which it is located, unless the Planning Commission imposes a greater setback requirement. An existing legal non-conforming building and structure shall not be used for the business if such building or structure does not meet the current minimum setback requirements.

(17) **Traffic Control and Security.** If necessary to ensure that traffic entering or exiting the property moves promptly and safely into and out of the parking area, personnel shall be supplied by the property owner to direct traffic.
Also, security personnel shall be provided by the property owner to the extent necessary to ensure good order and safety are maintained during all events.

(18) **Auxiliary Structures.** It is the intention of this section that significant additional buildings generally not be constructed to support the barn event venue. Auxiliary structures connected with the barn event venue, such as gazebos, pavilions and restroom facilities, may be constructed as shown on the site plan. Auxiliary structures constructed to support the barn event venue shall not exceed a total area of 1,200 square feet.

(19) **Noise.** A barn event venue business, and all uses, events, programs or activities connected with the business, shall not create, assist in creating, continue or permit the continuation of any excessive or unnecessarily loud disturbances.

(20) **Compliance with Laws and Regulations; Permits and Insurance.** All required federal, state, county and local permits for each use, event, program or activity, shall be secured and maintained by the applicant, including but not limited to the following:

(i) Buildings, including but not limited to barns, shall not be used in the business until documentation is provided to the Township from a certified architect or engineer that the building so used is structurally sound and safe for the proposed activity. In addition, all buildings used in the business shall be inspected by and shall pass inspection by the Township building and electrical inspectors for all proposed uses of the building for the business.

(ii) Food provided for the business shall be prepared offsite by a licensed caterer in accordance with Kent County Health Department requirements.

(iii) Alcoholic beverages shall not be provided unless the provider secures and maintains an appropriate license from the Michigan Liquor Control Commission.

(iv) Kent County driveway permits are necessary for ingress and egress from the site.

(v) All buildings and structures shall be kept in compliance with applicable building and construction codes.

(21) **Additional Requirements.** The Township zoning administrator shall be expressly authorized to impose additional conditions and limitations upon the operation of the business concerning traffic, traffic patterns, parking arrangements, noises and disturbances and other operational aspects based on experience with the operation.
(22) **Violations.** Violation of the conditions of an approving resolution for a special land use under this subpart shall constitute a violation of the Township Zoning Ordinance. Repeated or serious violations of the conditions of the approving resolution are grounds for revocation of the special land use, following notice and public hearing by the Planning Commission. The requirements of this section all be incorporated into the approving resolution for the special land use and compliance herewith shall be a continued requirement for operation of the special land use.
CHAPTER 23
SITE PLAN REVIEW

23.1 Description, Scope and Purpose.

(a) The purpose of this chapter is to provide standards and procedures under which applicants would submit, and the Township would review, site development plans for specified types of land uses within the Township. Such review of proposed site plans by the Township, and the approval thereof under appropriate terms and conditions, will help to assure compliance with the terms of the Zoning Ordinance and implementation of the goals and policies of the Township Master Plan.

(b) Among other matters, this chapter provides standards under which the Township may consider the approval of site plans, including standards with respect to effect on existing land uses; vehicle traffic patterns; impact on natural features and natural resources; storm water drainage; access from public and private streets; placement of buildings and off-street parking areas; adequate water supply and wastewater disposal; the providing of open space; and a variety of other aspects of land development, including signs, exterior lighting, alteration of grades, fire protection and the like.

(c) The types of site plan review for various land uses and circumstances are the following:

(1) **Exemptions from Site Plan Review.** Land uses that are exempt from site plan review are stated in Section 23.2.

(2) **Full Site Plan Review.** The land uses for which full site plan review is required are stated in Section 23.3.

(3) **Administrative Site Plan Review.** The land uses that are eligible for administrative site plan review are stated in Section 23.4.

23.2 Land Uses Exempt From Site Plan Review.

The following land uses are exempt from site plan review:

(a) Single-family and two-family detached dwellings.

(b) Farms; farm buildings and farm structures.

(c) Seasonal roadside market stands in the R-A and R-R Districts.

(d) Home occupations, if lawful under Section 4.17.

(e) Permitted residential accessory buildings.
23.3 Land Uses Subject to Full Site Plan Review.

Except as otherwise provided in Sections 23.4 and 23.2, full site plan review by the Planning Commission shall be required for the following land uses and in the following circumstances:

(a) Land uses in the R-A, R-R, R-1, R-2, R-3 and R-4 Districts except single-family and two-family detached dwellings, residential accessory buildings and permitted farm buildings and farm structures.

(b) Land uses in the C-1, C-2, C-3, and I Districts.

(c) Land uses in the N-R District except single-family detached dwellings, agricultural buildings and residential accessory buildings.

(d) Special land uses.

(e) Site condominiums and condominium subdivisions.

(f) Planned unit developments.

(g) Open space preservation developments under Chapter 12.

(h) Any change in an existing land use if site plan approval was not previously given for the existing land use, in whole or in part, unless the change is an exempt change under Section 23.2, or unless the change is subject to administrative site plan review under Section 23.4(b).

(i) Any change in an existing land use that does not qualify as a minor change under Section 23.12(c) in or with respect to any of the following:

1. The principal building(s) or other principal structure(s).
2. The means or location of vehicle access to the land.
3. An increase or decrease in the area of the land.
4. The addition of a building or structure.
5. The addition of one or more land uses, including the addition of an additional business or commercial use.
6. A change in the principal building or principal structure, including a change in area, height, façade or other significant aspect thereof.
7. An increase or reduction in the size or configuration of off-street parking area.
(8) A change in, addition to or reduction in outdoor lighting fixtures, devices or equipment.

(9) A change in signage on the site, including number of signs, the size or height of any sign and the structure or message of any sign.

(j) A temporary-use site plan, defined as a site plan depicting the location, access to and essential features of a land use that has a permanent location elsewhere, but which is proposed to be located temporarily on another parcel of land, as a result of street repair or construction or other temporary circumstance that prevents or interferes with the use at its permanent location. Such temporary-use site plan and the application for approval need not include all of the contents of a site plan and application as stated in Section 23.5, but shall include sufficient, accurate information so as to enable the Planning Commission reasonably to evaluate and reach a decision concerning the temporary use and, further, the site plan shall include such additional information as may be requested by the Planning Commission in its review of the site plan.

(k) A major change in an approved site plan that has been referred to the Commission by the Zoning Administrator under Section 23.12(e).

23.4 Land Uses Subject to Administrative Site Plan Review.

The following land uses, in the following circumstances, are subject to administrative site plan review by the Zoning Administrator:

(a) A change in an existing land use that qualifies as a minor change under Section 23.12(c), if site plan approval was previously given for the existing land use, except minor changes referred by the Zoning Administrator to the Site Plan Review Committee or the Planning Commission under Section 23.12(d).

(b) A change from an existing, lawful nonconforming land use to a permitted land use if the change involves only minimal site plan changes or would result in only minimal impacts on adjacent or nearby lands or uses.

(c) A change from an existing permitted land use to a different permitted land use, if the proposed land use complies with all the following:

   (1) The proposed land use would be conducted entirely within an existing enclosed building.

   (2) The proposed land use would not increase the area of an existing off-street parking area by more than 20 percent.

   (3) The proposed land use would not substantially alter the character or appearance of an existing building or the site.
(4) The proposed land use would not result in serious adverse impacts on adjacent or nearby lands or uses.

(d) Expansion of an existing building that is included in an existing permitted use, if the proposed expansion complies with all the following:

(1) The proposed expansion would not increase the total gross floor area of the building by more than 20 percent or 6,000 square feet, whichever is less.

(2) No variances are required for the proposed building expansion.

23.5 Applications For Site Plan Review, Whether Full or Administrative Site Plan Review.

(a) An application for site plan review shall be submitted to the Zoning and Planning Department, together with a site plan complying with the requirements of this section and other applicable provisions of this ordinance.

(b) Subject to subsection (c), the application for site plan review and the site plan shall include at a minimum the following information:

(1) The date, north-arrow, and scale. The site plan shall be drawn so that north is at the top of the page, and so that the north-arrow points to the top of the page; provided, however, that north and the north-arrow may be oriented toward the right or left side of the site plan drawing if such alternate orientation would more clearly depict the site, given its dimensions or configuration. The locational drawing shall be arranged such that north is at the top of the drawing. The scale of the site plan shall be as follows:

(i) Parcels of 20 acres or less – not less than 1 inch equals 50 feet;

(ii) Parcels of more than 20 acres and up to and including 100 acres – not less than 1 inch equals 100 feet;

(iii) Parcels of more than 100 acres – not less than 1 inch equals 200 feet;

(iv) Despite the above-stated scale requirements, the Site Plan Review Committee may, in its discretion, require that a greater scale be provided for a particular site plan, if necessary for sufficient review and evaluation of the proposed use.

(2) The name and business address of the person responsible for preparation of the site plan.

(3) The name and address of the property owner and applicant.

(4) A locational sketch.

(5) Legal description of the subject property.
(6) The size (in acres) of the subject property.

(7) Property lines and required setbacks, including proposed building envelopes.

(8) Refuse and service areas, including locations of dumpsters or other types of trash receptacles.

(9) Loading and unloading facilities.

(10) Exterior lighting and signs.

(11) The location of all existing structures, driveways, and parking areas within 300 feet of the subject property’s boundaries.

(12) The location and dimensions of all existing and proposed buildings and structures on the subject property.

(13) The location of all existing and proposed streets and drives, including proposed lengths; acceleration/deceleration lanes and sidewalks; the location and area of existing and proposed off-street parking and loading areas.

(14) The location and right-of-way width of all abutting roads, streets, alleys or easements.

(15) The current uses of all properties abutting the subject property, showing the boundary lines of the abutting properties, and also showing the current zoning thereof.

(16) The location and a general description of all existing vegetation, and the location, type, and size of all proposed landscaping.

(17) The location and nature of existing and proposed water supply and sewage disposal facilities, including any proposed connections to public or community sewer and/or water supply systems.

(18) The location and size of all existing and proposed surface water drainage facilities.

(19) Existing and proposed topographic contours; contours of the proposed site shall be shown at five-foot intervals, though the Site Plan Review Committee may require two-foot intervals, in its discretion; contours for lands other than the subject property may be at ten-foot intervals.

(20) If site preparation or other site work for the proposed use will involve the excavation and removal from the site of 10,000 or more cubic yards of earth, soil or other mineral resource, the site plan shall include detailed information regarding the amount and location of such excavation and removal, the resulting contours of the land and a description of the proposed excavation.
and removal operations, proposed routes for the transporting of removed material and other information sufficient to evaluate the nature, scope, impact and results of such excavation and removal activity.

(21) Recreation areas, common use areas, and any areas to be established for public use.

(22) Existing and proposed lakes, streams and other bodies of water.

(23) Floodplain areas and basement and floor elevations of all buildings.

(24) Proposed deed restrictions or restrictive covenants.

(25) Typical elevation views of the front, side and rear of each building.

(26) A thorough narrative description of the development or improvements, including elements and features specific to the improvements or project, the uses and activities proposed for the property, the extent and type of impact of the land use on adjacent and nearby lands and streets and other material aspects of the improvements and site.

(27) Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Heights and areas of buildings and structures shall be stated.

(28) The period of time within which the project will be completed.

(29) Proposed staging, if any, of the land use or project.

(30) Delineation of the 100-year floodplain and any proposed uses therein.

(31) Additional information which the Township may request and which is reasonably necessary to evaluate the site plan.

(c) The Planning Commission, or the Zoning Administrator in the case of administrative site plan review, in its discretion, may waive any element, component or other matters otherwise required to be included in a site plan or a site plan application, if such matters are not deemed necessary for review and consideration of the proposed land use. In its approval or other action with respect to the site plan, the Planning Commission or Zoning Administrator, as appropriate, shall state in writing the required parts of the site plan which it determines can be waived, and shall include the same on the approved site plan or on an attachment thereto.

(d) An environmental impact study may be required.

(e) Proof of Kent County Road Commission approval or Michigan Department of Transportation approval for street entrances may be required.
(f) The application for site plan review shall be accompanied by payment of the application fee established by the Township Board, together with any required zoning escrow deposit for reimbursement of Township expenses in the consideration of the site plan, unless such deposit is waived, in whole or in part, as permitted by Township Board resolution or policy.

23.6 Standards for Review of Site Plans, Whether Full or Administrative Site Plans.

A site plan may be approved only if the site plan complies with the following standards:

(a) Generally. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the land parcel, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this ordinance.

(b) Buildings and Structures. Building and structures shall be located and arranged in compliance with zone district requirements and other applicable provisions of this ordinance. Buildings and groups of buildings shall be located so as to comply with all minimum yard requirements and so as to permit adequate emergency vehicle access to all sides of buildings. Dwellings and other principal buildings shall have access to a public or private street by means of a permitted driveway, sidewalk or other permitted means of access.

(c) Traffic Circulation. The number, location and size of access and entry points, and internal traffic routes, sidewalks and other pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic circulation features, the Planning Commission shall consider spacing and alignment with existing and probable future access points on nearby properties, and may require that provision be made for shared access with adjacent properties.

(1) Site plans shall fully conform with the driveway and traffic safety standards of the Township and the Kent County Road Commission. Private streets shall comply with Township private street requirements; public streets shall comply with Kent County Road Commission or Michigan Department of Transportation requirements, as applicable.

(2) A site plan shall depict sidewalks in accordance with applicable Township sidewalk requirements as to design, location and construction of sidewalks in condominiums, site condominiums and platted subdivisions, as the case may be. Likewise, site plans of planned unit developments and other types of permitted land developments shall depict sidewalks in accordance with sidewalk requirements for each applicable type of development.

(d) Storm Water Drainage. Storm water detention or retention and drainage systems shall be designed so that the removal of surface waters will not adversely affect the
subject property, adjacent or nearby properties or public storm water drainage systems. The plan shall show compliance with the Township Storm Water Ordinance.

(e) **Landscaping.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes shall be in keeping with the general appearance of neighboring developed areas. The site plan shall be prepared in compliance with the landscaping requirements of Chapter 27 of this Ordinance, except with respect to matters which may be proposed for possible modification by the Planning Commission, under the terms of that chapter.

(f) **Screening.** Where commercial uses abut residential uses, appropriate screening consisting of attractively designed fencing or screening, or equivalent landscaping, shall be provided so as to shield residential properties from noise, headlights, and glare, and from the view of trash receptacles, dumpsters and similar outdoor, utilitarian uses common to commercial activities.

(g) **Lighting.** Outdoor lighting shall be designed to minimize glare on adjacent properties and public streets, and shall otherwise be designed, installed and operated in compliance with Section 4.32 of this Ordinance.

(h) **Exterior Uses.** Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have only a minimum negative effect on adjacent properties, and shall be screened to ensure compatibility with surrounding properties.

(i) **Utilities.** Water supply and sanitary sewage disposal facilities shall comply with Township, county and state requirements.

(j) **Signs.** Signs shall comply with Chapter 25 and other applicable sign regulations in this Ordinance.

(k) **Parking and Loading.** All loading and unloading areas and outside storage areas which face or are visible from residential districts or streets shall be screened by a sufficient fence or by means of landscaping. Off-street parking and loading facilities shall comply with Chapter 26 and other parking regulations in this Ordinance.

(l) Site plans shall comply with the requirements of the Kent County Health Department and state and county requirements for soil erosion and sedimentation control.

(m) In addition to compliance with all applicable Township ordinance requirements, site plans shall be prepared in compliance with applicable county and state law requirements. Site plan approval shall be conditioned upon the applicant receiving all applicable Township, county and state permits or other approvals, prior to issuance of building permits or within such other deadline or time constraint determined by the Planning Commission or by the Zoning Administrator in the case of administrative site plan review.
23.7 Conditions On Approval Of Site Plans.

The Planning Commission, or the Zoning Administrator in the case of administrative site plan review, may impose reasonable conditions on the approval of a site plan. Such conditions may include but need not be limited to conditions necessary to insure compatibility with adjacent land uses; to promote the use of land in a socially and economically desirable manner; to protect the natural environment and conserve natural resources; and to insure that public services and facilities affected by a proposed land use or activity will be capable of handling increased service and facility demands caused by the land use or activity. Such conditions shall be in writing and shall be included on the final site plan or an attachment thereto.

23.8 Construction In Accordance With Approved Site Plan.

Following the approval of a site plan, the applicant shall design, construct and install all site plan improvements and other features in full compliance with the plan as approved. Failure to do so shall be a violation of this Ordinance.

23.9 Performance Guarantees.

To assure compliance with the terms of this Ordinance and any conditions imposed upon the approval of a site plan, the Planning Commission, or Zoning Administrator in the case of administrative site plan review, may require that a cash deposit, irrevocable bank letter of credit or performance bond, with surety acceptable to the Township, be submitted to the Township, as a condition of approval of the site plan. Such deposit or financial guarantee shall be in an amount determined by the Township Engineer.

(a) The amount of the required performance guarantee may include but shall not be limited to such amount as is determined to assure the completion of streets, outdoor lighting, utilities, sidewalks, drainage systems, fencing and screening, landscaping and other elements of the proposed construction or project.

(b) A bank letter of credit or performance bond shall be conditioned upon timely and faithful compliance with all conditions imposed upon approval of the site plan and in compliance with all applicable zoning ordinance and other requirements.

(c) When a performance guarantee is required, the guarantee, whether in the form of a cash deposit or other permitted form of guarantee, shall be deposited with the Township Clerk prior to the issuance of a building permit or other permit necessary for the commencement of work on the land which is the subject of the site plan.

(d) In the discretion of the Zoning Administrator, as phases or elements of the work or project depicted in the site plan are completed, portions of the cash deposit or the amount covered by a bank letter of credit or performance bond may be released.

(e) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Township
Clerk shall return to the applicant the cash deposit or the performance guarantee, as the case may be.

23.10 Procedures for Full Site Plan Review.

(a) One copy of a completed application form and twelve copies of a proposed site plan shall be submitted to the Zoning and Planning Department. The required application fee shall be paid at the time of submission of the application and the site plan, together with any required zoning escrow deposit for reimbursement of Township expenses in the consideration of the site plan, unless such deposit is waived, in whole or in part, as permitted by Township Board resolution or policy.

(b) The application and the site plan shall be reviewed by the Site Plan Review Committee to determine whether the plan sufficiently complies with Section 23.5, and whether it is otherwise complete for consideration by the Planning Commission.

(1) The Site Plan Review Committee shall be established as provided in Section 23.16, and shall have the responsibilities stated in that section.

(2) If the applicant has not included any required elements or aspects of the site plan, because the applicant desires to request that the Planning Commission waive those matters, the site plan may nevertheless be deemed sufficiently complete for purposes of Planning Commission consideration, if the submitted materials include a written narrative on the part of the applicant, stating the matters that the applicant desires to be waived and indicating the reasons for such waiver.

(c) After review of the site plan and the application by the Site Plan Review Committee, and upon the Committee’s determination that the submitted materials are complete, the site plan shall be forwarded to the Planning Commission for inclusion on the agenda of a Planning Commission meeting.

(d) The Site Plan Review Committee shall make written recommendations on the site plan to the Planning Commission. The Committee’s recommendation may include recommendations for particular terms and conditions under which the site plan might be approved.

(e) The site plan shall be considered by the Planning Commission at a public meeting. The Commission may continue its consideration of the site plan during subsequent meetings.

(f) The Planning Commission shall approve the site plan, disapprove the plan or approve the plan with conditions. The Commission’s decision on a site plan shall be made by majority vote of the members present, a quorum being present.

(g) The decision by the Planning Commission may be included in a motion or in a separate resolution. In either event, the terms and conditions under which the site
plan is approved shall be stated in the minutes of the meeting or in a resolution adopted by the Commission. If the site plan is disapproved, the reasons for the disapproval shall be stated in the minutes of the meeting or in a separate resolution.

(h) Upon approval of a site plan, all terms and conditions, and required revisions or modifications of the plan, shall be deemed a part of the approved site plan. The site plan shall be promptly redrawn or otherwise revised, to reflect any terms, conditions and modifications required by the Planning Commission, and the revised plan shall then be promptly submitted to the Zoning and Planning Department, which shall determine whether such Planning Commission requirements have been included in the revised plan.

(i) All subsequent actions relating to the land use shall be consistent with the approved site plan, unless subsequent changes therein are approved by the Planning Commission or otherwise as permitted in this chapter. Any construction, land use or other activity carried out contrary to or not in conformity with an approved site plan shall be a violation of this Ordinance.

(j) Upon approval of the site plan, whether as originally submitted or as it may be revised to reflect conditions or modifications by the Planning Commission, the Zoning Administrator shall mark and date such approval on the Township’s original copy of the plan. One copy each of the final site plan shall be forwarded to the building inspector, the Township clerk and the Zoning and Planning Department. One copy shall be returned to the applicant.

(k) In the event of construction work or other activity that does not comply with an approved site plan, the Township may issue a stop work order, whereupon all work in violation of or inconsistent with the approved site plan shall cease, or all work specified in the stop work order shall cease, until the order is withdrawn or cancelled by the Township.

23.11 Procedures for Administrative Site Plan Review.

(a) One copy of a completed application form and four copies of a proposed site plan shall be submitted to the Zoning and Planning Department. The required application fee shall be paid at the time of submission of the application and the site plan, together with any required zoning escrow deposit for reimbursement of Township expenses in the consideration of the site plan.

(b) If the application and site plan sufficiently comply with Section 23.6, the Zoning Administrator shall either consider the application and site plan and make a determination in writing, or refer the application and site plan to the Planning Commission for a determination under Section 23.10.

(1) The applicant may submit with the application a written request for a waiver of certain requirements of Section 23.6. The Zoning Administrator may waive any requirements that he or she considers not necessary to a
determination as to the site plan. By way of example and not of limitation, the Zoning Administrator may accept a dimensioned hand-drawn sketch, not to scale, if the administrator determines that a scaled drawing is not necessary to a determination.

(c) Unless the Zoning Administrator has referred the application and site plan to the Planning Commission, the Zoning Administrator shall either approve the site plan, disapprove the plan, or approve the plan with conditions. Such decision shall be in writing.

(d) If the site plan is approved, the Zoning Administrator shall mark and date his or her approval on the Township’s original copy of the site plan and forward a copy to the Zoning and Planning Department. One copy shall be returned to the applicant.

(e) Upon approval of the site plan, all terms, conditions and required modifications of the site plan shall be deemed part of the final site plan. The applicant shall promptly revise the site plan to reflect the terms, conditions and modifications, and the revised plan shall be promptly submitted to the Zoning and Planning Department, for verification of compliance, before any permits are issued and before any work at the site has commenced.

(f) All subsequent actions relating to the land use shall be consistent with the approved site plan, unless subsequent changes are approved by the Zoning Administrator or by the Planning Commission, if it has been referred to the Commission for decision.

(g) Any construction, land use or other activity carried out not in compliance with an approved site plan shall be a violation of this ordinance.

(h) If construction work or other activity does not comply with an approved site plan, the Township may issue a stop work order, whereupon all work not in compliance with the approved site plan shall cease, or such lesser work specified in the stop work order shall cease, until the order is withdrawn or cancelled by the Township.

23.12 Changes in Approved Site Plans.

(a) An approved site plan may not be changed, and development in accordance with a changed site plan may not take place, unless the changes in the site plan have been reviewed and approved in accordance with this chapter.

(b) The holder of an approved site plan shall submit an application for approval of any proposed change in the approved site plan. The application shall be accompanied by the site plan, showing the change or changes for which approval is being requested. Any required application fee shall be paid at the time the application and proposed revised site plan are submitted, together with any required zoning escrow deposit for reimbursement of Township expenses in the consideration of the proposed change or changes in the site plan, unless such deposit is waived, in whole or in part, as permitted by Township Board resolution or policy.
(c) Minor changes in an approved site plan may be approved by the Zoning Administrator, upon a determination that the proposed minor change will not alter the basic design of the development or any of the specific terms and conditions imposed as a part of the original approval of the site plan. Minor changes shall consist only of only the following:

1. Change in building size, up to five percent in total floor area.
2. Change in location of buildings or other structures by no more than ten feet.
3. Replacement of plant material specified in the landscape plan, with comparable material.
4. Changes in building materials to a comparable or higher quality.
5. Changes in floor plans which do not alter the character of the use.
6. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
7. Changes required or requested by the Township, the county or other governmental body or agency for safety reasons.
8. Changes which will preserve the natural features of the site without changing the basic site layout.
9. Other similar changes of a minor nature which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site, and which the Zoning Administrator determines would not have a significant adverse effect upon the subject lands, or upon adjacent or nearby lands or the public interest.

(d) Any requested minor changes that are submitted to the Zoning Administrator for approval may be referred to the Site Plan Review Committee or to the Planning Commission for decision, regardless of whether the requested change qualifies as a minor change. In the case of such referral to the Planning Commission or the Site Plan Review Committee, the Commission or the Committee, as the case may be, shall make the decision on the requested change.

(e) If the change requested in an approved site plan is not a minor change under the terms of subsection (c), then such change shall be deemed a major change. In that event, the site plan, showing the major change, shall be submitted to the Planning Commission for its review and consideration, and the procedures with respect thereto shall be the same as those required for full site plan review.

(f) In the approval of any changes in an approved site plan, whether by the Zoning Administrator, the Site Plan Review Committee or the Planning Commission, written
terms and conditions may be imposed thereon, and the applicant shall comply with such terms and conditions.

(g) Upon approval of minor changes in an approved site plan, the Zoning Administrator shall notify the Planning Commission of the minor changes approved.

(h) Upon approval of changes in an approved site plan, the applicant shall promptly submit to the Zoning and Planning Department four copies of the site plan, accurately showing the changes in the site plan as thus approved, before any permits are issued and before any work at the site has commenced. The Zoning and Planning Department shall review the revised plan for compliance with required changes.


(a) Any applicant who disagrees with a site plan decision made by the Planning Commission may appeal that decision to the Zoning Board of Appeals, except that a decision made by the Planning Commission on appeal of a Zoning Administrator decision under Section 23.14 shall not be appealable to the Zoning Board of Appeals. The appeal shall be in writing and shall be filed with the Zoning and Planning Department not later than 14 days after the decision. The appeal shall state specifically the matters being appealed and the factual basis for each appeal. An appeal stays the issuance of any permits that otherwise might be issued for the construction of buildings or other development within the lands included in the approved site plan.

(b) Upon receiving the appeal, the Zoning Board of Appeals shall include the matter on the agenda of its next convenient meeting. Upon consideration of the appeal, the Board of Appeals shall review the record of action taken by the Planning Commission. Such record shall consist of the files, memoranda, correspondence, minutes and other material in the Township files with respect to the site plan. The party appealing may submit written materials bearing on the appeal; written material in support of the decision may also be submitted by or on behalf of the Planning Commission. However, no new evidence shall be presented, and the appeal shall be decided solely on the basis of the record developed by the Planning Commission.

(c) In considering the appeal, the Board of Appeals shall determine whether the record supports the action taken with respect to the matter being appealed. The Board may uphold the decision being appealed, it may reverse the decision or it may uphold the decision in part and reverse it in part. In making a decision on the appeal, the Board shall prepare and approve written findings in support of its decision. Such findings shall be included in the minutes of the proceedings, or they may be set forth in a resolution adopted by the Board.

(d) A decision that a proposed change in an approved site plan is a major change shall not be appealable.

(a) Any applicant who disagrees with a site plan decision made by the Zoning Administrator may appeal that decision to the Planning Commission. The appeal shall be in writing and shall be filed with the Zoning and Planning Department not later than 14 days after the decision. The appeal shall state specifically the matters being appealed and the factual basis for each. An appeal stays the issuance of any permits that otherwise might be issued for the construction of buildings or other development within the lands included in the approved site plan.

(b) Upon receiving the appeal, the Planning Commission shall include the matter on the agenda of its next convenient meeting. Upon consideration of the appeal, the Planning Commission shall review the record of action taken by the Zoning Administrator. Such record shall consist of the files, memoranda, correspondence, and other material in the Township files with respect to the site plan. The party appealing may submit written materials bearing on the appeal. Written material in support of the decision may also be submitted by or on behalf of the Zoning Administrator. However, no new evidence shall be presented, and the appeal shall be decided solely on the basis of the record developed by the Zoning Administrator.

(c) In considering the appeal, the Planning Commission shall determine whether the record supports the action taken with respect to the matter being appealed. The Commission may uphold the decision being appealed, it may reverse the decision or it may uphold the decision in part and reverse it in part. In making a decision on the appeal, the Commission shall prepare and approve written findings in support of its decision. Such findings shall be included in the minutes of the proceedings, or they may be set forth in a resolution adopted by the Commission.

(d) If the Planning Commission’s decision is to reverse or modify the decision of the Zoning Administrator, the applicant shall prepare a revised site plan, accurately including the changes or other matters resulting from the Planning Commission’s decision on the appeal. The revised plan shall be subject to the approval of the Zoning Administrator, consistent with the terms of the decision on appeal. No permits shall be issued, nor shall work commence, until the revised plan has been approved.

23.15 As-Built Site Plan.

If required by the Planning Commission, and on recommendation of the Township engineer, and after completion of all required improvements as shown on the approved site plan, the property owner or other interest holder shall submit to the Zoning and Planning Department three copies of an “as-built” site plan, certified by an engineer, surveyor or other professional, prior to the anticipated occupancy of any building within the area comprising the site plan. The as-built plan shall be reviewed by the Zoning Administrator or township engineer to determine whether the plan conforms with the approved site plan and other Township requirements and applicable county and state requirements. Occupancy permits shall not be issued until the building official has determined that
the as-built site plan fully conforms with the approved site plan and the above-stated Township and other requirements.

23.16 Site Plan Review Committee.

(a) The Township Site Plan Review Committee is hereby established.

(b) The Committee shall have the authority specified in this section.

(c) The Committee shall consist of four persons appointed by the Township Board, one of whom shall be the Zoning Administrator.

(d) The persons serving as members of the Committee shall not have specified terms of office, but shall serve at the pleasure of the Township Board.

(e) The Committee shall determine its meeting schedule, procedures and other matters involved in the discharge of its responsibilities.

(f) The Committee shall review site plans submitted to it, to determine if the plans are complete under the terms of this chapter. The Committee shall make recommendations on each site plan to the Planning Commission. Such recommendations shall be for approval, denial, or approval in part and denial in part. The Committee shall set forth its recommendations in a report or memorandum, and shall include reasons for its recommendations, background discussion, citations to zoning ordinance provisions and other material in support of the recommendations being made.

(g) The Committee may also review a preliminary application for site plan review, prior to the time an applicant prepares a proposed site plan. As a part of its review of any such preliminary application, the Committee may meet with the applicant, review the preliminary plan, make recommendations and otherwise assist the applicant toward the preparation of a proposed site plan. An applicant desiring consideration of a preliminary site plan shall submit four copies of the plan to the Committee.

(h) In its consideration of site plans, the Planning Commission shall consider the findings and recommendations of the Site Plan Review Committee, but it may depart from such recommendations or findings.

(i) If in its consideration of a site plan, the Site Plan Review Committee determines that the plan is incomplete, the Committee shall return the plan to the applicant and need not forward the plan to the Planning Commission until it is complete.

(j) If in its review of a site plan the Committee determines that it needs additional information in order to make a decision on the plan, the Committee may request such information from the applicant, and may table consideration of the site plan until such further information has been submitted.
23.17 Approval Effective for One Year.

Approval of a site plan under the terms of this chapter shall be effective for a period of one year, but such effectiveness shall continue so long as the development and construction of the land use covered by the site plan commences within such period of one year and is diligently pursued thereafter. If construction or development of the use permitted by the approved site plan has not commenced during such one-year period, such period of time may, but is not required to, be extended by the Planning Commission, or by the Zoning Administrator in the case of administrative site plan review for up to two additional periods of one year each, if such an extension is applied for during the current period of site plan approval.
CHAPTER 24
CONDOMINIUMS AND SITE CONDOMINIUMS

24.1 Description, Purpose and Scope.

(a) Tracts of land that are developed and sold as site condominium developments and condominium developments are not subject to regulation under the Michigan Land Division Act. The Township determines it is in the best interest of public health, safety, and welfare to regulate site condominium developments and condominium developments to assure that these developments will not adversely affect the occupants thereof, other properties or the Township.

(b) This chapter covers both site condominiums and condominiums, whether for residential use or non-residential use. The references herein to site condominiums shall also include condominiums; accordingly, the requirements of this chapter for submission of condominium plans and for Township consideration and approval thereof shall apply to condominium developments as well as to site condominium developments.

(c) A reference in this chapter to condominiums shall include both conventional condominiums and site condominiums, unless the context clearly indicates otherwise.

24.2 Definitions.

For purposes of this chapter, the following words and phrases are defined as follows:

(a) “Building envelope” means an area of land within which a condominium unit may be constructed and used and which complies with the minimum lot area and the minimum lot width requirement of the zoned district in which the condominium unit is located.

(b) “Condominium unit” means a condominium established in compliance with the Condominium Act which consists of a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the condominium master deed. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a condominium unit shall be deemed to be a dwelling, if for residential use, or shall be deemed to be a building or portion thereof, if for an approved nonresidential use.

(1) In the case of an attached condominium, the minimum requirements of this Ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building in which the attached condominium is located; provided, however, that a building envelope surrounding the attached condominium unit shall be established and
described, so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.

The building envelope surrounding a two-unit condominium building must comply with the minimum lot area requirement, the minimum lot width requirement and the minimum building setback requirements for duplexes in the zoned district in which the two-unit condominium is located. The building envelope for a building that contains more than two attached condominium units must comply with the minimum lot area requirement, the minimum lot width requirement and the minimum building setback requirements for multi-family dwelling units in the zoned district in which the building is located.

(2) In the case of a detached condominium, the applicable provisions of this Ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building comprising the detached condominium; provided, however, that a building envelope or other equivalent space surrounding the detached condominium unit shall be established, so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.

(c) “Site condominium” means a condominium development consisting of not less than two site condominium units established in compliance with the Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended.

(d) “Site condominium plan” means the plans, drawings and information prepared for a site condominium as required by of the Condominium Act and as required by this chapter for review by the Planning Commission and the Township Board.

(e) “Site condominium unit” means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a site condominium unit shall be considered to be the equivalent of a “lot.”

(f) Except as otherwise provided by this chapter, words or phrases shall have the meanings as defined in the Condominium Act.

24.3 Condominium Approval Required.

(a) No improvements for a condominium and site condominium may be commenced until approval has been given for the condominium or site condominium pursuant to this chapter. For purposes of this provision, improvements include removal of trees,
earth grading, stripping of soil and other changes in the land that are undertaken in connection with or in furtherance of a pending, planned or proposed condominium or site condominium.

(b) In addition to compliance with this chapter and other applicable provisions of this Ordinance, condominiums and site condominiums shall comply with applicable federal and state statutes and county ordinances and regulations.

(c) In the event condominium or site condominium approval is requested in connection with a request for approval of a planned unit development, the condominium or site condominium shall be reviewed in accordance with the applicable requirements, and the procedures for review, public hearing, and approval provided for planned unit developments, as well as the procedures for review, public hearing and approval specified in this chapter.

24.4 Application for Condominium Approval.

An application for condominium or site condominium approval shall include the following information:

(a) A condominium plan which includes the documents and information required by Section 66 of the Condominium Act, and which includes the following information to the extent not included in such plans:

(b) The information required for site plan review under Chapter 23 of this Ordinance.

(c) Layout and dimensions of each condominium unit or site condominium unit, and the building envelope for such unit.

(d) Approval or tentative approval of the proposed design and location of the entrance to the condominium or site condominium from the County Road Commission or Michigan Department of Transportation.

(e) The use and occupancy restrictions and maintenance provisions for all general and limited common elements, and the locations thereof, that will be included in the master deed.

(f) A storm water drainage plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.

(g) A utility plan showing the location of all water and sewer lines, if any, and easements for the installation, repair and maintenance of utilities.

(h) A narrative describing the overall objectives of the proposed condominium or site condominium.
(i) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.

(j) A street construction, paving and maintenance plan for all streets within the proposed condominium or site condominium.

(k) A description and summary of all proposed phases of the condominium or site condominium development.

(l) Such other information as the Planning Commission or Township Board may reasonably request in their review of the proposed condominium or site condominium.

24.5 Procedures for Review of Preliminary Condominium Plans – Application and Hearing.

(a) The application and 12 copies of the preliminary condominium plan or site condominium plan, together with the required application fee and zoning escrow deposit, shall be filed with the Township Zoning and Planning department.

(b) Upon a determination that the preliminary plan is complete, based on a review thereof by the Zoning and Planning Department, the application and the plan shall be forwarded to the Site Plan Review Committee, for its review and for recommendation to the Planning Commission.

(c) In its review of the preliminary condominium plan or site condominium plan, the Site Plan Review Committee may refer the plan for review and comment to the Township Engineer, the fire chief, the planning consultant and other appropriate individuals or agencies.

(d) After reviewing the preliminary condominium plan or site condominium plan, the Planning Commission shall approve a resolution stating the Commission’s findings concerning the preliminary plan and stating its recommendations thereon.

(e) The Planning Commission shall recommend to the Township Board whether the condominium or site condominium shall be approved, denied, or approved with conditions.


(a) After receiving the Planning Commission’s recommendations on the preliminary plan, the applicant shall submit to the Township Zoning and Planning Department a minimum 12 copies of a final condominium plan or final site condominium plan which complies with the requirements of this chapter and the recommendations of the Planning Commission.

(b) The Zoning and Planning Department shall review the final plan to determine its completeness and to provide any comments to the Township Board regarding the
plan. The final condominium plan or final site condominium plan shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If the plan is not complete, it shall be returned to the applicant with a written summary of any deficiencies.

(c) If the plan is complete, the Zoning and Planning Department shall forward it to the Township Board.

(d) After receiving the Planning Commission’s recommendations on the preliminary plan and a final condominium plan or final site condominium plan from the applicant, the Township Board shall review and may by resolution approve, deny or approve with conditions, the final plan in accordance with the standards in Section 24.7.

(e) The resolution of the Township Board approving, denying or approving with conditions the final condominium plan or final site condominium plan may include conditions required to assure compliance with the requirements of this chapter and other conditions of approval specified for site development plans under the terms of the site plan review chapter. The Township Board resolution may also include terms and conditions required to assure compliance with other Township ordinances, state laws and regulations of other agencies.

(f) All terms and conditions included by the Planning Commission and Township Board in their respective approval of a condominium or site condominium shall be incorporated in the recorded Master Deed, or shall otherwise be reflected in the final condominium plan or final site condominium plan, when recorded as a part of the Master Deed.

24.7 Standards for Approval of Condominiums.

A condominium shall comply with all of the following requirements:

(a) The plan shall satisfy the standards and requirements for site plan approval in Chapter 23 of this Ordinance.

(b) The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layouts and design, or other aspects of the proposed project, shall comply with the Condominium Act and other applicable laws, ordinances or regulations.

(c) Each site condominium unit and each building envelope adjacent to a condominium unit or units shall comply with all applicable provisions of this Ordinance, including minimum lot area; minimum lot width; required front, side and rear yards; maximum building height; and other applicable land use requirements in this Ordinance.

(d) A residential condominium (not site condominium) development consisting of single family detached dwellings and/or two-family detached dwellings that is proposed to
be established under the terms of this chapter, on a single parcel of land under unified ownership, may be developed on lands zoned in the OS-PUD District, under the standards of approval of the OS-PUD District; provided, however, that in reviewing and approving such a development, the Township Board may, upon recommendation of the Planning Commission, authorize modifications of or departures from the requirements of the OS-PUD District pertaining to minimum lot area, minimum lot width, required front, side and rear yards and sidewalks upon finding that the following standards would be satisfied:

(1) That the gross building density of the condominium will not exceed that permitted by the OS-PUD District. Two-family detached dwellings shall count as two dwelling units for purposes of density calculations.

(2) That the approval of such modifications or departures will (i) make possible the more creative, economical and efficient use of land; (ii) allow larger areas of open space to be preserved around and near the perimeter of the development; (iii) allow the preservation of larger areas of significant or important natural features or wildlife habitat; or (iv) otherwise more fully achieve the intents and purposes of the OS-PUD District, as set forth in Section 11.1.

(3) That development of the condominium on a single parcel of land under unified ownership will result in a higher quality and more generally beneficial use of land by virtue of (i) the flexibility in the permitted orientation, alignment and clustering of dwellings; (ii) greater efficiency in the extension of streets; and (iii) potentially reduced cost of extending and providing public services and utilities.

(4) Authorized departures from the OS-PUD District shall not in any case (i) result in buildings or structures separated by a distance of less than 30 feet, or (ii) result in any building or structure within the development being located closer than 30 feet from the property line of the development.

(e) If a condominium or site condominium is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the County Road Commission.

(f) Private streets may be permitted to provide access to and throughout a condominium or site condominium:

(1) All private streets shall comply with Section 4.27 of this Ordinance.

(2) Provisions in the master deed and condominium bylaws shall obligate the developer and/or owner’s association to assure that all the private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe for travel at all times.
(g) The condominium or site condominium shall be connected to public water and sanitary sewer facilities, if available according to Township ordinances. If public water and sanitary sewer facilities are not available, the condominium or site condominium shall either be served by a private community system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank, and drain field located within each condominium or site condominium unit. Water supply and sanitary sewer facilities shall be approved by the county health department and the Township in accordance with applicable standards.

(h) Street lights shall be required in any condominium or site condominium and shall be installed in accordance with the outdoor lighting requirements of this Ordinance.

(i) Sidewalks shall be designed, located and constructed in residential condominiums and residential site condominiums as stated in this subsection.

   (1) Except as stated in this subsection, concrete sidewalks at least five feet wide shall be installed on both sides of all streets in residential condominiums and residential site condominiums. This requirement shall apply irrespective of the type of zoning of the applicable lands, whether by means of a conventional zoning district, a planned unit development district or an open space preservation development.

   (2) In approving a condominium or site condominium, the Township may determine that sidewalks shall be constructed on only one side of the streets, or on only one side of particular streets, in accordance with the following:

      (i) Sidewalks shall be required on only one side of a street if the other side of the street clearly cannot be developed and if there are no existing or anticipated land uses that would generate pedestrian trips on that side of the street.

      (ii) Sidewalks shall be required on only one side of a street that is intended primarily to provide access to abutting properties if the average lot width on the street is at least 200 feet and if the average dwelling unit density in the condominium or site condominium is not greater than two dwelling units per acre.

      (iii) No sidewalks shall be required adjacent to streets that provide direct frontage access to 20 or fewer dwellings or dwelling units, unless such streets would or could potentially be extended to accommodate additional residential lots, in which case sidewalks shall be installed in accordance with the other provisions of this subsection which become applicable by reason of the number or potential number of dwellings or dwelling units and/or the average dwelling unit density or in accordance with other applicable factors specified in this subsection.
(iv) Unless a sidewalk or sidewalks would provide a direct link between an existing or planned sidewalk segment, or unless there is potential for future land uses or a street extension, sidewalks shall not be required along residential streets in a condominium or site condominium that provides direct frontage access to 20 or fewer dwellings or dwelling units in the condominium or site condominium.

(3) All aspects of the design, location, construction and completion of sidewalks in a condominium or site condominium shall conform to the minimum Township specifications for sidewalk construction as stated in Chapter 11 of the Township Code of Ordinances regulating sidewalks.

(4) Sidewalks shall be designed, located, constructed and completed at the time the adjacent streets in a condominium or site condominium are constructed and completed, unless deferral of such sidewalk construction to a deadline as provided herein is permitted by the terms of the Township Board resolution approving the condominium or site condominium.

(i) If deferral of such sidewalk construction is requested by the applicant, the Planning Commission may recommend and the Township Board may approve such deferral, in whole or in part, if they determine that one or more of the following factors applies:

(I) Sidewalks in a condominium or site condominium are determined to be necessary, but it is reasonable to defer their construction until completion of the condominium or site condominium, the completion of a phase or phases in a condominium or site condominium, or completion of a stated number of dwellings or dwelling units;

(II) The time when a connecting sidewalk or sidewalks on other lands will be constructed is not known with certainty;

(III) There is an existing sidewalk on other lands within a reasonable distance from the subject land, and so a deferral of sidewalk construction on the subject land could result in actual construction occurring when there is greater likelihood of a connection with the existing sidewalk; and/or

(IV) There are other grounds justifying a reasonable deferral of sidewalk construction, in view of the relevant circumstances.

(ii) If such deferral of sidewalk construction is permitted, the Township Board resolution approving the condominium or site condominium shall state the terms of the deferral.
(iii) The permitted deferral shall continue only until a stated date; the completion of a development phase in the condominium or site condominium; the completion of a stated percentage of dwellings along streets; the completion of a dwelling or improvement of a unit; the occurrence of some other specific event; or such time as the Township Board may require sidewalk construction.

(iv) To assure construction in accordance with the approved deferral, the applicant shall provide to the Township a performance guarantee in the form of a cash bond, letter of credit or performance bond, to the benefit of the Township, in the amount estimated by the Township engineer as the total cost of construction and completion of such sidewalks at the time construction is required. The applicant may be required to execute and record a restrictive covenant, whereby the terms of the deferral and required construction shall be binding upon all subsequent owners of the land, as well as the current owner.

(v) The resolution approving the condominium or site condominium shall determine whether, and if so on what terms, the applicant shall construct a sidewalk from the adjacent or nearby public street, extending to the nearest sidewalk within the condominium or site condominium.

(5) Sidewalks shall generally be required on both sides of all streets within a non-residential condominium or non-residential site condominium, but the Township may require sidewalks on only one side of the streets or on only one side of particular streets, or it may waive the requirement for sidewalks if a suitable alternative pedestrian pathway is provided in accordance with subparagraph (6) of this subsection (i).

(6) It is recognized that in certain instances, because of topography or other conditions, an applicant may wish to propose a pedestrian walkway or trail plan for a condominium or site condominium that would require departures from the requirements for sidewalks as stated in this Section.

(i) For example, such an alternate plan might include pedestrian walkways constructed of material other than concrete that would provide access to open spaces that might otherwise not be conveniently accessible, or which might be located other than along the street frontage of land parcels.

(ii) In such cases, a detailed plan for the proposed alternate system of pedestrian walkways may be submitted, together with the application for condominium or site condominium approval, and the plan shall be reviewed as a part of the approval process. Any such alternate
walkway plan shall provide a reasonably continuous system of walkways located within dedicated easements.

(7) If at the time sidewalk construction is required, there are inclement weather conditions that prevent construction, such construction may be deferred until inclement weather conditions abate, at which time construction shall promptly proceed to completion.

(j) The Township Board, after recommendation by the Planning Commission, may require that a condominium or site condominium have more than one entrance/exit extending off the public street or streets adjacent to the condominium or site condominium. In determining whether there shall be more than one such entrance/exit, the Planning Commission and Township Board shall consider the following factors, among others:

(1) The number of dwelling units in the condominium or site condominium.

(2) The area of the land comprising the condominium or site condominium.

(3) The location, length and configuration of the streets within the condominium or site condominium.

(4) Other factors bearing on the need or desirability of more than one entrance/exit for the condominium or site condominium, in the interest of safe, convenient and adequate emergency vehicle access and otherwise in the interest of the public safety and convenience.

24.8 Construction in Compliance with Approved Plan.

No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property (including removal of trees, earth grading, stripping of soil and other changes in the land), in connection with or in furtherance of a pending, planned or proposed condominium or site condominium, except in compliance with the final condominium plan or final site condominium plan as approved by the Township Board, including any conditions of approval.

24.9 Completion of Improvements.

(a) No building or occupancy permit for a condominium unit or site condominium unit in an approved condominium or site condominium shall be issued until construction of all required improvements has been completed and approved by the Township, or acceptable security for completion of such improvements has been provided.

(b) Upon completion of all required improvements, four complete copies of as-built engineering plans for all required improvements shall be promptly filed with the Township Zoning and Planning Department.
24.10 Expandable or Convertible Condominium Projects.

Approval of a final condominium plan or final site condominium plan shall not constitute approval of expandable or convertible portions of a condominium or site condominium unless the expandable or convertible areas are specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

24.11 Revisions of Approved Final Condominium or Site Condominium Plan.

(a) Changes to a condominium or site condominium for which a condominium plan or site condominium plan has been approved are subject to this section.

(b) Any change which constitutes an exempt change shall not be subject to review by the Planning Commission under this chapter, but a copy of an exempt change shall be submitted to the Township Zoning and Planning Department; provided, however, that Zoning and Planning Department shall determine whether the proposed change is an exempt change, and shall notify the applicant accordingly. An exempt change shall include only the following:

(1) A change in the name of the condominium or site condominium, in the name of a street within the condominium or site condominium or in the name of the developer.

(2) Any other change in the condominium or site condominium which, as determined by the Zoning and Planning Department, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of the land, buildings or structures in or proposed for the condominium or site condominium.

(c) Any change which constitutes a minor change shall be reviewed and approved by the Zoning and Planning Department, but in the discretion of the Department, any such minor change may be referred for decision by the Planning Commission. A minor change means a minor change in the site configuration, design, layout or topography of a condominium or site condominium (or any portion thereof), including any change that will result in:

(1) A decrease in the number of condominium or site condominium units;

(2) A reduction in the area of the building envelope for any condominium or site condominium unit, provided that the reduction does not result in the building envelope comprising less than the required minimum lot area or having yard sizes less than the minimum required yards specified for the zoned district in which the site condominium is located.

(3) A reduction of less than 10 percent in the total combined area of the general common elements of the condominium or site condominium, provided that such reduction, in the case of a condominium or site condominium in a
planned unit development, does not result in less permanently preserved open space than required by the applicable planned unit development district under the terms of this Ordinance.

(4) A reduction in the total combined area of the limited common elements of the condominium or site condominium.

(5) Any other minor variation in the site configuration, design, layout, topography or other aspect of the condominium or site condominium and which, as determined by the Zoning and Planning Department, does not constitute a major change.

(d) Any change which constitutes a major change shall be reviewed by the Planning Commission and the Township Board, as provided in this chapter for the original review and approval of condominiums or site condominiums. Major change means a major change in the site configuration, design, layout or topography of a condominium or site condominium (or any portion thereof), including any change that could result in:

(1) An increase in the number of condominium or site condominium units.

(2) Any other change in the site configuration, design, layout, topography, or other aspect of the condominium or site condominium which is subject to regulation under this Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Zoning and Planning Department to constitute a major change in the condominium or site condominium.

24.12 Incorporation of Approved Provisions in Master Deed.

All provisions of an approved condominium plan or site condominium plan shall be incorporated by reference in the Master Deed for the condominium or site condominium. The Master Deed shall be reviewed by the Township attorney, prior to recording, and it shall be subject to the attorney’s approval, consistent with this chapter and the Township’s approval of the condominium or site condominium. A copy of the Master Deed as recorded with the county register of deeds shall be provided to the Township promptly after recording.

24.13 Approval Effective for One Year.

Approval of a final condominium plan or final site condominium plan by the Township Board shall be effective for a period of one year, but such effectiveness shall continue so long as the development and construction of the condominium or site condominium commences within such period of one year and is diligently pursued thereafter. If construction or development of the condominium or site condominium has not commenced during such one-year period, such period of time may be extended by the Township Board in its discretion, for up to two additional periods of one year each, if such an extension is applied for during a current period of approval.
24.14 Variances.

The Township Board may approve a variance in any of the provisions of this chapter, (except that variances from the streetlight provisions of Section 24.7(h) shall be considered only under the provisions of subsection (d) of this section; and further except that a variance from the sidewalk provisions of Section 24.7(i) shall be considered only under the provisions of subsection (e) of this section), after recommendation thereon by the Planning Commission, and upon a determination that practical difficulty would result from compliance with those provisions of this chapter as to which a variance may be requested by a party having an interest in a condominium or site condominium development or any condominium or site condominium unit.

(a) For purposes of this section, practical difficulty shall mean a difficulty or impossibility involving the topography or other physical features of the land.

(b) In determining whether to grant a variance under the terms of this section, the Township Board may depart from the recommendation thereon made by the Planning Commission.

(c) In considering whether a variance (as to matters other than sidewalks or street lights) shall be recommended, in the case of the Planning Commission, and in considering whether a variance shall be granted, in the case of the Township Board, each body shall consider and make findings upon the following:

(1) That there are exceptional or extraordinary circumstances or conditions affecting the property, as a result of which the strict application of a provision of this chapter would be impracticable or unreasonable.

(2) That the granting of the requested variance would not be detrimental to the condominium or site condominium or to adjacent or nearby lands.

(3) That the granting of the requested variance, when implemented, would not violate or be contrary to a provision of any other chapter of this Ordinance.

(4) That the granting of the requested variance would not violate any provision of the Michigan Condominium Act.

(d) A variance from the street light provisions of Section 24.7(h) shall be considered only under the provisions of this subsection. The Township Board, after recommendation by the Planning Commission, may determine that street lights need not be installed, or that street lights need to be installed only at street intersections or at other specified locations, upon findings based on the following criteria:

(1) The nature, design and configuration of the condominium or site condominium, including streets, building placement, number of condominium units, the area and location of dedicated open space and other aspects of the condominium or site condominium.
(2) The location of the condominium or site condominium in relation to more densely developed locations or areas.

(3) Other grounds supporting the lack of need for illumination of streets or a reduction in the number of street lights.

(e) A variance from the sidewalk provisions of Section 24.7(i) shall be considered only under the provisions of this subsection. The Township Board, after recommendation by the Planning Commission, may determine that sidewalks need not be installed, or that sidewalks shall be installed only at specified locations, but any such determination shall be made only upon a finding of practical difficulty involving the effects of topography or other physical features of the land which prevent the construction of sidewalks or which cause the construction of sidewalks to be unreasonable or inappropriate as a result of lack of pedestrian safety or lack of sidewalk durability.

24.15 Board of Zoning Appeals Jurisdiction on Variances from Other Provisions.

(a) The provisions in Section 24.14, with respect to variances, pertain to variances from the terms of this chapter only.

(b) If, with respect to lands comprising a condominium or site condominium, an applicant seeks a variance from zoning ordinance provisions set forth in chapters other than this Chapter 24, any such variance application, if otherwise authorized, shall be considered by the Board of Zoning Appeals in accordance with the provisions of Chapter 30. The granting of a variance by action of the Planning Commission and Township Board under the terms of this Chapter 24 shall not be sufficient to authorize a variance from other zoning ordinance provisions with respect to the lands comprising a condominium or site condominium or the uses proposed for such lands.
CHAPTER 25
SIGNS

25.1 Description and Purpose.

This chapter regulates the size, number, location and manner of display of signs in the Township, to achieve the following purposes, among others:

(a) To protect and further the health, safety and welfare of the Township residents, property owners and visitors.

(b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.

(c) To promote reasonable uniformity in size, number or placement of signs within districts.

(d) To promote economic development by minimizing visual clutter; to permit reasonable identification of business enterprises; to achieve other benefits resulting from reasonable sign usage, including the providing of directions, enabling of advertisement or commercial purposes and the like.

(e) To balance the public’s right to be informed and its desire to avoid visual pollution and hazardous conditions with the desires of businesses and other land uses to communicate by means of signs.

25.2 Definitions.

The following words and phrases in this chapter are defined as follows:

(a) **Agricultural Industry Sign.** A sign on a farm which identifies items, products, breeds of animals, or farming methods used, grown, raised or sold on the farm.

(b) **Balloon Sign.** A sign composed of a non-porous bag filled with air or gas.

(c) **Banner Sign.** A portable sign of fabric, plastic, or other non-rigid material without an enclosing structural framework.

(d) **Billboard.** A sign which advertises an establishment, service or activity not conducted on the land on which the sign is located, or which advertises any good or products that are not sold, manufactured, processed or fabricated on the land on which the sign is located.

(e) **Business Park or Office Park Sign.** A sign identifying a multiple-building business or commercial development or multiple-building office development.
(f) **Changeable Message Sign.**

(1) **Manual.** A sign on which a copy is changed manually, such as reader boards with changeable letters or pictorials; or

(2) **Electronic.** A sign in which the display or message is changed by electric means, with each message or image remaining stationary for the period of time required by this Chapter.

(g) **Community Service Group Sign.** A sign which displays the name, logo or location of an agency, organization or group whose primary purpose is to promote or provide community or public service such as the Rotary Club, Jaycees, Lion’s Club or similar organization.

(h) **Community Special Event Sign.** A portable sign which is erected for a limited time to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolence.

(i) **Construction Sign.** A sign which identifies the owners, lenders, contractors, architects and engineers of a project under construction.

(j) **Directional Sign.** A sign which gives directions, instructions, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including commercial signs.

(k) **Electronic Sign.** A sign that consists of or includes an image, message or sign face that is projected or otherwise produced, in whole or in part by electronic means, which may include the use of light-emitting technologies, liquid crystal displays, computer-generated images or messages or lights or a series of lights produced or operated by electronic means.

(l) **Essential Services Sign.** A sign installed and maintained by a public utility, municipal corporation, cable television company or telecommunications company, for the purpose of identifying systems, installations, equipment and other components necessary for the furnishing of public utility and similar services for the public health, safety or benefit, but not including a ground sign or a wall sign identifying an office building or administrative building.

(m) **Flag Sign.** A flag which is attached to a pole and which contains the name, logo or other symbol of a business, company, corporation or agency of a commercial nature.

(n) **Garage, Estate, Auction or Yard Sale Sign.** A temporary sign erected to advertise the resale or auction of personal property belonging to the resident of the property where the sale is held, including rummage sales or similar casual sales of personal property.
(o) **Governmental Sign.** A sign erected by the Township, or the state or federal government, but not including a school district.

(p) **Ground Sign.** A freestanding sign supported by a base, column, pole, or any of them, including one or more, which rests directly on the ground or on a foundation installed on or in the ground; the bottom of the sign may be no more than 24 inches above the finished grade below the sign.

(q) **Information/Announcement Sign.** A portable sign announcing or providing information about a particular occasion or event, but not advertising any product or service or soliciting an offer to engage a service or to purchase any product; such signs may include signs announcing the opening of a new business, a birthday or other family occasion or the like.

(r) **Incidental Sign.** A small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign, restroom sign or sign indicating hours of business.

(s) **Multi-Vision Sign.** A sign that has an image or images on a sign-display face that presents or is capable of presenting sequentially two or more separate images, in whole or in part, by means of components or devices such as rotating cylinders or slats that turn to change a sign image.

(t) **Mural.** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, use or activity.

(u) **Nameplate.** A non-illuminated, on-premise sign giving only the name, address and/or occupation of an occupant or group of occupants.

(v) **Placard.** A sign not exceeding two square feet which provides notices of a public nature, such as “No Trespassing,” “No Hunting” or “Gas Main” signs.

(w) **Portable Sign.** An information/announcement sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another such as A-frame signs or signs designed to be wheeled from one location to another.

(1) **Pylon Sign.** A freestanding sign, the bottom of which is more than 24 inches above the finished grade, and which is supported by a structure, poles, or braces which are less than 50 percent of the width of the sign.

(x) **Reader Board.** A sign or part of a sign on which the message is changed, either electronically or manually, and which is designed and intended to be readable from only a short distance away on the property on which the reader board is installed.

(y) **Real Estate Sign.** A sign advertising the real estate upon which the sign is located as being for sale, rent or lease.
(z) **Residential Development Sign.** A sign identifying or recognizing a platted subdivision, site condominium, multi-family development or other residential development.

(aa) **Roof Line.** The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other projections.

(bb) **Roof Sign.** A sign erected above the roof line of a building.

(cc) **Sign.** A device, structure, fixture or placard which may or may not use graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, use or activity, or to communicate information to the public.

(dd) **Snipe Sign.** A sign that is attached to a utility pole, tree, fence, stake or similar object that is located on public or private property.

(ee) **Wall Sign.** A sign painted or attached directly on and parallel to the exterior wall of a building, and which extends no greater than 12 inches from the exterior face of the wall to which it is attached, nor project beyond either side of the wall to which it is attached nor above the roof line (except in the case of a flat roof) of the building to which it is attached.

(ff) **Vehicle Sign.** A sign affixed, painted or drawn on a vehicle or trailer, the primary purpose of which is to advertise or identify an establishment, product, service or activity, rather than merely to identify the vehicle or trailer while it is being used for transport, delivery or similar purpose, but excluding a sign on a licensed vehicle or trailer being parked overnight or otherwise being parked for a time of short duration and associated with the use of the vehicle or trailer for travel, transport, delivery or the like.

### 25.3 Sign Permits and Applications.

(a) A sign permit shall be required for the erection, use, construction or alteration of all signs except those exempted from such permits. The alteration of a sign shall include any change to an existing sign, including changing the copy, image or message (except lawful changeable-copy signs) if such change is to advertise or identify another use.

(b) A permit shall not be required for the ordinary servicing, repainting or cleaning of an existing sign or sign message. No permit is required to change the message of a sign designed for periodic message change, if there is no change in the sign structure.

(c) Ordinary sign maintenance or servicing shall not include augmenting or altering the type of illumination, augmenting or altering the structural components of the sign face, electrification of a sign or similar alteration, and shall be carried out in accordance with the requirements of this chapter; provided, however, that a static
display face of a billboard shall not be changed to a changeable, digital, electronic or multi-vision display face.

(d) An application for a sign permit shall be made to the Township, on a form provided by the Township, together with the required fee. The application shall also include such other information which the Township may require in order to determine that all applicable requirements will be satisfied.

(e) After reviewing a complete sign application, the Township shall issue a sign permit if all applicable provisions of this Ordinance and applicable provisions of other Township ordinances have been complied with and, if applicable, if a sign permit has been issued by the State Department of Transportation. A permitted sign shall be installed or be under construction within one year of the issuance of the permit, or the permit shall automatically expire. In that case, a new permit will be considered upon the filing of a new and complete application and payment of the required fee.

25.4 Regulations Applicable to All Signs.

The following provisions are applicable to signs in all zoning districts.

(a) Sign Structure and Placement.

(1) All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the effects of the weather.

(2) Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.

(3) Signs shall be constructed to withstand all reasonably expected wind and vibration forces.

(4) A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or constitute a nuisance.

(5) A wall sign shall not extend in any direction past the face of the wall to which it is affixed.

(6) A sign or its supporting structure or any part thereof shall not extend beyond a lot line of the property on which it is located.

(7) A light pole, power pole or other supporting member shall not be used for the placement of any sign, except as may be permitted by this chapter.

(8) All signs shall pertain only to the business or activity conducted on the premises on which the sign is located, except for community special event
signs, existing billboards and other off-premises signs permitted in this chapter.

(b) **Illumination and Non-Stationary Features.**

(1) If permitted, signs may be illuminated either internally or externally. If externally illuminated, the following requirements shall apply:

(i) External lighting fixtures shall be so located, aimed and shielded so that light is directed only onto the sign face. Such lighting fixtures shall not be directed at other properties or public or private streets.

(ii) External lighting fixtures shall be of a type such that the bulb or other light source shall not be directly visible from other properties or streets.

(iii) To the extent possible, external lighting fixtures shall be mounted and directed downward (that is, below the horizontal plane).

(2) Flashing, oscillating, blinking or variable intensity light is prohibited, except for time and temperature signs.

(3) A sign shall not contain any moving or animated parts, nor have the appearance of having moving or animated parts, except for time and temperature signs and barber pole signs.

(c) **Measurement of Sign Area.** No sign shall exceed the maximum sign area permitted for the district in which it is located. The area of a sign shall be expressed in square feet, computed to the nearest tenth of a square foot, and shall be calculated as follows:

(1) **Area.** The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

(2) **Double-Faced Sign.** The area of a freestanding, ground or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two faces are placed back-to-back and are no more than two feet apart at any point, the area of one face shall be counted toward the maximum size requirement. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
(3) **Wall Sign.** For a sign consisting of individual letters and/or a logo affixed directly onto a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.

(4) **Height.** The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less, excluding any artificially constructed earthen berms.

25.5 **General Sign Regulations.**

(a) All signs shall be stationary, except as otherwise permitted in this chapter.

(b) No sign shall exceed a height of 35 feet.

(c) Governmental signs and political signs are permitted in all zone districts.

25.6 **Signs Exempt from Permit Requirement.**

The following signs are exempt from issuance of a Township sign permit, but they shall be subject to all other applicable provisions of this chapter:

(a) A sign that is 32 square feet or less in area and is not more than six feet in height.

(b) A governmental sign.

(c) A political sign.

(d) An essential services sign.

25.7 **Prohibited Signs.**

The following types of signs are prohibited in all districts:

<table>
<thead>
<tr>
<th>Table 25.7</th>
<th>Signs Prohibited in all Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Sign</strong></td>
<td><strong>Regulation or Exception</strong></td>
</tr>
<tr>
<td>A sign not expressly permitted by the terms of this ordinance</td>
<td></td>
</tr>
<tr>
<td>Strings of light bulbs, pennants, streamers, ribbons, flags, sequins, discs, banners or similar type of material used for commercial advertising purposes</td>
<td>Except Christmas decorations installed and maintained between November 15 and the following January 15.</td>
</tr>
<tr>
<td>Portable signs</td>
<td>Except information/announcement signs.</td>
</tr>
<tr>
<td>Balloon signs</td>
<td></td>
</tr>
</tbody>
</table>
Any sign located in a public street right-of-way or a private street right-of-way | Also a sign located in a clear-vision corner.
---|---
Roof sign
Snipe sign
Billboards | Except an existing billboard installed prior to the effective date of Section 25.7 and which fully complied with the sign regulations then in effect may continue as a lawful nonconforming use, subject to Section 25.12 and Chapter 29.
Multi-vision sign
Electronic changeable message sign | Except as permitted by Table 25.10 of Section 25.10 and as stated in Section 25.12(c) and Section 25.13(d).
Vehicle sign
Any sign which is structurally or electrically unsafe
Any sign structure or sign frame that no longer supports or contains a sign

25.8 Signs Permitted in all Districts, Except the R-4 District.

The signs listed in Table 25.8, below, are permitted in all zone districts, except the R-4 Manufactured Housing Community District, subject to the requirements stated therein and other applicable provisions. Signs in the R-4 District are subject to Section 10.3(l) of this Ordinance.

<table>
<thead>
<tr>
<th>Table 25.8</th>
<th>Signs Permitted in all Districts, except the R-4 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Special Event Sign</td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>No more than five for each special event, of which one may be on-premises.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>32 square feet, if on-premises; six square feet if off-premises.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Six feet.</td>
</tr>
<tr>
<td>Location</td>
<td>May be on-premises or off-premises; at least 10 feet away from all property lines.</td>
</tr>
<tr>
<td>Other</td>
<td>May be displayed up to seven days before event, if on-premises; up to two days ahead if off-premises. Must be removed within one day after event. May be a ground sign only.</td>
</tr>
<tr>
<td>Directional Sign, On-Premises Only</td>
<td></td>
</tr>
<tr>
<td>Maximum Size</td>
<td>Six square feet.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Four feet.</td>
</tr>
<tr>
<td>Location</td>
<td>At least 10 feet away from all property lines.</td>
</tr>
<tr>
<td>Other</td>
<td>Sign is limited to traffic control functions, may have no advertising but may include a business name and/or logo.</td>
</tr>
<tr>
<td>Construction Sign</td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One per development or project; if for a building, only one is permitted.</td>
</tr>
</tbody>
</table>
Maximum Size | 32 square feet.  
--- | ---  
Maximum Height | Six feet.  
Location | At least 10 feet away from all property lines.  
Other | Must be removed within 30 days after completion of development or project; if for a building, must be removed within 30 days after issuance of occupancy permit; signs for a dwelling in Parade of Homes event may remain for the duration of the event. May be a ground sign only.

Community Service Group Sign
Maximum Number | One per premises plus up to two off-premises.  
Maximum Size | Nine square feet.  
Maximum Height | Six feet.  
Location | At least 10 feet away from all property lines.  
Other | May be a ground sign only.

Information/Announcement Sign
Maximum Number | One sign per property.  
Maximum Size | 32 square feet.  
Maximum Height | Six feet.  
Location | At least 10 feet away from all property lines; on-premises only.  
Other | Must be a portable sign; may remain in place not longer than 14 consecutive days, on up to two separate occasions in a calendar year; a permit is required.

Real Estate Sign
Maximum Number | One per property.  
Maximum Size | Nine square feet, except that on a parcel of land of five acres or more, up to 32 square feet.  
Maximum Height | Six feet.  
Location | At least 10 feet away from all property lines.  
Other | May not be illuminated. Must be removed within 14 days after sale or lease of property. May be a ground sign only.

Placard Sign
Maximum Number | Signs placed along lot lines must be at least 50 feet apart, except for no-trespassing signs; no more than two signs per acre may be installed in the interior of a land parcel.  
Maximum Size | Two square feet.  
Location | At least 10 feet away from all property lines.  
Other | Provisions do not apply to Miss-Dig signs to mark utility locations, but signs must be removed within three days after the end of the project that required marking of utilities.

25.9 Signs Permitted in the R-A, R-R, R-1, R-2, R-3, NR and OS-PUD Districts.

The signs listed in Table 25.9, below, are permitted in the R-A, R-R, R-1, R-2, R-3, NR and OS-PUD districts, subject to the requirements stated therein and other applicable provisions.
<table>
<thead>
<tr>
<th>Table 25.9</th>
<th>Signs Permitted in the R-A, R-R, R-1, R-2, R-3, NR and OS-PUD Districts.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground Sign for Permitted Non-Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One for each street frontage.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>32 square feet.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Six feet.</td>
</tr>
<tr>
<td>Location</td>
<td>At least 10 feet away from all property lines.</td>
</tr>
<tr>
<td>Other</td>
<td>May not be illuminated.</td>
</tr>
<tr>
<td><strong>Wall Sign for Permitted Non-Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One per property.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>Up to 5% of wall area to which it is affixed, but not to exceed 32 square feet.</td>
</tr>
<tr>
<td>Location</td>
<td>To be affixed flat against a building wall.</td>
</tr>
<tr>
<td>Other</td>
<td>May not be illuminated.</td>
</tr>
<tr>
<td><strong>Home Occupation Sign</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One per property.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>Two square feet.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>If a ground sign, three feet.</td>
</tr>
<tr>
<td>Location</td>
<td>May be a wall or ground sign; if a ground sign, it must be set back at least 10 feet from all property lines.</td>
</tr>
<tr>
<td>Other</td>
<td>May not be illuminated.</td>
</tr>
<tr>
<td><strong>Garage Sale, Estate Sale, Auction and Yard Sale Sign</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>Five, one of which may be on-premises.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>Six square feet.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Three feet.</td>
</tr>
<tr>
<td>Location</td>
<td>At least 10 feet away from all property lines; may be located only on the property where the sale is held.</td>
</tr>
<tr>
<td>Other</td>
<td>May be erected no earlier than two days before the sale; must be removed within one day after the sale. Off-premises signs must be within three miles of the sale location.</td>
</tr>
<tr>
<td><strong>Agricultural Industry Sign in R-A, R-R and NR Districts Only</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>Not more than two for each farm.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>32 square feet.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Six feet.</td>
</tr>
<tr>
<td>Location</td>
<td>At least 10 feet away from all property lines.</td>
</tr>
<tr>
<td><strong>Nameplate Sign</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One per property.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>One square foot.</td>
</tr>
<tr>
<td>Location</td>
<td>May be a wall sign only, affixed flat against a building wall.</td>
</tr>
<tr>
<td>Other</td>
<td>May not be illuminated.</td>
</tr>
<tr>
<td><strong>Residential Development Sign</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One sign at each main entrance, unless otherwise permitted in Township approval of development.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>32 square feet, or as otherwise permitted in approval of development.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Six feet, or otherwise provided in approval of development.</td>
</tr>
</tbody>
</table>
Location | At least 10 feet away from all property lines.
---|---
Other | May not be illuminated, unless permitted in approval of development.

### 25.10 Signs Permitted in the C-1, C-2, C-3, C-PUD and other C Districts.

The signs listed in Table 25.10, below, are permitted the C-1, C-2, C-3, C-PUD and other C Districts, subject to the requirements stated therein and other applicable provisions.

<table>
<thead>
<tr>
<th>Table 25.10</th>
<th>Signs Permitted in the C-1, C-2, C-3, C-PUD and other C Districts.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground Sign</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One per property, except if a property has two or more street frontages, there may be one ground sign for each street frontage.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>50 square feet.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Eight feet.</td>
</tr>
<tr>
<td>Location</td>
<td>At least 10 feet away from all property lines.</td>
</tr>
<tr>
<td><strong>Wall Sign</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One for each street frontage.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>Not greater than 10% of the wall area to which it is affixed, but if the building faces two streets, the sign on the second wall may not be more than 5% of that wall area.</td>
</tr>
<tr>
<td>Location</td>
<td>To be affixed flat against a building wall.</td>
</tr>
<tr>
<td><strong>Roof-Mounted Wall Sign</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One for each street frontage, but only if there is no wall sign on the wall below the roof-mounted sign.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>Not greater than 10% of wall area below the sign; if mounted above a second frontage, then not more than 5% of the wall area on that frontage.</td>
</tr>
<tr>
<td>Location</td>
<td>May not extend above roof line except on a building with a flat roof.</td>
</tr>
<tr>
<td>Approval Required</td>
<td>Must be approved by Zoning Administrator (or, if referred by the Administrator, by Site Plan Review Committee or Planning Commission); may be approved only if wall sign of permitted and proposed size cannot be installed on wall below proposed roof-mounted location.</td>
</tr>
<tr>
<td><strong>Business Park Identification Sign</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One at each primary entrance.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>50 square feet.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Eight feet.</td>
</tr>
<tr>
<td>Location</td>
<td>Only at each primary entrance, and set back at least 10 feet from all property lines.</td>
</tr>
<tr>
<td><strong>Signs for Multi-Tenants in Commercial Buildings</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Ground Sign</strong></td>
<td>The permitted area of a ground sign may be increased by 50% for each commercial establishment greater than one in the building, but not to exceed a total of 150 square feet.</td>
</tr>
<tr>
<td><strong>Wall Sign</strong></td>
<td>Each separate commercial establishment in a building may have one wall sign, but the sign area shall not be greater than 10% of the wall of the commercial establishment to which it is affixed.</td>
</tr>
</tbody>
</table>
### Directional Off-Premises Sign

<table>
<thead>
<tr>
<th>Maximum Number</th>
<th>One near each entrance of a public or private non-through street.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Size</td>
<td>Six square feet for each sign on one sign structure.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Eight feet.</td>
</tr>
<tr>
<td>Location</td>
<td>At least 10 feet away from all property lines.</td>
</tr>
<tr>
<td>Other</td>
<td>There may be only one sign structure at a street-entrance location. Once the sign structure is installed, all subsequent signs at that location must be mounted on that sign structure.</td>
</tr>
</tbody>
</table>

### Electronic Changeable Message Sign

<table>
<thead>
<tr>
<th>Number</th>
<th>One for each street frontage.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>Not larger than 20% of the sign area in which it is included; the entire sign area shall not be larger than that permitted in the district for a ground sign.</td>
</tr>
<tr>
<td>Height</td>
<td>Eight feet, except certain authorized gasoline-price signs as stated in Section 25.112(c).</td>
</tr>
<tr>
<td>Location</td>
<td>Shall be included as a part of a permitted ground or wall sign, except certain nonconforming pylon signs may have changeable gasoline-price signs, as stated in Section 25.12(c). Must be at least 10 feet away from all property lines.</td>
</tr>
<tr>
<td>Other</td>
<td>Each message shall be stationary and shall be displayed for not less than eight seconds; the transition from one message to the next shall be instantaneous. No part of the message or other display shall move, flash, fade, scroll or include any other or similar special effects.</td>
</tr>
</tbody>
</table>

### Incidental Sign

<table>
<thead>
<tr>
<th>Maximum Number</th>
<th>One sign at the main entrance of the business; one sign at each exterior entrance to a restroom in the building. A gas station may have up to two incidental signs on or at each gasoline pump.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Size</td>
<td>One square foot.</td>
</tr>
<tr>
<td>Location</td>
<td>Only wall signs are permitted; they must be affixed flat against a wall, structure or stationary device.</td>
</tr>
</tbody>
</table>

### Flag Sign, in the C-2 District Only

<table>
<thead>
<tr>
<th>Maximum Number</th>
<th>One for each parcel, but if the parcel has 200 or more feet of frontage on a street, there may be one additional flag sign for each 100 feet of frontage in addition to the first 100 feet; the foregoing applies to each street frontage, if more than one.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Size</td>
<td>24 square feet.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>30 feet.</td>
</tr>
<tr>
<td>Location</td>
<td>On a pole permanently installed in the ground; the pole may include an outdoor light fixture. May not be hung from a rope or wire suspended between poles. A pole shall be at least 10 feet away from all property lines.</td>
</tr>
</tbody>
</table>
25.11 Permitted Signs in the I District.

The signs listed in Table 25.11, below, are permitted in the I District, subject to the requirements stated therein and other applicable provisions.

<table>
<thead>
<tr>
<th>Table 25.11</th>
<th>Permitted Signs in the I District.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground Sign</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One sign per parcel, except if a property has two or more street frontages of at least 300 feet each, there may be one ground sign for each street frontage.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>50 square feet.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Eight feet.</td>
</tr>
<tr>
<td>Location</td>
<td>At least 10 feet away from all property lines.</td>
</tr>
<tr>
<td><strong>Wall Sign</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One sign for each street frontage.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>Not greater than five percent of the wall area to which the sign is affixed.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>To be affixed to the wall of the building facing the street that provides primary access to the building.</td>
</tr>
<tr>
<td><strong>Industrial Park Identification Sign</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Number</td>
<td>One.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>50 square feet.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Eight feet.</td>
</tr>
<tr>
<td>Location</td>
<td>Only at each primary entrance, and setback at least 10 feet from all property lines.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Signs for Multi-Tenants in Industrial Buildings</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground Sign</strong></td>
<td>The permitted area of a ground sign for the building may be increased by 50% for each industrial establishment greater than one in the building, but not to exceed a total of 150 square feet.</td>
</tr>
<tr>
<td><strong>Wall Sign</strong></td>
<td>Each separate industrial establishment in a building may have one wall sign, but the sign area shall not be greater than 10% of the wall of the industrial establishment to which it is affixed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Directional Off-Premises Sign</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Number</td>
<td>One near each entrance of a public or private non-through street.</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>Six square feet for each sign on one sign structure.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Eight feet.</td>
</tr>
<tr>
<td>Location</td>
<td>At least 10 feet away from all property lines.</td>
</tr>
<tr>
<td>Other</td>
<td>There may be only one sign structure at a street-entrance location. Once the sign structure is installed, all subsequent signs at that location must be mounted on that sign structure.</td>
</tr>
</tbody>
</table>
25.12 Nonconforming Signs, Including Nonconforming Billboards.

(a) **Intent.** It is the intent of this section to encourage the eventual elimination of signs that as a result of the adoption of this chapter become nonconforming, and to adopt regulations on the limited alteration or provisional relocation of certain nonconforming signs, in particular circumstances. This section includes specific provisions regarding nonconforming signs, and accordingly, in the event of a conflict between the provisions of this section and Chapter 29 of this Ordinance, the provisions of this section shall control.

(b) **Lawful Existing Signs.** A sign lawfully existing at the time of the adoption of these provisions which does not fully comply with the provisions of this chapter or other relevant provisions of this Ordinance shall be deemed a lawful nonconforming sign and may be permitted to remain if the sign is properly maintained and if it has no serious adverse effects on the public health, safety and general welfare, except as otherwise stated in this section.

(c) **Continuance of Nonconforming Signs Other Than Billboards.** This subsection (c) regulates only nonconforming signs that are not billboards, and accordingly, references in this subsection to signs do not include billboards.

1. A nonconforming sign shall not be enlarged or expanded in area, increased in height or changed to another nonconforming sign, in whole or in part.

2. A nonconforming sign shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, whether on the same parcel of land or on another parcel of land.

3. A nonconforming sign shall not be structurally rebuilt or reconstructed to such extent as will prolong the useful life of the sign; or so as to change the shape, size, type, placement or design of the structural elements of the sign; or in order to add illumination, whether by the addition of additional sources of light or by the increase in the intensity of existing light sources.

4. A nonconforming sign shall not be repaired, re-erected or re-installed after being damaged as a result of casualty, if the repair, re-erection or re-installation of the sign, within any 12-month period, would cost more than 60 percent of the cost of an identical new sign. In evaluating evidence presented as to the cost of an identical new sign, the Township may require the submission of cost estimates from multiple suppliers or contractors or other reliable proof of such cost.

5. A nonconforming sign shall not be altered or revised; provided, however, that the following actions with respect to a nonconforming sign shall be permitted: normal and usual maintenance; the changing of the sign surface area to a lesser or equal area (but changing the sign surface-area from a static surface-area to an electronic or multi-vision surface-area, in whole or in part,
shall not be permitted); the replacement of landscaping below the base of the sign; or the changing of the sign's background, letters, figures graphics or other characters (but such alterations shall not cause the background, letters, figures, graphics or other characters to be in an electronic or multi-vision format or configuration, except as permitted with respect to electronic changeable sign messages indicating the prices of gasoline products on certain nonconforming pylon signs as stated in Section 25.12(c)(6)).

(6) A lawfully nonconforming on-site pylon sign identifying or advertising a permitted gasoline service station that is located in the C-1, C-2, C-3, or C-PUD District, may be altered or revised to change that part of the sign message stating the prices of gasoline products from a manual changeable message to an electronic changeable message; provided, however, that the following conditions shall be complied with:

(i) A sign permit shall be obtained under Section 25.3.

(ii) The size of the electronic changeable message as to gasoline-products prices shall not be greater than 20 percent of the sign area in which it is included.

(iii) Each gasoline-price message shall be stationary and be displayed for not less than eight seconds; the transition from one message to the next shall be instantaneous; and no part of the message or other display shall move, flash, fade, scroll, or include any other or similar special effects.

(iv) The electronic changeable gasoline-price message shall have no adverse effects on the public health, safety, and general welfare.

(d) **Continuance of Nonconforming Billboards.** This subsection (d) regulates only nonconforming billboards. Nonconforming signs that are not billboards are regulated by subsection (c) above.

(1) A nonconforming billboard shall not be enlarged or expanded in area or increased in height, in whole or in part.

(2) A nonconforming billboard shall not be changed to another nonconforming billboard or another nonconforming sign, except as permitted under subsection (e).

(3) A nonconforming billboard shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, on the same parcel of land, except as permitted under subsection (e). A nonconforming billboard may not be relocated, re-erected or re-installed on a different parcel of land.
(4) A nonconforming billboard shall not be repaired, re-erected or re-installed after being damaged as a result of casualty, if the repair, re-erection or re-installation of the billboard, within any 12-month period, would cost more than 60 percent of the cost of an identical new billboard. In evaluating evidence presented as to the cost of an identical new billboard, the Township may require the submission of cost estimates from multiple suppliers or contractors or other reliable proof of such cost.

(5) A nonconforming billboard shall not be altered or revised, except as permitted under subsection (e); provided, however, that the following actions with respect to a nonconforming billboard shall be permitted: normal and usual maintenance; the changing of the billboard surface-area to a lesser or equal area (but changing the billboard surface-area from a static surface-area to a changeable, digital, electronic or multi-vision surface-area, in whole or in part, shall not be permitted); the replacement of landscaping below the base of the billboard; or the changing of the billboard’s background, letters, figures, graphics or other characters (but such alterations shall not cause the background, letters, figures, graphics or other characters to become changeable, or to be in a digital, electronic or multi-vision format or configuration).

(e) **Limited Special Exception Use for Certain Billboard Changes.** A nonconforming billboard may be (1) changed to another nonconforming billboard or another nonconforming sign, (2) removed from its current location and then relocated, re-erected or re-installed at another location on the same parcel of land, and (3) altered or revised, or any of them, only in accordance with this subsection (e).

(1) The Planning Commission may approve as a special exception use, the following actions with respect to a nonconforming billboard (but any such approval shall not include approval of changing a static display face of a billboard to a changeable, electronic or multi-vision display face of a billboard, in whole or in part):

(i) The changing of a nonconforming billboard to another nonconforming billboard or another nonconforming sign.

(ii) The removal of a nonconforming billboard from its current location and the relocation, re-erection or re-installation of the billboard at another location on the same parcel of land.

(iii) The alteration or revision of the nonconforming billboard.

(2) An applicant shall apply for the special exception use on a form provided by the Township, shall pay the application fee and shall pay any required zoning escrow deposit. With the application, the applicant shall submit an accurate site plan and other written material describing in detail the proposed action(s) with respect to the nonconforming billboard.
(i) The site plan shall comply with the site plan content requirements of Section 23.5 of this Ordinance, except that it need not include items or information deemed by the Planning Commission to be not necessary for consideration of the application or decision thereon.

(ii) The applicant shall include such other information with respect to the requested use as the Planning Commission may determine necessary or useful in considering the application.

(3) The Township Planning and Zoning Department shall determine whether the application and the other materials are complete. After such determination, the application, the site plan and other materials submitted by the applicant shall be forwarded to the Planning Commission.

(4) The Planning Commission shall consider the application for the special exception use at a public meeting. A public hearing shall not be required. If, however, the Planning Commission determines to convene a public hearing, notice of the hearing shall be given in the same manner as required for consideration of a special land use under the terms of this Ordinance.

(5) The special exception use may authorize the following:

(i) The change of a nonconforming billboard to another nonconforming billboard if the resulting billboard would have less sign surface area, or would be of lesser height, than the existing nonconforming billboard. In no event shall the relocated billboard have more than two sign faces, be larger than 380 square feet per sign face, or have a height greater than 35 feet. The billboard shall be a monopole design.

(ii) The removal of a nonconforming billboard from its current location, and its relocation, re-erection or re-installation at another location on the same parcel of land, if the billboard as relocated would have less sign surface area or would be of lesser height, and if the relocated, re-erected or re-installed billboard would be placed no closer to the nearest edge of the nearest public or private street right-of-way than was the case with the existing nonconforming billboard prior to its relocation. The relocated, re-erected or re-installed billboard shall also be placed no closer to the nearest public or private street right-of-way than the current applicable sign setback regulations permit.

(iii) The alteration or revision of a nonconforming billboard if the altered or revised billboard would be less distracting to motor vehicle drivers or would otherwise have fewer adverse effects than those of the existing nonconforming billboard, by reason of reduced sign area, reduced sign height, revised configuration, less illumination or other alteration beneficial to the public interest.
(6) The special exception use may include terms, conditions and limitations including, but not limited to, a limitation on the duration of an approved changed, relocated, altered or revised nonconforming billboard.

(7) The special exception use may be approved in the sole discretion of the Planning Commission. In determining whether to approve a requested special exception use, the Planning Commission shall consider the following:

(i) Whether the nonconforming billboard as changed, relocated, altered or revised would result in a billboard that would be less distracting to motor vehicle drivers, by reason of reduced size, reduced height, different configuration, less illumination, greater distance from the nearest street right-of-way or by reason of other improvements benefiting the public interest.

(ii) If the nonconforming billboard is proposed to be relocated, such relocation would make possible the development and operation of other land uses consistent with the zoning ordinance and in the public interest.

(iii) Whether the changed, relocated, altered or revised nonconforming billboard would eliminate, reduce or mitigate a vehicle traffic hazard resulting from the existing nonconforming billboard or other adverse effect resulting from the existing billboard.

(iv) Whether the resulting nonconforming billboard would otherwise advance the goals and purposes of the zoning ordinance.

(8) The Zoning Board of Appeals shall not have jurisdiction to vary, modify, reverse or otherwise consider the approval or disapproval of the special exception use.

(f) **Signs Accessory to Nonconforming Use.** A sign that is lawfully accessory to a lawful nonconforming use may be erected in accordance with the sign regulations for the district in which the property is located.

(g) **Removal of Signs No Longer Used.** Any sign which for a period of one year or more no longer advertises a bona fide business actually conducted or a product actually available for sale shall be removed by the owner of the building, structure or property upon which the sign is located, within 30 days after the mailing or delivery of a written notice by the Township to do so.

### 25.13 Modification of Requirements for Signs in PUD Districts and Special Land Uses.

(a) Except as provided in Section 25.12(b), (c) and (d) all signs approved in connection with a special land use or a Planned Unit Development (PUD) shall comply with the
requirements of this chapter for signs as applicable to the zoning district in which the special land use or PUD is located.

(b) In cases where extenuating or extraordinary circumstances create practical difficulties in complying with the requirements of this chapter and where a modification of the requirements may still result in achieving the objectives of the zoning district in which the sign is to be located, the size, placement, number and height requirements for signs may be modified as provided by this section.

(c) If the sign is part of a PUD in any PUD District, the Planning Commission may recommend to the Township Board, and the Board may, in its discretion, modify the size, placement, number and height requirements for signs in the PUD.

(d) If the sign is part of a special land use, the Planning Commission (or the Planning Commission and Township Board, if the special land use must be approved by both of them) may, in its discretion, modify the size, placement, number and height requirements for any signs proposed. If the special land use is for a non-residential use in a residential district, the Planning Commission may also alter the type of sign permitted so as to allow commercial signs, provided that appropriate conditions are included to protect nearby residential uses.

(e) In determining whether to approve a proposed modification, the Planning Commission and the Township Board (or the Planning Commission alone, in the case of special land uses which can be approved by the Commission alone) shall each find, based upon the facts presented by the applicant, that the following criteria have been met:

(1) The modification of requirements is justified due to the nature, size, density, location or design of the proposed PUD, or special land use, including the design or placement of proposed signs;

(2) The modification of requirements will not result in traffic or other safety hazards, will not be injurious to the use or enjoyment of nearby property, will not result in visual blight, distraction or clutter, and will not otherwise result in a detriment to the public health, safety or general welfare; and

(3) The modification will still achieve the intended purpose of the PUD District or the zoning district, if it is a special land use, in which the sign is to be located.

25.14 Ground Signs and Wall Signs in Ten Mile Road Corridor Overlay District.

Signs permitted and as regulated (and as prohibited) in Sections 25.1 through 25.13 of this chapter are likewise permitted and regulated (and to the same extent, prohibited) in the lands comprising the Ten Mile Road Corridor Overlay District, as described in Chapter 16 of this Ordinance, except that as to ground signs and wall signs only, the regulations stated in Tables 25.14A, 25.14B and 25.14C shall instead apply in the Overlay District.
### Table 25.14A  Ground Signs and Wall Signs Permitted on Lands in the R-A, R-R, R-1, R-2, R-3 and OS-PUD Districts Located in the Ten Mile Road Corridor Overlay District.

<table>
<thead>
<tr>
<th>Ground Sign for Permitted Non-Residential Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Number</strong></td>
<td>One.</td>
</tr>
<tr>
<td><strong>Maximum Size</strong></td>
<td>48 square feet.</td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
<td>Four feet, if sign is less than 20 feet from the Ten Mile Road right-of-way line; six feet if the sign is 20 feet or more from the Ten Mile Road right-of-way line.</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>At least 20 feet away from all property lines.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ground Sign for Residential Development</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Number</strong></td>
<td>One sign at each entrance, but not more than two such signs are permitted per development.</td>
</tr>
<tr>
<td><strong>Maximum Size</strong></td>
<td>32 square feet, or as otherwise permitted in approval of development.</td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
<td>Four feet, if sign is less than 20 feet from the Ten Mile Road right-of-way line; six feet if the sign is 20 feet or more from the Ten Mile Road right-of-way line.</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>At least 10 feet away from all property lines.</td>
</tr>
<tr>
<td><strong>Wall Signs</strong></td>
<td>Not permitted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>On-Premises Directional Sign</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Number</strong></td>
<td>Not limited.</td>
</tr>
<tr>
<td><strong>Maximum Size</strong></td>
<td>Three square feet; may be exceeded if approved in site plan review.</td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
<td>Three feet; may be exceeded if approved in site plan review.</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>On-premises only; at least 10 feet away from all property lines.</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>May contain the logo of an on-premises establishment, but no advertising.</td>
</tr>
</tbody>
</table>

### Table 25.14B  Ground Signs and Wall Signs Permitted on Lands in the C-1, C-2, C-PUD and Other C Districts (except the C-3 District) Located in the Ten Mile Road Corridor Overlay District.

<table>
<thead>
<tr>
<th>Ground Sign</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Number</strong></td>
<td>One per parcel, except that if a parcel has more than one commercial establishment, one ground sign is permitted at each entrance, except that not more than two such signs are permitted per parcel and they must be at least 300 feet apart.</td>
</tr>
<tr>
<td><strong>Maximum Size</strong></td>
<td>64 square feet; but as to a parcel with more than one commercial establishment, a ground sign may be up to 100 square feet.</td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
<td>Six feet.</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>At least 20 feet away from all property lines.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wall Signs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Number</strong></td>
<td>One for each street frontage of each commercial establishment.</td>
</tr>
<tr>
<td><strong>Maximum Size</strong></td>
<td>Not greater than 10% of the wall area to which it is affixed, or 250 square feet, whichever is less.</td>
</tr>
</tbody>
</table>
Township of Algoma Zoning Ordinance

| Location | Must be affixed flat against a building wall, not greater than 12 inches from the exterior face of the wall; it may not project beyond either side of the wall to which it is attached, nor extend above the roof line of the building. |

<table>
<thead>
<tr>
<th>On-Premises Directional Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Number</td>
</tr>
<tr>
<td>Maximum Size</td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>Location</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>

Table 25.14C  Ground Signs and Wall Signs Permitted on Lands in the C-3 District Located in the Ten Mile Road Corridor Overlay District.

<table>
<thead>
<tr>
<th>Ground Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Number</td>
</tr>
<tr>
<td>Maximum Size</td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>Location</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office Park Identification Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Number</td>
</tr>
<tr>
<td>Maximum Size</td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>Location</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office Building Sign in Multiple-Building Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Number</td>
</tr>
<tr>
<td>Maximum Size</td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>Location</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wall Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Number</td>
</tr>
<tr>
<td>Maximum Size</td>
</tr>
<tr>
<td>Location</td>
</tr>
</tbody>
</table>
25.15 Gasoline-Price Signs in Ten Mile Road Corridor Overlay District.

Electronic changeable sign messages stating gasoline-product prices on certain on-site signs at permitted gasoline service stations on lands in the C-1, C-2, C-3, C-PUD and other C Districts, may be permitted, as stated and regulated in Section 25.12(c) and Table 25.10 of Section 25.10.
CHAPTER 26
OFF-STREET PARKING AND LOADING

26.1 Description and Purpose.

The purpose of this chapter is to regulate the parking, loading and access of motor vehicles in all zoning districts. Such regulations are intended to assure that adequate motor vehicle off-street parking and access to off-street parking areas are provided at safe and convenient locations, and to assure that off-street parking areas are designed, constructed and used in a manner consistent with safe and convenient motor vehicle access, circulation and parking.

In support of these purposes, this chapter includes provisions on the location of off-street parking areas and the design and construction thereof; minimum standards for the size of parking spaces, aisles and driveways; required minimum numbers of off-street parking spaces for various permitted land uses; provisions for the design, location and size of off-street areas for the loading of motor vehicles; and other provisions intended to promote the public health, safety and convenience in the use of the streets and vehicle parking areas within the Township.

26.2 Location of Off-street Parking Areas.

(a) For all residential land uses, the required number of off-street parking spaces shall be located on the same lot or parcel of land as the dwelling or dwelling unit.

(b) For all other uses, the required number of off-street parking spaces shall be located on the same lot or parcel of land as the use being served by the parking spaces, and within 300 feet of the building or other structure being served by the parking spaces, as measured from the main wall of the building or structure to the nearest parking space of the off-street parking area.

(c) Unless otherwise permitted by this chapter, all off-street parking spaces shall be in the same zoning district as the building or other land use being served by the parking spaces.

26.3 General Requirements.

(a) Construction of Off-Street Parking Areas.

(1) All parking area drives, driveways and parking spaces, including customer spaces and handicap spaces, shall be hard-surfaced, with a pavement consisting of asphalt, concrete, or other hard-surfed composition approved by the Planning Commission in its approval of a site plan. However, general use parking, off-street overflow parking, equipment parking, or employee parking, along with associated roadways and drives may have other surfaces as stated in subparagraph (2).

(2) In order to reduce the amount of impervious parking area surface, and the corresponding storm water runoff, the Planning Commission may approve
alternative parking area surfaces for all or a portion of general use parking areas, overflow parking areas, equipment parking areas, employee parking areas, and the associated roadways and drives as part of its site plan approval. In addition, the Zoning Administrator may approve alternative parking area surfaces for overflow parking areas, equipment parking areas, employee parking areas and also roads and drives for such parking areas that are not currently regulated by a site plan approved by the Planning Commission, or as a minor site plan change, or for an area in a site plan where the Planning Commission did not specify a surface. Such alternative surfaces may include crushed gravel, crushed stone, crushed asphalt, crushed concrete, or other structures installed in the ground, such as pavers or cobblestone, so as to support a parked vehicle while permitting grass to grow on the surface.

(3) Parking area surfaces shall be graded and drained so as to dispose of accumulated surface water within the parking area or in a manner consistent with the Township Storm Water Ordinance.

(4) Off-street parking areas shall be fully constructed prior to issuance of a certificate of occupancy, unless a later time for completion of construction is permitted by the Planning Commission in its approval of a site plan; provided, however, that if a use is eligible for issuance of a certificate of occupancy, but inclement weather has prevented the completion of an off-street parking area, the certificate may nevertheless be issued, but upon the condition that the off-street parking area shall be completed as soon as weather permits; but further provided that if parking area construction is permitted to be deferred to a future time, the applicant shall provide the Township an executed performance bond or irrevocable letter of credit, in an amount determined by the Township, and conditioned upon the timely and complete construction of the required parking area.

(5) Adequate and safe ingress to and egress from an off-street parking area, by means of clearly defined drives and driveways, shall be provided for all vehicles.

(6) All off-street parking areas that have more than five parking spaces shall be designed and located so that vehicles maneuvering in the parking area need not back directly into a street.

(7) If required by the Planning Commission in its approval of a site plan, wheel stops shall be provided in an off-street parking area, so as to prevent vehicles from projecting over walkways or lot or setback lines.

(b) Lighting of Off-Street Parking Areas.

(1) Light poles and light fixtures, including the nature, placement and operation thereof, shall comply with Section 4.32 of this Ordinance.
(2) If required by the Planning Commission in its approval of a site plan, off-street parking areas shall be sufficiently lighted for safety and security purposes.

(c) Parking Area Setbacks.

(1) All off-street parking areas, except those serving residential uses with fewer than five dwelling units and subject to subsections (d)(1) and (2), shall be set back at least five feet from the side and rear lot lines, and at least 15 feet from the front lot line; provided, however, that the Planning Commission, in its approval of a site plan, may permit parking aisles or vehicle maneuvering areas to be located within the parking area setback, if adequate screening or landscaping is provided.

(2) Driveways serving off-street parking areas shall be located at least 20 feet away from any residentially-zoned or residentially-used land.

(d) Non-Residential Parking Areas Abutting Residential Zones or Uses.

(1) Off-street parking areas for non-residential uses that abut or are across the street from residentially-zone or residentially-used property shall include a greenbelt at least 15 feet wide, adjacent to and on the side of the parking area next to the residential zone or use. The greenbelt shall be landscaped in accordance with the terms of Chapter 27.

(2) In its approval of a site plan for a non-residential use, the Planning Commission may require other or alternate methods of screening non-residential parking areas from abutting residential zones or uses. Such alternate screening methods may include berms and fencing.

(e) Parking Area Locations.

(1) Applicants are encouraged to place off-street parking areas at the side or rear of buildings, wherever reasonably practicable.

(2) In the case of off-street parking areas located in front of buildings, all applicable landscaping and screening requirements of Chapter 27 shall be fully complied with.

(f) Pedestrian Walkways; Access Aisles and Drives; Snow Storage.

(1) Off-street parking areas shall be designed and constructed so as to limit the number of points where pedestrians must cross in front of vehicles. Accordingly, vehicle access in front of building entrances and exits shall be minimized. Defined pedestrian walkways to and from parking areas may be required by the Planning Commission in its approval of a site plan, so as to promote or enhance pedestrian safety.
(2) Access aisles or drives within parking areas shall be clearly delineated, and shall be located so as to provide vehicle drivers with sufficient sight distance at the end of rows of parking spaces, where such rows intersect access aisles or drives. Delineation measures may include traffic islands, striped pavement or other methods.

(3) Snow plowed from parking areas shall not be stored or piled up where it may prevent drivers or pedestrians from having adequate view of traveling or parked vehicles.

(g) Landscaping and Maintenance of Parking Areas.

(1) Parking areas shall be landscaped in compliance with the terms of Chapter 27.

(2) All parking areas shall be continuously maintained, including striping, labeling, repair of surfacing and snow removal.

26.4 Shared or Joint Parking Areas; Deferred Parking Construction.

(a) In those cases where a mix of land uses in the same building or on the same lot or parcel results in differing peak periods of parking area use, shared parking agreements that may have the effect of reducing the total amount of needed parking spaces on the site may be permitted by the Planning Commission in its approval of a site plan. A shared parking agreement shall pertain only to specifically-stated land uses, and shall not run with the land. Such agreements shall not include any off-street parking area required for residential uses.

(b) If in submitting a site plan, an applicant submits a signed agreement between the owners of adjacent or nearby properties, providing for the joint or collective use of off-street parking areas for buildings and uses on two or more adjacent or nearby properties, the Planning Commission in its approval of a site plan may approve fewer parking spaces than would otherwise be required for the buildings or uses, but otherwise the total number of required parking spaces on two or more such properties shall not be fewer than the sum of those required for each individual property.

In the case of such agreements for the joint or collective use of off-street parking areas, such areas shall be connected by driveways at approved locations for the safe and convenient passage of vehicles.

(c) In order to avoid an excessive amount of impervious parking area surface, the Planning Commission in its approval of a site plan may approve a parking area which provides fewer than the minimum number of parking spaces otherwise required by this chapter if the applicant demonstrates to the satisfaction of the Planning Commission that such reduced number of parking spaces will nevertheless satisfy the current and reasonably foreseeable parking space requirements of the building or use, based on the following factors:
(1) The nature, size, density, location and design of the proposed use or development, including the design of the off-street parking area and drives for vehicle circulation;

(2) The characteristics of the use or development which will affect the need for off-street parking spaces, including such factors as non-conflicting peak hours of operation and the sharing of parking spaces by differing uses;

(3) Other factors related to the reasonably-anticipated need for off-street parking spaces by the use or development.

(d) A sufficient amount of vacant and undeveloped land on the same parcel as the use or development shall remain available for the construction and use of additional off-street parking spaces if such additional spaces are subsequently determined by the Planning Commission to be necessary in order to satisfy the off-street parking requirements of the use or development. Such vacant available land shall be of sufficient area so as to accommodate the entire additional amount of off-street parking area required under the terms of this chapter for the land use. Any such vacant land shall not be included in the calculation of any required open space area. If required by the Planning Commission in its approval of a site plan, such vacant land for future parking area shall be permanently reserved for such purpose by means of a recorded restrictive covenant, in form and content satisfactory to the Township.

(1) In its approval of a site plan, the Planning Commission may require that vacant land reserved for future parking area shall be landscaped with grass or other plantings. The Commission may also specify the conditions under which the vacant land shall be converted to off-street parking area.

(2) The Planning Commission may require the construction of off-street parking area within such reserved vacant land if a change of use occurs for the building or use for which the deferred parking was approved.

26.5 Parking Spaces and Maneuvering and Driving Aisles.

(a) Except as provided in paragraph 26.5(b), all off-street perpendicular and angled vehicle parking spaces shall be at least 10 feet wide and at least 18 feet long. Parallel parking spaces shall be at least 10 feet wide and 25 feet long. Parking space width shall be measured perpendicular to the space centerline, and parking space length shall be measured along the space centerline. Maneuvering and driving aisles within off-street vehicle parking areas shall be at least 24 feet wide; provided that a driving aisle that does not provide access to parking spaces shall be at least 12 feet wide, if one-way, and at least 24 feet wide if two-way. In the case of parallel or angled parking spaces, the Planning Commission may approve driving and maneuvering aisles that are less than 24 feet wide, upon a showing that the reduced-width aisles will not adversely affect vehicle turning radii or traffic circulation.
(b) Parking spaces used exclusively for display, storage, or equipment parking, and not used for customer parking, employee parking, or multi-use residential facility parking, may be reduced to 9 feet by 18 feet or other dimensions approved by the Planning Commission as part of site plan approval, or by the Zoning Administrator for parking areas not currently regulated by a site plan approved by the Planning Commission or as a minor site plan change or for an area where the Planning Commission did not specify the size or type of parking in a site plan.

(c) The site plan for all land uses for which a site plan is required shall include a plan of the off-street parking area, designed in accordance with this chapter.

(d) All off-street parking spaces shall be located and arranged for safe and convenient use by motor vehicles. There shall be reasonably direct ingress to and egress from all parking spaces from adjacent or nearby streets.

26.6 Schedule of Minimum Required Off-Street Parking Spaces.

(a) Each land use shall include that number of off-street parking spaces complying with the following schedule of minimum number of required off-street parking spaces, subject, however, to subparagraph (c) of this subsection:

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Motor Vehicle Parking Spaces Required per Unit of Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single family dwelling, two</td>
<td>Two spaces for each dwelling unit.</td>
</tr>
<tr>
<td>family dwelling</td>
<td></td>
</tr>
<tr>
<td>Multiple family dwelling</td>
<td>Two spaces for each two-bedroom dwelling unit and 1.5 spaces for each one-bedroom dwelling unit in developments having 25 or more dwelling units. Two spaces for each dwelling unit in developments having fewer than 25 units.</td>
</tr>
<tr>
<td>Elderly and retirement housing</td>
<td>For independent living units, one space for each unit. For “interim or intermediate care” units, one space for each two beds, plus one space per employee.</td>
</tr>
<tr>
<td>Bed and breakfast establishment</td>
<td>One space for each guest room plus two spaces for the dwelling unit.</td>
</tr>
<tr>
<td>Institutional Uses</td>
<td></td>
</tr>
<tr>
<td>Churches and other places of</td>
<td>One space for each four seats in the sanctuary or other worship area.</td>
</tr>
<tr>
<td>religious assembly</td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Parking Requirements</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Hospitals</td>
<td>One space for each two beds plus one for each staff doctor, plus one space for each two employees other than doctors.</td>
</tr>
<tr>
<td>Outpatient-care centers</td>
<td>Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee.</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>One space for every eight children of licensed capacity, plus one space for each employee. A minimum of three employee spaces shall be required.</td>
</tr>
<tr>
<td>Elementary, junior high, middle schools</td>
<td>Two spaces per classroom, plus one space for each three seats of maximum seating capacity for the indoor place of assembly having the greatest seating capacity.</td>
</tr>
<tr>
<td>High schools</td>
<td>Eight spaces per classroom, or one space for each four seats of maximum seating capacity for the indoor place of assembly having the greatest capacity, whichever is greater.</td>
</tr>
<tr>
<td>Auditoriums (non-school)</td>
<td>One space for each three seats.</td>
</tr>
<tr>
<td>Conference rooms, exhibit halls, ballrooms, civic clubs, or similar places of assembly without fixed seats, whether public or private</td>
<td>One space for each four persons permitted on the premises within the maximum building occupancy load as determined by the Township building or fire code.</td>
</tr>
<tr>
<td>Offices</td>
<td>Five spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.</td>
</tr>
<tr>
<td>Medical/dental clinics or offices</td>
<td>Five spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.</td>
</tr>
<tr>
<td>General office buildings</td>
<td>One space per 300 square feet of gross floor area. A minimum of four spaces per building shall be required.</td>
</tr>
<tr>
<td>Banks and other financial institutions</td>
<td>Six spaces per 1,000 square feet of loans gross floor area, plus two spaces per each non-drive-through automatic teller plus four on-site waiting spaces for each drive up window or drive-through automatic teller.</td>
</tr>
<tr>
<td>Retail and Service Uses</td>
<td>Four spaces per 1,000 square feet of usable floor area.</td>
</tr>
<tr>
<td>Description</td>
<td>Requirement</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Retail centers containing between 400,000 and 600,000 square feet</td>
<td>Four and one-half spaces per 1,000 square feet of usable floor area.</td>
</tr>
<tr>
<td>Retail centers containing greater than 600,000 square feet</td>
<td>Five spaces per 1,000 square feet of usable floor area.</td>
</tr>
<tr>
<td>Other retail uses not otherwise specified</td>
<td>One space per 200 square feet of usable floor area plus one space per employee.</td>
</tr>
<tr>
<td>Grocery stores</td>
<td>One space per 200 square feet of usable floor area.</td>
</tr>
<tr>
<td>Personal service establishments not otherwise listed</td>
<td>One space per 300 square feet of usable floor area plus one space per employee.</td>
</tr>
<tr>
<td>Appliance stores</td>
<td>Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.</td>
</tr>
<tr>
<td>Gasoline service stations</td>
<td>Two spaces for each service bay, plus one space for each employee, plus one space for each 200 square feet of retail area. A service bay and the area on each side of a gas pump may each count as one space.</td>
</tr>
<tr>
<td>Automobile wash establishments (automatic)</td>
<td>One space for each employee, plus 15 on-site waiting spaces at each wash-bay entrance, plus two drying spaces at each wash-bay exit.</td>
</tr>
<tr>
<td>Automobile wash establishments (self-service)</td>
<td>One space for each employee, plus three on-site waiting spaces at each wash-bay entrance.</td>
</tr>
<tr>
<td>Barber shops, beauty salons</td>
<td>Two for each barber or beauty operator chair/station plus one space for each two employees.</td>
</tr>
<tr>
<td>Building supply store or home improvement store, containing up to 25,000 square feet of gross floor area</td>
<td>One space per 200 square feet of usable floor area plus one space for each employee.</td>
</tr>
<tr>
<td>Building supply store or home improvement store, with more than 25,000 square feet of gross floor area</td>
<td>Three and one-half spaces per 1,000 square feet of usable floor area plus one space for each employee.</td>
</tr>
<tr>
<td>Business Type</td>
<td>Parking Requirement</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Convenience stores</td>
<td>Four spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.</td>
</tr>
<tr>
<td>Dry cleaners</td>
<td>Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.</td>
</tr>
<tr>
<td>Funeral homes and mortuaries</td>
<td>One space per 50 square feet of assembly and chapel areas.</td>
</tr>
<tr>
<td>Furniture, carpet and home furnishing stores</td>
<td>One space per 800 square feet of usable floor area.</td>
</tr>
<tr>
<td>Hotel, motel or other commercial lodging</td>
<td>One space for each guest room, plus one space for each two employees, plus spaces required for accessory uses, calculated at one-half of the space requirements for such uses, as if they were principal uses.</td>
</tr>
<tr>
<td>Laundromats</td>
<td>One space for each three washing machines.</td>
</tr>
<tr>
<td>Mini-storage warehouses</td>
<td>Six spaces on the site.</td>
</tr>
<tr>
<td>Motor vehicle sales</td>
<td>One space per 5,000 square feet of outdoor sales area, plus one space for each sales desk/office, plus three spaces for each service bay. A minimum of six spaces shall be required.</td>
</tr>
<tr>
<td>Quick oil change establishments</td>
<td>Two spaces for each bay plus one space for each employee.</td>
</tr>
<tr>
<td>Recreational vehicle and boat dealerships</td>
<td>One space per 800 square feet of gross floor area, plus two spaces for each vehicle service bay. A minimum of six spaces shall be required.</td>
</tr>
<tr>
<td>Restaurants (non-fast food) without drive-through window</td>
<td>Twelve spaces per 1,000 square feet of gross floor area, or 0.4 space per seat, whichever is greater.</td>
</tr>
<tr>
<td>Restaurants that serve take out, with six or fewer booths or tables</td>
<td>Six spaces plus one space for each employee</td>
</tr>
<tr>
<td>Restaurants that serve fast food and have no drive-through window</td>
<td>Seven spaces per 1,000 square feet of gross floor area.</td>
</tr>
<tr>
<td>Type</td>
<td>Requirement</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Restaurants that serve fast food and have a drive-through window and indoor seating</td>
<td>Fifteen spaces per 1,000 square feet of gross floor area, plus three designated drive-through, short-term waiting spaces plus 10 on-site waiting spaces.</td>
</tr>
<tr>
<td>Restaurants that serve fast food and have a drive-through window, but no indoor seating</td>
<td>Fifteen spaces.</td>
</tr>
<tr>
<td>Video rental stores</td>
<td>One space for each 100 square feet of gross floor area plus one space for each employee.</td>
</tr>
<tr>
<td><strong>Recreational Entertainment</strong></td>
<td></td>
</tr>
<tr>
<td>Bowling centers</td>
<td>Five spaces for each bowling lane plus spaces for accessory uses such as restaurants, bars, banquet facilities, and the like, calculated at one-half of the space requirements for such uses, as if they were principal uses.</td>
</tr>
<tr>
<td>Golf driving ranges</td>
<td>One and one-half spaces for each tee.</td>
</tr>
<tr>
<td>Golf courses, miniature</td>
<td>One and one-half spaces for each hole.</td>
</tr>
<tr>
<td>Golf courses</td>
<td>Five spaces for each hole on the golf course.</td>
</tr>
<tr>
<td>Health and fitness centers</td>
<td>Five spaces per 1,000 square feet of gross floor area.</td>
</tr>
<tr>
<td>Movie theaters</td>
<td>One space for each four seats, plus four spaces for each movie screen.</td>
</tr>
<tr>
<td>Racquetball and tennis centers</td>
<td>One space per 1,000 square feet of gross floor area or six spaces for each court, whichever is greater.</td>
</tr>
<tr>
<td>Public recreation centers</td>
<td>Five spaces per 1,000 square feet of gross floor area.</td>
</tr>
<tr>
<td>Roller/ice skating rink</td>
<td>Six spaces per 1,000 square feet of gross floor area.</td>
</tr>
<tr>
<td><strong>Industrial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Manufacturing, light industrial and research establishment</td>
<td>One and one-half parking spaces per 1,000 square feet of gross floor area.</td>
</tr>
<tr>
<td>Wholesale, warehouses, or distribution facilities, and trucking terminals</td>
<td>One parking space per each 1,500 square feet of gross floor area, or one space per employee, whichever is greater.</td>
</tr>
</tbody>
</table>
(b) **Units of Measurement.**

1. Where gross floor area is the unit for determining the required number of off-street parking spaces, or for determining the category of use, it shall include usable floor area and areas devoted to storage, processing, packaging and utilities.

2. Where usable floor area is the unit for determining the required number of off-street parking spaces, such unit of measurement shall mean the total floor area used for service to the public; it shall not include floor area used for storage, processing or packaging, where such activities are carried on in areas or rooms in which direct service to the public does not occur.

3. Where the number of required off-street parking spaces is based on the number of employees of the land use, such number shall be based on the maximum number of employees likely to be on the premises during the shift during which the greatest number of employees is present.

4. When the calculation of the required number of off-street parking spaces results in a fractional space, a fraction up to and including one-half may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.

5. Where the unit of measurement for determining the number of required off-street parking spaces is a seat, but the seating facilities in a building or other land use consist of benches, pews or similar arrangements, every 24 inches of such seating facilities shall be counted as one seat.

6. For land uses not specifically stated in the schedule of required parking spaces included in this section, the required number of off-street parking spaces shall be determined by the Planning Commission in its approval of a site plan (1) with reference to the listed parking space requirement for the use which the Planning Commission determines to be most similar in type and nature to the use in question, or (2) in the absence of a similar listed use, then with reference to a standard manual of recommended parking space requirements.

(c) In its approval of a site plan, the Planning Commission may require additional off-street parking area, for parking spaces in addition to the number required by the schedule stated in Section 26.6(a). Such additional off-street parking area may be required so that sufficient off-street parking area will be available in the future, either because of a greater demand for parking for the proposed use, or the likely demand for parking for other permitted uses in the future.

In considering whether to require additional area, for the construction and use of future additional parking spaces, the Planning Commission shall consider the following factors:
(1) The nature of the currently proposed use, and the likelihood that such use may subsequently require a greater number of off-street parking spaces than specified in the above-stated schedule in subparagraph (a).

(2) The other uses that are specified in the Zoning Ordinance as permitted uses in the zone district in which the land is located.

(3) The nature, type and impacts of the likely other permitted uses for the subject land, and in particular the likely off-street parking demand with respect to such other uses.

(4) The availability of vacant land on the subject site, to be set aside for the implementing of future parking space demand.

(5) The nature and type of the adjacent streets and the current and expected future capacity thereof.

26.7 Barrier-Free Parking Spaces.

The size, design, placement and other aspects of barrier-free parking spaces, curbs, ramps, signs and other associated features shall be as required by the terms of the Township Building Code and applicable State of Michigan requirements for barrier-free parking spaces and related facilities.

26.8 Existing Off-Street Parking Areas.

(a) Off-street parking areas existing at the effective date of this chapter, and serving a land use existing at the effective date of this chapter, shall not be reduced in area or in number of parking spaces to less than the parking area and number of spaces required by this chapter.

(b) In the case of an increase in floor area or building use capacity, in buildings and land uses in existence at the effective date of this chapter, additional off-street parking area and spaces shall be provided and maintained in accordance with the minimum requirements of this chapter.

26.9 Other Off-Street Parking Area Regulations.

(a) In order to avoid excessive areas of impervious surface, the minimum parking space requirements of this chapter shall not be exceeded by more than 10 percent, except as permitted by the Planning Commission in its approval of a site plan.

(b) The storage or repair of motor vehicles is prohibited in parking spaces. The storage or display of merchandise and the placement and use of refuse receptacles in parking spaces, and similar activities, is permitted only if authorized on a temporary basis under Section 26.10(b), in connection with a special event.

(c) No display of motor vehicles, boats, motor homes, tractors, recreational equipment, farm implements or other motorized vehicles, equipment or structures, for purposes
of sale, shall be permitted within any required non-residential off-street parking areas.

26.10 Temporary Parking Areas.

(a) Occasionally, there may be lawful special events or activities which may result in a temporary reduction in the availability of required off-street parking spaces and maneuvering aisles, or the need for temporary off-site parking. Such events may include lawful church or school events, yard or garage sales, festivals, carnivals and the like.

(b) In such cases, where the special event or activity has been approved or is otherwise lawful under the terms of this Ordinance, the building inspector may authorize the temporary use of required off-street parking area for the activities of the special event or activity, or may authorize temporary off-site parking, upon a demonstration by the applicant of the following:

(1) That the loss of the required off-street parking spaces may be offset by requiring employees or customers to park elsewhere, or that because of the time of year or nature of the business or use of the site, the spaces to be used for the special event or activity would not be needed for off-street parking.

(2) That if parking is to be provided off site, permission for the same has been granted by the affected property owner.

(3) That the special event or activity is of such short duration or is of such a nature as not to cause any off-street parking problem for the operation of the other, existing uses on the premises.

(4) That any temporary off-site parking would be located so as to assure the safe and convenient circulation of vehicles.

26.11 Off-Street Loading Areas.

(a) Off-street loading spaces shall be provided on the same premises as any building or part thereof erected and used for commercial, industrial or other uses involving the recurring arrival, parking, loading and departure of trucks and other vehicles which deliver to or carry away from the premises any merchandise, material, commodities or other goods, objects, equipment or the like.

(b) Off-street loading spaces shall be designed, constructed and located so that the use thereof does not unduly interfere with the use of streets, driveways or parking areas.

(c) Off-street loading spaces may not be counted toward the required number of off-street parking spaces.

(d) Off-street loading spaces shall not be located in any public or private street right-of-way. Loading spaces shall not be located within the front yard, unless such location is permitted by the Planning Commission in its approval of a site plan.
(e) Off-street loading spaces shall not be located closer than 50 feet from any residential zone or residential use, unless such a location is permitted by the Planning Commission in its approval of a site plan. In that event, the Planning Commission may require adequate screening by means of fencing or other measures.

(f) An off-street loading space, unless located entirely within a building, shall be at least ten feet wide by at least 25 feet long, unless a lesser size is permitted by the Planning Commission in its approval of a site plan.

(g) Loading and unloading spaces shall be subject to the same surfacing, lighting and drainage requirements as specified in this chapter for off-street parking spaces.

(h) Off-street loading spaces shall be provided according to the following schedule:

<table>
<thead>
<tr>
<th>Gross Floor Area of Building (in square feet)</th>
<th>Minimum Loading and Unloading Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 2,000</td>
<td>None</td>
</tr>
<tr>
<td>2,000 – 20,000</td>
<td>One space</td>
</tr>
<tr>
<td>20,000 – 50,000</td>
<td>Two spaces</td>
</tr>
<tr>
<td>50,000 – 100,000</td>
<td>Three spaces</td>
</tr>
<tr>
<td>100,000 – 500,000</td>
<td>Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet</td>
</tr>
<tr>
<td>Over 500,000</td>
<td>Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet</td>
</tr>
</tbody>
</table>

(i) Deferral of construction of loading spaces.

(1) The Planning Commission, in its approval of a site plan, may determine that the off-street loading space requirements of this chapter would be excessive for the building or use under consideration, and in such a case the Planning Commission may permit the deferral of construction of all or some portion of required loading space. Such action on the part of the Planning Commission shall include conditions under which all or some portion of the required loading area shall be reserved for future construction and use as loading space if later determined to be necessary by the Planning Commission.

(2) Additional loading space area within an area reserved for future loading space may be required by the Planning Commission to be constructed and placed in use, if a change of use occurs for the building or premises for which the deferred loading space was approved.
CHAPTER 27
LANDSCAPING

27.1 Description and Purpose.

(a) Landscaping is an important element of the use, development and preservation of land, and a significant factor in conserving the value of land and buildings in the Township. The purpose of this chapter is to promote the public health, safety and general welfare by establishing minimum standards for the design, installation and maintenance of landscaping in front yards, parking lots, as greenbelts between uses and along roadways, with respect to the land uses in which landscaping is required.

(b) In several instances, the standards and requirements of this chapter are intentionally made flexible, so as to encourage innovative and creative landscape design, consistent with the purposes of this chapter. Applicants are encouraged to provide landscaping in addition to the minimum required, so as to improve the function, appearance and value of properties within the Township.

27.2 Applicability of Landscaping Provisions.

(a) The standards and requirements specified in this chapter shall apply to any land use for which site plan review is required under the terms of this Ordinance, including, but not limited to, special land uses, planned unit developments and other circumstances or types of land use with respect to which site plan review is required; provided, however, that the provisions of this chapter shall not apply to an individual single family detached dwelling, an individual two-family dwelling or a private street.

(b) The landscaping requirements of this chapter shall be complied with insofar as they are reasonably feasible. However, in its review of a site plan, the Planning Commission may modify the landscaping, buffering and screening requirements of this chapter, if the purposes of this chapter will nevertheless be achieved. In approving any such modifications, the Planning Commission shall consider the following criteria:

1. The amount of space on the site available for landscaping.
2. Existing landscaping on the site and on adjacent and nearby properties.
3. The type of land use on the site and the size and scope of the development.
4. Existing and proposed adjacent and nearby land uses.
5. Existing native vegetation on the site, and the extent to which strict application of the regulations of this chapter may result in less effective screening and landscaping than alternative landscape designs which incorporate the native vegetation on the site.
(6) The topographic features of the site which may create conditions such that strict application of the provisions of this chapter will result in less effective screening and landscaping than alternative landscape designs which utilize existing topographic features.

(c) When requesting any modifications from the provisions of this chapter, the applicant shall provide the Planning Commission with a written statement of justification, identifying the site conditions that are stated to warrant the requested modifications, and specifying how the modifications would nevertheless carry out the basic intent and purposes of this chapter.

27.3 Landscape Plan Required.

(a) A landscape plan having a minimum scale of 1”=50’, shall be submitted as part of the application for site plan review, as to all land uses requiring site plan review. The plan may be incorporated within a site plan being submitted for site plan review or for other approvals, or it may be a separate plan, but it shall have sufficient detail and clarity so as to enable the Planning Commission fully to evaluate all aspects of the proposed landscaping and to determine whether the plan complies with the provisions of this chapter.

(b) The landscape plan shall include, but is not necessarily limited to, the following:

(1) Existing vegetation on the site and a clear indication of which existing plants, if any, will be retained.
(2) Existing and proposed contours of the site, shown at reasonable intervals.
(3) Typical straight cross-section, including the slope, height and width of berms.
(4) The location, spacing, size and description of each plant type proposed to be used in all landscaped areas.
(5) A list of all plants, showing the required and proposed quantities thereof.
(6) Topographic features of the site which will be utilized as a part of the landscaping of the site.
(7) Methods and details for protecting during construction activity any existing trees and other existing vegetation that are to be retained on the site.
(8) Description of a proposed landscape maintenance program, including a statement that all diseased, damaged or dead plant materials shall be promptly replaced.

(c) A landscape plan shall be subject to the approval of the Planning Commission. The Commission shall review the plan in its review of a site plan, a PUD plan, or in
connection with its consideration of other land uses for which a landscape plan is required. The Planning Commission may approve the landscape plan, reject the plan or approve the plan with terms and conditions and/or with modifications authorized by the terms of this chapter.

27.4 General Landscape Regulations.

(a) All required landscaping shall be planted prior to the issuance of a certificate of occupancy; provided, however, that if a certificate of occupancy is ready to be issued, but inclement weather prevents the completion of required landscaping, the certificate may nevertheless be issued, but upon the specific condition that the remaining required landscaping shall then be installed as soon as weather conditions permit, or not later than a date to be specified in the certificate. As a condition of the issuance of the certificate of occupancy in such circumstances, a financial guarantee shall be provided in accordance with subsection (e) of this Section 27.4.

(b) For the purpose of applying the landscape requirements of this chapter, a corner lot shall be considered as having a front yard along each intersecting street, and accordingly, the required front yard landscaping shall be provided for both street frontages.

(c) Plant materials shall be planted and maintained so as not to create any site obstruction near street intersections. In addition, applicants shall give consideration to utilizing plant materials to assist in storm water management on the site, including the establishing of rain gardens and other bioretention measures as noted in Section 27.13.

(d) Landscaping shall be provided adjacent to buildings if such landscaping serves to enhance the general appearance of the building.

(e) If required by the Township, the applicant shall provide a financial guarantee sufficient to assure the installation of all required landscaping. The financial guarantee may be included with any other such financial guarantee required by the Township with respect to the land use being approved. The financial guarantee may be in the form of a cash deposit, an irrevocable bank letter of credit or a performance bond, with a surety acceptable to the Township.

27.5 Preservation of Existing Trees and Other Landscape Elements.

(a) A landscape plan shall provide for the preservation of existing trees of reasonable quality whenever such preservation is feasible, particularly in greenbelt areas. Relocation of existing trees within the site is also encouraged.

(b) Existing trees may be utilized for the purpose of complying with landscape requirements, if the trees are in healthy growing condition and if they comply with minimum size requirements.
(c) If a tree which is designated for preservation and for which landscaping credit is
given, should die, then the applicant shall replace the tree with a tree of the same or equivalent species, or with a tree which will in approximately the same time attain the same height, spread and growth of the tree which is being replaced. Any replacement tree shall be a minimum of two and one-half inch caliper.

(d) Existing trees and other vegetation that are to be preserved shall be labeled “to remain,” or with some comparable legend, on the landscape plan. During construction, protective measures shall be taken so as to protect all plants that are to be preserved, including the installation of temporary fencing or other barriers.

27.6 Installation and Maintenance of Plant Materials.

(a) All landscaping shall consist of hardy plant materials, which shall be maintained thereafter in a healthy condition. Withered and/or dead plant materials shall be replaced within one growing season.

(b) All landscaping and landscape elements shall be planted, and all earth moving or grading shall be performed, in a sound manner and according to generally accepted planting, grading and other landscaping practices.

(c) All landscaped areas shall be provided with a readily available water supply, sufficient in quantity and reasonably convenient, so as to assure adequate water for maintaining plant materials in a healthy growing condition.

27.7 Greenbelts.

(a) A greenbelt, defined as a landscaped strip of land and as otherwise described in this section, shall be provided along the lot line when any of the following uses abut a residential use, a residential zoning district, a residential planned unit development, or an area planned for residential uses according to the Township Master Plan:

(1) Multi-family uses.

(2) Uses permitted in the C-1 Neighborhood Business District.

(3) Uses permitted in the C-2 General Business District.

(4) Uses permitted in the C-3 Office Business District.

(5) Uses permitted in the I Industrial District.

(b) A greenbelt shall have a minimum width of 20 feet.

(c) A greenbelt shall be landscaped with at least one tree, with a minimum caliper of two and one-half inches, for each 30 linear feet, or part thereof, of the frontage of the property that abuts any of the above-stated residential uses or districts. The
remainder of the greenbelt shall be landscaped with other trees and other natural landscape material, including but not limited to grass, ground cover and shrubbery.

(d) Berms, walls and fences may be included within a greenbelt. In its discretion, the Planning Commission may reduce the amount of required plantings, or may revise the required placement of such plantings, if the berm, fence or wall assists in achieving the intent and purposes of this section.

(e) Access ways from public or private streets may be located through required greenbelts, if approved by the Planning Commission.

27.8 Front Yard Landscaping.

(a) Except for necessary driveways, frontage roads, service drives or walkways, the front yard shall be landscaped in accordance with the following minimum requirements:

(1) Front yard landscaping required by the terms of this section, shall be within a greenbelt that is at least 20 feet wide.

(2) One canopy tree, two evergreen trees and one ornamental tree for each 50 feet in length of street frontage, or any combination thereof, shall be planted and maintained as front yard landscaping; provided, however, that the Planning Commission may in its discretion modify this requirement.

(3) As an alternative to formal groupings of trees, and in order to provide more variety in landscaping, applicants are encouraged to incorporate natural vegetation, native grasses, wildflower plantings, perennials and other materials which may carry out the purposes of this chapter.

(4) Earthen berms may be utilized within the front yard in order to provide variety in the appearance of the site and for the screening of vehicle parking areas.

(b) In addition, the Planning Commission may require front yard landscaping to be planted and maintained in an area located between the front lot line and the nearest line of front yard vehicle parking areas, for the purpose of obscuring or moderating the view of parked vehicles from the adjacent street. Landscaping in such location, for such purposes, may consist of approved trees and/or shrubs, or other approved plantings. In addition, other screening devices, such as earthen berms or other land contouring, may be required.

27.9 Parking Area Landscaping.

All off-street paved parking areas shall be landscaped according to the following minimum requirements:
(a) There shall be parking area perimeter landscaping consisting of at least one canopy tree installed and maintained for each ten vehicle parking spaces or fraction thereof in the parking area. Landscaping required for greenbelts and front yard landscaping which abuts parking areas may be applied to not more than 50 percent of required parking lot landscaping. Trees required in landscaped interior islands shall not be applied toward the requirements of this subsection.

(b) Paved parking lots shall contain individual, curbed landscaped interior islands, in addition to perimeter landscaping, in order to provide shade and to vary the visual monotony of paved parking areas; provided, however, that the Planning Commission may waive this requirement in the case of parking lots of such small size that an interior island is determined to be unnecessary.

(1) A landscaped interior island shall be at least ten feet wide and at least 360 square feet in area; provided, however, that the Planning Commission may require that the minimum size of interior islands be 20 feet in width and 720 square feet in area where the size of the parking area is such that larger interior islands would be more effective to moderate visual monotony and to provide the benefits of shade, cooling and rainwater absorption than would likely be accomplished by the use of smaller interior islands.

(2) Each interior island shall be planted with at least two canopy trees and six shrubs, or such other equivalent as the Planning Commission may approve. Any shrubs planted within an interior island shall be maintained at a maximum height of three feet. Plantings shall be at least three feet from the edge of the island.

(3) Generally, and subject to the approval of the Planning Commission, there shall be one landscaped interior island for every 18 lineally adjacent parking spaces.

(c) Landscaping in paved parking areas shall be arranged so as not to obscure traffic signs or fire hydrants or obstruct the sight distance of drivers within the parking area or at driveway entrances.

(d) As stated in subsection 27.8(b), the Planning Commission may require landscaping or other screening measures in areas located between the front lot line and the nearest line of the adjacent off-street vehicle parking area in order to obscure or moderate the view of parked vehicles from the adjacent street.

(e) Rain gardens and other bioretention measures may be considered as partial alternatives to interior islands, and applicants are encouraged to consider such measures as elements of parking area landscaping. In its discretion, the Planning Commission may modify parking area landscaping requirements so as to approve rain gardens and other bioretention measures as noted in Section 27.13.
27.10 **Roadways, Access Drives and Walkways.**

(a) In its consideration and approval of a landscape plan, the Planning Commission may require that shade trees be planted and that rain gardens be established along one side of existing roadways, access drives and walkways, where these features abut the site, and also along one or both sides of the roadways, access drives and walkways that are proposed to be located within a development or other land use.

(b) Shade trees required to be planted and maintained under the terms of this section shall be at least two and one-half caliper when planted and shall be spaced no greater than 40 feet apart along one or both sides of each roadway, access drive or walkway, though such plantings shall not be required for rear access lanes or alleys.

27.11 **Minimum Requirements for Landscape Plantings.**

(a) Plantings shall comply with the following minimum requirements, except that the Planning Commission may in its discretion permit variations in the size of plantings, in order to achieve the intent and purposes of this chapter.

(1) Evergreen trees – 5-7 feet height when planted.

(2) Deciduous canopy trees – 2 inch caliper when planted.

(3) Deciduous ornamental trees – 2 inch caliper when planted.

(4) Upright evergreen shrub – 2 feet height when planted.

(5) Deciduous shrub – 2 feet in height when planted.

(6) Spreading evergreen shrub – 18 inch spread when planted.

(b) Types of trees to be planted shall include those that are listed on the current Township List of Approved Landscape Trees and Other Plant Materials, maintained in the Township office, or such other types of trees as are approved by the Planning Commission in its approval of a landscape plan.

27.12 **Composition of Landscaping; Berms and Other Features.**

(a) Plant material shall be free of disease and insect infestation and shall be suitable for planting within the Township, given local climatic conditions. The use of native plant species is encouraged.

(b) A mixture of plant material is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended, rather than a large quantity of many different species.

(c) Berms shall be constructed with slopes not to exceed a 1:3 gradient, with side slopes designed, graded and planted so as to prevent erosion. A berm shall have a rounded
surface at least two feet in width at the highest point of the berm, extending for the length of the berm. The slopes of berms shall be protected with sod, seed, shrubs or other forms of natural ground cover.

(d) The Planning Commission may determine that there shall be a landscape buffer for the purpose of shielding adjacent lands or uses. In such cases, the landscape buffer may consist of earthen berms and/or plant material designed and installed so as to maintain a minimum opacity of at least 80 percent after two growing seasons. For purposes of this requirement, opacity shall be measured by the observation of any two square yard area of landscape screen between a point one foot above the established grade of the area to be concealed and the top or highest point of the required landscape screen.

(e) Where there is a need to provide a greater noise or dust barrier, or to screen more intense development, the Planning Commission may require the installation and maintenance of a solid wall, of such height and materials as the Planning Commission may determine.

(f) Rain gardens and other bioretention measures may be included in landscape plans, and their installation and use is encouraged as an effective aid in reducing storm water runoff.

27.13 Rain Gardens.

(a) Rain gardens are landscaped areas that are designed, planted and maintained to absorb rain water and other storm water runoff, and thereby help to reduce the total storm water runoff from the property on which the garden is located.

(b) Applicants are encouraged to include rain gardens in landscape plans and in the landscaping for the types of land uses covered by this chapter; provided, however, that rain gardens shall not serve in the place of required landscaping unless approved by the Planning Commission in its approval of a landscape plan.

(c) The Township also encourages applicants to utilize other bioretention practices and other storm water control measures in landscape plans and in approved landscaping under the terms of this chapter; provided, however, that other bioretention practices or measures may not take the place of required landscaping unless approved by the Planning Commission in its approval of a landscape plan. In considering bioretention measures that are included in a landscape plan, the Planning Commission may obtain the advice and recommendations of the Township Engineer and other Township consultants. Such other bioretention measures may include grass waterways, vegetated storm water drainage channels and the use of existing or enhanced swales to control and moderate the flow of storm water within landscaped areas.
CHAPTER 28
RESERVED
CHAPTER 29
NONCONFORMING STRUCTURES, LANDS AND USES

29.1 Intent and Purpose.

The purpose of this chapter is to provide regulations concerning lots and parcels of land, buildings, structures, and the uses thereof which were lawful prior to the enactment of this Ordinance, or relevant amendment thereto, but which are prohibited or more strictly regulated under the current provisions of this Ordinance.

Further, the provisions of this chapter are intended to permit such lawfully nonconforming lots and parcels of land, buildings, structures and uses to continue, though not to encourage their nonconforming status on a long term basis. Because the continued existence of such nonconforming lots, buildings, structures and uses prevents the full realization of the goals and purposes of this Ordinance, a significant purpose of this chapter is to promote the reduction or elimination of such nonconformities.

The provisions of this chapter are intended to accomplish the following:

(a) To permit lawful nonconforming buildings, structures and uses to remain until they are discontinued or removed.

(b) To permit lawfully nonconforming lots and parcels of land to be improved by the construction and use of buildings only as specifically permitted by the terms of this Ordinance.

(c) To promote the termination and removal of any use, building or structure in violation of this Ordinance that was established prior to the effective date hereof or prior to the effective date of any relevant amendment thereto.

(d) Encourage the combining of contiguous nonconforming lots or parcels of land, so as to create lots and parcels which comply with current minimum provisions as to area, width and other aspects thereof.

(e) To encourage the improvement of buildings and structures so as to comply with current minimum provisions of this Ordinance.

29.2 Lawfully Nonconforming Lots and Parcels of Land.

(a) Any parcel of land that is platted or is otherwise of public record at the time of the adoption of this Ordinance and that does not comply with the minimum lot area requirement and/or minimum lot width requirement for the district in which the parcel of land is located, may nevertheless be used for a use permitted in that district if at least 90 percent of each minimum yard requirement is complied with.

(b) In the R-A District only, a parcel of land that is platted or is otherwise of public record at the time of adoption of the 84,000 square foot minimum lot area
requirement of the R-A District, and that has an area of at least 42,000 square feet but less than 84,000 square feet, may be used for any use permitted in the R-A District if all minimum yard requirements of that district are complied with.

(c) Adjacent parcels of land in common ownership that are platted or are otherwise of public record at the time of adoption of this Ordinance, and which each comply with at least 90 percent of the required minimum lot area requirement and 90 percent of the minimum lot width requirement may also be used and developed as separate parcels of land, but where such parcels of land in common ownership do not comply with 90 percent of the minimum lot area requirement or 90 percent of the minimum lot width requirement, such parcels shall be combined so as to comply with such 90 percent requirement; provided, however, that as to the R-A District only, adjacent parcels of land that are platted or are otherwise of public record at the time of adoption of the 84,000 square foot minimum lot area requirement of the R-A District and which are in common ownership may be used and developed as separate parcels of land if each parcel has an area of at least 42,000 square feet and a width of at least 180 feet.

(d) For purposes of this section, an existing parcel of land of record means a lot or parcel that is described in a deed or other conveyancing instrument recorded in the office of the register of deeds prior to the effective date of this Ordinance or any relevant amendment thereof, or any recorded land contract, recorded memorandum of land contract or other recorded instrument, including a platted subdivision and a condominium and site condominium master deed, which has the effect of conveying the land or an interest therein. A recorded survey or the establishment of a separate tax identification number for a parcel of land shall not, by itself, have the effect of establishing the parcel of land as an existing lot or parcel of record.

29.3 Lawfully Nonconforming Buildings and Structures.

(a) Building and structures which are existing and lawful on the effective date of this Ordinance or any relevant amendment therein may be continued even though such buildings and structures do not comply with the provisions of this Ordinance or any relevant amendment therein, subject, however, to the following limitations:

(1) A nonconforming building or nonconforming structure devoted to a conforming use shall not be enlarged or altered in any manner or to any extent which increases the nonconformity of the building or structure. An increase in the nonconformity of a building or structure includes, among other types of increases, the enlargement of or addition to a building or structure even though the outermost wall of the enlargement or addition may not be located closer to a property line than the outermost wall of the existing building or structure.

(2) If a nonconforming building or structure is altered or modified so as to eliminate, remove, or lessen any or all of its nonconforming characteristics,
then such nonconforming characteristics shall not be subsequently reestablished or increased.

(3) Repairs, improvements, or modernizing of a nonconforming building or structure are permitted, provided that such repairs, improvements, or modernizing do not exceed one-half the value of the building or structure during any period of twelve consecutive months. The calculation of such value shall not include costs associated with the modernizing of electrical, plumbing, heating or cooling systems in order to meet Township Building Code requirements.

(4) A lawfully nonconforming building may be altered, modernized, restored or otherwise improved if such activity will cause the building or structure to be more conforming to the provisions of this Ordinance.

(5) A lawfully nonconforming building or structure may be enlarged or expanded if the enlargement or expansion will be within all the required minimum building setbacks and if all other dimensional and Township Building Code requirements are complied with; provided, however, that in the C-1 District and the C-2 District only, a lawfully nonconforming building may be enlarged or expanded in accordance with subsection (6) of this section.

(6) In the C-1 and C-2 Districts only, a lawfully nonconforming building may be enlarged or expanded in the respects stated in this subsection and upon the approval described in this subsection.

(i) The Planning Commission may approve, as a special exception use, the enlargement or expansion of a lawfully nonconforming building, where the enlargement or expansion would result in the building or structure becoming more nonconforming as to the required minimum front yard building setback; provided, however, that all or any part of the enlarged or expanded portion of the nonconforming building shall not be located closer to the front street right-of-way line than the existing nonconforming building, or any part thereof, already is, nor shall all or any part of the enlarged or expanded portion of the nonconforming building be located within a required minimum side yard setback or the required minimum rear yard setback.

(ii) An applicant shall apply for such special exception use on a form provided by the Township and shall pay the required application fee. The application shall include the same type and extent of information as is required for a special land use.

(iii) The Planning Commission shall convene a public hearing on the application for the special exception use, after the giving of notice that is of the same type and extent as is required for consideration of a special land use.
(iv) The special exception use may be approved by the Planning Commission in its discretion, if the Commission determines that all of the following apply:

(I) The proposed enlargement or expansion of the existing nonconforming building would be used for a permitted use in the C-1 District or the C-2 District or for a special land use authorized in the C-1 District or the C-2 District (if a special land use, such use shall have been granted by the Township or, if not, then the granting of the special land use shall be a condition of the special exception use authorized by subsection (a)(6) of this section).

(II) The enforcement of the requirements of this Ordinance with respect to the expansion or enlargement of the nonconforming building would preclude a reasonable enlargement or expansion of a nonconforming building, for the purpose of augmenting or enhancing a conforming use, avoiding the discontinuance of a conforming use or establishing another conforming use.

(III) The proposed enlargement or expansion would promote the continuance of a conforming use, or the establishing of a conforming use, in the existing nonconforming building.

(IV) The proposed enlargement or expansion would not result in serious adverse effects on adjacent or nearby lands and land uses or the abutting streets, or such serious adverse effects would be avoided or sufficiently moderated by the imposition of terms and conditions in the special exception use.

(v) In approving a special exception use, the Planning Commission may impose reasonable terms, conditions and limitations.

(7) If a nonconforming building or nonconforming structure (including any part thereof, if any, that was authorized by granting of a special exception use under subsection (a)(6) of this section) is damaged or destroyed to the extent of 60 percent or more of its real value by fire, flood, wind or other casualty, the reconstruction, restoration and use of the building or structure shall occur only in compliance with this Ordinance; provided, however, that certain damaged or destroyed nonconforming buildings or structures in the R-A District shall be subject to the provisions of subparagraph (8) of this subsection (a). A nonconforming building or a nonconforming structure that is damaged or destroyed to a lesser extent may be reconstructed or restored to the extent of its size existing prior to such damage or destruction and its use may then be resumed. Any such restoration shall be started within a period...
of one year from the time of such damage or destruction and shall be
diligently pursued to completion.

(8) In the event that any lawfully nonconforming building or structure is
damaged by wind, fire, or other casualty to such extent that the cost of
reconstruction or restoration is equal to or less than 60 percent of the value of
such building or structure prior to the occurrence of the casualty, as
determined by the most recent Township assessment of the value of the
building or structure, excluding the fair market value of the land, then such
reconstruction or restoration shall be permitted, provided that a building
permit for the same is issued not later than one year after the occurrence of
the casualty.

29.4 Lawfully Nonconforming Uses of Buildings and Structures.

(a) The lawful use of any building or structure existing and lawful on the effective date
of this Ordinance or any relevant amendment therein may be continued, even though
the use of such building or structure does not comply with the provisions of this
Ordinance or any relevant amendment therein, subject however to the following
provisions:

(1) Any lawfully nonconforming use may be expanded or extended throughout
any parts of a building or structure which were manifestly arranged or
designed for such use at the effective date of this Ordinance or any relevant
amendment therein, but no such nonconforming use shall be expanded or
extended to occupy any portion of the land outside the building.

(2) No existing building or structure devoted to a nonconforming use shall be
enlarged, extended, constructed, reconstructed, moved or structurally altered,
except by reason of changing the use of the building or structure to a use that
is permitted in the zoning district in which the building or structure is located.

(3) If a structure which conforms with the provisions of this Ordinance, but
which is used or occupied by a nonconforming use, is damaged by fire, wind,
or other casualty to the extent that the cost of reconstruction or restoration
exceeds 60 percent of the value of the building or structure prior to the
occurrence of the casualty, as determined by the most recent Township
assessment of the value of the building or structure, excluding the value of
the land, then such building or structure may be reconstructed or restored
only if the use thereof complies with the provisions of this Ordinance.

(4) On any building or structure that is devoted in whole or in part to a
nonconforming use, work may be done in any period of twelve consecutive
months on ordinary repairs or on repair or replacement of fixtures, wiring,
heating, plumbing, or other building systems, to an extent not exceeding
10 percent of the current replacement value of the building or structure,
provided that the building or structure is not thereby enlarged, extended, or structurally altered.

(5) No provision in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or any part thereof that is declared to be unsafe by any Township official having jurisdiction over the safety or condition of any building or structure.

(6) If a nonconforming use of any building or structure is terminated and replaced by a permitted use, the nonconforming use shall not be later reestablished.

(7) When a nonconforming use of a building or structure, or a nonconforming building or structure and land in combination, is discontinued or abandoned for at least 12 consecutive months, the building or structure or the building or structure and land in combination, shall not thereafter be used except in compliance with the provisions of the zoning district in which the building or structure or building or structure and land in combination are located.

29.5 Other Requirements.

(a) Where lawfully nonconforming use status applies to a building or structure and land in combination, the removal or destruction of the building or structure shall eliminate the lawful nonconforming status of the land.

(b) The nonconforming use of a building or a structure may not be changed to another nonconforming use, either in whole or in part.

(c) The provisions of this chapter shall apply to buildings, structures and uses which become nonconforming as a result of any amendments or other changes in any of the district provisions or the other provisions of this Ordinance.
CHAPTER 30
ZONING BOARD OF APPEALS

30.1 Creation of Zoning Board of Appeals.

The Zoning Board of Appeals (the “Board of Appeals”) is hereby created. The Board of Appeals shall have the authority and responsibilities conferred by law and this Ordinance.

30.2 Membership.

The Board of Appeals shall consist of five members. The members shall be appointed by affirmative majority vote of the total number of members of the Township Board.

(a) One member of the Board of Appeals shall be a member of the Township Planning Commission.

(b) One member of the Board of Appeals may be a member of the Township Board.

(c) The members of the Board of Appeals other than those stated in (a) and (b) shall be electors of the Township residing within its zoning jurisdiction.

(d) There may be not more than two alternate members of the Board of Appeals, appointed in the same manner as regular members of the Board of Appeals. They shall be electors of the Township residing within its zoning jurisdiction. They shall have the authority and duties stated in Section 30.12.

(e) An employee or contractor of the Township shall not serve as a member of the Board of Appeals.

30.3 Terms of Office.

A member of the Board of Appeals shall have a term of office of three years and until the member’s successor is appointed and qualifies; provided, however, that the terms of the members first appointed shall be for varying numbers of years, none of them exceeding three, so as to provide for differing expiration dates of members’ terms.

(a) The terms of the Board of Appeals members who are a Township Board member and a Planning Commission member shall coincide with their respective terms as members of those bodies.

(b) A member of the Board of Appeals may be reappointed.

(c) A vacancy in the office of a member of the Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as an original appointment is made.
30.4 Jurisdiction.

(a) The Board of Appeals shall act upon all questions arising in the administration of the Zoning Ordinance, including interpretation of the Zoning Map and the text of the Zoning Ordinance.

(b) The Board of Appeals shall hear and decide all appeals from any order, decision or determination made by the Zoning Administrator or other person authorized to enforce the provisions of this Ordinance.

(c) The Board of Appeals shall hear and decide all matters assigned to it for decision under the terms of this Ordinance.

(d) The Board of Appeals shall have no jurisdiction or authority over or with regard to the following:

(1) Any aspect or part of an application for approval of a special land use or planned unit development.

(2) An appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.

(3) The consideration, approval or granting of a land use variance.

(e) An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed from; provided, however, that if the body or officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in such certification, a stay would in the opinion of the body or officer cause imminent peril to life or property, then such proceedings may be stayed only by a restraining order issued by the Board of Appeals or the circuit court.

30.5 Types of Available Relief.

The Board of Appeals shall have authority to hear and decide appeals and other applications for relief as follows:

(a) Cases in which it is alleged that there is error or misinterpretation in any order, decision or determination made by the Zoning Administrator or any other person authorized to enforce the provisions of this Ordinance.

(b) Cases in which it is alleged that there are practical difficulties or unnecessary hardship in carrying out the literal requirements of this Ordinance by reason of (i) the exceptional narrowness, shallowness or shape of a lot or parcel of land; (ii) exceptional topographic conditions or (iii) extraordinary dimensional conditions of land, buildings or structures.
30.6 **Dimensional Variances.**

If an applicant seeks a dimensional variance from the provisions or requirements of this Ordinance because of dimensional characteristics of a lot or parcel of land, or because of exceptional topographic or similar conditions of the land, buildings or structures, the applicant shall demonstrate through competent, material and substantial evidence on the record that all of the following exist:

(a) That the enforcement of the literal requirements of this Ordinance would involve practical difficulties.

(b) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.

(c) That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.

(d) That the authorizing of such variance will not be of substantial detriment to other lands and uses and will not be contrary to the spirit and purpose of this Ordinance.

No nonconforming use of nearby lands, structures or buildings shall in itself be considered grounds for the issuance of a dimensional variance.

In approving a dimensional variance, the Board of Appeals may include such terms and conditions that the Board deems reasonably necessary to carry out the intent and purposes of this Ordinance and for the protection and advancement of the public interest. Among other terms and conditions, the Board may require that the applicant prepare and submit a site plan depicting the land, buildings or other structures, the current condition of the land and the condition thereof if the requested variance were approved.

The Board of Appeals may approve nonuse variances relating to the construction of, structural changes in or alteration of buildings or structures if such nonuse variances relate or pertain to the dimensional requirements of this Ordinance.

30.7 **Time Limitations on Variances.**

(a) Within 90 days after the granting of a variance, the applicant shall obtain all required permits and commence the construction or other work authorized by the variance, and shall proceed diligently toward the completion thereof.

(b) The construction or other work authorized by a variance shall be completed not later than one year after the granting of the variance; provided, however, that the Board of Appeals may grant an extension of up to one additional year, upon request by the applicant and if the Board finds that extenuating circumstances have prevented the completion of the authorized work or if the Board determines that an extension is
otherwise justified. Any request for such an extension shall be considered at a public meeting of the Board of Appeals, but a public hearing shall not be required.

30.8 Appeals and Other Applications for Relief.

(a) An appeal from an order, decision or determination by the Zoning Administrator or other person authorized to enforce or administer this Ordinance may be taken by any person aggrieved by such order, decision or determination.

(b) An application for an appeal, a variance or other authorized relief shall be accompanied by payment of the required application fee.

(c) An application or appeal shall be filed not later than 30 days after the order, decision or determination as to which the application or appeal is taken.

(d) An applicant seeking relief within the jurisdiction of the Board of Appeals shall apply for such relief by means of an application form provided by the Township and shall pay the required application fee and deposit any required sum into a Township escrow account for the purpose of any required reimbursement of Township expenses incurred in the consideration of the application.

(e) The application shall include an accurate drawing, drawn to scale or otherwise showing all relevant dimensions, depicting the proposed construction or other undertaking as to which relief or other action by the Board of Appeals is requested. Prior to the matter being scheduled for hearing by the Board of Appeals, the application and the drawing shall be submitted to the Planning and Zoning Department, for its review of the drawing and the dimensions and other factual matters indicated in or arising out of the application and the drawing. After its review, the Planning and Zoning Department shall submit a report to be forwarded to the Board of Appeals, stating the Department’s findings as to the accuracy of dimensions and other factual matters shown in the application materials. Upon the forwarding of such report to the Board of Appeals, the matter shall be scheduled for public hearing if all other required matters are in order.

(f) After an application for an appeal, a variance or other authorized relief is complete, has been filed in proper form, and the application fee has been paid, the Planning and Zoning Department shall forward to the Board of Appeals the application or notice of appeal and other materials comprising the record of the matter from which the application or appeal is taken. The application or appeal shall be scheduled by the Board of Appeals for a public meeting or, if required, for a public hearing, within a reasonable time. Any required notice of hearing shall be given in accordance with this Ordinance.

30.9 Decisions of the Board of Appeals.

(a) The Board of Appeals shall decide all applications and appeals within a reasonable time.
(b) The Board of Appeals may reverse or affirm, in whole or in part, or may modify, the order, decision, or determination that is being appealed. For such purpose, the Board shall be deemed to have all the powers of the Township officer or body from whom the appeal was taken. In its decision, the Board of Appeals may direct the issuance of all relevant Township permits.

(c) In cases of alleged practical difficulties or unnecessary hardship, the Board shall, if relief is warranted, grant only such relief as is necessary to relieve the practical difficulties or unnecessary hardship. Such decision shall be binding upon the Zoning Administrator, or other Township officials having authority in the circumstances. The Township building official shall incorporate the terms and conditions of the Board of Appeals’ decision in any permit issued to the applicant pursuant to the decision.

(d) A decision of the Board of Appeals on an appeal from a Township officer or body shall be final; provided, however, that a party aggrieved by the Board of Appeals’ decision may appeal to the circuit court, within the time, to the extent and in the manner permitted by law.

(e) The members of the Board of Appeals who are members of the Township Board and of the Planning Commission, respectively, shall not participate in or vote on matters that the members previously voted on in their respective capacities as Township Board member or Planning Commission member.

30.10 Officers.

(a) The Board of Appeals shall elect from its members a chairperson, vice chairperson and secretary.

(b) The Board of Appeals member who is a Township Board member may not serve as chairperson of the Board of Appeals.

(c) An officer of the Board of Appeals shall have a term of one year and until the officer’s successor is elected and qualifies. An officer may be reelected.

(d) An alternate member of the Board of Appeals shall not be eligible for election as an officer of the Board, but an alternate member who is called upon to serve as a member of the Board in the absence of a regular member who is an officer of the Board may, while serving, carry out the duties of the officer in whose absence the alternate member is serving.

30.11 Meetings and Procedures

(a) The Board of Appeals shall adopt bylaws and rules of procedure for the conduct of its meetings and related purposes.
(b) The Board of Appeals shall conduct business only when a majority of its members is present, including any alternate member serving in the absence of a regular member in accordance with Section 30.12. Three members shall constitute a quorum.

(c) At the first meeting of each calendar year, the Board of Appeals shall adopt a schedule of regular meetings; provided, however, that a meeting need not be held if pending matters do not warrant a meeting.

(d) The Board of Appeals may convene special meetings at such times as it shall determine.

(e) The Board of Appeals shall conduct a public hearing on an appeal of an administrative order, decision or determination, or on an application for an interpretation of this Ordinance or the Zoning Map.

(1) Notice of the public hearing shall be given by one publication of a notice of hearing in a newspaper of general circulation in the Township, at least 15 days before the date of hearing.

(2) Notice of the public hearing shall also be given by personal delivery or by U.S. mail to the owner of property that is the subject of the application and to all persons to whom real property is assessed within 300 feet of the subject property; provided, however, that if the application does not involve a specific parcel of property, notice need be given only to the person making the application, in the manner stated above, and by publication in the manner stated in subparagraph (1).

(3) Notice of the public hearing, and the extent and manner of providing such notice, shall also comply with Section 31.10.

30.12 Alternate Members.

(a) The Township Board may appoint not more than two alternate members of the Board of Appeals, in the same manner as regular members are appointed.

(b) An alternate member may serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings.

(c) An alternate member may also serve as a member of the Board for the purpose of reaching a decision in a case in which a regular member has abstained because of conflict of interest.

(d) An alternate member who is called to serve in a case before the Board shall serve in the case until a final decision is made, whether at one or more meetings.
30.13 Removal of Members; Conflicts of Interest.

(a) A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon a written statement of the reasons or grounds for the proposed removal and after a public hearing by the Township Board. At the public hearing, the member who is proposed to be removed shall be given an opportunity to address the Township Board.

(b) A member of the Board of Appeals shall disqualify himself or herself from voting on a matter in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from voting in a matter in which the member has a conflict of interest constitutes malfeasance in office.

30.14 Appeals from Decisions of the Board of Appeals.

(a) Any party aggrieved by a decision of the Board of Appeals may appeal to the circuit court. As provided by law, the circuit court shall review the record in the case and the decision of the Board of Appeals for the purpose of ensuring that the decision complies with all of the following requirements:

1. That it complies with the Constitution and laws of the state.
2. That it is based upon proper procedures.
3. That it is supported by competent, material and substantial evidence on the record of the Board of Appeals.
4. That it represents the reasonable exercise of discretion as granted by law to the Board of Appeals.

(b) If, as provided by law, the circuit court finds the record inadequate to accomplish the required review, or if the court determines that additional material exists that with good reason was not presented, the circuit court is authorized by law to order further Township proceedings in the matter. In such further proceedings, the Board of Appeals may modify its findings and decision as a result of the additional proceedings, or the Board may affirm its original decision. The record and decision in such further proceedings shall be filed with the circuit court. As provided by law, the court may affirm, reverse or modify the decision of the Board of Appeals.

(c) An appeal from a decision of the Board of Appeals shall be filed within 30 days after the Board of Appeals issues its decision in writing signed by the chairperson, if there is then a chairperson, or signed by another member of the Board of Appeals, if there is then no chairperson, or within 21 days after the Board of Appeals approves the minutes of the meeting at which its decision was taken.
CHAPTER 31
ADMINISTRATION, ENFORCEMENT AND PENALTIES

31.1 Zoning Administration.

The provisions of this Ordinance shall be administered by the Zoning Administrator and shall be enforced by the Township Board or its designee.

31.2 Building and Zoning Permits.

(a) A building or structure shall not be erected, moved, placed, reconstructed, extended, enlarged or altered unless such activity is performed in accordance with a building permit issued by the building official under the terms of the Township Building Code and the Township Zoning Ordinance.

(b) A zoning permit shall be required for those buildings, structures and other land uses that are exempt from a building permit under the Township Building Code and the Township Zoning Ordinance. A zoning permit issued by the Zoning Administrator shall be required for the erecting, moving, placement, reconstruction, extension, enlargement or alteration of any such exempt building or structure including a bona fide farm building or structure.

(c) An application for a building permit and an application for a zoning permit shall state the name and address of the owner and contractor, the address or description of the location of the premises, and the value of the proposed improvements. The application shall include a drawing and such plans and specifications as are required by the terms of the building code and the Zoning Ordinance. A building permit application and a zoning permit application shall also include such other drawings, plans and specifications as the building official and the Zoning Administrator, respectively, consider necessary to provide for the enforcement of this Ordinance. However, a zoning permit or building permit shall not be required for small or easily movable structures, such as storage sheds without a foundation, dog kennels or other similar structures, as determined by the Zoning Administrator.

(d) The exemption of construction or other work from the permit requirements of the Michigan Building Code and the Michigan Residential Code, or either of them, shall not constitute approval for any construction or other work to be carried out in any manner or to any extent that is in violation of the provisions of either such code or other applicable Township ordinances or state laws.

31.3 Certificate of Occupancy.

(a) No building erected or altered shall be occupied or used for any purpose until it is completed and until final inspection and final approval has been given. At such time, a certificate of occupancy can be issued by the building official, indicating that the premises or building complies with the provisions of the approved plans and the Township Building Code and other applicable ordinances of the Township.
(b) A record of all certificates of occupancy shall be kept on file in the office of the building official.

31.4 Expiration of Building and Zoning Permits.

A building permit or zoning permit (for those buildings, structures and other land uses requiring a building permit or zoning permit) shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. A building or zoning permit expiring pursuant to this section may be renewed, upon re-application and upon payment of the applicable fee. The Building Official or the Zoning Administrator is authorized to grant, in writing, one or more renewals for such permits for periods of not more than six months each. The renewals shall be requested in writing and justifiable cause demonstrated.

31.5 Cancellation of Permits.

(a) The Building Official may revoke and cancel any building permit in the event of a failure or neglect to comply with any of the terms and provisions of this Ordinance, the Township Building Code or any terms or provisions of the building permit, or in the event of any false statement or material misrepresentation in the application for the building permit.

(b) The Zoning Administrator may revoke and cancel any zoning permit in the event of a failure or neglect to comply with any of the terms and provisions of this Ordinance or any terms or provisions of the zoning permit, or in the event of any false statement or material misrepresentation in the application for the permit.

(c) Written notice of any such cancellation and revocation shall be hand-delivered or sent by U.S. mail to the permit holder or securely posted at the construction site. Such delivered or mailed notice or such posting shall constitute service of notice upon the permit holder as to the cancellation and revocation of the permit.

(d) The written notice of cancellation and revocation of a building permit under the terms of this section shall terminate all rights of the building-permit-holder arising under the terms of the permit, and shall not constitute nor be construed as only a stop work order under Section 31.8.

31.6 Application Fees and other Charges; Zoning Escrow Deposits and Payments.

(a) All applicants for rezoning of lands, special land uses, site plan approval, site condominium approvals, variances, permits, special exception approvals, and all other land use review, consideration or approval provided for by the terms of this Ordinance, shall pay the to the Township any required application fee and other fees or charges established by resolution of the Township Board. Applicants shall also deposit sums into a zoning escrow account as provided by resolution of the Township Board, and such deposited sums shall be used for reimbursement of Township expenses with respect to the zoning approvals or other relief being applied
for, in accordance with any such Township Board resolution and the terms of this Ordinance.

(b) An application for any of the above-stated land use reviews, considerations and approvals, and other applications authorized hereunder, shall not be complete, and need not be considered, until the required application fee and other charges have been paid in full and until the deposit of the required sum in any required zoning escrow account has taken place, and such deposit maintained or reestablished at the required amount.

31.7 Violations and Penalties.

(a) Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the building official, Zoning Administrator, zoning board of appeals, or the Township Board issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.

(b) A violation of this Ordinance is a municipal civil infraction, for which the fines shall not be less than $100 nor more than $500 for the first offense and not less than $250 nor more than $1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, attorneys’ fees, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense.

(c) In addition to the foregoing penalties, the Township may seek injunctive relief against persons alleged to be in violation of this Ordinance, and such other relief as may be provided by law.

(d) The following Township officials are authorized to issue citations for violation of provisions of this Ordinance which are designated to be municipal civil infractions, if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed the infraction:

(1) The Township Supervisor.

(2) The Township building official.

(3) The Township Zoning Administrator.
(4) The Township ordinance enforcement officer.

(e) If a citation is based solely upon the complaint of someone who allegedly witnessed the violation, and not upon the personal observation of the official, then the citation shall be approved in writing by the Township Supervisor and the Township attorney.

(f) Citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator’s office.

(g) Citations shall be served upon the alleged violator as provided by law.

(h) Citations shall require an appearance at the District Court within a reasonable time after the citation has been issued.

(i) The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

31.8 Stop Work Orders.

(a) Notice to Owner. Upon notice from the Zoning Administrator or building official that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing, shall be posted on the property involved and shall be sent by first class U.S. mail to the owner of the property involved, at the owner’s last known address or as that address is shown in the current Township property tax assessment roll.

(b) Unlawful Continuance of Work. Any person who shall continue to work in or about the structure, land or building or use it after a stop work order has been posted on the land or at the site shall be in violation of this Ordinance, except such work as such person may be directed to perform in order to moderate or remove a violation.

31.9 Other Procedures.

The Township, by its attorney, may institute injunction, mandamus, abatement or any other appropriate legal action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and are in addition to all other remedies provided by law.

31.10 Publication and Delivery of Notice of Public Hearing.

Except as stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.
(a) The notice shall be published once, at least 15 days before to the date of the public hearing, in a newspaper of general circulation in the Township.

(b) For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel of land; for all planned unit development and special land use applications; and for other zoning applications as to which a public hearing is required, a notice of public hearing shall be personally delivered or shall be mailed by first-class U.S. mail to the following persons, at least 15 days before the date of the public hearing:

(1) The applicant; the owner of the subject property, if different from the applicant.

(2) All persons to whom real property is assessed for property taxes within 300 feet of the property that is the subject of the application;

(3) One occupant of each dwelling unit in each building that contains four or fewer dwelling units and is located within 300 feet of the subject property; and

(4) The owner or manager of a building containing more than four dwelling units, who shall be requested in writing to post the notice at the primary entrance of the building, but failure of such posting shall not constitute lack of notice to the owners or occupants of such dwelling units.

If the above-described 300-foot radius extends outside the Township’s boundaries, the notice shall nevertheless be provided outside of the Township’s boundaries, within the 300-foot radius, to all persons stated above in this subsection.

(c) The notice of public hearing shall include the following information:

(1) A description of the application or request.

(2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.

(3) The date and time when the application or request will be considered; the location of the public hearing.

(4) The location or address where written comments concerning the application or request will be received; the period of time within which such written comments may be submitted.
CHAPTER 32
AMENDMENTS

32.1 Amendments.

Amendments to this Ordinance may be initiated by the Township Board, the Planning Commission or by any interested person.

32.2 Applications for Amendment.

Applications by an interested person for an amendment in this Ordinance shall be in writing, signed by the applicant, and submitted to the Zoning and Planning Department. The application shall include the following:

(a) The applicant’s name, address, and interest in the amendment being applied for and, if applicable, the name, address, and interest of other persons having a legal or other interest in the land involved or in the subject matter of the proposed amendment.

(b) The reasons and grounds for the proposed amendment; if adopted, the nature and effect of the proposed amendment.

(c) If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of the land, the current zoning district of the land, and the zoning district of the abutting lands.

(d) Other facts and information offered in support of the proposed amendment.

32.3 Consideration of Proposed Amendment.

(a) The Planning Commission shall determine the date, time and place for a public hearing on a proposed amendment in this Ordinance; provided, however, that the Planning Commission, after consideration at a public meeting, may determine not to convene a public hearing and thereby not consider further a proposed amendment in the text of this Ordinance.

(b) With respect to an amendment as to which the Planning Commission determines to convene a public hearing, the Township Zoning and Planning Department shall arrange for notice of the public hearing to be given in accordance with Section 31.10 of this Ordinance.

(c) The Planning Commission shall hold the public hearing. The Commission shall receive such public comment and review such reports and other materials as it deems appropriate in the circumstances. The Commission may make non-material changes in a proposed amendment, in its discretion or in response to public comment or otherwise, and the Commission may freely correct typographical or other non-substantive errors.
If the Commission desires to make material changes in the text of the proposed amendment, it shall first establish a date, time and place for a new or supplemental public hearing on the amendment as it is proposed to be materially changed.

(d) After its decision, the Planning Commission shall forward its decision and the proposed amendment to the Township Board with its recommendation for approval or denial.

(e) Upon receipt of a zoning ordinance amendment recommendation from the Planning Commission, the Township Board shall consider the proposed amending ordinance at a public meeting. The Township Board may hold a public hearing on the amending ordinance if it determines to do so, but such a hearing is not required. If such a public hearing is held by the Township Board, notice thereof shall be given in the same manner as is required by the terms of this Ordinance for a Planning Commission public hearing on an ordinance to amend the text of this Ordinance or the Zoning Map. If it desires, the Township Board may refer any proposed amending ordinance to the Planning Commission for further consideration and comment within a time specified by the Township Board, but the Board is not required to do so.

(f) If an interested property owner requests a hearing by the Township Board on a proposed Zoning Ordinance amendment, and if such request is in writing and is sent by certified U.S. mail, addressed to the Township Clerk, the Township Board shall convene such a hearing. In that case, written notice of the date, time, place and purpose of the hearing shall be given to the requesting property owner in the same manner and to the same extent that notice of a Planning Commission public hearing is given to an applicant, but no other notice of the Township Board hearing need be given by publication, U.S. mail or otherwise.

(g) The Township Board may adopt the amending ordinance at any regular or special meeting, by affirmative majority vote of the members of the Township Board.

(h) Except as otherwise provided by law, an ordinance to amend the Zoning Ordinance shall take effect upon the expiration of seven days after publication of the amending ordinance or seven days after publication of a summary of its provisions in a newspaper of general circulation in the Township, or at such later date after publication as may be specified in the amending ordinance.

The above-stated notice of adoption shall include the following information:

1. A summary of the regulatory effect of the amending ordinance, or the entire text of the amending ordinance; if the ordinance includes an amendment of the Zoning Map, the notice shall indicate the lands affected.

2. The effective date of the amending ordinance.

3. The location where and the time when a copy of the amending ordinance may be inspected or purchased.
CHAPTER 33
SEVERABILITY AND REPEALS

33.1 Severability.

This Ordinance and all of its provisions are hereby declared to be severable. If any chapter, section, subsection or other provision of this Ordinance is held invalid, such determination shall not affect any other chapter, section, subsection or other provision of the ordinance.

33.2 Repeal.

The former Zoning Ordinance of the Township of Algoma adopted April 6, 1971, and all amendments thereto, shall remain in full force and effect until the effective date of this Ordinance or any pertinent provision thereof. As of such effective date, including the respective effective dates of any amendments in this Ordinance, such former Zoning Ordinance of the Township shall be repealed.

33.3 Effective Date.

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation; provided, however, that the following chapters of this Ordinance became effective upon the following dates indicated respectively below:

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<tr>
<th>Chapter 1</th>
<th>Title, Purpose and Scope</th>
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<td>Ch. 1</td>
<td>Adopted 4/13/04, Ord. No. 216, Eff. 4/27/04 [Renumbered and retitled]</td>
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<th>Chapter 2</th>
<th>Definitions</th>
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<td>Amended in entirety 12/13/05, Ord. No. 235, Eff. 12/27/05</td>
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<td>Amended 6/14/16, Ord. No. 284, Eff. 7/17/16</td>
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<td>Sec. 2.3(c-1)</td>
<td>Added 2/9/16, Ord. No. 281, Eff. 3/6/16</td>
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<td>Sec. 2.7(f-1)</td>
<td>Added 12/8/15, Ord. No. 279, Eff. 12/27/15</td>
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<td>Sec. 2.9(c), (d) and (e)</td>
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<td>Sec. 2.9(d)</td>
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### Chapter 3 Zoning Districts and Zoning Map

- Ch. 3 | Adopted 4/13/04, Ord. No. 216, Eff. 4/27/04 [Renumbered and retitled]

### Chapter 4 General Provisions

- Ch. 4 | Adopted 4/13/04, Ord. No. 216, Eff. 4/27/04 [Renumbered and retitled]

- Ch. 4 | Amended in entirety 12/13/05, Ord. No. 235, Eff. 12/27/05

- Sec. 4.1(e)(1) | Amended 4/13/04, Ord. No. 216, Eff. 4/27/04

- Sec. 4.1(f)(a)(ii)(B) | Amended 4/13/04, Ord. No. 216, Eff. 4/27/04

- Sec. 4.1(f)(2)(ii) and (iii) | Amended 4/13/04, Ord. No. 216, Eff. 4/27/04

- Sec. 4.3(b) | Amended 12/8/15, Ord. No. 279, Eff. 12/27/15

- Sec. 4.3(f)(4)(iii) | Amended 11/11/08, Ord. No. 246, Eff. 12/2/08

- Sec. 4.3(f) | Amended 8/9/16, Ord. No. 287, Eff. 8/4/16

- Sec. 4.3(g) | Added 8/9/16, Ord. No. 287, Eff. 8/4/16

- Sec. 4.4(b) | Amended 12/8/15, Ord. No. 279, Eff. 12/27/15

- Sec. 4.4(b) and (c) | Amended 12/11/12, Ord. No. 264, Eff. 12/22/12

- Sec. 4.5 | Amended 12/8/15, Ord. No. 279, Eff. 12/27/15
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**Chapter 16 Ten Mile Road Corridor Overlay Zone**

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### Chapter 17  C-PUD Commercial Planned Unit Development District

| Ch. 17 | Adopted 4/13/04, Ord. No. 216, Eff. 4/27/04 [Renumbered and retitled] |
| Sec. 17.9 | Added 6/11/13, Ord. No. 266, Eff. 6/29/13 |
| Sec. 17.4(i) | Amended in entirety 5/8/18, Ord. No. 298, Eff. 6/10/18 |
| Sec. 17.9 | Repealed 3/12/19, Ord. No. 303, Eff. 4/11/19 |

### Chapter 18  M-PUD Mixed Use Planned Unit Development District

| Ch. 18 [C-A Conservation and Agricultural District] | Adopted 4/13/04, Ord. No. 216, Eff. 4/27/04 [Renumbered and retitled] |
| Ch. 18 [C-A Conservation and Agricultural District] | Repealed 12/13/05, Ord. No. 234, Eff. 12/27/05 |
| Ch. 18 [Mixed Use PUD District] | Adopted 2/9/16, Ord. No. 281, Eff. 3/6/16 |
| Sec. 18.4(c) | Amended in entirety 5/8/18, Ord. No. 298, Eff. 6/10/18 |
| Sec. 18.4(d)(4) | Amended in entirety 5/8/18, Ord. No. 298, Eff. 6/10/18 |
| Sec. 18.4(e)(5) | Amended in entirety 5/8/18, Ord. No. 298, Eff. 6/10/18 |
| Sec. 18.9 | Repealed 3/12/19, Ord. No. 303, Eff. 4/11/19 |

### Chapter 19  N-R Natural River District

| Ch. 19 | Adopted 4/13/04, Ord. No. 216, Eff. 4/27/04 [Renumbered and retitled] |
| Sec. 19.3(e) | Amended 3/12/19, Ord. No. 302, Eff. 4/11/19 |

### Chapter 20  I-1 Industrial District

<p>| Ch. 20 | Adopted 4/13/04, Ord. No. 216, Eff. 4/27/04 [Renumbered and retitled] |
| Sec. 20.1 | Amended 11/11/08, Ord. No. 246, Eff. 12/2/08 |
| Sec. 20.2 | Amended 11/11/08, Ord. No. 246, Eff. 12/2/08 |
| Sec. 20.2(h) | Amended 6/11/13, Ord. No. 266, Eff. 6/29/13 |
| Sec. 20.3(a) | Amended 6/11/13, Ord. No. 266, Eff. 6/29/13 |
| Sec. 20.3(g) | Added 7/10/07, Ord. No. 243, Eff. 7/24/07 |
| Sec. 20.3(p) | Added 11/12/13, Ord. No. 270, Eff. 11/23/13 |</p>
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<td>Sec. 32.2(d)</td>
<td>Amended 5/12/09, Ord. No. 252, Eff. 6/2/09</td>
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<tr>
<td>Sec. 32.3(b)</td>
<td>Amended 9/12/06, Ord. No. 238, Eff. 10/3/06</td>
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<td>Sec. 32.3(e) through (h)</td>
<td>Amended 5/12/00, Ord. No. 252, Eff. 06/02/09</td>
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**Chapter 33 Severability and Repeals**

<table>
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<tr>
<th>Ch. 33</th>
<th>Adopted 4/13/04, Ord. No. 216, Eff. 4/27/04 [Renumbered and retitled]</th>
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<tr>
<td>Ch. 33</td>
<td>Amended in entirety 3/8/05, Ord. No. 230, Eff. 3/22/05</td>
</tr>
<tr>
<td>3/21/16</td>
<td>Updated to include historical notes</td>
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**Notes:**
- The entire Zoning Ordinance was amended to replace each citation to the “Township Zoning Act, Public Act 184 of 1943” with “Michigan Zoning Enabling Act, Public Act 110 of 2006.” (9/12/06, Ord. No. 238, Eff. 10/3/06)