

**WATERTOWN CHARTER TOWNSHIP  
CLINTON COUNTY**

**ORDINANCE NO. 32**

AN ORDINANCE TO CORRECT VARIOUS ERRORS AND OMISSIONS IN CHAPTER 28 - ZONING THAT OCCURRED DURING THE CODIFICATION PROCESS, DEFINE PRIVATE AND COMMERCIAL KENNELS, STRIKE LANGUAGE REGARDING THE VSC ZONING DISTRICT FROM THE GRAND RIVER OVERLAY DISTRICT, RESTRICT THE USE OF TEMPORARY STORAGE CONTAINERS, AND PERMIT THE RAISING OF LARGE ANIMALS IN ACCORDANCE WITH STATE LAW.

**THE CHARTER TOWNSHIP OF WATERTOWN, CLINTON COUNTY, MICHIGAN  
ORDAINS:**

Section 28-7 of Article I is hereby amended to read as follows:

**Sec. 28-7. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means a building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

*Accessory use* means a use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the land or building.

*Agriculture* means the use of land as a source of income by tilling the soil, raising trees or field crops, or animal husbandry.

*Alterations* means any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

*Architectural features* means architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

*Average grade* means 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.

*Basement or cellar* means a portion of a building having more than one-half of its average height below grade.

[GRAPHIC IN CODE RETAINED UNCHANGED]

*Bed and breakfast establishment* means a use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

*Buildable area* means the space remaining within a lot after the minimum setback and open space requirements of this chapter have been met.

*Building* means an independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or chattels, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

*Building height* means the building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.

[GRAPHIC IN CODE RETAINED UNCHANGED]

[GRAPHIC IN CODE RETAINED UNCHANGED]

*Building, main*, means a building in which is conducted the principal use of the lot on which it is situated.

*Building permit* means a written authority as issued by the building inspector on behalf of the township permitting the construction, moving, alteration or use of a building in conformity with the provisions of this chapter and the state construction code.

*Building setback lines* means lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards as required by the zoning district in which a lot is located.

- (1) *Front setback line*. The line marking the setback distance from the front lot line which establishes the minimum front yard setback area.

- (2) *Rear setback line.* The line marking the setback distance from the rear lot line which establishes the minimum rear yard setback area.
- (3) *Side setback lines.* Lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.

[GRAPHIC IN CODE RETAINED UNCHANGED]

*Commercial* means this term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than 12 days during any one, six-month period.

*Commercial wireless telecommunication services* means licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

*Comprehensive development plan, or master plan* means the plan currently adopted by the township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan, adopted in accordance with the requirements of Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

*Day care, commercial,* means a facility, other than a private residence, receiving minor children or adults for care for periods of less than 24 hours in a day, for more than two weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered commercial day care.

*Day care, home.*

- (1) *Family day care home.* A single-family residence, occupied as such, in which care is provided for more than one but fewer than seven minor children or adults for periods of less than 24 hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.
- (2) *Group day care home.* A single-family residence, occupied as such, in which care is provided for at least seven but not more than 12 minor children or adults for periods of less than 24 hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

*District, zoning,* means a portion of the township within which certain uses of land and/or

buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

*Drive-through facility* means a commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including automobile service stations.

*Driveway, private*, means a private easement or accessway providing vehicular access to up to three lots or parcels. For setback purposes, a private driveway shall be considered the same as a public street.

*Dwelling or dwelling unit* means any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a motor home, recreational vehicle, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this chapter.

*Dwelling, multiple-family*, means a building or portion thereof, used or designed for residential use for three or more families living independently of each other and each doing their own cooking and housekeeping.

*Dwelling, single-family (detached)*, means a detached building used or designed for residential use exclusively by one family.

*Dwelling, two-family*, means a detached building used or designed for residential use exclusively by two families living independently of each other and each doing their own cooking and housekeeping. It may also be termed a duplex.

*Erected* means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term "erect."

*Essential services* means the erection, construction, alteration, or maintenance in any zoning district by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare. Essential services shall not include buildings other than such buildings that are primarily enclosures or shelters of the above essential services equipment. Cellular telephone or communications towers shall not be considered essential services.

*Excavating* means the removal of soil below the average grade of the surrounding land and/or

road grade, whichever shall be highest, excepting common household gardening.

*Family.*

- (1) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- (2) 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, halfway house, lodge, coterie, organization, group of students, or other individual 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 permanent.

*Farm* means the use of land for cultivation or for the raising of livestock for commercial purposes, including greenhouses, nurseries and orchards, but not including intensive livestock operations, stone quarries, or gravel, dirt, or sand removal operations.

*Fence* means any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

*Floor area, gross (GFA)* means the sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The gross floor area of a building shall include the basement floor area only if more than one-half of the average basement height is above finish lot grade. (See basement.) Gross floor area shall not include attic space having headroom of seven feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

[GRAPHIC IN CODE RETAINED UNCHANGED]

*Floor area, usable (UFA)* means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

*Frontage.* See lot width.

*Garage* means an accessory building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing definition shall

not be construed to permit the storage on any one lot of commercial vehicles exceeding a rated capacity of one ton.

*Home occupation* means an occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

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

*Hotel/motel* means a building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals.

*Inoperative vehicles* means any motor vehicle which is currently not capable of being started and safely and properly operated on the highway.

*Intensive livestock operations.*

- (1) A total of 750 dairy cattle (all classes); 750 slaughter or feeder cattle, 2,200 swine (all classes), 100,000 poultry (all classes); 5,000 sheep or goats (all classes); or 200 horses (all classes); or
- (2) A population per acre of at least four dairy cattle, four slaughter or feeder cattle, 20 swine, 700 poultry, ten sheep or goats, or four horses.

*Junk* means, for the purpose of this chapter, miscellaneous solid waste, rubbish, scrap, debris, or reclaimable material located outside a fully enclosed building, including, but not limited to tires, vehicle parts, paper, rags, scrap metal, scrap equipment, glass, household appliances, garbage, and vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

*Junk yard* means and includes automobile wrecking yards and salvage areas and includes any area of more than 200 square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

*Kennel, private* means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats or other domestic animals belonging to the owner thereof and kept for purposes of sale provided that no more than three such animals, six months of age or older are kept on the premises either permanently or temporarily. The keeping of such animals shall be strictly incidental to the principal use of the premises.

*Kennel, commercial* means any building and/or land used, designed or arranged for the

commercial sale, boarding, breeding, care or treatment of three or more dogs, cats or other domestic animals for profit.

*Landmark tree* means any living tree of stature standing alone in the open; or any living woodlot tree which stands obviously apart from its neighbors by size, form, or species. Living trees equal to or greater than 36 inches in diameter will generally be considered a landmark tree regardless of location or type.

*Loading space* means an off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

*Lot* means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this chapter. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

[GRAPHIC IN CODE RETAINED UNCHANGED]

*Lot area* means the total horizontal area within the lot lines of a lot excluding road right-of-way.

*Lot, corner*, means a lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two chords of which form an angle of 135 degrees or less.

[GRAPHIC IN CODE RETAINED UNCHANGED]

[GRAPHIC IN CODE RETAINED UNCHANGED]

*Lot coverage* means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

*Lot, depth*, means the mean horizontal distance from the front lot line to the rear lot line, or the two front lines of a through lot.

*Lot, double frontage (through)* means a lot other than a corner lot having frontage on two more or less parallel streets.

*Lot, interior*, means a lot other than a corner lot with only one lot line fronting on a street.

*Lot lines* means the property lines or other described lines bounding the lot.

(1) *Front lot line*. In the case of an interior lot, abutting upon one public or private street,

the front lot line shall mean the line separating such lot from such street right-of-way.

- (2) *Rear lot line.* Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of the rear yard. In cases where none of these definitions are applicable, the zoning administrator shall designate the rear lot line.
- (3) *Side lot line.* Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (4) *Street lot line.* A lot line separating the lot from the right-of-way of a street or an alley.

*Lot of record* means a lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

*Lot, waterfront,* means a lot having frontage directly upon a lake, river or other naturally formed impoundment of water that meets the minimum lot width requirements of the district in which it is located.

*Lot width (frontage)* means the horizontal distance between the side lot lines, measured at the front yard setback line.

[GRAPHIC IN CODE RETAINED UNCHANGED]

*Manufactured home* means a residential building, dwelling unit, dwelling room, or a building component which is designed for long-term occupancy as a dwelling unit or portion of a dwelling unit, and is wholly or substantially constructed at an off-site location, transported to a site and erected. The term includes the terms "mobile home" or "modular home."

*Manufactured home park* means a parcel or tract of land under the control of a person upon which two or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

*Manufactured home space* means a plot of ground within a manufactured home park designed for the placement of one manufactured home.

*Master plan or comprehensive development plan* mean the plan currently adopted by the township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan, adopted in accordance with the requirements of Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

*Motel* means a series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

*Motor home* means a motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

*Nonconforming building or structure* means a building or structure, or portion thereof, lawfully existing at the effective date of the ordinance from which this chapter is derived or amendments thereto, and which does not conform to the provisions of the ordinance from which this chapter is derived in the zoning district in which it is located.

*Nonconforming lots of record* means a legally recorded lot that conformed with all township zoning requirements at the time of recording of said lot, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both.

*Nonconforming use* means a use which lawfully occupied a building or land at the effective date of this chapter or amendments thereof, and that does not conform to the use regulations of the zoning district in which it is located.

*Nonresidential district* means the B-1 local business district, the B-2 business district, and the LI light industrial district.

*Nursing home* means a home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and qualify for, license under applicable state law.

*Open air business* means uses operated substantially in the open air, including, but not limited to:

- (1) Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- (2) Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- (3) Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (4) Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

*Ordinary high-water mark* means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so

common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high-water mark shall be the higher of the levels generally present.

*Parking lot* means a facility providing vehicular parking spaces with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

*Parking space* means an off-street space of at least 180 square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.

*Personal service establishments* means any commercial business conducting services that are performed primarily on the premises.

*Planned unit development* means a development of land that is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

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

*Porch, open*, means a covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

*Public utility* means 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, telegraph, transportation, or water services.

*Public water supply*, means a central or community facility which provides potable water to users. This facility includes the necessary wells, pipes, pumps, treatment works, monitoring gauges and administrative offices necessary to protect the public health. This facility is operated by maintained by a public utility authority.

*Recreation vehicle or equipment* means vehicles or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

*Residential district* means and shall refer to the AP agricultural preservation district, AG agricultural district, RR rural residential district, R-1 single-family residential district, R-2 two-family residential district, R-3 multiple-family residential district, VSC village service center district, and

MHP manufactured home park district, as described in this chapter.

*Roadside stand* means a farm building or separate structure used for the display or sale of agricultural products grown on the premises upon which the stand is located.

*Salvage yard* means an open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

*Sanitary sewer service* means “Available Public Sanitary Sewer System” as defined by section 26-80 of the Watertown Charter Township Code.

*Satellite dish antenna* or *dish antenna* means an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

*Setback* or *setback area* means the minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback on a lot or parcel.

[GRAPHIC IN CODE RETAINED UNCHANGED]

*Significant natural feature* means any natural area as designated by the planning commission, township board, or the state department of natural resources, or other appropriate governmental agency which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, landmark trees, or other unique natural features.

*State licensed residential facility* means a residential care family or group facility licensed by the state under Public Act No. 218 of 1979 (MCL 400.701 et seq.), or Public Act No. 116 of 1973 (MCL 722.111 et seq.), which provides resident care services under 24-hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the state for care and treatment of persons released from or assigned to adult correctional institutions.

- (1) *A family home facility* includes a state licensed residential facility providing resident services to six or fewer persons.
- (2) *A group home facility* includes a state licensed residential facility providing resident services to more than six persons.

*Story* means that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this chapter, a basement or cellar shall be counted as a story only if over 50 percent of its height is above the average grade from which the height of the building is measured, or, if it is used for business purposes.

*Story, half*, means that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half the floor area of said full story, provided

the area contains at least 200 square feet and which contains a clear height of at least seven feet, at its highest point.

*Street, public*, means a public thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

*Structure* means anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

*Substantial improvement*.

- (1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- (2) The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions, or any alteration of a structure listed on the national register of historic places or the state register of historic places.

*Temporary building or use* means a structure or use permitted by the zoning administrator to exist during periods of construction of the main building or for special events as permitted by this chapter.

*Travel trailer* means a vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight feet in width or 35 feet in length. It includes folding campers and truck mounted campers.

*Use, principal*, means the primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, let, or leased.

*Uses, adult*, means and shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- (1) *Adult book store*. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

- (2) *Adult cabaret.* An establishment including, but not limited to, a cafe, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- (3) *Adult motion picture theater.* An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.
- (4) *Massage establishment.* Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the state, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, the feet, or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A massage is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.
- (5) *Nude artist and photography studio.* Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.
- (6) *Specified anatomical areas.* Specified anatomical areas are defined as less than completely and opaquely covered:
  - a. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
  - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (7) *Specified sexual activities.*
  - a. Human genitals in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse or sodomy;
  - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

*Vehicle repair* means any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

*Vehicle service station* means a building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, handwashing, minor repair, and servicing, but not including vehicle repair as defined in this chapter.

*Vehicle wash establishment* means a building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

*Yard* means an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- (1) A front yard is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.
- (2) A rear yard is an open space extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- (3) A side yard is an open space of uniform width between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

[GRAPHIC IN CODE RETAINED UNCHANGED]

*Yard, required,* means as that set forth in the applicable chapters of the township zoning ordinance as the minimum yard requirement for each zoning district.

[GRAPHIC IN CODE RETAINED UNCHANGED]

*Zoning act* means the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

*Zoning administrator* means the person designated by the township board to administer the provisions of this chapter.

Section 28-47 of Article II is hereby amended to read as follows:

**Sec. 28-47. Zoning administrator.**

Except where herein otherwise stated, the provisions of this chapter shall be administered by the zoning administrator, or such other official or officials as may be designated by the township board. The zoning administrator shall have the power to:

- (1) Issue zoning permits;
- (2) Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this article;
- (3) Issue and serve municipal civil infraction notices and municipal civil infraction citations in accordance with sections 2-245 and 2-247; and
- (4) Perform such other functions necessary and proper to enforce and administer the provisions of this article.

Section 28-48 of Article II is hereby amended to read as follows:

**Sec. 28-48. Permits.**

- (a) *Zoning permits.*
  - (1) No building, structure, or sign shall be erected, altered, or moved unless a zoning permit shall have been first issued for such work.
  - (2) No zoning permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this article.
  - (3) A record of all zoning permits issued shall be kept on file in the office of the zoning administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the permit.
  - (4) No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a zoning permit is first obtained for the new or different use.
- (b) *Building permits and certificates of occupancy.*
  - (1) No building permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a zoning permit, or zoning approval for such work has been issued by the zoning administrator.
  - (2) No building or structure which is hereafter erected or altered shall be occupied or used unless and until a certificate of occupancy shall have been issued for such building or

structure.

- (3) Certificates of occupancy, as required by the currently adopted state construction for the township, shall also constitute certification of compliance with this chapter.
- (4) A record of all certificates of occupancy issued shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person owning or renting the property which is the subject of the certificate.

(c) *Fees.* Fees for the inspection and issuance of zoning permits, building permits, or certificates of occupancy, or copies required or issued under the provisions of this chapter, may be collected by the township in advance of issuance. The amount of such fees shall be established by resolution of the township board and shall cover the cost of inspection and supervision resulting from the enforcement of this article.

Section 28-49 of Article II is hereby amended to read as follows:

**Sec. 28-49. Enforcement.**

- (a) *Violations.*
  - (1) Any person or any owner of any building, structure, or premises, or part thereof, where any condition in violation of this article exists, or has been created, and who has assisted knowingly in the commission of such violation, shall be guilty of a municipal civil infraction, for which the fine shall be not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$500.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law.
  - (2) For purposes of this section, the term "subsequent offense" means a violation of the provisions of this chapter committed by the same person within 12 months of a previous violation of the same provision of this article for which said person admitted responsibility, or was adjudicated to be responsible; provided however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.
  - (3) Active violations are violations, which involve ongoing construction, excavation, or other activities which increase the extent of the violation as time passes. All active violations shall be issued a written stop work order, which shall be posted on the site and either delivered in person or by first class mail to the property owner and/or lessee. A stop work order shall state the nature of the violation, the date the violation was observed, the corrective action necessary, and the penalty for continued violation. If the person responsible fails to stop all work upon receipt of a stop work order, the zoning administrator shall either issue a civil infraction citation or, with assistance of the designated zoning authority, seek an immediate temporary restraining order from circuit

court.

- (4) Each day the violation occurs or continues shall be deemed a separate offense.
- (5) The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(b) *Performance guarantees.* As a condition of approval of a site plan review, special land use, or variance the township board, planning commission, or board of appeals, as applicable, may require a financial guarantee of sufficient sum to ensure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items. Performance guarantees shall be processed in the following manner:

- (1) Prior to the issuance of a zoning permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the person designated by the township board. The amount of the performance guarantee shall be 100 percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
- (2) The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township.
- (3) Upon receipt of the required performance guarantee, the zoning administrator shall issue a zoning permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this chapter and other applicable ordinances of the township.
- (4) The township treasurer will refund to the obligor portions of the performance guarantee, only after written notice from the building inspector, that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
- (5) When all of the required improvements have been completed, the obligor shall send written notice to the building inspector of completion of said improvements. Thereupon, the building inspector shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

(6) A record of authorized performance guarantees shall be maintained by the zoning administrator.

Section 28-50 of Article II is hereby amended to read as follows:

**Sec. 28-50. Amendments.**

The township board is authorized and empowered to cause this chapter to be amended, supplemented or changed. Proposals for amendments may be initiated by the board, the planning commission or by petition of one or more owners of property in the township affected by such proposed amendment. The procedure for amending this chapter shall be as follows:

- (1) Each petition shall be submitted to the zoning administrator, accompanied by a fee as established by the township board, and then referred to the clerk to set a hearing date and publish notices.
- (2) The planning commission shall conduct a public hearing, the notice of which shall be given as required by the zoning act.
- (3) The planning commission shall make a recommendation which shall be transmitted, along with the request and its findings, to the township board and to the county for review, as provided in the zoning act. The county shall, within 30 days of receiving the request make a recommendation to the township. If a recommendation is not received within such time period, a recommendation of approval shall be presumed.
- (4) The township board may hold additional hearings if it considers it necessary. Notice of such hearing shall be given as required by the zoning act.
- (5) No petition for rezoning or other ordinance amendment, which has been disapproved, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- (6) Rezoning Provisions and Standards:
  - a. After a public hearing is held by the Planning Commission, the Planning Commission shall make a recommendation to the Watertown Charter Township Board regarding the proposed rezoning.
  - b. The matters to be considered by the Planning Commission shall include, but are not limited to, the following:

1. What, if any, identifiable conditions related to the application have changed that justify the proposed amendment?
2. What, if any, error was made in the original ordinance that justifies the proposed amendment?
3. What are the precedents and the possible effects of such precedent that might result from the approval or denial of the amendment?
4. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate services and facilities and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
5. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
6. Does the petitioned district change generally comply with the adopted Watertown Charter Township Comprehensive Development Plan?
7. Is the property in question able to be put to a reasonable economic use in the district as it is presently zoned?

Section 28-79 of Article II is hereby amended to read as follows:

**Sec. 28-79. Use requirements needing review.**

(a) *Site plan.* In accordance with the provisions of this article, the planning commission or the township board, when considering an application for a special land use, shall be furnished a site plan of the proposed development prior to the creation of a use or the erection of a building in the districts and conditions cited below, unless such use or building falls under the provisions of subsection (b) of this section.

- (1) All permitted uses within any district as follows:
  - a. The construction of a new building or construction of a structure enclosed floor area equal to or greater than 5,000 square feet;
  - b. Any addition to a building or structure adding an enclosed floor area greater than 25 percent of the existing enclosed building or structure floor area, except that such addition shall be at least equal to or greater than 5,000 square feet.
- (2) Special land uses in all zoning districts, including any site plan amendments for any Special Land Uses.

- (3) Site condominiums in any district.
- (4) Planned unit developments.

(b) *Zoning administrator review.* Single- and two-family dwellings (except for those that are part of a site condominium), farms, roadside stands, state licensed residential family care facilities, family day care homes, and home occupations, or any other use or structure not covered in subsection (a) of this section, shall not be required to submit a site plan for review by the planning commission. The zoning administrator shall review such plans to determine compliance with the requirements of this chapter and any other applicable ordinances. With the exception of state licensed residential family care facilities and family day care homes, the zoning administrator may elect to send a site plan under review in compliance with this section to the planning commission under the procedures of subsection (a) of this section, for review where he considers the potential effects of the proposed use to warrant a more comprehensive review by the planning commission.

Section 28-80 of Article II is hereby amended to read as follows:

**Sec. 28-80. Application requirements.**

- (a) *Preliminary site plan review.*
  - (1) If desired by the applicant, a preliminary site plan may be submitted for review by the planning commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the planning commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
  - (2) Fifteen copies of a preliminary site plan shall be submitted for review by the planning commission prior to final site plan submittal. Preliminary site plans shall include the following, unless deemed unnecessary by the zoning administrator.
    - a. Small scale sketch of properties, streets and use of land within one-half mile of the area, including the zoning of surrounding property.
    - b. Site plans shall be drawn at a scale not less than one inch equals 30 feet for property under five acres and at least one inch equals 100 feet for those five acres or more; unless another scale is approved for submission by the zoning administrator. The following items shall be shown on the plan:
      - 1. Existing adjacent streets and proposed streets.
      - 2. Lot lines and approximate dimensions.
      - 3. Parking lots and access points.

4. Proposed buffer strips or screening.
  5. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
  6. Location of all preserved landmark trees and locations of landmark tree removals and replacements, if any.
  7. Land uses and proposed buildings.
  8. General topographical features including contour intervals no greater than ten feet.
  9. All buildings and driveways within 100 feet of all property lines.
- c. A narrative (shown on the site plan or submitted separately) describing in general terms:
1. An overall description of the proposed development.
  2. Dwelling unit densities by type, if applicable.
  3. Proposed method of providing sewer and water service, as well as other public and private utilities.
  4. Proposed method of providing storm drainage.
- d. An application fee, as may be established by the township board from time to time, shall also be submitted.
- (3) The planning commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this article. The planning commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance or denial of the plan.
- (b) *Final site plan review.*
- (1) If desired by the applicant, a final site plan may be submitted for review without first receiving approval of a preliminary site plan.
  - (2) Applications for final site plan reviews shall include the following information, unless deemed unnecessary by the zoning administrator:

- a. A completed application form, as provided by the township.
- b. An application fee, as may be established by the township board from time to time.
- c. The narrative required by subsection (a)(2)c of this section.
- d. Twenty copies of a final site plan signed and sealed by a professional competent in such matters. The final site plan shall include the following information, unless deemed unnecessary by the zoning administrator.
  1. The date, north arrow, and scale. The scale shall be not less than one inch equals 30 feet for property under five acres and at least one inch equals 100 feet for those five acres or more, unless another scale is approved for submission by the zoning administrator.
  2. The name and firm address, and the name of the professional individual responsible for the preparation of the site plan or as directed by the zoning administrator.
  3. The name and address of the property owner or petitioner.
  4. A location sketch.
  5. Legal description of the subject property.
  6. The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
  7. Property lines and required setbacks shown and dimensioned.
  8. The location of all existing structures, driveways, and parking areas within 100 feet of the subject property's boundary.
  9. The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.
  10. The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting plan, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas in accordance with respective Township Ordinances.

11. The location, pavement width and right-of-way width of all roads, streets, and access easements within 100 feet of the subject property.
12. The existing zoning and use of all properties abutting the subject property.
13. The location of all significant natural features and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls. The location of all preserved landmark trees and locations of landmark tree removals and replacements, if any, shall also be shown.
14. Size and location of existing and proposed public, or private community sewer or water supply systems, including any proposed connections thereto.
15. The location and size of all surface water drainage facilities.
16. Existing, proposed and final (as built) topographic contours at a minimum of two foot intervals.
17. Recreation areas, common use areas, floodplain areas and areas to be conveyed for public use and purpose.
18. Any other physical improvements.
19. Signature block and case number, as received from the zoning administrator, on lower right corner of the front page.

(c) *Submittal of fees, plan, application, etc.* Required site plans, completed application form, and application fee shall be submitted to the zoning administrator by the petitioner or his designated agent. The zoning administrator shall place the submittal on the agenda of the planning commission no later than 60 days after the completed application is received.

Section 28-81 of Article II is hereby amended to read as follows:

**Sec. 28-81. Review procedure; determination process.**

(a) The planning commission, or the township board when considering an application for a special land use, shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with the review standards of section 28-82. Reasons for approval, denial, or approval with conditions, and any conditions or modifications desired by the planning commission, or the township board when considering the site plan as part of an application for a special land use, shall be recorded in the minutes.

(b) As part of an approval to any site plan, the planning commission, or township board when considering the site plan as part of an application for a special land use, may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of this article are met and shall meet the requirements of the zoning act. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this chapter.

(c) Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.

(d) Three copies of the final approved site plan shall be signed and dated by a designated member of the planning commission, or member of the township board when approving the site plan as part of an application for a special land use, and the applicant. One of these approved copies shall be kept on file by the township clerk, one shall be kept on file by the zoning administrator, and one shall be returned to the petitioner or his designated representative.

(e) Each development shall be under construction within one year after the date of approval of the site plan, except as noted below.

- (1) The planning commission may grant one, six-month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
- (2) The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
- (3) If neither of the above provisions are fulfilled or the six-month extension has expired prior to construction, the site plan approval shall be null and void.

(f) The zoning administrator may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered violations of this chapter.

Section 28-82 of Article II is hereby amended to read as follows:

**Sec. 28-82. Review standards.**

The following standards shall be utilized in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgments concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

- (1) The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the

property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

- (2) Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- (3) The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the township.
- (4) Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this chapter. The planning commission, or township board when considering the site plan as part of an application for a special land use, may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- (5) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- (6) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- (7) All buildings and groups of buildings shall be arranged so as to permit reasonable necessary emergency vehicle access as requested by the fire department serving the township.
- (8) All streets and driveways shall be developed in accordance with the township subdivision control ordinance, the county road commission, or the state department of transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this chapter. Except that the planning commission, or township board when considering the site plan as part of an application for a special land use, may impose more stringent requirements than those for the road commission or state department of transportation with respect to driveway location and spacing. In addition, sidewalks or similar walkways may be required if determined to be necessary or appropriate for pedestrians and nonmotorized vehicles.
- (9) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust.

The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catchbasins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system. Other provisions may be required to contain runoff or spillage from areas where hazardous materials are stored, or proposed to be stored.

- (10) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the township.
- (11) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
- (12) Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.
- (13) Site plans shall conform to all applicable requirements of county, state, federal, and township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary county, state, federal, and township permits before final site plan approval or an occupancy permit is granted.
- (14) Appropriate fencing may be required by the planning commission, or township board when considering the site plan as part of an application for a special land use, around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
- (15) The general purposes and spirit of this chapter and the comprehensive development plan of the township shall be maintained.

Section 28-114 of Article II is hereby amended to read as follows:

**Sec. 28-114. Authorization.**

In order that the objectives of the ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this chapter, that adequate but controlled flexibility be provided in the application of this chapter, that the health, safety, and welfare of the

public be secured, and that justice be done, there is hereby established a board of appeals.

Section 28-116 of Article II is hereby amended to read as follows:

**Sec. 28-116. Duties and powers.**

The board of appeals shall have the following specified duties and powers:

- (1) *Appeals.* The board of appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the zoning administrator or other administrative officer or body of the township in the administration of this chapter.
- (2) *Interpretation.* The board of appeals shall have the power to:
  - a. Hear and decide upon request for the interpretation of the provisions of this article; and
  - b. Determine the precise location of boundary lines between zoning districts upon appeal from a decision by the zoning administrator upon said subject.
- (3) *Variances.* The board of appeals shall have the power to authorize specific variances from the requirements of this chapter.

Section 28-119 of Article II is hereby amended to read as follows:

**Sec. 28-119. Decisions.**

- (a) The concurring vote of a majority of the membership of the board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator; to decide in favor of any application on any matter upon which the board is required to pass under this chapter; or to effect any variance from the requirements of this chapter.
- (b) The board of appeals shall return a decision upon each case within a reasonable time after the scheduled hearing has been held.
- (c) Any decision of the board shall not become final until the expiration of five days from the date of such decision, unless the board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
- (d) The decision of the board of appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the circuit court on questions of law and fact.

(e) Each decision under the provisions of this article shall become null and void unless the construction or other action authorized by such decision has been started within one year after the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.

(f) No application which has been denied wholly or in part by the board shall be resubmitted for a period of one year from the date of the denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the board.

Section 28-121 of Article II is hereby amended to read as follows:

**Sec. 28-121. Review standards for variances.**

A nonuse or dimensional variance may be allowed by the board of appeals only where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

- (1) Granting the variance will not be contrary to the public interest and will ensure that the spirit of this chapter is observed.
- (2) Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located.
- (3) The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.
- (4) That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
  - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this article;
  - b. Exceptional topographic conditions;
  - c. By reason of the use or development of the property immediately adjoining the property in question; or
  - d. Any other physical situation on the land, building or structure deemed by the board of appeals to be extraordinary.
- (5) That granting such variance is necessary for the preservation of a substantial property

right possessed by other properties in the vicinity in the same zoning district.

- (6) That the variance is not necessitated as a result of any action or inaction of the applicant.

Section 28-141 of Article III is hereby amended to read as follows:

**Sec. 28-141. Zoning districts.**

In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the township comprehensive development plan, the township is divided into zoning districts of such number, boundaries, shape, and area that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions. For the purposes of this chapter, the township is hereby divided into the following zoning districts:

AP	Agricultural Preservation District
AG	Agricultural District
RR	Rural Residential District
R-1	Single Family Residential District
R-2	Two-Family Residential District
R-3	Multiple Family Residential District
VSC	Village Service Center District
MHP	Manufactured Home Park District
B-1	Local Business District
B-2	Business District
LI	Light Industrial District
F-1	Floodplain District (not mapped)
LGR	Looking Glass Rive Overlay District
GR	Grand River Overlay District (not mapped)

Section 28-177 of Article III is hereby amended to read as follows:

**Sec. 28-177. Permitted uses.**

Land in the AP district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Farms, for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.
- (2) Intensive livestock operations.
- (3) Retail sales of produce grown on the premises, including commercial "U-pick" operations, when conducted as an accessory use to a farm. Up to two off-premises signs may be permitted for each such use, provided that such signs are no greater than 16 square feet in area, are not placed within the right-of-way, and written permission for their display has been obtained from the property owner on whose property the sign is placed.
- (4) Farm equipment sales, service, including general repair and welding of farm implements and farm machinery.
- (5) Single-family dwellings, as regulated in section 28-567 including home occupations as regulated by section 28-569.
- (6) Greenhouses and nurseries, including retail operations for products grown on the premises. A residence may also be located on the same property.
- (7) Kennels, not including commercial kennels. A residence may also be located on the same property.
- (8) Family day care homes.
- (9) State licensed residential family home facilities.
- (10) Public utility or service buildings, not requiring outside storage or materials.
- (11) Commercial storage and sale of seed, feed, fertilizer, and other products essential to agricultural production.
- (12) Accessory buildings as regulated in section 28-559.

Section 28-179 of Article III is hereby amended to read as follows:

**Sec. 28-179. District regulations.**

- (a) *Permitted lot splits.* The number of lots permitted shall be governed by the following: In

total, the number of lots together with any previous divisions of the same parent parcel or parent tract, shall result in a number of lots not more than the sum of the following, as applicable:

- (1) For the first ten acres or fraction thereof in the parent parcel or parent tract, four parcels.
- (2) For each whole ten acres in excess of the first ten acres in the parent parcel or parent tract, one additional parcel, for up to a maximum of 11 additional parcels.
- (3) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, one additional parcel.
- (4) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of two parcels in addition to those permitted by this section if one or both of the following apply:
  - a. Because of the establishment of one or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (b) of this section are created or required.
  - b. One of the resulting parcels under subsection (b) of this section, and this subsection comprises not less than 60 percent of the area of the parent parcel or parent tract.
- (5) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under this section, if the parcel meets the requirements of this chapter.
- (6) Each lot created shall not exceed the maximum lot width to depth ratio of one to four. The depth to width ratio requirements of this ordinance shall not apply to those parcels greater than ten acres in size.
- (7) No further splits beyond those permitted by this section are permitted, unless the property is rezoned to another zoning district permitting greater density.

(b) *District regulations.* No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following district regulations are met and maintained in connection with such building, structure, or enlargement:

Front yard setback	50 feet	
Side yard setback	Residential buildings	30 feet
	Nonresidential buildings	40 feet
Rear yard setback	50 feet	
Accessory building setback	5 feet drip edge from side and rear lot lines, 10 feet from main building	
Building height	35 feet or 2 1/2 stories, whichever is higher; farm buildings and structures shall	

	be permitted at their usual and customary heights.
Lot coverage	10 percent
Maximum lot area	No larger than 2 acres (unless a larger lot is required by the Mid-Michigan Health Department)
Minimum lot width	150 feet
Minimum dwelling unit floor area	960 square feet UFA with a minimum of 600 square feet UFA on ground floor

Section 28-198 of Article III is hereby amended to read as follows:

**Sec. 28-198. Permitted uses.**

Land in the AG district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Farms, for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.
- (2) Retail sales of produce grown on the premises, including commercial "U-pick" operations, when conducted as an accessory use to a farm. Up to two off-premises signs may be permitted for each such use, provided that such signs are no greater than 16 square feet in area, are not placed within the right-of-way, and written permission for their display has been obtained from the property owner on whose property the sign is placed.
- (3) Single-family dwellings, as regulated in section 28-567 including home occupations as regulated by section 28-569.
- (4) Greenhouses and nurseries, including retail operations for products grown on the premises. A residence may also be located on the same property.
- (5) Kennels, not including commercial kennels. A residence may also be located on the same property.
- (6) Family day care homes.
- (7) State licensed residential family home facilities.
- (8) Public utility or service buildings, not requiring outside storage or materials.
- (9) Accessory buildings as regulated in section 28-559.

Section 28-225 of Article III is hereby amended to read as follows:

**Sec. 28-225. Permitted uses.**

Land in the RR district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Farms, for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.
- (2) Roadside stands for the sale of produce grown on the premises, conducted as an accessory use to a farm.
- (3) Single-family dwellings, as regulated in section 28-567 including home occupations as regulated by section 28-569.
- (4) Family day care homes.
- (5) State licensed residential family home facilities.
- (6) Greenhouses and nurseries, including retail operations for products grown on the premises. A residence may also be located on the same property.
- (7) Kennels, not including commercial kennels. A residence may also be located on the same property.
- (8) Public utility or service buildings, not requiring outside storage or materials.
- (9) Accessory buildings as regulated in section 28-559.

Section 28-305 of Article III is hereby amended to read as follows:

**Sec. 28-305. District regulations.**

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following district regulations are met and maintained in connection with such building, structure, or enlargement.

Front yard setback	30 feet	
Side yard setback	Residential buildings	25 feet
	Nonresidential buildings	30 feet
Rear yard setback	40 feet	
Accessory building setback	5 feet drip edge from side and rear lot lines, 10 feet from main building	
Building height	35 feet or 2 1/2 stories, whichever is higher	
Lot coverage	25 percent	

Minimum lot area	Two-family	Without public sanitary sewer	40,000 square feet
		With public sanitary sewer	
Permitted density	Multiple-family		8 dwelling units per acre
Minimum lot width	Two-family		150 feet
	Multiple-family		250 feet
Minimum dwelling unit floor area	Two-family		960 square feet UFA per dwelling unit with a minimum of 600 square feet UFA on ground floor
	Multiple-family		1 bedroom - 720 sq. ft. 2 bedrooms - 850 sq. ft. 3 bedrooms - 1,000 sq. ft. 4 +bedrooms - 1,200 sq. ft.
Maximum building length	Multiple-family		120 feet

Section 28-356 of Article III is hereby amended to read as follows:

**Sec. 28-356. Standards and regulations.**

All manufactured home parks shall be designed and developed in accordance with the following standards and regulations:

- (1) Minimum site size for a manufactured home park shall be ten acres.
- (2) Minimum number of manufactured home spaces shall be 40. Required streets and utilities shall be completed for at least 25 manufactured home spaces along with related improvements before first occupancy.
- (3) Each manufactured home park shall have direct access only to a major street or state trunkline highway.
- (4) No access to the site shall be located closer than 200 feet from any public street intersection. Minimum street widths within the manufactured home park shall be accordance with MAC R 125.1920.
- (5) No manufactured home or other building or structure for residential purposes shall be in excess of 2 1/2 stories, or in excess of a maximum height of 35 feet.
- (6) Each manufactured home lot, exclusive of streets, shall have a minimum size of 5,000 square feet and a minimum width of 40 feet, as measured at the minimum building setback line. No more than one manufactured home shall be parked on any one lot, and no manufactured home shall be occupied by more than one family.

- (7) The minimum setback between any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not by way of limitation, storage sheds, cabanas, and porches shall be as provided in MAC R 125.1941.
- (8) Each lot shall front on sidewalks as governed by MAC R 125.1928.
- (9) Each lot shall provide a minimum number of parking spaces as required by MAC R 125.1925 and R 125.1926.
- (10) The front, back and side yards of every lot shall be suitably landscaped and properly maintained with lawn area, and there shall be one shade tree, at least ten feet in height provided for each lot.
- (11) The manufactured home park shall provide a buffer zone in accordance with the requirements of this chapter.
- (12) Any buildings associated with the manufactured home park shall have minimum setback from any public street as required by MAC R 125.1944, which shall be properly landscaped with grassed area and maintained by the owner and operator of the manufactured home park.
- (13) All streets within the manufactured home park shall be constructed as required by MAC R 125.1922 and R 125.1923.
- (14) The manufactured home park shall contain one or more open space areas intended primarily for the use of park residents on a minimum ratio of 250 square feet for every manufactured home lot provided that buffer zone areas shall not be included as part of such requirement.
- (15) The manufactured home park shall provide one or more storm shelters of size and capacity so as to accommodate all the residents of the park.
- (16) All street intersections and designated pedestrian crosswalks, all roads, parking bays and pedestrian walkways shall be illuminated as required by MAC R 125.1929.

Section 28-409 of Article III is hereby amended to read as follows:

**Sec. 28-409. Permitted uses.**

Land in the B-2 district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Restaurants, not including drive-through facilities.

- (2) Retail business establishments not including drive-through facilities which supply commodities such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, conducting business entirely within enclosed buildings.
- (3) Banks, credit unions, and similar financial institutions, not including drive-through facilities.
- (4) Personal service establishments which perform services on the premises, including barbershops and beauty shops, photographic studios, dry cleaners, electronics repair, and similar uses.
- (5) Professional and business offices.
- (6) Commercial day care centers.
- (7) Public buildings and public utility offices, but not including storage yards, substations, or regulator stations.
- (8) Accessory buildings and uses as regulated in section 28-559.

Section 28-410 of Article III is hereby amended to read as follows:

**Sec. 28-410. Special land uses.**

Land and/or buildings in the B-2 district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Retail business establishments which supply commodities such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, including display and sales areas outside enclosed buildings, and/or having drive-through facilities.
- (2) Banks, credit unions, and similar financial institutions with drive-through facilities.
- (3) Restaurants with drive-through facilities.
- (4) Service centers with vehicle service stations, retail convenience goods, and food service, with or without drive-through facilities.
- (5) Vehicle service stations.
- (6) Vehicle wash establishments.
- (7) Open air businesses.

- (8) Mortuaries and funeral homes.
- (9) Building materials and supplies.
- (10) Public buildings and public utility offices, with storage yards, substations, or regulator stations.
- (11) Commercial planned unit development (CPUD).
- (12) Hotel and motel establishments.
- (13) Landscaping, lawn service, snowplowing (including other closely related operations).
- (14) Mini-storage units.

Section 28-411 of Article III is hereby amended to read as follows:

**Sec. 28-411. District regulations.**

(a) No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following district regulations are met and maintained in connection with such building, structure, or enlargement.

Minimum lot area	60,000 square feet	
Minimum lot width	150 feet	
Minimum front yard setback	50 feet	No uses, activities, or parking or loading areas, within the first 25 feet of the required front yard, except for entry and exit driveways, shall be located within the required front yard. The front yard shall be landscaped.
Minimum side yard setback	20 feet	See article VIII for buffer zone requirements
Minimum rear yard setback	30 feet	
Accessory building setback	5 feet drip edge from side and rear lot lines, 10 feet from main building	
Maximum building height	2 1/2 stories or 35 feet, whichever is higher	
Maximum lot coverage	40 percent	

(b) Parking lots for uses in the B-2 district shall be adequately lit to ensure security and safety and shall meet the following requirements:

- (1) Light fixtures shall be no higher than 20 feet and shall be provided with light cutoff fixtures that direct light downward.
- (2) For parking lots serving a single building or groups of related commercial or office buildings in excess of 200 spaces the planning commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.
- (3) Lighting shall not be permitted to illuminate areas not within the parking lot or other areas related to the use for which the parking is intended.

(c) All development proposed in this district shall be required to be serviced by a public water supply and sanitary sewer system.

Section 28-437 of Article III is hereby amended to read as follows:

**Sec. 28-437. Permitted uses.**

Land in the LI district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling materials or products from previously prepared materials including the following:
  - a. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees, or other similar living products;
  - b. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats or oils);
  - c. Electrical machinery, equipment and supplies, electronic components and accessories;
  - d. Engineering, measuring, optical, medical, scientific, photographic, and similar instruments and goods;
  - e. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar products;
  - f. Apparel and other finished products including clothing, leather goods, and

- canvas products;
  - g. Lumber and wood products including mill work, prefabricated structural work products and containers;
  - h. Paper and paperboard containers and products;
  - i. Biological products, drugs, medicinal chemicals and pharmaceutical preparations;
  - j. Glass products;
  - k. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusements, sporting, and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs and advertising displays;
  - l. Pottery and figurines and other ceramic products using only previously pulverized clay; and
  - m. Fabricated metal products, except the production of heavy machinery and transportation equipment.
- (2) Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and lumber.
  - (3) Warehousing, including refrigerated and general storage.
  - (4) Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
  - (5) Research and development facilities, including production activities, which shall be limited to 50 percent of the floor area of the building.
  - (6) Trade or industrial schools.
  - (7) New building materials sales and storage, including building trade contractors and related storage yards.
  - (8) Utilities and communications installations such as electrical receiving or transforming stations, microwave towers, and televisions and radio towers, including towers for commercial wireless telecommunication services.
  - (9) Utility and public service buildings, including storage yards.
  - (10) Accessory buildings and uses as regulated in section 28-559.

- (11) Landscaping, lawn service, snowplowing (including other closely related operations).
- (12) Mini-storage units.

Section 28-439 of Article III is hereby amended to read as follows:

**Sec. 28-439. District regulations.**

(a) No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following district regulations are met and maintained in connection with such building, structure, or enlargement.

Table 28-439(1). Height Requirements--Light Industrial District Contiguous to or Facing AP, AG, RR, R-1, R-2, R-3, or MHP Districts

Minimum lot area	40,000 square feet	
Minimum lot width	150 feet	
Minimum front yard setback	35 feet	No uses, activities, or parking or loading areas, except for entry and exit driveways, shall be located within the first 25 feet of the required front yard, and shall be landscaped.
Minimum side yard setback	30 feet. See article VIII for buffer zone requirements	
Minimum rear yard setback	50 feet	
Maximum building height	35 feet	
Maximum lot coverage	50 percent	

Table 28-439(2). Height Requirements--Light Industrial District Contiguous to or Facing LI, B-1, or B-2 Districts

Minimum lot area	40,000 square feet
Minimum lot width	150 feet

Minimum front yard setback	35 feet	No uses, activities, or parking or loading areas, except for entry and exit driveways, shall be located within the first 25 feet of the required front yard, and shall be landscaped.
Minimum side yard setback	30 feet See article VIII for buffer zone requirements	
Minimum rear yard setback	50 feet	
Maximum building height	50 feet	
Maximum lot coverage	50 percent	

Table 28-439(3). Height Requirements--Light Industrial District Contiguous to or Facing AP, AG, RR, R-1, R-2, R-3, or MHP Districts When Building Height Exceeds 35 Feet

Minimum lot area	40,000 square feet	
Minimum lot width	150 feet	
Minimum front yard setback	75 feet	No uses, activities, or parking or loading areas, except for entry and exit driveways, shall be located within the first 25 feet of the required front yard, and shall be landscaped.
Minimum side yard setback	45 feet See article VIII for buffer zone requirements	
Minimum rear yard setback	75 feet	
Maximum building height	50 feet	
Maximum lot coverage	50 percent	
	The setbacks delineated apply only to the side of the building contiguous to or facing a residential or agricultural zoned district.	

(b) Parking lots for uses in the LI district shall be adequately lit to ensure security and safety and shall meet the following requirements.

- (1) Light fixtures shall be no higher than 20 feet and shall be provided with light cutoff fixtures that direct light downward.
- (2) Lighting shall not be permitted to illuminate areas not within the parking lot or other areas related to the use for which the parking is intended.
- (3) For parking lots serving a single building or groups of related industrial or office buildings in excess of 200 spaces the planning commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.

(c) All permitted and special land uses shall be conducted wholly within a completely enclosed building, except that outside storage of materials, equipment, or vehicles and loading and unloading operations are permitted, subject to the following:

- (1) Materials may be stored only in the side or rear yards, except that materials may not be stored on the street side of a corner lot or in any required yard.
- (2) Loading areas, loading docks, and truck storage areas shall not face an AG, RR, R-1, R-2 or R-3 zoned district, except where the following conditions exist:
  - (a) The distance from the loading area, loading dock, or truck storage area is more than 300 feet to AG, RR, R-1, R-2, or R-3 property line, which shall be measured parallel with the property line and from the nearest edge of the loading area, loading dock or truck storage area.
- (3) All storage of materials shall be visually screened to a height of at least six feet above the highest elevation of the nearest adjacent road or property bordering the site.
- (4) In no case shall the outside storage of materials be stacked higher than the height of the visual screen.
- (5) One nongated opening, no greater than 12 feet in width, shall be permitted in the screen for each 200 feet of public street frontage.

(d) All development proposed in this district shall be required to be serviced by a public water supply and sanitary sewer system.

The title of Division 14 of Article III is hereby amended to read as follows:

**DIVISION 14.**

## **LGR LOOKING GLASS RIVER OVERLAY DISTRICT**

The title of Division 15 of Article III is hereby amended to read as follows:

### **DIVISION 15.**

#### **GR GRAND RIVER AVENUE OVERLAY DISTRICT**

Section 28-525 of Article IV is hereby amended to read as follows:

##### **Sec. 28-525. Intent and purpose.**

(a) Township officials recognize that Grand River Avenue is an important transportation route through the community. Grand River Avenue serves as a major east-west transportation route through the township and provides connections with the major north-south routes and to I-96 and I-69. The regulations of this division apply to all lots or parcels with any lot line abutting Grand River Avenue.

Section 28-528 of Article IV is hereby amended to read as follows:

##### **Sec. 28-528. District regulations.**

(a) *Generally.* The regulations of this division apply to all lots or parcels with any lot line abutting Grand River Avenue.

Section 28-551 of Article IV is hereby amended to read as follows:

##### **Sec. 28-551. Required access and frontage.**

- (a) Any lot created shall have direct access to a public street or private driveway.
- (b) Any lot created shall have a minimum lot width on a public street or private driveway easement equal to that required by the zone district in which it is located.
- (c) Any lot not having frontage on a public street shall be served by a driveway having a minimum easement width of 66 feet upon a public street.
- (d) A private driveway shall provide access to no more than three lots or parcels. The three lots shall include all lots on which the easement for the shared driveway exists or which are served by the easement and shall not exclude a lot that may also be provided access from the public street. Any private driveway easement shall be properly recorded and a copy submitted to the township.
- (e) A private driveway serving more than one parcel shall be of adequate width and construction that permits a safe and unimpeded route of travel and be of sufficient construction as to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the

township. In no case shall the width of the traveled portion of a driveway be less than 12 feet and the edge of the traveled portion of the driveway shall not be located less than 16.5 feet from the edge of the easement line.

Section 28-563 of Article IV is hereby amended to read as follows:

**Sec. 28-563 Storage of recreation equipment**

(3) Recreational equipment may be used for living or housekeeping purposes for a period not exceeding 14 days in any calendar year.

Section 28-566 of Article IV is hereby amended to read as follows:

**Sec. 28-566. Temporary buildings and uses.**

(a) Upon application, the zoning administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for such building or use and shall be valid for a period of not more than 12 calendar months. Permits may be renewed by the zoning administrator for one additional successive period of six calendar months or less at the same location and for the same purpose.

(b) In considering authorization for all temporary uses or buildings, the zoning administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this section are met. The zoning administrator shall determine that:

- (1) The use or structure will not have an unreasonable detrimental effect upon adjacent properties;
- (2) The use or structure is reasonably necessary to the convenience and safety of the construction proposed;
- (3) The use or structure does not adversely impact the character of the surrounding neighborhood;
- (4) Access to the use or area is located at a safe location.

(c) Construction building and structures are subject to the following:

- (1) Construction buildings and structures incidental to construction work on a lot may be placed on any lot for use as storage of construction materials, tools, supplies, and equipment, for construction management and supervision offices, and for temporary on site sanitation facilities, related to construction activity on the same lot.
- (2) No construction building or structure shall be used as a dwelling unit.

- (3) A building permit shall be issued by the building inspector prior to installation of a construction building or structure.
- (4) Construction buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the building inspector for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

(d) The zoning administrator may issue a permit to an individual to temporarily park and occupy a manufactured home in any residential district. Prior to issuing such temporary permit the zoning administrator shall make the following determinations:

- (1) The manufactured home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
- (2) A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.
- (3) The manufactured home dwelling meets the requirements of the Mid-Michigan Health Department and all applicable township ordinances.

(e) Upon applying for a temporary building or use, the applicant shall pay a fee to the township treasurer as determined by the township board. The fee shall also be collected for any extensions granted by the zoning administrator.

(f) Temporary storage containers that are typical of the type available from commercial sources which do not exceed eight feet in width by 16 feet in length by eight feet in height are permitted in all zoning districts for a time period not to exceed 30 days per year. A 30 day extension may be granted by the Zoning Administrator if deemed necessary. A maximum of three storage containers are permitted at any one time, and must be located at least five feet from any side or rear property line, or may be within the required front yard setback for the zoning district. The temporary storage container may also be stored in the driveway, provided that emergency access to all structures and proper clear vision areas are maintained.

Section 28-570 of Article IV is hereby amended to read as follows:

**Sec. 28-570. Keeping of animals.**

(a) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any residential district.

(b) Any land, building, or structure where three or more cats and/or dogs six months of age or older are boarded, housed, or bred for commercial purposes shall be considered a kennel and shall only be permitted in the zoning districts where such uses are allowed.

(c) Any other provision of this chapter notwithstanding, the keeping, housing, raising, or use of land for medical care for fowl or animals other than house pets of an occupant of the premises, is subject to the following provisions:

- (1) Any pen or building or structure housing or containing these animals shall be a minimum of 10 feet from any property line.
- (2) The keeping and raising of large animals, including but not limited to horses, cows, pigs, or bison kept as part of a farming operation shall be permitted on parcels zoned AP, AG, RR, and LI. Large animals raised and kept as part of a farming operation shall maintain compliance with the rules, regulations and accepted management practices established by the state department of agriculture and applicable state laws. No large animals shall be permitted on parcels zoned R-1, R-2, R-3, VSC, B-1 or B-2.
- (d) Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained.

Section 28-577 of Article IV is hereby amended to read as follows:

**Sec. 28-577. Outdoor lighting.**

(a) *Intent.* The intent of this section is to provide reasonable regulations for the location and use of outdoor lighting to accomplish the following:

- (1) Reduce light pollution from outdoor lighting sources and avoid light trespass onto adjacent properties.
- (2) Eliminate intrusive artificial light and lighting that contributes to sky glow.
- (3) Improve travel conditions for persons and vehicles on public ways by reducing glare and excessively lit surfaces.
- (4) Preserve the rural community character of the township.
- (5) Promote lighting which provides security but is not unduly intrusive or a nuisance to nearby residents or drivers.

(b) *General standards.* Except as specifically provided in this chapter, all outdoor lighting in all zoning districts shall meet the following criteria:

- (1) Exterior lighting for security or visibility on any site shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from adjacent properties.

- (2) Exterior lighting shall be so arranged so that it is deflected away from adjacent properties and so that it does not impeded the vision of traffic along adjacent streets.
- (3) Flashing, moving, oscillating, blinking, or variable intensity lighting shall not be permitted.
- (4) Lighting fixtures shall be no higher than 20 feet and shall be provided with light cutoff fixtures or recessed cans that direct light downward. For parking lots serving a single building or group of related commercial, industrial, or office buildings in excess of 200 parking spaces, the planning commission may permit a higher fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.

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- (5) Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
- (c) *Permitted exceptions.* The following lighting is not subject to this section:
- (1) Any lighting required by federal or state laws, rules, or regulations.
  - (2) Temporary emergency lighting needed by police or fire departments or other emergency services, or hazard warning lighting required by and conforming to the standards of federal, state, or local regulatory agencies.
  - (3) Lighting necessary for road or utility construction.
  - (4) Temporary holiday or seasonal lighting.

Section 28-579 of Article IV is hereby amended to read as follows:

**Sec. 28-579. Earth changes.**

The final grade surface of ground areas remaining after the construction of a building or structure, and any earth changes made in connection with use of the land, shall be designed to avoid any adverse effect on the neighboring properties or public storm drainage systems.

Section 28-604 of Article V is hereby amended to read as follows:

**Sec. 28-604. Application and review procedures.**

- (a) An application shall be submitted through the zoning administrator. Each application

shall be accompanied by:

- (1) The payment of a fee as established by the township board
- (2) A completed application form, as provided by the township, and
- (3) A complete site plan as specified in Division 2.

(b) The application, along with the required site plan, shall be forwarded to the planning commission no later than 60 days after the completed application is received.

(c) The planning commission shall hold a public hearing on the application, providing notice in accordance with the Zoning Act. Following the hearing, the planning commission shall review the application and such other information available to it from any source, including recommendations or reports from township staff, consultants, or other parties. The planning commission shall then forward to the township board a recommendation of approval, approval with conditions, or denial of the application. The planning commission shall incorporate the basis for the recommendation into its minutes.

(d) Within a reasonable time following receipt of the planning commission's recommendation, the township board shall review the application and such other information available to it from any source, including recommendations or reports from township staff, consultants, or other parties. The township board may elect to conduct its own public hearing providing notice in accordance with the Zoning Act. The township board shall approve, approve with conditions, or deny the special land use application and shall incorporate the basis for the decision, and any conditions imposed, into its action.

(e) Each special land use shall be reviewed for compliance with the general review standards of section 28-605, the applicable special land use specific requirements of section 28-606, and the review standards for site plans in section 28-82. Before any application for a special land use may be approved, the applicant shall demonstrate to the township board, and the township board shall find, that each of the applicable standards of review are met.

(f) As part of an approval of any special land use, the township board may impose any additional conditions or limitations as, in its judgment, may be necessary for the protection of the public interest. Such conditions shall be related to and ensure that the applicable review standards of the of this section are met and shall meet the requirements of the Zoning Act, The conditions shall be recorded in the minutes and shall remain unchanged unless a new special land use approval is granted in accordance with this chapter.

(g) No petition for special land use approval which has been disapproved shall be resubmitted for a period of one year from the date of disapproval. The zoning administrator may permit a new application upon submission by the applicant of new and significant facts or conditions which might reasonably require reconsideration of the application.

(h) A special land use approved pursuant to this chapter shall be valid for one year from the date of approval. Each development shall be under construction within one year after the date of approval of the special land use, except as noted below:

- (1) The planning commission may grant one six-month extension of such time period, provided the applicant requests the extension prior to the date of the expiration of the special land use approval.
- (2) The extension shall be approved if the applicant presents reasonable evidence that the approved special land use has encountered unforeseen difficulties beyond the control of the applicant, and the project will likely proceed within the extension period.
- (3) If neither of the provisions of subsections (h)(1) or (h)(2) of this section are fulfilled or the six-month extension has expired prior to construction, the special land use approval shall be null and void.

(i) Approval of the special land use, including conditions made as part of the approval, shall apply to the property described as part of the application to all subsequent owners.

(j) The zoning administrator may make periodic investigations of approved special land uses. Failure to comply with the requirements and conditions of the approved special land use shall be considered violations of this section.

(k) The township board shall have the authority to revoke any special land use approval after it has been shown that the holder of the approval has consistently failed to comply with any of the applicable requirements of this section, other applicable requirements of this chapter, or conditions of the special land use approval. Prior to any action, the township board shall conduct a public hearing following the notification procedures for the original approval.

Section 28-606 of Article V is hereby amended to read as follows:

**Sec. 28-606. Special land use specific requirements.**

The requirements set forth in this section relate to particular uses and specific requirements which must be met in addition to the standards of section 28-605.

- (1) *Adult uses.*
  - a. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a residential district, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of nearby residential or other neighborhoods. These controls do not legitimize activities which are

prohibited in other sections of the zoning ordinance.

b. Adult uses shall comply with the following requirements:

1. The use shall be located outside a 1,320-foot radius of any residential district, other adult use, public park, school, child care facility, or church.
2. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a school of massage therapy that is certified by the state, or similar qualifications which must be submitted to and approved by the township board.
  - (i) All massage clinics are subject to inspection by the building inspector and shall file reports as may be required by the township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
  - (ii) This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the state, nor barbershops or beauty salons in which massages are administered only to the scalp, the feet, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.
3. Adult uses shall not be expanded in any manner without first applying for and receiving the approval of the township board, as provided herein.
4. Any sign proposed for the adult use must comply with the requirements of this chapter, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated or flashing illumination.
5. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two inches in height, that:
  - (i) "Persons under the age of 18 years are not permitted to enter the premises."

(ii) "No alcoholic liquor of any type is permitted within the premises unless specifically allowed pursuant to a license duly issued by the state liquor control commission."

6. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
7. No adult use shall be open for business prior to 10:00 a.m., nor after 10:00 p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, cleanup, preparation, recordkeeping, and similar purposes.

(2) *Airports and landing strips (private).*

- a. No more than four aircraft may be regularly used, stored, sheltered, or supplied by owner or owners at the airport, and no more than two visiting aircraft may be used, stored, sheltered, or supplied during any 24-hour period.
- b. The site plan, as required in article II, division 2 of this chapter, shall contain the following additional information:
  1. The location of any homes within 2,000 feet of the boundaries of the property on which the airport or airport expansion would be located.
  2. The location and height of any trees, groups of trees, mounds of earth, buildings, or other structures 25 feet or higher within 1,000 feet of the proposed airport.

(3) *Banks, credit unions, and similar financial institutions including those with drive-through facilities.*

- a. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of three stacking spaces for each outdoor service station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
- b. Parking areas shall have side and rear yard setbacks of at least ten feet.
- c. Public access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.

- d. Where parking and maneuvering areas about a residential district or use they shall be fenced and screened from view by a decorative fence or wall, or a landscaped equivalent meeting the requirements of article VIII of this chapter.
  - e. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring properties.
- (4) *Bed and breakfast establishments.* Bed and breakfast establishments, in such district where a special use permit is required, are subject to the following conditions:
- a. Each premises must be operated by its owner and occupied as the owner's primary residence.
  - b. The establishment is limited to the principal residential structure only. Accessory structures and buildings such as garages or pole barns may not be converted into use for the bed and breakfast establishments.
  - c. The total number of sleeping rooms is limited to six, inclusive of the rooms occupied by the innkeeper. No sleeping room shall be permitted that does not comply with all applicable state laws.
  - d. There shall be no cooking facilities separate from the principal kitchen used for a bed and breakfast stay. There shall be no food preparation allowed in any guest sleeping room, and food service shall be provided only to guests lodging in the facility.
  - e. Bed and breakfast rooms shall be a minimum of 120 square feet for the first two occupants and an additional 30 square feet for each additional occupant.
  - f. The stay of bed and breakfast guests shall be no more than 14 consecutive days and not more than 30 days in any one calendar year.
  - g. One bathroom for every three sleeping rooms shall be provided, with a minimum of two bathrooms provided for the sole use of the operation. A bathroom shall be comprised of, at a minimum, a water closet, lavatory, and tub or shower.
  - h. One nonilluminated sign identifying the establishment, not to exceed six square feet in area and not closer than five feet from any lot line or street right-of-way.
  - i. One off-street parking space shall be provided in the interior side yard or rear yard area for each bed and breakfast bedroom. The planning commission and township board of trustees may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.

- (5) *Body shops and wrecker services, including storage yards, provided such yards are enclosed and screened from view of adjacent roadways.*
- a. The site shall be provided with suitable access to a paved road.
  - b. No portion of any storage area shall be located within 200 feet of any residential district or use property line.
  - c. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material/vehicles are not visible from outside the storage area. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
  - d. Materials stored outdoors shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall material be stored at a height exceeding the height of the storage area fence or wall.
  - e. The fence or wall enclosing the storage area shall meet the setback requirements applicable to a main building.
  - f. Conditions within the facility shall be controlled to minimize the hazards of fire and other threats to health and safety.
  - g. All portions of the facility shall be accessible to emergency vehicles.
  - h. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the storage area.
  - i. The township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the township.
- (6) *Cemeteries.*
- a. Minimum lot size of ten acres is required.
  - b. In addition to the requirements of article II, division 2 of this chapter, the site plan shall indicate all internal roads and burial plot areas.
- (7) *Churches.* Minimum lot width shall be 200 feet.
- (8) *Commercial storage and sale of seed, feed, fertilizer, and other products essential to agricultural production.*

- a. The storage or materials display areas shall meet all the yard setback requirements applicable to a main building.
  - b. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
  - c. Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 100 feet from an intersection.
- (9) *Commercial kennels or veterinary services.* A residence may also be located on the same property.
- a. Unless required elsewhere in this chapter, the minimum lot area shall be two acres.
  - b. Buildings wherein animals are kept, dog runs, and exercise areas shall not be located nearer than 150 feet to any adjacent occupied dwelling or any adjacent building used by the public. Runs and exercise areas shall not be located in any required front, rear or side yard setback area.
  - c. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed building.
- (10) *Commercial day care and group day care homes.*
- a. Minimum lot size shall be two acres.
  - b. The main and accessory buildings shall be set back at least 40 feet from all property lines.
  - c. The facility shall be designed to provide a minimum of 500 square feet of open space for every ten children, or fraction thereof. This open space may include landscaping but shall not include off-street parking, driveways, or other required accessory use areas.
- (11) *Commercial "U-pick" operations.*
- a. Such use shall only be permitted during the applicable crop growing season. When such operations involve activity totaling 90 days or more during any one-year period, such use shall require an annual approval by the township board.
  - b. Any building, structure or stand utilized for such use shall be set back a minimum of 25 feet from a public right-of-way line, and no closer than ten feet to any other lot line.
  - c. Adequate off-street parking and safe ingress and egress to the adjacent street

shall be provided.

- d. The use may have one sign, not exceeding 16 square feet in area, mounted flush against the building, structure, or stand, or in the front yard at least 15 feet from a side or rear lot line.

(12) *Country clubs, golf courses, riding stables, and public athletic grounds and parks.*

- a. Any outdoor activity areas shall be set back a minimum of 50 feet from any residential district.
- b. Access driveways shall be located no less than 50 feet from any street intersection or any other driveway.

(13) *Commercial planned unit development (CPUD).*

- a. *Intent and purpose.* The intent of the commercial planned unit development (CPUD) is to provide specific standards for preplanned development of commercial areas within the township. These standards are meant to promote the opportunities for managed commercial growth and development that is consistent with the township comprehensive development plan. Among the specific purposes of the commercial PUD are:
  - 1. Encourage efficient flow of traffic by minimizing conflicts from turning movements.
  - 2. Make land use and site plan review decisions in conjunction with the transportation system to sustain 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 cross streets.
  - 3. Sustain the traffic carrying capacity of the roadway in order to delay or avoid premature widening which would detract from the character of the township.
  - 4. Ensure that distractions to motorists are minimized by avoiding blight and clutter, promoting aesthetics, and providing property owners and businesses with appropriate design flexibility and visibility.
  - 5. Encourage the rural and small town character as expressed through the comprehensive development plan by requiring buildings and parking to be set back from the roadway.
  - 6. Ensure landscaping on sites along the roadway to preserve the rural atmosphere of the area and complement existing natural features within

the township.

b. *Uses within the commercial PUD.*

1. *Permitted uses.* Land and/or buildings in the CPUD may be used for the following purposes, subject to the approval of a site plan, in accordance with the requirements of this article.
  - (i) Any permitted use in the B-1 or B-2 district.
  - (ii) Any special land use in the B-1 or B-2 district.
  - (iii) Multiple-family dwellings in accordance with the following requirements:
    - (A) Multiple-family dwellings shall comply with subsection (23) of this section unless stricter requirements are provided as part of the CPUD requirements.
    - (B) All residential uses allowed in the CPUD shall occupy not more than 25 percent of the gross site acreage of the CPUD site.
    - (C) All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
    - (D) Such uses shall be permitted only if they will not materially alter the commercial character of the CPUD.
2. *Special land uses.* Land and/or buildings in the CPUD may be used for the following purposes, subject to the approval of a site plan and special land use approval, in accordance with the requirements of this chapter: Permitted uses in the light industrial district, provided that such uses shall occupy not more than 20 percent of the gross site acreage of the CPUD site.

c. *Development regulations.* No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement. Should any requirement of this district conflict with any other requirement of this chapter, the stricter of the requirements shall prevail.

1. *Minimum regulations.* The minimum site development size for a CPUD shall be 20 acres.

2. *Driveways.* Driveways within the CPUD shall be located as follows:

- (i) Each lot may be permitted one driveway, provided the spacing requirements of this section can be achieved.
- (ii) One additional driveway may be permitted on parcels with lot widths exceeding 500 feet.
- (iii) Additional driveways may be permitted by the township board 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.
- (iv) The township board may permit two, one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.
- (v) The applicant shall submit evidence indicating that the sight distance requirements of the state department of transportation (MDOT) or the county road commission, as appropriate, are met.
- (vi) Spacing and alignment:

(A) Driveways shall be spaced based on the intended roadway speed (see table).

Posted Speed (miles per hour)	Center-to-Center of Access (feet)	Posted Speed (miles per hour)	Center-to-Center of Access (feet)
25	130	40	300
30	185	45	350
35	245	50 and above	455

- (B) Driveways shall be aligned with driveways on the opposite side of the street or offset spaced a minimum of 150 feet, centerline to centerline.
- (C) Driveways shall be spaced at least 150 feet from an intersection of a private road or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.
- (D) The township board may require greater spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant a greater distance between driveways.

3. *Frontage roads and service drives.* The township board may require the construction of frontage roads or rear service drives along parcels to connect future or existing developments.
  - (i) In particular the township board shall require development of service drives where service drives can provide access to signalized locations, where service drives may minimize the number of driveways onto abutting roadway, and as a means to ensure that traffic is able to safely ingress and egress.
  - (ii) Where service drives and frontage roads are constructed they shall be set back as far as reasonably possible from the intersection of the access driveway with the street.
  - (iii) A minimum of 25 feet shall be maintained between the public street right-of-way and the pavement of the service drive.

[GRAPHIC IN CODE RETAINED UNCHANGED]

4. *Setbacks.*
  - (i) Where service drives are placed in the front yard, front yard setbacks for main buildings within the CPUD shall be set back not less than 60 feet from the right-of-way of the adjacent roadway.
  - (ii) Where service drives are placed in the rear yard, or no service drive exists, front yard setbacks for main buildings within the CPUD shall be set back not less than, nor more than 35 feet from the right-of-way of the adjacent roadway.
  - (iii) Parking is not permitted in the front yard setback. The front yard setback, except for necessary entrance or service drives, shall be landscaped.
- d. *Landscaping plans.* The township board shall consider a landscape plan submitted in conjunction with any site plan in the CPUD.
- e. *Outside storage.* No outside storage shall be permitted in any yard adjacent to the road right-of-way.
- f. *Off-street parking.* Off-street parking areas for uses in the CPUD shall be adequately lit to ensure security and safety, and shall meet the requirements of section 28-577.

g. *Additional evidence to ensure compliance.* The planning commission or township board may specify any additional evidence it deems necessary to ensure compliance with the review standards and other requirements of this subsection, including additional soil borings, soil reports, hydrological tests, traffic studies, or other such evidence which shall be submitted by the applicant prior to approval.

h. *Site design requirements.*

1. Buildings shall be sited to protect natural features. Natural features such as natural grade, trees, vegetation, water bodies, and others are encouraged to be incorporated into the site plan.
2. Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas.
3. Buildings with exterior walls greater than 50 feet in horizontal length should be constructed using a combination of architectural features (see definitions, section 28-7) and a variety of building materials and landscaping near the walls.
4. On-site landscaping should be located so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
5. The predominant building materials should be those characteristic of the township such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products.
6. Exterior colors should be of low reflectance, subtle, neutral or natural tone colors.

i. *Lot and building requirements.*

Front yard	With front service drive	60 feet
	Without front service drive	35 feet
Minimum side yard	Side abutting residential districts or uses	35 feet
	Side abutting other districts	20 feet
	Side yard abutting perimeter boundary of CPUD site	30 feet
Minimum rear yard	Abutting residential districts or uses	30 feet
	Rear yard abutting perimeter boundary of CPUD site	50 feet

Maximum lot coverage	40 percent
Maximum building height	35 feet or 2 1/2 stories

(14) *Farm labor housing.*

All facilities, camps, recreational vehicles, or other structures (including, but not limited to, those which are owned by persons other than the owner of the property on which they are located) which are intended to be used to provide housing for seasonal or migrant farm laborers must comply with the following requirements:

- a. All applicable statutes, regulations, and requirements of the state or of the federal government. If a license or permit is required by the state or federal government, then the owner or operator of the facility or camp must maintain the license in full force and effect.
- b. All dwelling units must be set back at least 50 feet from the road right-of-way.
- c. All structures comprising the facility or camp must be set back at least 50 feet from the nearest side and rear lot lines.
- d. The facility or camp must have at least two parking spaces (for vehicles) for each unit in which people are housed. Notwithstanding any other provision of this chapter, such parking spaces may be gravel or other equivalent material.
- e. If premanufactured housing, prefabricated housing, or manufactured homes are to be utilized for dwelling units, then each unit shall comply with the following requirements:
  1. Each unit must be firmly attached to a permanent foundation, or firmly anchored to the ground, in a manner which complies with the anchoring requirements of the state manufactured home park commission. If the unit is attached to a foundation, the foundation must be constructed on site and in compliance with all requirements of the state construction code. If the unit is a manufactured home, the frame must be supported by concrete piers or concrete block piers, which are spaced at no more than ten foot intervals.
  2. The unit must satisfy the design and manufacturing standards of the U.S. Department of Housing and Urban Development (24 CFR 3280), which were in effect at the time of the manufacture of the unit; provided, however, that any unit manufactured prior to January 1, 1976 must comply with the regulations which were adopted by the U.S. Department of Housing and Urban Development in 1976. If the abovementioned

standards were not or are not applicable, then the unit must comply with the requirements of the state construction code.

3. Each unit intended for human habitation must be connected to a potable source of water, with plumbing inside the unit and electrical connections which satisfy the requirements of the state construction code, even though the unit may be exempt from the state's plumbing code, and the electrical code in effect in the township. Each dwelling unit must have at least one bathroom within the unit, equipped with a functioning water closet and lavatory. Each dwelling unit from which human waste is discharged must be connected to either a public sewer or to such system as approved by the Mid-Michigan Health Department. No outdoor privies or outhouses shall be permitted. However, these regulations shall not be interpreted or construed as imposing greater requirements than would apply to typical single- or multiple-family dwellings.
4. All garbage, refuse, and other waste materials must be stored and disposed of in accordance with the requirements of this chapter and other applicable township ordinances, as well as all applicable state and federal laws and regulations.
5. Each dwelling unit shall conform to the state construction code adopted by the township.

(15) *Farm equipment sales, service, including general repair and welding of farm implements and farm machinery.*

- a. Minimum lot width shall be 200 feet, unless a greater width is required by the zoning district requirements of the lot on which the site is located.
- b. The township board may require a six foot fence or wall to be constructed along the rear and/or sides of the activity areas of the use to keep trash, paper, and other debris from blowing off the premises.
- c. Ingress and egress shall be at least 100 feet from a street intersection or any other driveway.
- d. The storage or materials display areas shall meet all the yard setback requirements applicable to a main building.

(16) *Greenhouses and nurseries, including retail operations for products not grown or produced on the premises.*

- a. A residence meeting the requirements of the zone district in which the property is located may also be located on the same property as the greenhouses and nurseries.

- b. Greenhouses or other structures accessory to the greenhouse or nursery operation shall meet the setbacks required for accessory buildings.
  - c. The storage or materials display areas shall meet all the yard setback requirements applicable to a main building.
  - d. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- (17) *Greenhouses and nurseries, including retail operations.* A residence may also be located on the same property.
- a. A residence meeting the requirements of the zoning district in which the property is located may also be located on the same property as the greenhouses and nurseries.
  - b. Greenhouses or other structures accessory to the greenhouse or nursery operation shall meet the setbacks required for accessory buildings.
  - c. The lot area used for display or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to properly dispose of surface water.
  - d. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
  - e. Any materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required vehicle parking or maneuvering areas.
- (18) *Intensive livestock operations.*
- a. *Lot area.* Minimum lot area shall be 40 acres.
  - b. *Setback.* Any part of the operation, including storage pens, manure storage, feeding areas, and other similar activity areas shall be set back a minimum of 500 feet from the property lines of an adjacent residential district or use, or a standing body of water, or flowing stream.
  - c. *Direct runoff.* No direct runoff from any part of any activity area shall be permitted to flow onto any adjacent property.
  - d. *Proximity to water wells.* All buildings, structures, enclosed areas, and storage areas for animals or animal waste associated with the operation shall be located at least 100 feet from a water well.

- e. *Discharge of animals waste.* No livestock waste shall be discharged, allowed to seep or otherwise be released into any surface water or groundwater.
- f. *Waste storage; design; pollution of groundwater.* Animal waste storage facilities must be of a sufficient capacity, design and maintenance to store animal waste until such time as it can be transported and/or used as fertilizer. Storage facilities for manure and related waste must be designed, sited, constructed, maintained and operated so as to prevent any escape of livestock waste which may cause pollution or degradation of any surface water, groundwater or soil and be constructed and operated in accordance with an approved animal waste management plan, as required by subsection (18)j of this section.
- g. *Field storage.* Field storage of manure shall be sited and contained so as not to cause pollution or degradation of surface water, groundwater or soil.
- h. *Proximity to other operations.* No such operation shall be permitted where any lot line is within 1,000 feet of another intensive livestock operation's lot line.
- i. *Site plans.* Site plans shall be submitted in accordance with the requirements of article II, division 2 of this chapter including the locations of manure storage areas, drainage, and truck loading/unloading areas and other areas where accessory activities may be conducted and separation distances between all facilities and uses associated with the use, and on-site water wells, single-family dwellings, and any water body or floodplain, including wetlands, streams, or designated county drains.
- j. *Animal waste management plan.* Upon commencement or expansion of an intensive livestock operation, the owner of the operation shall submit a written animal waste management plan (herein referred to as "the plan") prepared and signed by a professional agrologist, a person certified to develop such plans (e.g., the Certified Crop Advisor Program of the American Society of Agronomy), or a qualified state agency official (e.g., cooperative extension agent). The plan shall be prepared using generally accepted agricultural and management practice guidelines including but not limited to adopted procedures prepared by the state agricultural commission, natural resource conservation service (field office technical guide), and cooperative extension service (resource notebook). Such plan shall be submitted as part of the special land use application and include and conform to the following narrative description including necessary drawings and/or diagrams as applicable:
  - 1. Runoff control and wastewater management methods (for all areas where livestock density precludes sustaining vegetative growth on the soil).
  - 2. Design, construction, operation, and maintenance methods for the treatment, storage and transportation of animal waste.

3. Method and quantities of manure utilization for crop production based on crop nutrient needs and soil nutrient levels.
4. Specifications on how excess manure that cannot be used for crop nutrients or another beneficial purpose will be treated to minimize environmental threats.

(19) *Junkyards and salvage yards.*

- a. Requests for a salvage or junk yard shall also require submission of detailed information identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and township laws.
- b. The site shall be provided with suitable access to a county primary or state highway to ensure safe, direct transport of salvage to and from the site.
- c. No portion of the storage area shall be located within 200 feet of any residential district or use property line.
- d. Any outdoor storage area shall be completely enclosed by a fence or wall at least eight feet in height, notwithstanding the provisions of section 28-560, constructed of a sturdy, durable material as approved by the township board and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two nontransparent gates not exceeding 48 feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
- e. Stored materials shall be stacked and stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
- f. The fence or wall enclosing the storage area shall meet the applicable main building setback requirements.
- g. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator meeting the requirements of the R-1 zone district.
- h. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.

- i. All portions of the storage area shall be accessible to emergency vehicles.
  - j. Vehicles or vehicle bodies shall be stored in rows with a continuous loop drive with a minimum width of 20 feet, separating each row of vehicles.
  - k. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
  - l. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
  - m. Minimum site size for such facilities shall be six acres.
  - n. All fences shall be set back a minimum of 50 feet from any residential district or use property line.
  - o. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to 8:00 a.m. to 6:00 p.m.
  - p. The township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the township. These conditions can include a provision for an annual inspection by the zoning administrator to ensure continuing compliance with the above standards.
- (20) *Kennels, not including commercial kennels.* A residence may also be located on the same property. Buildings, dog runs and/or exercise areas, or any other area where animals are kept shall be set back 50 feet from any property line.
- (21) *Metal working shops.*
- a. The principal and accessory buildings and structures shall not be located within 300 feet of any residential district or use property line. A landscape buffer as approved by the township board may be required between the use, and any adjacent residential uses.
  - b. Any outside storage shall be screened to obstruct outside vision of the materials from any public road, or adjacent property.
  - c. All loading and storage shall be paved or treated so as to prevent dust.
- (22) *Mortuaries and funeral homes.*

- a. Minimum lot area shall be one acre with a minimum lot width of 150 feet.
- b. A well-designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
- c. A caretaker's residence of at least 600 square feet of living area may be provided within the main building.

(23) *Multiple-family dwellings.*

- a. Parking areas shall have a front yard setback of a minimum of 20 feet and side and rear yard setbacks of a minimum of ten feet.
- b. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
- c. Buildings shall not be constructed closer to one another than a distance equal to 1 1/2 times the height of the taller building.
- d. A buffer zone is required between multiple-family dwellings as required in article VIII of this chapter.
- e. All parking lots and drives shall be curbed as required in section 28-670(d).

(24) *Office buildings for executive, governmental, administrative, professional, designers, accounting, drafting, and other similar professional activities.*

- a. Minimum lot size of one acre is required.
- b. The proposed site shall front upon a paved street. All ingress and egress shall be from said street.

(25) *Open air businesses.*

- a. Minimum lot area shall be one acre and minimum lot width shall be 200 feet.
- b. The township board may require a six-foot fence or wall to be constructed along the rear and/or sides of any activity areas to keep trash, paper, and other debris from blowing off the premises.
- c. All open air businesses shall comply with all applicable regulations regarding sanitation and general health conditions.
- d. The lot area used for storage or display of materials shall be provided with a

permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.

- e. Ingress and egress shall be at least 100 feet from an intersection.
- (26) *Personal service establishments conducting services on the premises, such as barber, beauty shops, shoe repair, tailoring and dry cleaning, fitness centers, travel agencies, and other similar uses.* Where the site abuts a residential district or use, the township board may require a landscape greenbelt, or approved fence or wall along such property line.
- (27) *Public athletic grounds and parks.*
- a. The use shall be located on property with direct access to a public street.
  - b. Any outdoor activity areas, such as ball fields, playground equipment, and pavilions shall be set back a minimum of 50 feet from any residential district or property line.
  - c. Access driveways shall be located no less than 100 feet from the nearest part of the intersection of any street or any other driveway.
  - d. Buildings for storage of equipment, or other similar buildings shall be located at least 25 feet from any lot line.
  - e. Minimum lot sizes for such uses shall be adequate to accommodate proposed uses, including parking and accessory uses and activities.
- (28) *Public or private campgrounds.*
- a. Access driveways shall be located no less than 50 feet from an intersection of any street or any other driveway.
  - b. Minimum lot area shall be ten acres.
  - c. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
    - 1. All commercial uses allowed shall occupy no more than five percent of the lot for building and parking areas.
    - 2. No merchandise for display, sale or lease shall be placed or stored outside the main building.
- (29) *Public and private schools.*

- a. Minimum lot sizes for schools shall be as follows:
    - 1. Elementary schools ten acres;
    - 2. Middle schools 20 acres;
    - 3. High schools 30 acres.
  - b. There shall be a minimum lot width of 200 feet abutting a paved street. At least one means of ingress and egress shall be located on such street.
  - c. Playground equipment may only be located in the side or rear yard of the lot. The playground must be at least 50 feet from any side or rear property line.
  - d. The off-street parking shall be arranged so the bus loading and unloading area will not be in the path of vehicular traffic.
  - e. Sidewalks shall be required connecting the off-street parking area to the main entrance to the school, and to the required sidewalk along the adjacent road right-of-way line.
  - f. The main school building shall be a minimum of 100 feet from any property line.
  - g. Athletic fields shall not be located closer than 200 feet from any property line abutting a residential district or use.
  - h. Access driveways shall be located at least 75 feet from any intersection of any street or any other driveway.
  - i. Parking areas shall have a minimum front yard setback of 50 feet, and side and rear yard setbacks of at least 20 feet.
- (30) *Public buildings and public utility offices, including storage yards, substations, or regulator stations.*
- a. Any such building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
  - b. Any such building shall comply with the main building setback requirements of the district in which it is located.
- (31) *Radio and television transmitting buildings and towers.*
- a. Minimum lot size shall be 20,000 square feet or as required by the district in which it is located, whichever is greater.

- b. Any towers shall be of monopole design.
- c. A security fence at least six feet in height shall be constructed around the tower and any other related appurtenances.
- d. The tower base shall be set back from all lot lines a minimum distance equal to one-half the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the district in which it is located.
- e. Where possible, joint use of tower facilities shall be required in order to minimize the number of separate towers and individual locations throughout the township. As a condition of approval, the applicant shall agree to permit future users to share the tower facility and shall demonstrate that it is not feasible to locate the proposed tower on public lands, or collocate on an existing tower.
- f. Unless located on the same site or tower with another user, no new tower shall be erected within a two mile radius of an existing radio, television, or cellular communication tower.
- g. No signs, except warning or other cautionary signs shall be permitted.

(32) *Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.* The township board shall not approve such use until the following information is provided and the commission finds that the proposed use will not adversely impact surrounding properties and the township in general, in accordance with the following:

- a. The size of the property from which such topsoil, sand, gravel or other such materials are to be removed;
- b. The amount of topsoil, sand, gravel or other such materials which is to be removed;
- c. The purpose of such removal;
- d. The effect of such removal on adjoining property; all removal activities shall be set back a minimum of 200 feet from any adjoining residential district or use;
- e. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table;
- f. The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas;

- g. The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources;
- h. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed;
- i. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition;
- j. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a permitted use within the district in which the extraction activity is located;
- k. No storage or truck parking shall be located within 200 feet of any adjacent residence or within 50 feet of any other adjacent property;
- l. All of the operation shall be screened with an evergreen screen planting approved by the township board on any side adjacent to a residential district or use or occupied property;
- m. As removal activities are completed that portion of the property shall be restored by the placement of topsoil where feasible.
- n. All excavations shall be sloped to a gradient with not more than a 30 degree slope and the contour is caused to blend as nearly as possible with the natural surroundings;
- o. All truck operations shall be directed away from residential streets and utilize paved county primary roads wherever possible;
- p. The township board may require such performance guarantee as deemed necessary to ensure that requirements are fulfilled, in accordance with the provisions of section 28-49(b) and may revoke permission to operate at any time specified conditions are not maintained;
- q. The applicant shall secure all necessary permits from county and state authorities.
- r. The proposed operation will adhere to the following operational schedule:

Monday – Saturday: 8am – 5pm  
 Sunday: No operation allowed

Holidays: No operation allowed  
 New Year’s Day  
 Easter Sunday

Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Christmas Eve  
Christmas Day

(33) *Restaurants, including those with drive-through facilities.*

- a. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into a public right-of-way. A minimum of ten stacking spaces for the service ordering station shall be provided and shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive through area.
- b. In addition to parking space requirements, at least three parking spaces shall be provided in close proximity to the exit of the drive-through area to allow for customers waiting for delivery of orders.
- c. Parking areas shall have minimum setbacks of 20 feet in the front yard and 15 feet in the side and rear yards.
- d. Public access to the site shall be located at least 50 feet from any intersection or driveway.
- e. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent, as approved by the township board.
- f. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

(34) *Restaurants, not including drive-through facilities.*

- a. Parking areas shall have minimum setbacks of 20 feet in the front yard and 15 feet in the side and rear yards.
- b. Public access to the site shall be located at least 50 feet from any intersection.
- c. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent as approved by the township board.

(35) *Retail business establishments which supply commodities of a neighborhood character such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, conducting business entirely within enclosed buildings including those with drive-*

*through facilities.*

- a. Parking areas shall have minimum setbacks of 20 feet in the front yard and 15 feet in the side and rear yards.
- b. The site shall have access to at least one paved street.
- c. The design of the site shall ensure that vehicular circulation patterns reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the retail establishment on adjacent streets.
- d. Any delivery areas shall be located in the rear or interior side yard.
- e. Access driveways shall be located no less than 100 feet from the intersection of any street or any other driveway.
- f. Outside storage of materials, merchandise, or products for sale may only be displayed in an area adjacent to the main building and parking area, provided such display area does not encompass more than five square feet for each one linear foot of wall length adjacent to said parking area.

(36) *Retail businesses not exceeding 5,000 square feet gross floor area conducting business entirely within an enclosed building.*

- a. Public access to the site shall be located at least 25 feet from the intersection of any street or any other driveway.
- b. Any main building shall be generally compatible with respect to materials and color with the surrounding neighborhood.
- c. The township board may require landscaping or a six-foot fence or wall along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
- d. No mechanical rooms or loading area shall be located nearer than 50 feet to any residential district or use.

(37) *Rural planned unit development (PUD).*

- a. *Purpose and objectives.* The rural planned unit development is intended to implement the township comprehensive development plan, which calls for the promotion of "opportunities for managed growth and development in a manner which preserves the township's open spaces." The objective of the rural PUD is to provide a sense of rural character for the residents of the PUD as well as for the township as a whole. These regulations also foster the preservation of significant natural features, large open spaces, or active agricultural land that

would otherwise be altered from their natural condition.

- b. *Definitions.* The following words, terms and phrases, when used in this subsection (37), shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Base density* means the density permitted within a rural planned unit development as determined through submission of a plan drawn in conformance with the existing zoning of the property which is the subject of the rural PUD.

*Building envelope* means that portion of a lot within which the main building, accessory buildings, and driveways are to be constructed, and including all yards and setbacks required by this chapter or as approved as part of the rural PUD approval.

*Clearance limit* means those portions of a building envelope which are required to be excavated or cleared of existing vegetation and/or topsoil for the purposes of construction of main and accessory buildings, utility lines, driveways, sidewalks, and other similar necessary structures or facilities.

*Landmark tree* means any living tree of stature standing alone in the open; or any living woodlot tree which stands obviously apart from its neighbors by size, form, or species. Living, healthy trees equal to or greater than 36 inches in diameter will generally be considered a landmark tree regardless of location or type.

*Open space* means for the purposes of the rural PUD, and shall include any lands outside a building envelope, excluding easements for public or private streets.

*Rural planned unit development* or *rural PUD* means any development of two or more single-family dwelling units meeting the qualifications of a rural PUD as stated in this section. A rural planned unit development site shall be composed of all lots or parcels included as part of the application for the rural PUD.

*Sensitive lands* means lands classified for purposes of preserving lands from development that contain a minimum contiguous area of two acres and which contain significant natural features or farmland in active production.

*Significant natural feature* means any natural area as designated by the planning commission, township board, state department of environmental quality, or other appropriate agency which exhibits unique topographic, ecological, or hydrological characteristics such as a wetland, floodplain, water features, or other unique natural features.

*Unconstrained lands* means lands which are not classified as sensitive lands.

- c. *Qualifications and application processing.*

1. In order to apply for review of a rural planned unit development, the property proposed for development shall meet all of the following minimum qualifications:
  - (i) The minimum rural PUD site shall be 40 acres and a minimum width on an existing public street of 660 feet, as measured at the front lot line.
  - (ii) The applicant shall demonstrate that the property proposed for rural PUD contains unique site conditions, significant natural features, large open spaces, or active agricultural lands which would otherwise be developed but which are preserved from development as a result of the rural PUD.
  - (iii) The applicant shall demonstrate, in writing and other appropriate material, that the proposed rural PUD meets the purpose and objectives of these regulations.
2. Applications shall include the following information, in addition to that are required in article II, division 2 (site plan review) of this chapter:
  - (i) Location of building envelopes and permitted clearance limits for all lots.
  - (ii) Location of all preserved landmark trees and locations of landmark tree replacements, if any.
  - (iii) Location and description of any areas to be included as sensitive lands, as defined by this subsection (37).
  - (iv) Parallel development plan.

d. *Design requirements.*

1. *Land classification.*

- (i) The land area within the rural PUD shall be classified into either sensitive or unconstrained lands. This classification shall be provided on a separate topographic survey or aerial photograph of the proposed development site.
- (ii) The proposed classification map shall indicate the acreage included in each area of the classified lands.
- (iii) Any area classified as sensitive lands shall include a detailed description of the character of such lands, including a breakdown

of the approximate square footage/acreage of major types of significant natural features (wetlands, woodlands, steep slope, etc.).

2. *Development regulations.*

- (i) *Landmark trees; replacement ratio.* Landmark trees shall be preserved unless the township board deems removal necessary to preserve other significant natural features or for purposes of safety. Landmark trees shall be replaced with an equivalent type of tree having a diameter of not less than four inches. The replacement ratio shall be four replacement trees for every landmark tree removed. Replaced trees shall be kept in a living condition or replaced. The planning commission or zoning administrator shall approve the location of replacement trees.
- (ii) *Building setback.* Main and accessory buildings shall maintain at least a 30-foot setback from the boundaries of the rural PUD site, unless a greater distance is required by this subsection (37)d.2.
- (iii) *Floor area.* Minimum floor area and height regulations for dwelling units within the rural PUD shall conform to the zone district in which the site is located. Where more than one zone district lies within the site, regulations regarding minimum floor area and height for the stricter of the districts shall apply.
- (iv) *Units allowed per building.* Two- or multiple-family dwellings, with up to four units per building, may be permitted as part of the rural PUD.
- (v) *Commercial uses.* Commercial uses shall be permitted in accordance with the requirements of subsection (37)d.2(ix) of this section (commercial uses).
- (vi) *Access to public or private streets.* No building site shall be permitted to gain direct access to any public or private street not constructed or planned as part of the rural PUD.
- (vii) *Sensitive lands.* The following development regulations apply to all lands classified as sensitive:
  - (A) The total clearance limit area of any lot shall be limited to that necessary to construct buildings, drives, sidewalks, or other facilities or structures related to the use, but shall be limited to 15,000 square feet, or 25 percent of the area of the lot, whichever is less. The township board may allow

additional lot clearance area upon finding that any of the following conditions exists:

- (I) The applicant demonstrates to the township board that such a limitation does not allow sufficient area for building and lot development, due to the presence of natural features or other limitations related to the physical features of the site.
  - (II) Where the Mid-Michigan Health Department, or other applicable agency, requires additional land clearance for septic systems, water wells, roadways, or other similar requirements.
  - (III) The applicant demonstrates to the township board that the clearance limit prevents development of the site in a manner that would contribute significantly to the purpose and objectives of the rural PUD.
- (B) Clearance limits shall be clearly staked on each lot prior to any construction activity or land clearing and no disturbance of the site shall take place outside of the clearance limit.
- (viii) *Development setbacks.*
- (A) No building envelope shall be located nearer than 200 feet to any existing public street right-of-way, not included as part of the rural PUD.
  - (B) No native or natural vegetation shall be removed from the development setback, except for that necessary for entrance roads. The township board may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the rural PUD.
  - (C) No grading or changes in topography shall be permitted, except as may be necessary to construct entrance roads, or provide screening, as noted in this subsection (37)d.2.vii.
  - (D) This setback may be reduced to 100 feet if an opaque natural screen is present for at least 70 percent of the lineal distance of the property line abutting any public

street right-of-way and having a depth of at least 50 feet and is either present or provided within the design of the rural development. The natural screen shall be approved by the township board and shall have at least 50 percent opacity from the roadside view, as determined by the township board, and consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.

- (E) Rural development sites abutting more than one public street for at least 300 feet shall be permitted to reduce the setback on the shortest side of the abutting streets to 100 feet without a natural screen. The other relevant provisions of this subsection shall apply.
- (ix) *Commercial uses.* The township board may allow the permitted uses in the B-1 district, within the rural PUD, subject to the requirements of this section and the requirements of the B-1 district.
- (A) All commercial uses allowed in the rural PUD shall occupy not more than five percent of the acreage of the rural PUD included as unconstrained lands.
  - (B) All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
  - (C) Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the rural PUD.
  - (D) All merchandise for display, sale or lease shall be entirely within an enclosed building.
  - (E) Buildings designed for nonresidential uses shall be constructed according to the following requirements:
    - (I) If the entire PUD contains fewer than 20 dwelling units, 75 percent of these units must be constructed prior to construction of any nonresidential use.
    - (II) If the PUD contains more than 20 dwelling units, 50 percent of these units shall be constructed prior to the construction of any nonresidential use.

(x) *Density calculation.*

(A) *Base density.* The base density for the proposed rural PUD shall be calculated for the entire open space development which is intended to be used for residential purposes, or any individual phase thereof, through the use of a parallel development plan.

(B) *Parallel development plan.* The applicant shall prepare, and present to the township board for review, a parallel design for the project that is consistent with state and township requirements and design criteria for a tentative preliminary plat.

(I) All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this subsection shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed main building, septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.

(II) Areas of wetlands, water bodies, and other unbuildable areas shall not be used as buildable areas, but may be included in the lot area calculations.

(III) The township board shall review the design and determine the number of lots that could be feasibly constructed following the parallel design.

(IV) The number of lots, as determined by the township board, shall be the base density for the number of dwelling units allowed in the open space development.

(xi) *Open space requirements.*

(A) *Land outside the building envelope.* Any land outside a building envelope, excluding any easements for public or private streets, used for the calculation of overall density, shall be considered open space and designated as such on the rural PUD plan.

- (B) *Minimum open space.* The rural PUD shall provide a minimum open space area according to the following chart.

Percent of unconstrained lands (percent)	Minimum percent open space required (percent)
70 or greater	40
40 to 69	30
Less than 40	20

- (C) *Density bonus.* A density bonus shall be based on an aggregate of one or more of the following elements, provided the total density bonus shall not exceed a maximum of 40 percent:

- (I) *Density bonus for open space.* A density bonus of not more than 30 percent shall also be available for open space developments which provide open space in addition to that required by this subsection. Each full increment of ten percent additional open space shall be permitted a density bonus above the base density equal to that percentage of open space provided. For example, an additional ten percent open space shall be permitted an additional number of lots equal to ten percent of those lots permitted above the base density.
- (II) *Density bonus for providing public sanitary services.* A density bonus of 25 percent shall also be available for open space developments which provide public sanitary sewer and public water for all uses within the development.

- (D) *Open space areas; dimensions.* To the extent possible, open space areas shall be continuous and contiguous throughout the rural PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the rural PUD.

- (E) *Open space maintenance.*

(I) All open spaces shall be in the joint ownership of the property owners within the rural PUD. A property owner's association shall be formed which shall be responsible for the maintenance of the open space; or evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the township of the future maintenance thereof.

(II) The maintenance requirements of dedicated open space are not intended to include regular clearing and mowing or other active maintenance. For the purposes of this article, maintenance is intended to include such items as the removal of any accumulation of trash or waste material within the dedicated open space area, cleanup of storm damage, or removal of diseased plant materials.

(F) *Applicants for development; restrictions; requirements.*  
The applicant for the proposed development shall provide the township with a recordable maintenance or restrictive covenant agreement between the owner of the open space, or other documentation satisfactory to the township which shall provide for and ensure that the open space shall be preserved in perpetuity and maintained as needed. Open space may be deed restricted, placed in a conservation easement, or otherwise held as open space in perpetuity. Suitable recorded instruments shall be submitted to the township for review prior to final approval of the rural PUD.

e. *Review standards.*

1. The following review standards will be used by the township board in their consideration of a rural PUD, in addition to those of this article and article II, division 2 of this chapter (special land use and site plan review). Before such developments may be approved the township board shall find:

- (i) That the rural PUD does not substantially alter the residential quality of the general neighborhood in which the development is proposed;
- (ii) That the location of the buildings of the rural PUD do not unduly impact other single-family uses on adjacent properties;

- (iii) That the rural PUD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land. The applicant must demonstrate to the satisfaction of the township board that the land preserved would otherwise be capable of development under the existing zoning;
  - (iv) That the rural PUD can accommodate adequate and safe disposal of sanitary sewer and provide an adequate, assured source of water for domestic use;
  - (v) That the rural PUD meets the purpose and objectives of this article.
2. The planning commission or township board may require specific evidence that groundwater sources will be protected and that environmental, traffic, or other concerns are met. Approval of the Mid-Michigan Health Department, the county road commission, or other agencies, while required to develop the site, shall not be the sole determining factor in this regard.
  3. The planning commission or township board may specify any additional evidence it deems necessary to ensure compliance with the review standards and other requirements of this subsection, including additional soil borings, soil reports, hydrological tests, traffic studies, or other such evidence which shall be submitted by the applicant prior to approval.

(38) *Sanitary and hazardous waste landfills.*

- a. *Approval of site plan.* Approval of the general site plan and geologic suitability must be obtained from the department of environmental quality, waste management section, prior to the issuance of a special land use permit.
- b. *Qualifications and application requirements.*
  1. *Minimum qualifications.* In order to apply for review of a sanitary or hazardous waste landfill, the property proposed for development shall meet all of the following minimum qualifications:
    - (i) The minimum site area shall be 40 acres.
    - (ii) A landfill of any type shall not be located within a floodplain or wetland.
    - (iii) A landfill shall not be located over a sole source aquifer or the recharge zone of a sole source aquifer.

- (iv) A landfill shall not be located within 1,000 feet of a residential well.
- (v) A landfill shall not be located near an earthquake fault.
- (vi) A landfill shall not be within 5,000 feet of a navigable waterway.
- (vii) The following minimum setbacks shall apply:

Setback distance	Setback from:
500 feet	Residential district
400 feet	AG district
300 feet	Public right-of-way
250 feet	B-1, B-2 district
100 feet	LI district

- (viii) Access to the landfill shall be from a paved county primary road or state highway. A hard surface, all weather, nonseasonal road which satisfies the criteria of the county road commission shall connect the landfill to the county roadway.
  - (ix) The entire perimeter of any landfill site shall be enclosed by a six-foot high chain-link fence along any portion of the site having frontage. A four-foot woven wire farm fence, with one strand of barbed wire at the top shall be placed along all property lines to deter trespassers and effectively retain blown papers and other waste. Additional fencing may be required by the township board to minimize loose garbage leaving the site, control views, and/or control access.
  - (x) There shall not be more than one gated entrance to the landfill site. The entrance gate shall be not less than six feet high and securely locked when the landfill is not in operation.
2. *Application.* Landfill applications shall include the following information, in addition to that required in article II, division 2 (site plan review) of this chapter:
- (i) Name, address, and telephone number of the person, firm, or corporation who will be conducting the actual filling operation (operator).
  - (ii) Location, size and legal description of the total site area to be filled.

- (iii) The progressive phase unit filling and reclamation plan for the total project. Each phase unit shall include the following information:
  - (A) The method and direction of filling.
  - (B) Surface overburden stripping and stockpiling plan. Provisions for grading, revegetation, and stabilization that will minimize soil erosion and sedimentation.
  - (C) Provisions for buffering, landscaping, and screening.
  - (D) Legal description and physical location of each phase, number of acres included in each phase unit, estimated length of time to complete filling of each successive phase unit. Each phase unit shall not be greater than 20 acres.
  - (E) Cross section drawings showing present elevations, invert elevations, and the final elevation.
  - (F) Proposed use of parcel after completion.
  - (G) Drainage on and away from the fill area showing directional flow of water in drainage ways, natural watercourses and streams, intermittent and flowing, including discharge from the filling operation.
  - (H) Demonstrated on-site capacity to store the expected volume of leachate generated during a 72-hour period during the active life of the landfill.
  - (I) Minimum thickness of natural clay base of 20 feet with a leachate collection and removal system installed over the natural clay base. Leachate shall not be reintroduced into the landfill.
  - (J) A fire control plan shall be submitted to the township board for approval for spontaneous combustion in the landfill waste, not to include fire protection and control measures in the accessory buildings for equipment which will be the responsibility of the local fire department.
  - (K) A siren warning system shall be installed at the landfill site to be used in the event toxic pollutants are emitted

into the air and pose a threat to surrounding residents including a plan for evacuation of the surrounding areas.

3. *Financial guarantee.*

- (i) Before issuance of a special land use, there shall be filed by the applicant a surety bond, executed by a reputable surety company authorized to do business in the state, or an irrevocable bank letter of credit or cash bond running to the township board of trustees, conditioned upon the prompt compliance with all provisions of this chapter.
- (ii) The township board shall, in establishing the amount and type of financial guarantee, consider the scale of operations; the prevailing cost to rehabilitate the property upon default of the operator; court costs; and other reasonable expenses which will be incurred by the county or township.
- (iii) The amount of the bond may be reduced at a rate equal to the ratio of work completed on the required improvements as work progresses. The term "improvement" should not be construed to mean the project itself, but rather those features associated with the project which are deemed necessary to protect the health, safety, and welfare of the township's resources and future users or inhabitants of the proposed project.
- (iv) The owner/operator shall be required to retain the same liability coverage throughout the post-closure period as that which is required by state law during operation periods.

c. *Conditions and safeguards.* The township board may impose such additional conditions and safeguards deemed necessary for: the public health, safety, and general welfare; the protection of individual property rights; and for ensuring the intent and purpose of this chapter. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

d. *Maintenance, completion of phases, and closure.*

- 1. The landfill permit shall be issued to the operator. When an operator disposes of his interest in an extraction area prior to final reclamation by: sale, lease, assignment, termination of lease, or otherwise, the township board may release the operator from the duties imposed by this chapter as to the operation but only if the successor, operator, or owner, specifically assumes, in writing, the obligations of the former operator with reference to reclamation activities. At that time the special land use permit may be transferred.

2. Prior to excavating or filling of any phase, written notification must be submitted a minimum of five days in advance to the zoning administrator. An approved inspection ticket shall be issued by the zoning administrator upon compliance with the chapter and the submitted general plan.
  3. Reestablishment of vegetation on the areas to be abandoned, as outlined on the plans and specifications on file, shall be accomplished prior to moving to the next phase to ensure conformance.
  4. Vegetative cover shall be inspected quarterly by the licensee and measures taken to establish and maintain the cover throughout the post-closure by the licensee.
  5. All types of landfill to the post construction settlement of earth shall be monitored by the licensee periodically during a 15-year maintenance period and, if necessary, final cover shall be adjusted by the licensee periodically to compensate for anticipated future settlement.
  6. Owner/operator shall be required to retain the same liability coverage throughout the post-closure period as that which is required by state law during operation periods.
  7. The township board shall charge "tipping" fees to the operator for use in maintaining the township's share of county roads or for recycling projects within the township.
  8. Final slope for a sanitary landfill shall not be less than four percent.
- e. *Hours of operation.* Operating hours shall be determined by the township board based on nuisance potential to adjoining property owners
  - f. *Covered loads.* All refuse collection vehicles shall be covered with a rigid or fabric cover upon entering the site. The cover must be securely attached to prevent any loss of materials from the vehicle during transit.
  - g. *Litter.* Policing of the adjoining property, perimeter berms, and/or fencing to prevent unauthorized dumping and limit wind blown debris shall be required at the expense of the operator.
  - h. *Nuisances.* Litter, odor, smoke, fumes, and dust shall be controlled so as not to cause a nuisance or hazard.
  - i. *Provisions specific to hazardous waste landfills.*

1. A treatment, storage, or disposal facility for hazardous wastes shall not be located in a wetland.
2. Heavy metals and other hazardous wastes where possible shall not be placed in the same landfill cell unless segregated within the cell and adequately protected from contact with each other.
3. Hazardous metal containers shall not be disposed of unless first emptied and flattened.
4. Hazardous waste landfills shall have at least 90 cm of additional material (60 cm topsoil and 30 cm of subsurface drainage media, or cobbles to prevent animal burrowing) such that any synthetic components of the cover will be protected from the effects of temperature, erosion, and rooted vegetation.
5. A plan shall be submitted by hazardous waste landfills to the township which will provide for the temporary restriction of traffic through the area of the landfill in the event of spontaneous toxic emissions or accidental "hauler" spills occur in the immediate vicinity of the landfill area which would be dangerous to the public health.
6. A 24-hour citizen hot-line for citizen complaints or questions will be established and maintained by the owner/operator of hazardous landfill during the active life and throughout post closure.

(39) *Service centers with vehicle service stations, retail convenience goods, and food service, with or without drive-through facilities.* The special land use specific requirements applicable to vehicle service stations and restaurants with drive through facilities (where drive-through facilities are provided) shall be applicable to this use.

(40) *State licensed residential group home facilities.*

- a. Off-street parking shall be provided for family members and employees of the facility. Client pickup and drop off areas shall be located in a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.
- b. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- c. The facility shall be in compliance with all applicable state licensing requirements.

(41) *Tool and die.*

- a. The principal and accessory buildings and structures shall not be located within 200 feet of any residential district or use property line.
  - b. Access driveways shall be located no less than 100 feet from the intersection of any street or any other driveway.
  - c. Outside storage of materials shall be limited to the rear yard of the lot, and screened from view from any public right-of-way or adjacent property. Screening may be achieved by the use of a solid wall or fence, or a chain-link fence with proper landscaping as approved by the township board.
- (42) *Towers in excess of 50 feet in height for commercial wireless telecommunication services.*
- a. Antennas for commercial wireless telecommunication services shall be required to locate on any existing or approved tower within a one-mile radius of the proposed tower unless one or more of the following conditions exists:
    - 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
    - 2. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a registered professional engineer and the interference cannot be prevented at a reasonable cost.
    - 3. Existing or approved towers and buildings within a two mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a registered professional engineer.
    - 4. Other unforeseen reasons that make it unfeasible to locate the planned equipment upon an existing tower or building.
  - b. Any proposed tower for commercial wireless telecommunication services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
  - c. Towers for commercial wireless telecommunication services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the township

board determines that an alternative design would better blend into the surrounding environment.

- d. Any part of the structures or equipment placed on the ground pertaining to the tower for commercial wireless telecommunication services shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than 25 feet from any adjacent lot line or main building. This provision shall not apply to towers located on existing buildings, towers, or other existing structures. The township board may require such structures or equipment on the ground to be screened by a landscaped screen, fences, berms, or a combination of these elements.
- e. Towers for commercial wireless telecommunication services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
- f. Towers for commercial wireless telecommunication services which are abandoned or unused shall be removed, along with any associated structures or equipment, within 12 months of the cessation of operations, unless a time extension is granted by the zoning administrator. Only one, three-month extension shall be permitted and then only if the zoning administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.
- g. The township board shall not approve any tower for commercial wireless telecommunication services or any part of which that is located within 200 feet of any residential district lot line.

(43) *Truck and freight terminals, and maintenance facilities.*

- a. Minimum lot size shall be three acres.
- b. The lot location shall be such that at least one property line abuts a paved county primary road or state highway. The ingress and egress for all vehicles shall be directly from said thoroughfare.
- c. The main and accessory buildings shall be set back at least 75 feet from all property lines.
- d. Truck parking and staging areas shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent, as approved by the township board.

(44) *Vehicle service stations.*

- a. All buildings, structures, and equipment shall be located not less than 50 feet from any right-of-way line and not less than 50 feet from any side or rear lot line abutting a residential district.
- b. No more than one curb opening shall be permitted for every 100 feet of frontage (or major fraction thereof) along any street, with a maximum of one per street when located on a corner lot.
- c. No drive or curb opening shall be located nearer than 75 feet to any street intersection nor less than 25 feet to any adjacent residential district property line. No drive shall be located nearer than 50 feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the township board, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- d. A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.
- e. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
- f. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 35 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- g. When adjoining residentially zoned property, parking and storage areas shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.
- h. All outside storage areas for trash, used tires, autos under repair, auto parts and similar items shall be enclosed by a six-foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of 200 square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five such vehicles) shall not be permitted for a period exceeding ten days.
- i. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the township board. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the township board.
- j. The lot shall be located such that it is at least 300 feet from an entrance or exit to

any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.

- k. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this chapter.
- l. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two vehicles.
- m. Canopy roofs shall have a minimum setback of ten feet from any property line. The height of such roof shall not exceed 14 feet and be open on all sides. The colors and design of the canopy shall be compatible with the main building. No part of any lighting, including fixtures, lenses, or other parts associated with such lighting, on or within the canopy shall be mounted other than flush to the canopy (rather than extending down from the canopy) to limit any negative effects associated with glare beyond the lot. Signs on the canopy shall comply with the sign provisions of this chapter.
- n. Site lighting shall comply with the requirements of section 28-577.

(45) *Vehicle wash establishments.*

- a. All washing activities must be carried on within a building.
- b. Vacuuming activities may not be conducted in the front yard setback area.
- c. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

(46) *Vehicle repair.*

- a. A vehicle repair facility shall be located not less than 50 feet from any right-of-way line or from any side or rear lot line abutting residentially zoned property unless separated therefrom by a street or alley.
- b. Where adjoining residentially used or zoned property, a landscape screen, solid wall and/or solid fence having a minimum height of four feet and a maximum height of six feet shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line.
- c. If gasoline or other pumps are provided, they shall be located a minimum of 40 feet from any public right-of-way or lot line.
- d. Accessory sales of merchandise related to the vehicle repair facility shall take place exclusively within the enclosed building.

- e. All storage of material, merchandise and equipment other than liquid fuel shall be within the building. No outside storage or display of materials for sale shall be permitted.
- f. Accessory vehicle wash facilities are allowed subject to the same setback and location requirements of the principal buildings for the vehicle repair facility.
- g. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties in compliance with section 28-577. There shall be no flashing or revolving lights.
- h. All lubrication, repair and servicing equipment, and all repair work shall be done within the principal building.
- i. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six-foot high solid wall or solid fence.
- j. No operator shall permit outside storage of automobiles, trucks or trailers for a period in excess of 72 hours, unless enclosed by a six-foot high solid wall or solid fence.
- k. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the township board. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the township board.
- l. Gasoline or other flammable mixtures shall not be used to wash down the premises.
- m. In the event that a vehicle repair facility has been abandoned or not used as a vehicle repair facility for a period of more than one year all underground gasoline storage tanks shall be removed from the premises, in accordance with the requirements of state and federal laws.

(47) *Landscaping, lawn service, snowplowing (including other closely related operations)*

Retail service businesses with no retail operations on the premises, including, but not limited to: landscaping, lawn service, snow removal/plowing, tree removal/brush chipping, etc., the nature of such business being that services are rendered off site. The SLU would be for those instances where the intensity of the business exceeds the definition of a home occupation.

Any business related to the use shall be conducted wholly within a completely enclosed building, except that outside storage of materials, equipment, or vehicles and loading and unloading operations are permitted, subject to the following:

- a. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material/vehicles are not visible from outside storage area. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
  - b. Materials stored outdoors shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall material be stored at a height exceeding the height of the storage area fence or wall.
  - c. The fence or wall enclosing the storage area shall meet the setback requirements applicable to a main building. No storage area shall be permitted in the required front yard setback.
  - d. Conditions within the facility shall be controlled to minimize the hazards of fire and other threats to health and safety.
  - e. The storage of any salt, soil, fertilizer, or similarly loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
  - f. All chemical and hazardous substances shall be contained and stored within the requisite areas provided within federal, state and local government regulations.
  - g. All portions of the facility shall be accessible to emergency vehicles.
  - h. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the storage area.
  - i. The Township Board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the Township.
- (48) *Building materials and supplies.* Any business related to the use shall be conducted wholly within a completely enclosed building, except that outside storage of materials, equipment, or vehicles and loading operations are permitted, subject to the following:
- a. Minimum lot width shall be 200 feet.
  - b. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs. In no case shall material be stored at a height exceeding the height of the storage area fence or wall.

- c. The fence or wall enclosing the storage area shall meet all setback requirements applicable to a main building. No storage area shall be permitted in the required front yard setback.
- d. The Planning Commission may require a six foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
- e. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- f. Conditions within the facility shall be controlled to minimize the hazards of fire and other threats to health and safety. All chemical and hazardous substances shall be contained and stored within the requisite areas provided within federal, state and local government regulations.
- g. The Township Board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the Township.

(49) *Mini-storage (commercial storage warehouse)*

- a. Minimum area shall be two acres.
- b. One parking space shall also be required for every 20 storage cubicles, up to a maximum of ten spaces to be located adjacent to the rental office, for the use of customers.
- c. Access aisles adjacent to the individual storage facilities shall be required, at a minimum of 30 feet wide.
- d. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

(50) *Site condominium/condominium subdivisions*

- a. Site Condominiums: Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium lot owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself or the condominium unit taken together with contiguous, appurtenant limited common elements, shall be considered to constitute a building site which

is the equivalent of a “lot” for purposes of determining compliance with the requirements of the Zoning Ordinance and other applicable laws, ordinances and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Subject to the district zoning provision applicable to the project’s location, any land use permitted by the Watertown Charter Township Zoning Ordinance may be permitted in a site condominium project.

b. Site Condominium/Condominium Review and Approval Procedures:  
Application for review and approval of a site condominium subdivision shall be in accordance with Division 2, “Site Plan Review” and Article 5, “Special Land Uses” of the Watertown Charter Township Zoning Ordinance, as well as the Watertown Charter Township Subdivision Ordinance, as amended.

Section 28-607 of Article V is hereby added to read as follows:

**Sec. 28-607. Transfer of special land use permit.**

In order to ensure continued compliance with the terms of this ordinance and a Special Land Use Permit (SLU) issued under it, each SLU shall specify reasonable terms for transfer of a valid SLU from the present landowner or operator to a subsequent owner or operator. The responsibility for said transfer in accordance with the terms of the SLU shall be that of the permit holder of record with the Watertown Charter Township Zoning Department. Failure of an SLU holder to properly transfer a SLU shall not release the permit holder from Ordinance penalties for any subsequent action undertaken on the land in violation of the terms of the SLU. Transfer of an SLU shall be made on a form supplied by the Zoning Department for that purpose. Proper completion of the form shall require documentation of assumption by the new owner of an interest in the land/operation in question and a written agreement that the new owner/operator will assume obligations and responsibilities specified in the SLU, including deposit of a bond or other performance guarantee deposited properly with the Zoning Department by the new permit holder. Any bond or performance guarantee on deposit with the Township by the previous permit holder shall be returned in accordance with the terms of this Ordinance.

Section 28-608 of Article V is hereby added to read as follows:

**Sec. 28-608. Expiration of special land use permit.**

In order to ensure continued compliance with the terms of this ordinance and a Special Land Use Permit (SLU) issued under it, each SLU shall specify reasonable terms for transfer of a valid SLU from the present landowner or operator to a subsequent owner or operator. The responsibility for said transfer in accordance with the terms of the SLU shall be that of the permit holder of record with the Watertown Charter Township Zoning Department. Failure of an SLU holder to properly transfer a

SLU shall not release the permit holder from Ordinance penalties for any subsequent action undertaken on the land in violation of the terms of the SLU. Transfer of an SLU shall be made on a form supplied by the Zoning Department for that purpose. Proper completion of the form shall require documentation of assumption by the new owner of an interest in the land/operation in question and a written agreement that the new owner/operator will assume obligations and responsibilities specified in the SLU, including deposit of a bond or other performance guarantee deposited properly with the Zoning Department by the new permit holder. Any bond or performance guarantee on deposit with the Township by the previous permit holder shall be returned in accordance with the terms of this Ordinance.

Section 28-609 of Article V is hereby added to read as follows:

**Sec 28-609. Expansion and/or modification of the special land use permit.**

In order to ensure continued compliance with the terms of this ordinance and a Special Land Use Permit (SLU) issued under it, each SLU shall specify reasonable terms for transfer of a valid SLU from the present landowner or operator to a subsequent owner or operator. The responsibility for said transfer in accordance with the terms of the SLU shall be that of the permit holder of record with the Watertown Charter Township Zoning Department. Failure of an SLU holder to properly transfer a SLU shall not release the permit holder from Ordinance penalties for any subsequent action undertaken on the land in violation of the terms of the SLU. Transfer of an SLU shall be made on a form supplied by the Zoning Department for that purpose. Proper completion of the form shall require documentation of assumption by the new owner of an interest in the land/operation in question and a written agreement that the new owner/operator will assume obligations and responsibilities specified in the SLU, including deposit of a bond or other performance guarantee deposited properly with the Zoning Department by the new permit holder. Any bond or performance guarantee on deposit with the Township by the previous permit holder shall be returned in accordance with the terms of this Ordinance.

Section 28-665 of Article VII is hereby amended to read as follows:

**Sec. 28-665. General provisions (off-street parking and loading).**

(a) There shall be provided by the owner, lessee, and occupant of any property in all districts prior to the issuance of a certificate of occupancy for the erection or enlargement of any building or structure, or the commencement or expansion of any use, off-street parking spaces meeting the requirements of this article.

(b) The zoning administrator may require a performance guarantee prior to the issuance of the certificate of occupancy where full completion of a parking area would not be possible due to adverse weather conditions or similar reasonable circumstances beyond the control of the applicant.

(c) Required off-street parking spaces shall not be removed unless an equal number of parking spaces as required by this article are provided elsewhere on the premises.

(d) Parking lots required by this chapter shall be used for the convenience of patrons, occupants, and employees of the use intended to be served and shall not be used for storage of goods, merchandise, unrelated commercial vehicles, or the repair or sale of vehicles.

(e) No signs other than signs designating entrances, exits and conditions of use shall be erected within the parking lot, except as otherwise permitted by this chapter.

(f) In the VSC district the provisions of this article may be met by participation in a township or community parking program designed to serve a larger area, provided plans for such parking have been approved by the planning commission.

(g) In the case of mixed uses on the same premises, the total requirements for off-street parking lots shall be the sum of the requirements of the individual uses computed separately, provided that this provision shall not apply where a use is accessory to the main use and is not intended to serve additional patrons or employees.

(h) Off-street parking lots for any use shall not be considered as providing required parking spaces for any other separate use.

(i) If fewer spaces are available to serve a use than the minimum requirement of this article, the extent and occupancy of the use shall be restricted proportionately to the number of parking spaces available.

(j) Where not specifically listed, the zoning administrator shall use the parking requirements most similar to the use not listed.

(k) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(l) In the R-1, R-2, R-3, VSC and MHP zoning districts, parking in the required front yard setback is prohibited, except in a designated driveway. Except vehicles may not be parked for a period not to exceed eight hours for purposes including, but not limited to, delivery, pick-up, or service to a dwelling.

Section 28-670 of Article VII is hereby amended to read as follows:

**Sec. 28-670. Construction, layout and maintenance standards.**

(a) No parking lot shall be constructed, altered, or enlarged without a permit being issued by the township. Applications for a permit shall be submitted to the zoning administrator and shall be accompanied with not less than three sets of site plans for the development and construction of the parking lot showing that the project will fully comply with all provisions of this chapter.

(b) All parking areas shall meet the minimum standards contained in the following parking space dimensions:

Parking Pattern	Aisle Width		Parking Space		Total Width <sup>3</sup>	
	2Way	1 Way	Width <sup>1</sup>	Length <sup>2</sup>	1 Way	2 Way
Parallel	18 ft.	12 ft.	9 ft.	25 ft.	30 ft.	36 ft.
30-75%	24 ft.	12 ft.	9 ft.	21ft.	48 ft.	60 ft.
76-90%	24 ft.	15 ft.	9 ft.	18 ft.	55 ft.	60 ft.

  

- Measured perpendicular to the longitudinal space centerline.
- Measured along the longitudinal space centerline.
- Total width of two tiers of parking spaces plus maneuvering lane.

**Parking Space Dimensions**

(c) Off-street parking areas and loading areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings without adequate drainage provided. No off-street parking area or loading area drainage systems may be connected to a sanitary sewer system.

(d) The perimeter of all parking lots, and all drives for multiple-family parking areas shall be provided with a standard six-inch concrete curb. A raised sidewalk or other or hard surface walk may substitute for such curb. Bumper stops, curbing or wheel chocks shall not be required within the parking area, but if provided to prevent a vehicle from extending beyond the parking space outline, shall be placed two feet back from the front of each space and shall be perpendicular to the sides of the space.

(e) All parking lots having five or more parking spaces shall be set back a minimum of eight feet from any side or rear property line, unless a greater distance is otherwise specified in this chapter.

(f) All driveway approaches between the curb and the property line shall be paved except in AP, AG, RR, R-1 and R-2 districts, with asphalt or concrete as per the county road commission requirements.

**PASSED by roll call vote of the members as follows:**

**Yes:** Mitchell, Adams, Thelen, Westrick, Weitzel, Maahs, Freeman

**No:** None

**AND ADOPTED** by the Township Board this 18th day of May, 2009.

**AND EFFECTIVE** May 31, 2009

BY:

\_\_\_\_\_  
Deborah Adams, Supervisor  
Charter Township of Watertown

\_\_\_\_\_  
Melissa Freeman, Clerk  
Charter Township of Watertown

<b>Public Hearing (Planning Commission)</b>	March 4, 2009
<b>First Reading:</b>	April 20, 2009
<b>First Publication:</b>	April 26, 2009
<b>Adoption:</b>	May 18, 2009
<b>Second/Final Publication:</b>	May 24, 2009
<b>Effective Date:</b>	May 31, 2009

Published May 24, 2009, in the Grand Ledge Independent and DeWitt-Bath Review newspapers.

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I, the undersigned, the duly qualified Clerk of the Charter Township of Watertown, Clinton County, Michigan DO HEREBY CERTIFY that the foregoing is a true and complete copy of the ordinance adopted by the Township Board at the date set forth above.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this \_\_\_ day of \_\_\_, 2009.

\_\_\_\_\_  
Melissa Freeman, Clerk  
Charter Township of Watertown